



VYTAUTAS MAGNUS UNIVERSITY
FACULTY OF POLITICAL SCIENCE AND DIPLOMACY
DEPARTMENT OF POLITICAL SCIENCE

Samanta Fominova

LEGAL AND PHYSICAL BARRIERS FOR NGOs ACTIVITIES:
THE CASE OF RUSSIA

Final master's thesis

Diplomacy and International relations study programme, state code

6211JX049

Political science study field

Supervisor Dr. Gintarė Žukaitė _____
(Research degree, name, surname) (signature) (date)

Defended Prof., Dr. Šarūnas Liekis _____
(PMDF Dean) (signature) (date)

Kaunas, 2019

TABLE OF CONTENTS

SANTRAUKA	4
SUMMARY	5
INTRODUCTION	6
1. THEORETICAL FRAMEWORK OF THE RESEARCH.....	10
1.1. The role of international organizations in international relations theories	10
1.2. Institutional liberalism	12
1.3. Definition of NGO	18
1.4. Interactions between human right and NGOs.....	22
2. POTENTIAL STATE'S BARRIERS FOR NGO.....	27
2.1. Legal Barriers for NGOs.....	27
2.1.1. Barriers to entry and associate.....	28
2.1.2. Barriers to speech and advocacy	30
2.1.3. Barriers to assembly	32
2.1.4. Barriers to resources	33
2.1.5. Barriers for operational activity.....	35
2.2. Physical harassment.....	37
3. ACTIVITIES AND LIMITATIONS OF NGOs IN RUSSIA.....	41
3.1. Methodology	41
3.2. NGOs development in Russia.....	43
3.3. Russian NGOs features	45
3.4. NGOs legal and physical aspects in Russia.....	50
3.4.1. Barriers to entry and associate.....	51
3.4.2. Barriers to speech and advocacy	54
3.4.3. Barriers to assembly	58
3.4.4. Barriers to resources	61
3.4.5. Barriers for operational activity.....	68
3.4.6. NGOs physical harassment in Russia.....	71
CONCLUSIONS	79
LITERATURE AND SOURCES	81
APPENDIX	91

LIST OF TABLES AND DIAGRAMS

List of tables:

Table No 1. Executions and death penalties in 2018.....	25
Table No. 2. Violations by rights and numbers of states where violations occurred in 2015.....	30
Table No. 3. Legal and Physical barriers for NGOs activities.....	40
Table No. 4. Interview Methodology	42
Table No. 5. Number of public associations and organizations registered in the Russian Federation in 2017 and 2018.	46

List of diagrams and figures:

Figure No. 1. Three challenges of NGO's management	21
Diagram No. 1. Participation, trust and awareness in NGOs activities.....	47
Diagram No. 2. Organizational opinion on the situation in Russia over the last three years, 2016..	48
Diagram No. 3. Organizational opinion on the situation in Russia over the last three years, 2017..	48
Picture No. 1. Russian NGOs match themselves as “Foreign Agent” in their website.....	66

Samanta Fominova, **Teisinės ir fizinės kliūtys NVO veiklai: Rusijos atvejo analizė**. Diplomatinės ir tarptautinių santykių studijų programos Magistro baigiamasis darbas. Darbo vadovė: Dr. Gintarė Žukaitė. Vytauto Didžiojo Universitetas, Politikos mokslų ir diplomatijos fakultetas, 2019 metai. 116 psl.

SANTRAUKA

NVO vaidmuo yra svarbus stiprioje ir demokratinėje šalyje, kurioje saugomos visos piliečių teisės. Tačiau NVO dažnai susiduria su įvairiais sunkumais, kadangi kai kurie dalyviai NVO veiklą suvokia kaip grėsmę, todėl norėdami suvaržyti NVO veiksmus taiko teisinės ir fizinės kliūtis. Tačiau problema yra ta, kad be veiksmingo NVO bendradarbiavimo su vyriausybe sunku sukurti sėkmingą, demokratišką ir išsivysčiusią visuomenę. Nustačius ir išanalizavus esamas kliūtis, galima jas išspręsti ir sukurti demokratiškesnę ir stipresnę šalį. Dėl to šio darbo objektai yra šiuolaikinės teisinės ir fizinės NVO veiklos kliūtys Rusijoje.

Šio darbo tikslas - išanalizuoti teisinės ir fizinės kliūtis NVO veiklai Rusijoje. Tam pasiekti buvo iškelti šeši pagrindiniai uždaviniai: pristatyti pagrindinius liberalaus institucionalizmo bruožus, siekiant sukurti teorinį pagrindą; apibūdinti NVO sąvoką ir NVO sąveiką su žmogaus teisėmis; apibūdinti galimas vyriausybės teisinės ir fizinės kliūtis NVO veiklai; ištirti NVO formavimąsi ir plėtrą Rusijoje; nustatyti Rusijos vyriausybės teisinės kliūtis NVO veiklai; nustatyti Rusijos vyriausybės fizinės kliūtis NVO veiklai.

Analizuojant teisinės ir fizinės kliūtis NVO veiklai Rusijoje, buvo naudojami kokybiniai tyrimo metodai: aprašymo metodas, dokumentų analizės metodas ir pusiau struktūruotas interviu metodas atliktas su šešiomis Rusijos NVO. Tyrimo rezultatai parodė, kad Rusijoje NVO turi neigiamą asociaciją su Sovietų Sąjungos žlugimu ir ekonomikos krize. Pagrindinės teisinės kliūtys yra susijusios su NVO finansavimu - tai 2012 m. „Užsienio Agento“ įstatymas ir 2015 m. „Nepageidaujamos Organizacijos“ įstatymas. Taip pat, NVO teisė rengti taikius susirinkimus yra ribojama, nes jiems draudžiama rengti viešus protestus. Be to, Rusijos NVO susiduria su fizinėmis kliūtimis, psichologiniu spaudimu, gauna grasinančius laiškus, ypač tos NVO, kurios dirba su žmogaus teisėmis ir politiniais klausimais.

Apibendrinant, šiame darbe buvo įrodyta hipotezė, kad Rusijos NVO operatyvinis darbas yra ribotas dėl teisinių apribojimų. „Užsienio Agentas“ ir „Nepageidaujamos Organizacijos“ įstatymai yra didžiausi iššūkiai NVO veiklai Rusijoje. Todėl veiksmingas NVO bendradarbiavimas su Rusijos vyriausybe gali būti užtikrintas tik pakeičiant teisinės nuostatas.

Raktiniai žodžiai: NVO, Rusija, teisinės kliūtys, fizinės kliūtys.

Samanta Fominova. **Legal and Physical Barriers for NGOs activities: The case of Russia.** Master thesis in Diplomacy and International relations study programme. Supervisor: Dr. Gintarė Žukaitė. Vytautas Magnus University, Faculty of Political Science and Diplomacy, Department of Political science. Kaunas, 2019. 116 pages.

SUMMARY

NGOs role is significant in a strong and democratic country, where all citizen's rights are protected. However, NGOs movement is constantly very complicated because some actors perceive NGOs activities as a threat, so they try to challenge NGO' actions by applying legal and physical barriers. Therefore, the problem is that without an effective NGO cooperation with the government is difficult to create a successful, democratic and developed society. Once identified and analysed, existing barriers can be solved and a more democratic, strong and prosperous country established. Accordingly, the objects of this thesis are contemporary legal and physical barriers for NGOs activities in Russia.

The aim of this thesis is to analyse the legal and physical barriers for NGOs activities in Russia. In order to achieve this, six main goals are determined: to present the main features of liberal institutionalism in order to create a theoretical framework; to describe the concept of NGOs and their interaction with human rights; to characterize the government's possible legal barriers and physical harassment against NGOs; to examine NGOs formation and development in Russia; to identify Russian government's legal barriers imposed on NGOs activities; to identify Russian government's physical barriers imposed on NGOs activities.

While analysing legal and physical barriers for NGOs activities in Russia, a qualitative research methods were used: description, document analysis and semi-structured interviews with six Russian NGOs. The research results have revealed that in Russia, NGOs have a negative connotation with the collapse of the Soviet Union and the economic crisis. The main legal barriers are related to NGOs funding - this is the 2012 "Foreign Agent" law and 2015 "Undesirable Organizations" law. Also, NGOs' freedom to peaceful assembly is restricted because NGOs are banned from organizing rallies. Furthermore, Russian NGOs face physical barriers, psychological pressure, receive threatening emails, especially those working with human rights and political issues.

To conclude, in this work the hypothesis that Russian NGOs' operational work is limited because of legal restrictions was proven. The Laws "Foreign Agent" and "Undesirable Organizations" are the biggest challenges for NGOs' operational work in Russia. Therefore, effective NGOs cooperation with the Russian government can be ensured through changes in the legal framework.

Keywords: NGOs, Russia, legal barriers, physical barriers.

INTRODUCTION

Over the last few years, interest in international organizations has increased dramatically. Many books, articles and studies on the influence of organizations on state decisions and international relations, on the impact of organizations on domestic politics and on the regulation of organizations were written and published. However, the literature on the barriers that can be applied to constrain and limit the activities of organizations is still scarce. States and other actors can use different ways to control and regulate the work of organizations. In this thesis, special attention will be paid to existing legal and physical barriers for non-governmental organization's activities.

Relevance of the topic. Non-governmental organizations (NGOs) are an important part of a democratic and free society. NGOs represent the needs, goals, and problems of a society. By cooperation with various actors they try to solve civil society problems. NGOs work with human rights, environmental and other social issues that are important for the development of democratic civil society. However, despite NGOs importance, organizations face a lot of legal barriers and restrictions because, there are actors such as governments, companies or other groups and individuals, that are dissatisfied with NGOs interference into political, social or other issues. Therefore, sometimes states' and NGOs' relations are very tense and as a result, states create legal and physical barriers for NGOs activities to limit organizations' power and influence.

States can see NGOs as a threat for their political authority, while NGOs are never sure about the genuine willingness of the state officials' to cooperate. Nevertheless, permanent and mutual cooperation between NGOs and the state is very important for the whole society. Without close cooperation states and NGOs cannot successfully fulfil their objectives and ensure the overall prosperity of a given country.

Research problem: For successful existence of NGOs and implementation of their goals inside a specific country, it is important for organizations to have a good relationship with this State's officials. The existing legal barriers and various restrictions can reduce NGOs' capabilities and even suspend the organizations' work. It is impossible to imagine a strong and prosperous country without strong and independent NGOs that could cooperate with the state officials and create a place for a dialog of civil society with a governmental. Therefore, the problem is that without autonomous NGOs', their effective policy and cooperation with a government it is difficult to create a successful, democratic and developed society and country.

To have a more specific, detailed and empirically based analysis towards the legal and physical barriers for NGOs' activities, a specific country has been chosen – the Russian Federation.

Accordingly, Russian NGOs' legal restrictions, law changes, and other legislative and constitutional regulations should be taken in consideration by NGOs if they wish to work successfully in Russia.

This work analyses the legal barriers and physical harassment that NGOs are facing, and also presents and examines Russian NGOs law to identify those areas where NGOs' actions are restricted. This is significant for the characterization of NGOs situation in Russia, interactions with the government and identification of existing problems. Just after all this analysis it is possible to start to work towards a more democratic, strong and prosperous country.

Object of the thesis: Contemporary legal and physical barriers of NGOs activities in Russia.

Aim of the thesis: To analyse the legal and physical barriers for NGOs activities in Russia.

Goals of the thesis:

1. To present the main features of liberal institutionalism in order to create a theoretical framework.
2. To describe the concept of NGOs and their interaction with human rights.
3. To characterize the government's possible legal barriers and physical harassment against NGOs.
4. To examine NGOs formation and development in Russia.
5. To identify Russian government's legal barriers imposed on NGOs activities.
6. To identify Russian government's physical barriers imposed on NGOs activities.

Hypothesis.

H1: Russian NGOs operational work is limited because of legal restrictions.

H2: Russian NGOs operational work is limited because of physical harassment.

Methodology: While analyzing legal and physical barriers for NGOs activities in Russia, a qualitative research methods were used: description, document analysis and semi-structured interviews. **The description method** was used at the beginning of the master thesis to create the theoretical framework – analysis of international relations theory liberal institutionalism, NGOs concepts and features, the relation of NGOs to human rights. Moreover, the description method is also used in the second chapter to identify the government's possible legal barriers and physical threats, and at the beginning of the third chapter to characterize Russian NGOs' creation process, development and general features of NGOs in Russia. **Document analysis method** was used to analyze the Russian Federation nonprofit organizations law, various human rights NGOs' reports, United Nations Human Rights Council's and Human Rights Committee's reports and other documents with statistic data. The most significant method used in this research was a **semi-structured interviews** with six Russian NGOs to explore these organizations' activities and limitations in Russia, identify legal barriers and physical harassment (See 3.1. for more detailed description).

Literature. The main literature and sources used in the thesis are in English and Russian languages. That was important in order to provide full picture of NGOs' activities and limitations in Russian Federation. Literature and sources in the research paper consist of monographs, articles from scientific journals, documents, Russian and other state's laws, human rights NGOs' reports, the reports of European Union and United Nations.

In the first chapter, R. Keohane's articles *International Institutions* (1988) and *Twenty Years of Institutional Liberalism* (2012), R. Devitt's *Liberal Institutionalism: An Alternative IR Theory or Just Maintaining the Status Quo?* (2011), L. Martin's and A. Simmons' *Theories and empirical studies of international institutions* (1998), R. Keohane's and J. Nye's work *Transnational Relations and World Politics: An Introduction* (1971) and A. Wiener's *Global constitutionalism: Human rights, democracy and the rule of law* (2002) were used to analyse the main features of liberal institutionalism in order to create a theoretical framework. These articles highlight the positive role and functions of international institutions in the current international relations.

Secondly, for NGOs definition, human rights and NGOs' description, the following publications were examined: M. Karns, K. Mingst and K. Stiles *International Organizations. The Politics and Processes of Global Governance* (2015), D. Lewis *The Management of Non-Governmental Development Organizations* (2006), I. Ulleberg *The role and impact of NGOs in capacity development* (2009), A. Vasile *The Generations of Human's rights* (2009) and reports of Amnesty International and Freedom House. These publications create a theoretical framework about NGOs, their functions and connections with human rights.

In the second chapter, the literature analysed to identify the government's possible legal barriers and physical harassment against NGOs consisted of Ch. Van der Borgh and C. Terwindt article *NGOs Under pressure in partial democracies* (2014), International Center for Not-for-Profit Law (ICNL) *Defending Civil Society Report* (2012), statistic data from *Global Civil Society Watch Report* (2016) and the annual reports of the International Foundation for the protection of Human Rights Defenders *Global Analysis 2016; 2018* (2019). Moreover, the European Convention on Human Rights and International Covenant on Civil and Political Rights were also analysed. These laws and publications characterize eventual five legal barriers to the activities of NGOs: barriers to entry, to assembly, to speech, to funding and operational activity and also cases of physical harassment.

In the third chapter, to examine NGOs' formation and development in Russia A. Makarychev's *Гражданское общество в России: между государством и международным сообществом*, G. Zabolotnaya's *Социальный и политический капитал гражданского общества в условиях посткоммунистического перехода: региональный аспект* and J. Dufalla's *Non-governmental organizations in Russia: adapting for success* (2014) articles were analysed. These articles highlighted the history of NGOs' creation in Russia, organizations' formation, changes and impact

on society. Moreover, for statistical data about NGOs in Russia, EU-Russia Civil Society Forum *Reports on the State of Civil Society in the EU and Russia* (2016; 2017) were used. Secondly, to characterize Russian legal and physical barriers for NGOs activities, Russian Federation non-profit organizations law, D. Moore's *Civil Society under threat: common legal barriers and potential response* (2006) and J. Machleder's and Alfa-Fellow's *Contextual and Legislative Analysis of the Russian Law on NGOs* (2006) articles, as well as Human Right Watch and Freedom House reports were examined.

Furthermore, semi-structured interviews were conducted with six Russian NGOs to explore those organizations opinions about existing legal and physical barriers in Russia. Interviews present Russian organizations' insights and assessments of existing barriers. Therefore, semi-structured interviews, Russian Federation non-profit organizations law and human rights NGOs reports present a detailed picture of Russian legal and physical barriers for NGO activities.

Structure of the thesis: The master thesis is constituted of three chapters. In the first chapter a theoretical framework is presented, including the definition of NGOs, their functions and relations with human rights as well as features of liberal institutionalism are analysed. The second chapter focuses on the government's possible legal barriers and physical harassment against NGOs, where five legal barriers and cases of physical harassment are identified. In the third chapter, a focus is given to the formation and development of NGOs in Russia, and on the legal barriers and physical harassment against NGOs imposed by the Russian Federation. Moreover, in this chapter the empirical data of six Russian NGOs and their opinions about their activities and limitations in Russia are presented. The research paper is finished by a conclusion, literature and appendix lists.

1. THEORETICAL FRAMEWORK OF THE RESEARCH

In the last decades' international organizations, multinational corporations, non-governmental organizations, associations and various foundations started to be important actors in international relations. Non-state actors became influential players on the international area which can make an impact on the states and its citizen's decisions. Nowadays, significant attention is put on non-governmental organizations (NGOs) role and their growing impact on ensuring human rights. In the last years' human rights NGOs as Amnesty International, Human Rights Watch or Freedom House contributed significantly in raising awareness in human rights crimes and violence. NGOs are often working on various domestic issues to represent citizen's situations on an international level and influence states to solve existing problems. Therefore, in this chapter the definition of NGOs, their functions and connection with human rights issues will be presented. The role of relations between organizations and states in accordance to international relations theory – institutional liberalism will be also explored.

1.1. The role of international organizations in international relations theories

There are many different approaches to the role and impact of international organizations on the international relations. In order to emphasize different opinions about organizations, the main features of international organizations in different theories of international relations are briefly defined.

To begin with, realism does not see that institutions have a significant impact on international stability. Realism sees institutions and international organizations as a “*self-interested calculations of the great powers*”. Institutions are tools of powerful states and have no independent influence on state decisions or behaviour¹. In accordance to realists, states can cooperate, create alliance but just to fight against their common enemy. States cooperation and creation of international institutions do not stop states from going to war. Institutions are just a mirror of state's power, of the distribution of power in the international system. The most powerful countries create and design international organizations to control or even increase their power in the international system². Therefore, realists

¹ Mearsheimer, John J. *The False Promise of International Institutions*. International Security, Vol. 19, No. 3. 1994-1995, p. 7. Accessed at 5th of April, 2019. https://www.jstor.org/stable/2539078?origin=JSTOR-pdf&seq=1#page_scan_tab_contents

² Ibid. p. 13.

highlight that international institutions are not significant actors in international relations and especially in maintaining peace.

On the other hand, Liberalism sees that institutions can encourage states cooperation, provide information, reduce states mistrust, reduce transaction expenses, help to achieve faster common solutions and in general reach peace and stability in international relations³. Realist theory sees international relations as a doubtful anarchic world where states have to be ready for the worst scenario because they can never trust other state, be sure about other states intentions. Although liberalists believe that international organizations bring necessary information. By providing information, institutions encourage cooperation between states and help to resolve conflicts. Moreover, institutions can provide governments with information on benefits, profit distribution and ensure that all parties can equally win by cooperating⁴. Accordingly, institutions are the most important tool for cooperation between states.

In accordance to neoliberalism, for states sometimes it is easier to solve problems through institutions rather to solve them by themselves. Unlike the realism, neoliberalism sees institutions as important actor in shaping international relations and making impact on states behaviour⁵. International organizations encourage not only states to achieve their goals, but also to cooperate. Increased information quality in the international relations, improves states cooperation level. Therefore, institutions are the place where states can meet and exchange information. However, in neoliberalism, international organizations are only important as influencer and shaper of states decisions, not as independent players⁶.

Neorealism theory highlights that international organizations represent just big and powerful states but not the small ones. In accordance to neorealism, small states cannot influence international relations. Small states have as much influence and power as the big states give them. International organizations do not provide possibilities for little and weak states to shape or influence international system policies⁷. Therefore, small states must behave according to the big states and their controlled international organizations.

³ Keohane, Robert O.; Martin, Lisa L. *The Promise of Institutional Theory*. International Security, Vol. 20, No. 1. Summer, 1995, p. 42. Accessed at 7th of April, 2019. https://www.jstor.org/stable/2539214?seq=1#page_scan_tab_contents

⁴ Ibid. p. 43-46.

⁵ Stein, Arthur A. *Neoliberal Institutionalism*. In *The Oxford Handbook on International Relations*, p. 212. Edited by Christian Reus-Smit and Duncan Snidal. New York: Oxford University Press, 2008. Accessed at 1st of April. <http://www.grandstrategy.net/Articles-pdf/11-Smit-Snidal-c11.pdf>

⁶ Nielson, Daniel L.; Tierney, Michael J. *Delegation to International Organizations: Agency Theory and World Bank Environmental Reform*. International Organization, Vol. 57, No. 2, 2003. p. 244. Cambridge University Press on behalf of the International Organization Foundation. Accessed at 16 of April, 2019. https://www.jstor.org/stable/3594852?origin=JSTOR-pdf&seq=1#page_scan_tab_contents

⁷ Juozaitis, Justinas. *International Organizations in Neorealism: A Case of Lithuania's EU Common Energy Policy Formation 2006 – 2012*. Vytautas Magnus University, Faculty of Political Science and Diplomacy. Jaunuju Mokslininku Darbai. Nr. 1 (41). 2014. p. 38-39. Accessed at 10th of April, 2019. <https://vb.vdu.lt/object/elaba:6120638/>

In accordance to constructivism, the aim of international organizations is to enshrine and confirm their created ideas, values and norms to states, and in this way, to rule states behaviour. Realism or neoliberalism sees military and economic power as the main tool of impact in international relations. However, constructivism sees that discursive power - power relations in the society, can also significantly impact the international political system. Social interactions and the behaviour of institutions shape the meaning of actors, interests and ideas. Institutions and its created interactions can influence collective decisions at the global scale and shape international order⁸. Therefore, institutions spread ideas and stimulate social interactions that influence state's decisions and international relations.

Lastly, critical theories as Marxism or Feminism, see international relations as conflictual. Marxism sees conflict between the bourgeoisie and the proletariat. In accordance to Marxism, international organizations stimulate global capitalism, secure interests of capitalists, support global economy⁹. Therefore, international organizations behave in accordance to existing economic order and usually this is an advantage for "richer" nations. Although, Feminism sees conflict between gender relationship. Feminist theory analyses role and contribution of woman in international organizations. Moreover, for Feminists NGOs are more „feminine“ and bring more power for women to make decisions and independently direct their own lives¹⁰. To sum up, for Feminism is important to examine how policies and activities of international organizations affect women and their role.

Therefore, some theories of international relations see organizations as important actors in the international system, some not. In this work, one of the dimensions of liberalism - institutional liberalism - will be used, as the work aims to emphasize the positive role and contribution of organizations to states and international relations.

1.2. Institutional liberalism

One of the dimensions of liberalism is institutional liberalism. Institutional liberalism is a school of thoughts which analyses international institutions positive impact on international relations. Since 1970 a debate has arisen surrounding a new international relations theory – institutionalism, which developed from the Liberal school, will certainly become an alternative to realism. In accordance with

⁸ Crockett, Sophie. *The Role of International Organisations in World Politics*. E-International Relations Students. Royal Holloway, University of London. 2012. Accessed at 4th of April, 2019. <https://www.e-ir.info/2012/02/07/the-role-of-international-organisations-in-world-politics/>

⁹ Pease, Kelly-Kate S. *International Organizations* Fifth Edition. Webster University, Published by Routledge, 2016, London and New York. p. 9-10.

¹⁰ Ibid. p. 10-12.

liberal institutionalism, international relations should be based on international organizations and global governance¹¹.

The founders of Liberal institutionalism are Robert Keohane and Joseph Nye, who in 1972 published their book “Transnational relations and world politics”. Authors described the “transnational” interactions – a movement of items within the state territory by non-governmental actors as organizations or individuals. Transnational actors are multinational business enterprises, global organizations, international trade unions, foundations. In accordance with authors, transnational relations improve and increase understanding and sensitivity between societies and as a result, impact the relations between governments¹².

The globalization of world affairs strongly impacted international relations theories. Concentration on the structures and orders of international society, domestic policy, global movement and institutions which started to be advocates of values and norms as human rights organizations, just emphasize that the role and power of international organizations are growing in international relations. International organizations which are based on missions and norms that support and help govern the cooperation between non-state actors and state on such fields as the environment or human rights, reinforce the argument of liberal institutionalism that non-state actors and also those who were marginalized in the world affairs are now allowed to come back and participate. Moreover, institutions encourage closer cooperation and multilateralism and in this way gain interests for states¹³.

Transnational relations can impact interstate policies in five ways¹⁴. Firstly, change the attitudes-face to face communication and cooperation between people of various states can shape the view, opinions and knowledge of societies within the state. Secondly, create international pluralism – domestic interests’ groups could integrate into transnational organizations and structures, what as a result could internationalize the domestic policy. Thirdly, transnational relations enlarge the restrictions on states within interdependence and dependence – states have to behave in accordance to some common rules and fulfill requirements. This point is especially significant for big and powerful states because they have to evaluate their own domestic policy impact on transnational relations. It is important to determine common rules that one country's exit would not ruin the whole system. Therefore, the perception and understanding of transnational relations by the government and its elites are the most important point between state policies and interdependence or dependence. Fourthly,

¹¹ Devitt, Rebecca. *Liberal Institutionalism: An Alternative IR Theory or Just Maintaining the Status Quo?* E-International Relations Students. 2011. Accessed at 1 of February, 2019. <https://www.e-ir.info/2011/09/01/liberal-institutionalism-an-alternative-ir-theory-or-just-maintaining-the-status-quo/>

¹² Nye, Joseph S.; Keohane, Robert O. *Transnational Relations and World Politics: An Introduction*. International Organization, Vol. 25, No. 3, Transnational Relations and World Politics, 1971. p. 332. Accessed at of February, 2019. https://edisciplinas.usp.br/pluginfile.php/364783/mod_resource/content/1/keohane-nye_1971.pdf

¹³ Devitt, Rebecca. *Liberal Institutionalism: An Alternative IR Theory or Just Maintaining the Status Quo?* E-International Relations Students.

¹⁴ Nye, Joseph S.; Keohane, Robert O. *Transnational Relations and World Politics: An Introduction*. p. 337.

transnational relations increase the possibility for governments to influence each other – it is a new tool for influence especially in politics and economic areas where governments can try to impact other states and reach their own personal goals by manipulating and shaping transnational interactions. Lastly, transnational interaction encourages the creation of independent foreign private policies which can resist or affect state domestic issues. The conflict among transnational institutions and government, on one side, can emphasize the domestic country's policy left behind the existing transnational interaction or the divergence among the policies of transnational organizations and particular government. In all cases, these conflicts impact interstates relations. Accordingly, transnational relations can significantly influence states internal and external policies.

Liberal institutionalism agrees that governments and states are the most important rational actors in international relations. However, nowadays transnational organizations impact is more significant than ever before. International institutionalism emphasizes the importance of international global organizations. In a globalized world, institutions start to perform functions which earlier were carried out by state and government. Institutional liberalism explains that international institutions stimulate collaboration and restrain the influence of anarchy¹⁵. International organizations are important actors in international relations because they encourage closer communication and cooperation between states and in this way reduce uncertainty and mistrust existing in the international system.

International institutions by reducing cooperation costs and providing the necessary information can encourage cooperation through international borders¹⁶. An international organization is an essential element for successful cooperation on the international area. Cooperation is a reaction to existing problems, and requires that disagreeing individuals, states or organizations actions would be linked and harmonized during the negotiation process, usually defined as “policy coordination”¹⁷. International organizations and institutions provide information about situated conspiracy theories and deceptions, in this way building the trust between the states and improving cooperation¹⁸. Institutional liberalism explains cooperation as the essential process for the states and international actors for making different kinds of decisions: human rights, environmental development, security strategies and others.

¹⁵ Gomicion, Maxime. *Joseph Nye on Soft Power*. E-International relations students, 2013. Accessed of October 15, 2017. <http://www.e-ir.info/2013/03/08/joseph-nye-on-soft-power/>

¹⁶ Jackson, Robert; Sørensen, Georg. *Introduction to International Relations: Theories and Approaches*. Oxford University Press, 2016. International Relations. p. 45. Accessed at 26 of March, 2019.

¹⁷ Keohane, Robert O. *After Hegemony: Cooperation and Discord in World Political Economy*. Princeton University Press, New Jersey. 1984. p. 51. Accessed at October 15, 2017. https://www.researchgate.net/publication/243721473_After_Hegemony_Cooperation_and_Discord_in_World_Political_Economy

¹⁸ Baylis, John; Owens, Patricia; Smith, Steve. *The Globalization of World Politics: An Introduction to International Relations*. Oxford University Press, 2017. p. 85. Accessed at October 13, 2017. <https://books.google.it/books?id=FwyDDQAAQBAJ&printsec=frontcover#v=onepage&q&f=false>

Moreover, international institutions have a significant social aim during cooperation - to represent most people's opinion and needs and promote human liberty and welfare¹⁹. International institutions and organizations are working with individuals, local communities and groups, so organizations have the goal to present people's problems and needs on the international area. Therefore, in the international system existing cheatings is dangerous for successful states collaboration, but international institutions are like a forum for states and other actor's communication, where everyone can share their ideas, positions and reduce the level of conspiracy.

Furthermore, institutions as NGOs act as significant actors for a local and global dialect, encourage and empower communities and individuals to confront and reconstruct existing inappropriate relations of the world. However, for NGOs it is difficult to carry this goal because organizations face a lot of difficulties. The gap left by the not fulfilled desires of a racist, capitalist and patriarchal world order was the reason NGOs was created²⁰.

Institutional liberalism reforms traditional international relations theories which emphasize that international institutions are irrelevant actors and all world system is dominated by the powerful states. In recent years' liberal democracies are struggling with the enormous influence of international institutions and their growing demand to the state. Authority should not necessarily be considered as a power of a state within a sovereign territory. Governance can be a complex of activities carried out in a country by state and non-state actors which are specialists in their fields. Therefore, different organizations and experts of fields can successfully collaborate with government and state authorities could assign more power and functions for international institutions²¹.

Liberal institutionalists and realists sometimes ignore the fact that domestic forces during the encouragement of a more collaborative system must be handled with the ethical and also moral questions. Domestic policies and issues have a big impact on states cooperation and relations with other states in an international area. For example, a state wants to make an agreement with another state on trade or environment issues, however, other states have really bad records and situations with human rights. Therefore, a state could reconsider its decision about the trade agreement, if a country's policy is strongly related to the protection of human rights. Accordingly, domestic policy decisions have a major influence on the state's relations in the international area²².

¹⁹ Keohane, Robert O. *Twenty Years of Institutional Liberalism*. International Relations 26(2). p. 126. 2012. DOI: 10.1177/0047117812438451

²⁰ Klees, Steven J. *NGOs: Progressive Force or Neo-Liberal Tool?* Current Issues in Comparative Education Vol. 1(1), Teachers College, Columbia University, 2002. p. 49. Accessed at 20 of February, 2019 https://www.tc.columbia.edu/cice/pdf/25634_1_1_Klees.pdf

²¹ Johnson, Tana; Heiss, Andrew. Liberal Institutionalism, chap 8 in *International Organization and Global Governance*. 2nd ed., ed. Thomas G. Weiss and Rorden Wilkinson. London: Routledge, 2018. p. 3; 7. Accessed at 15 of January, 2019. <https://www.andrewheiss.com/files/research/2018-johnson-heiss-liberal-institutionalism.pdf>

²² Devitt, Rebecca. *Liberal Institutionalism: An Alternative IR Theory or Just Maintaining the Status Quo?* E-International Relations Students. 2011. Accessed at 1 of February, 2019. <https://www.e-ir.info/2011/09/01/liberal-institutionalism-an-alternative-ir-theory-or-just-maintaining-the-status-quo/>

Furthermore, even if institutionalism highlights the importance of non-state actors in international relations as NGOs and transnational organizations, it is also important to define the power of global political advocacy network. Protection and work on the environment, human rights and poverty issues have a huge impact on the state's image on the global arena and global movements proved that sovereignty of a country is not sacrosanct. Technologies and telecommunication networks give possibility for mobilization of groups which can impact or even lobby organizations and governments about issues as human rights. Therefore, liberal institution idea is that states are still the key actors in world order is questioned²³.

Because of globalization we have a more diverse spectrum of actors in the world order, especially powerful international organizations. International organizations are the target to a constitutional discourse²⁴. International organizations check, control and regulate the legitimacy of human rights, environment, social politics, and other issues. Accordingly, international organizations authority starts to be seen as a constitutionalization of all international order, where state's sovereignty stops to be inviolable because of principles of rule of law, democracy and human rights impact states relations. As a result, states see a significant need to highlight the legitimacy of their actions especially in the area of democracy, human rights and rule of law. Therefore, liberal institutionalism can be seen as a tool for global constitutionalization and moving from individual state's policies towards international law based regulation which would stimulate higher democracy.

Nevertheless, it is important to mention that institutionalism can also stimulate authoritarian order. Sometimes organizations are very strong and implement their policies in an authoritarian way which violates and destroy constitutional ideas as rule of law, human rights or democracy²⁵. Therefore, institutionalism emphasizes the power and influence of the huge international organizations towards the state's domestic and external policy, sometimes international institutions and organizations can behave for their own purposes rather than as tools for states cooperation, but this argument goes beyond the liberal school which highlights the positive impact of international organizations.

Immanuel Kant, influential German philosopher, already in 1795 highlighted that peace can be established on three pillars: republican constitution (freedom of the members of a society; common legislation; equality), federation of free states (law of nations, league of peace) and universal hospitality (treat stranger not as an enemy; world citizenship)²⁶. Accordingly, Kant highlights that

²³ Ibid.

²⁴ Wiener, Antje. *Global constitutionalism: Human rights, democracy and the rule of law*. 2002. Global Constitutionalism, Vol. 1, Issue 01, p. 3-5. Accessed at 15 of January, 2019. <https://iow.eui.eu/wp-content/uploads/sites/18/2013/04/12-Von-Bogdandy-Background6-Global-Constitutionalism.pdf>

²⁵ Kreuder-Sonnen, Christian; Zangl, Bernhard. *Which post-Westphalia? International organizations between constitutionalism and authoritarianism*. European Journal of International Relations 2015, Vol. 21(3). p. 569. Accessed at 1 of February 2019 <https://journals-sagepub-com.ezproxy.vdu.lt:2443/doi/pdf/10.1177/1354066114548736>

²⁶ Immanuel Kant. *Perpetual Peace: A Philosophical Sketch*. 1795. Section II. p. 4-8. Accessed at 5 of February, 2019. http://fs2.american.edu/dfagel/www/Class%20Readings/Kant/Immanuel%20Kant,%20Perpetual%20Peace_.pdf

peace is possible to reach by democracy, interdependence and international organizations. He denies that the war is inevitable because of the human nature²⁷.

International organizations are strongly related to democracy and interdependence. International institutions and law are significant for the regulation of states commercial relations. Democracy promotes individual liberty, entrepreneurship and cooperation which goes beyond a state's territory. Because of trade and economic cooperation, states start to be closer to each other and even interdepend of each other, therefore international institutions are tools that can manage and improve states cooperation. Accordingly, exist a link between the freedom of people in democratic countries to promote and increase economic cooperation and the development of international institutions²⁸. Growing international cooperation and interdependence of states simulates the growth of organizations which become "moderators" of the state's economic issues.

Realists see international institutions as a strategic state's choice. Accordingly, when states have some problems they chose and create institutions so they could deal with existing problems through institutional mechanisms. Once created, institutions can continue their work and shape behaviour despite the fact that they are reformed and checked by the state mechanisms. However, liberal institutionalism sees institutions as independent bodies which have an independent effect on internal and external behaviour²⁹. States individual and rational decisions could prevent common beneficial collaboration. Therefore, the effectiveness of the institutions depends on the level they let for states to keep away from individual and selfish goals and concentrate on common and successful cooperation.

Sometimes in some cases, international institutions can substitute domestic policies such as monitoring, policy decisions making, goals setting and policy objectives. This is a case when domestic institutions fail to realize and fulfil the needs of the society, existing policy works ineffectively, and it hinders successful cooperation with other countries. Then the transfer of domestic affairs to international level could improve national prosperity. Moreover, institutions should help states to approve common or similar international policies, not lead for differences in policies such as free trade or environment where states collective actions are significantly important³⁰. Although, such a situation is possible to see in human-rights cases, where international and domestic policies sometimes differ considerably and institutions are putting a lot of efforts to improve and protect human rights issues.

Liberal institutionalism also explains that states are interested in reaching absolute power during cooperation process. Until the states are satisfied with their individual position, they will not be

²⁷ Oneal, John R. *Causes of Peace: Democracy, Interdependence, and International Organizations, 1885-1992*. The Norwegian Nobel Institute. 2003. p. 1. Accessed at 18 of February, 2019 <https://ecpr.eu/Filestore/PaperProposal/07420483-6f84-4d7d-8104-22379150f7c9.pdf>

²⁸ Ibid. p. 3.

²⁹ Martin, Lisa L.; Beth A. Simmons. *Theories and empirical studies of international institutions*. International Organization 52(4). p. 743. 1998. Accessed at 1st of March, 2019. https://dash.harvard.edu/bitstream/handle/1/3382862/Theories_Empirical.pdf?sequence=2

³⁰ Ibid. p. 756.

anxious about other states beneficial situations and welfare³¹. Accordingly, during states and international institutions cooperation, international actors try to implement their decisions, reach agreement on important issues, represent each other ideas, positions and achieve solutions, which would satisfy their individual and all international community needs and wants. International actors do not seek to gain more power or to have better welfare than others. The most important goal for the states and international institutions is to fulfill their aspiration and meet their obligations. Therefore, states do not seek to gain more power or to be more successful than others, rather international actors prefer to cooperate and fulfill common objectives and goals, which are essential for actor's contentment.

To sum up, institutional liberalism specifically suits to analyze NGOs and state relations and existing legal and physical barriers because it highlights the positive impact of international institutions in the international system. Institutional liberalism analyses organizations impact on country's international image, cooperation and welfare. Theory, also highlights organizations influence towards state's domestic issues and policies and the importance of states-organizations collaboration for higher democracy level. Therefore, in this work, NGOs importance and relations with government will be analyzed in accordance to international relations theory - institutional liberalism. Moreover, legal and physical barriers for NGOs activities will be identified and analyzed to examine the most problematic states-NGOs cooperation spheres. However, before starting to analyze legal barriers, it is important to specify what are NGOs, what are their functions and how they are related to human rights.

1.3. Definition of NGO

International Institutions are formal or informal human-constructed arrangements³². Formal international institutions can be World Bank, World Trade Organization, United Nations, European Union while informal international institutions are different regimes. Therefore, international institutions are mainly composed of different kinds of international non-governmental organizations (INGOs), trade unions and international organizations. This work is focused specifically on NGOs, their activities and relations with states.

A non-governmental organization (NGO) is a non-state actor working on local and international areas. NGOs are mainly humanitarian and cooperative organizations, which promote and care the

³¹ Brown, Chris; Ainley, Kirsten. *Understanding International Relations*. Palgrave Macmillan, 2009. Political Science. p. 47. Accessed at October 16, 2017. <https://books.google.lt/books?id=HJ8cBQAAQBAJ&printsec=frontcover#v=onepage&q&f=false>

³² Keohane, Robert O. *International Institutions: Two Approaches*. *International Studies Quarterly*, Vol. 32, No. 4. 1988. p. 383. Accessed ad October 15, 2017. <http://www.jstor.org/stable/2600589>

interests of the poorest people, support community development, provide principal social services and preserve the environment, rather than strives for commercial or profit goals³³. NGOs are volunteer oriented organizations which main interest is to fight with human rights issues, protect people's desire and provide help for them to develop and improve their life, so profit gain and desire of economic power is not the objective of NGO.

In this work is used M. Karns, K. Mingst and K. Stiles definition of NGOs - voluntary organizations organized and created by associations or private individuals who seek to implement common goals, which are usually concentrated on the public goods³⁴. Non-governmental means that organization does not receive all their funding from the government and raise more money from private volunteers and donors. Therefore, NGOs are supported by civil society because their work mostly consist of social services and implementation of public goods.

NGOs take actions in different social spheres, but the most important goal is principally associated with the desire to make a social transformation, reformation and improvements in people's life quality³⁵. Usually these actions are related to human rights, development and environment work. The goals and general agenda of NGOs are made within a hegemonic world order, therefore even the most prosperous organizations have difficulties. However, NGOs still remain challenges to contemporary development strategies because NGOs connect and create cooperation with other points of civil society and in this way encourage the development of advanced social movements. Because of NGOs commitments for a grassroots activism as also for social justice, organizations still remain as the main power in the battle for a sustainable and righteous development³⁶.

NGO definition includes a diversity of organizations. NGOs can exist little or large, focused on a specific issue or broad issues, driven by volunteers or by private externally funding, be formal or informal, charitable or radical³⁷. NGO diversity is impacted by numerous social issues, needs and wants. For example, ESN (Erasmus student network) is a nonprofit international student organization, which concentrates on representing international student's issues³⁸; OXFAM is an international confederation, which includes 20 organizations taking actions with local communities and partners

³³ Werker, Eric; Ahmed, Faisal Z. *What Do Nongovernmental Organizations Do?* Journal of Economic Perspectives, Vol. 22, No. 2. 2008. p. 74. Accessed at October 9, 2017 <http://pubs.aeaweb.org/doi/pdfplus/10.1257/jep.22.2.73>

³⁴ Karns, Margaret; Mingst, Karen; Stiles, Kendall. *International Organizations. The Politics and processes of Global Governance*. Third Edition. Boulder, London: Lynne Rienner Publisher, 2015. p. 15.

³⁵ World Heritage Encyclopedia. Non-Governmental organisations. Accessed at October 8, 2017. http://self.gutenberg.org/articles/Non-governmental_organisation

³⁶ Klees, Steven J. *NGOs: Progressive Force or Neo-Liberal Tool?* Current Issues in Comparative Education Vol. 1(1), Teachers College, Columbia University, p. 49. 2002. Accessed at 20 of February, 2019 https://www.tc.columbia.edu/cice/pdf/25634_1_1_Klees.pdf

³⁷ Lewis, David. *The Management of Non-Governmental Development Organizations*. Second Edition. Routledge, 2006. p. 3.

³⁸ International Exchange Erasmus student network (ESN). *Erasmus Students Network*. Accessed at October 15, 2017. <https://esn.org/>

against poverty³⁹; Worldreader – global not profit organization that provides e-books for children and families from developing countries⁴⁰. Thus, NGOs are working with different social problems and try to represent various social groups.

Furthermore, NGOs grew very quickly during the last decades. The number of NGOs worldwide is growing all the time and it is difficult to calculate exactly how many NGOs exist. Just in the USA in 2017 operated around 1,5 million NGOs⁴¹. NGOs can be divided by the scale organizations are working: national or community organizations and INGOs (international non-governmental organizations)⁴². NGOs are operating at three different levels: local, national and international. It means that organizations reach not just domestic society or state attention but also all international community interests. Therefore, NGOs are very different with specific missions, auditory and working processes.

Moreover, NGOs activities and works are usually described as local, innovative, flexible, little, productive and dynamic. States are structured and formal, while NGOs are more flexible what gives an impact on innovative solutions and decisions. All these NGOs capacities make organizations important actors in the international system and complementary to countries effort. Besides that, NGOs are often seen as more dynamic and adaptable than international organizations, because of the capacity to easily accommodate into concrete country's social, economic or political background⁴³. Accordingly, NGO has many advantages as flexibility and connection with local communities, which makes the organization closer to the most needed people and as a result, NGO actions become more effective and productive than other international actors.

During the last decade NGO lost its title - “the vacuum”, which main aim was to close gaps left by states. NGOs changed from little actors into efficient and powerful expression of civil society, which the main idea is to increase transparency and society attendance in the democracy development processes⁴⁴. NGO action and work became important not just for implementing public goals but also for protecting democratic values and rights. Therefore, NGOs activists have more difficulties while working in non-democratic states than in democratic.

Although, NGOs as various organizations must deal with three main fields. First one is the organization's internal sphere, processes and structure. The second sphere is NGOs management and

³⁹ OXFAM international. *Who we are*. Accessed at October 15, 2017. <https://www.oxfam.org/en/about>

⁴⁰ Worldreader *Meet the team*. Accessed at October 15, 2017. <https://www.worldreader.org/about-us/team/>

⁴¹ Fact Sheet. *Bureau of democracy, human rights, and labour*. Non-Governmental Organizations (NGOs) in the United States. U.S. Department of State, Diplomacy in action. January 20, 2017. Accessed at October 25, 2017. <https://www.state.gov/j/drl/rls/fs/2017/266904.htm>

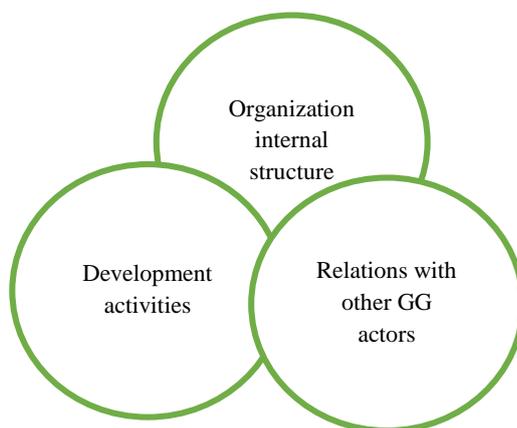
⁴² Kuus, Merje. *The Routledge Research Companion to Critical Geopolitics*. Routledge, 2016. Political Science. p. 389. Accessed at October 10, 2017.

⁴³ Ulleberg, Inger. *The role and impact of NGOs in capacity development. From replacing the state to reinvigorating education*. Published by International Institute for Educational Planning. UNESCO. 2009. p. 12. Accessed at October 8, 2017. <http://unesdoc.unesco.org/images/0018/001869/186980e.pdf>

⁴⁴ Ibid. p. 13.

maintenance of relations with other global governance actors such as states, NGOs, private companies and other actors. Lastly, NGOs must manage development activities, services, campaigns, programs and projects⁴⁵. These three fields are main NGO work environments, through which NGOs actions must be analyzed and evaluated (Figure No. 1).

Figure No. 1. Three challenges of NGO's management



Source: Compiled based on Lewis, David. *The Management of Non-Governmental Development Organizations*. 2006. p. 7⁴⁶.

NGO as all organizations cannot work effectively without strong and effective organizational structure. The successful organizations' internal processes, the division of work, structure, culture, accountability and responsibilities make the first important NGO steps into organization goals implementation. Another important aspect for successful NGOs work are organizations programs, strategies to reach objectives, projects and campaign which they accomplish. All these organizations development activities connect NGOs with communities, give the possibility to present goals, ideas and to attract volunteers. The last one and the most complicated field is NGO interaction with other international actors. NGOs often need support from other actors and effective communication and interaction between these international players can improve NGOs activities and provide significant materials. Therefore, these three areas are the most important for effective NGOs work and existence.

Prosperous NGO and states relations are very essential for NGO's successful work. NGOs are depending on the rules and laws of a nation-state, where they reside. With some states, NGO relations are highly intensive, as in Myanmar where NGOs are banned, or in Russia and China, where NGOs are strictly controlled by government regulations. NGOs do not have independent and legal

⁴⁵ Lewis, David. *The Management of Non-Governmental Development Organizations*. Second Edition. Routledge, 2006. p. 6.

⁴⁶ Ibid. p. 7.

international personality⁴⁷. Therefore, NGO effective work in specific states depends generously by that state government regulation and position towards NGO.

For successful relations between states and NGOs both actors require to have common objectives. State and NGOs have to work commonly on a problem, share the same vision but at the same time respect each other autonomy and especially pluralism of NGOs views and positions. Just working in the same direction but at the same time independently is possible to create strong collaboration. Unfortunately, such relations are very rare. Distrust between state and NGOs has deep roots. The Government sees NGOs actions as a way to undermine their political strength and threaten national security. At the same time, NGOs do not trust the motivation and good wishes of the government or its officials. On the other hand very close NGOs cooperation with a state can enhance the possibility of corruption, financial dependency or even reduce independency⁴⁸. Consequently, to reach the balance of relations between state and NGOs is very difficult but it is necessary for democratic society and national welfare.

Conclusively, NGOs are important presenters of community and civil society needs and desires. NGOs are counter - power to protect democracy. Independence and flexibility of NGOs allow for organizations to reach problems and achieve solutions which are often hardly fulfilled by the states. Nevertheless, NGOs and states relations are significantly important for prosperous cooperation and valuable decision-making. NGO work impacts states and their decisions, it is why important to analyze the relations between these two actors' in accordance with liberal institutionalism. Before analyzing the cases of NGOs – state relations and existing possible legal and physical limits, it is important to pay attention to the influence of NGOs on human rights issues.

1.4. Interactions between human right and NGOs

In the world exists the complexity of human rights issues and problems. Human rights are characteristic to each human being, despite people's ethnic national origin, color, gender, language, nationality, religion, residence place or another status. Human rights are indivisible, interdependent and interrelated⁴⁹. As a result of human rights importance and significance, universal human rights

⁴⁷ Karns, Margaret; Mingst, Karen. *International Organizations. The Politics and processes of Global Governance*. Second Edition. Boulder, London: Lynne Rienner Publisher, 2004. p. 18.

⁴⁸ Clark, John. *The Relationship between the State and the Voluntary Sector*. Human resources development and operations policy working papers; no. HRO 12. Washington, DC: World Bank, 1993. p. 5. Accessed at the 3rd of March, 2019. <http://documents.worldbank.org/curated/en/304061468767382451/pdf/multi-page.pdf>

⁴⁹ United Nations Humans Rights office of the high commissioner. *What are human right*. Accessed October 24, 2017. <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>

are secured by international law. In international and national areas are signed a huge amount of human rights principles and treaties, because human rights are essential for everyone.

Human rights are a relatively new phenomenon, identified only after World War II and the Holocaust. The first time the principle of universal human rights was used in 1948 in the Universal Declaration of Human Rights. Nowadays, exist scores of international human rights declarations and contentious. Every country in the world is confirmed at least one of human rights treaties and 80% of states are approved four or more⁵⁰. Therefore, human rights issues are important not just for individuals but also for states.

In 1979 Czech Jurist Karel Vasak presented three generations of human rights: civil-political, socio-economic and collective-development⁵¹. First generations of civil and political rights refer to liberty and personal rights to participate in political and social life as for example freedom of free elections, freedom of mind, religion, right to the fair trial, equal access to the public. These rights are highlighted in the Universal Declaration of Human Rights and International Pact on Civil and Political Rights. The second category is socio-economic rights which are emphasized in International Covenant on Economic, Social and Cultural Rights as well as in the Universal Declaration of Human Rights. Socio-economic rights include equal rights to work, to education, freedom of association. Last generation, collective and development rights are also described as solidarity rights because these rights are not individual but collective. These are rights of sexual minorities, rights to cultural development, to peace, to humanitarian assistance, environmental law. Collective-development human rights are the most debated and are lack of political as well as legal recognition⁵². Therefore, states have 3 human rights obligations⁵³. Firstly, to respect human rights – states should not interfere into political-civil rights, as for example restrict the right to vote. Secondly, the state has to protect human rights - ensure the accessibility of socio-economic rights and that third parties would not interfere. Finally, states have to fulfill human rights - create conditions for collective actions, provide sources that would help people to reach their own needs.

Because of human rights complexity is sometimes difficult to observe and measure human rights problems. States try to ensure human rights for all the citizens but often for the states it is impossible to reach and analyze all human rights violations. Non-governmental organization starts to be a significantly important actor in those areas of human rights, where states are ineffective.

⁵⁰ Ibid.

⁵¹ Vasile Cornescu, Adrian. *The Generations of Human's rights*. Faculty of Juridical Sciences University "Constantin Brancusi" of TarguJiu, Romania. Days of Law: The Conference Proceedings, 1. edition. Brno: Masaryk University, 2009. p. 3-6. Accessed at 2nd of March, 2019. https://www.law.muni.cz/sborniky/dny_prava_2009/files/prispevky/tvorba_prava/Cornescu_Adrian_Vasile.pdf

⁵² Three Generations of Human Rights. The Levin Institute – The State University of New York, 2017. Globalization101.org. Accessed at 2nd of March, 2019. <https://www.globalization101.org/three-generations-of-rights/>

⁵³ The UN HRBA Portal. *What kinds of human rights obligations are there?* UN Development Group- Human Rights Working Group (UNDG-HRWG). Accessed at 3rd of March, 2019. <https://hrbaportal.org/faq/what-kinds-of-human-rights-obligations-are-there>

Accordingly, states should create good conditions for collective actions as in the case of NGOs, which could represent and fulfill the needs of the society, especially in the areas which are hardly reached by the state. NGOs very flexibly can reach and examine human rights problems at the local level, which is usually inconceivable for the states. NGOs are innovative, dynamic, working on international and domestic levels, non-funded from the government, volunteer-based organizations and these aspects increase trust in people's mind, greater openness and willingness for closer cooperation rather than with the state's institutions. NGOs are significant for the protection of human rights for a few more essential points, which need to be distinguished.

To begin with, NGOs are monitoring and criticizing human rights constraining states actions. For example, the French parliament on October 18, 2017 signed a controversial counterterrorism bill, which provides the authorities with new power such as possibilities to close places for worship, search people's houses and limit freedom of motion⁵⁴. Although these actions aim is to increase protection against terrorism, they are threatening civil liberties. Human right NGO "Human right watch" criticizes these French government actions and emphasizes that all the people from France should be anxious about their rights when the country executive power presses laws without appropriate legislative scrutiny in purpose to gain more power with the lack of judicial control system⁵⁵. Accordingly, human rights NGOs are not just presenting on international area uncomfortable for some states human rights issues but also openly criticizing states actions.

Secondly, NGOs focus on events that are not discussed or even avoided by the states. For instance, death penalty is widely criticized by human rights activists, although some states continue to implement it. NGOs examine and publish statistic data about death penalties to show for other states and all the people around the world that it is an important issue in the 21st century. Amnesty International is a non-governmental organization which focuses on human rights issues, specifically on prisoner's situation in jail and death penalties. Amnesty International posted data about the top countries with the biggest number of executions and death penalties (Table No. 1). China has the biggest number of executions and death sentences not just in 2018 but also last years. China for one year is implementing more than few thousands of executions and death penalties. In accordance to Amnesty International in 2018 at least 20 countries applied executions and death sentences⁵⁶.

⁵⁴ The Economic Time. *French parliament adopts controversial anti-terror law*. October 18, 2017. Accessed at October 23, 2017. <https://economictimes.indiatimes.com/news/international/world-news/french-parliament-adopts-controversial-anti-terror-law/articleshow/61135612.cms>

⁵⁵ Raj, Kartik. *France's Counterterrorism Bill Normalizes Emergency Practices*. Human Rights Watch. Published September 25, 2017. Accessed October 25, 2017. <https://www.hrw.org/news/2017/09/25/frances-counterterrorism-bill-normalizes-emergency-practices>

⁵⁶ Amnesty International. *Amnesty International Global report. Death sentences and executions 2018*. Published April, 2019. p. 4-5. Accessed at April 30, 2019. <https://www.amnesty.org/en/documents/act50/9870/2019/en/>

Therefore, NGOs are significant actors as presenters of human rights crimes about which the states are not willing to talk.

Table No. 1. Executions and death penalties in 2018

Recorded executions	Death sentences
China 1,000s	China 1,000s
Iran 253+	Egypt 717+
Saudi Arabia 149	Iraq 271+
Vietnam 85+	Pakistan 250+
Iraq 52+	Bangladesh 229+
Egypt 43+	Malaysia 190
USA 25	Vietnam 122+
Japan 15	Indonesia 48+
Pakistan 14+	Nigeria 46+
Singapore 13	USA 45

Source: Compiled based on *Amnesty International Global report. Death penalty in 2018*. 2019

Thirdly, NGOs provide information about the real states ideologies, are they democratic countries and are they ensuring human rights issues. Human rights NGO - Freedom House is supporting and working with activists, who document abuses, defend and fight for fundamental rights, advocate for justices and broaden public support. Moreover, Freedom House promotes democratic changes and concentrates on people’s civil liberties and political rights⁵⁷. Freedom House analyses countries democracy level, are countries free, partly free or not free. For example, Bosnia and Hercegovina is described as a partly free country. Bosnia and Hercegovina is a parliamentary republic with inefficient constitutional regime⁵⁸. Therefore, NGOs can examine and record human rights crimes to measure and explore real situation inside the countries.

To conclude, NGOs work is essential to thoroughly analyze the human rights situation in the world. NGOs examine problems which often are ignored by the states or even human rights crimes which are made by the states. NGOs work in all human being fields, with international organizations, states and domestic groups. One of the most important human rights NGOs’ role is to communicate and make known world human rights crimes. States should support and create as possible better conditions for NGOs work to fulfill collective-development human rights. Therefore, NGOs as independent, flexible and universal actors in the struggle for human rights are strongly connected with the states and have to cooperate to improve national welfare.

⁵⁷Freedom House. *Freedom in the World 2018. Bosnia and Herzegovina*. Accessed at March 2nd, 2019. <https://freedomhouse.org/report/freedom-world/2018/bosnia-and-herzegovina>

⁵⁸ Ibid.

Unfortunately, states and NGOs cooperation is not always working very prosperous. Political, cultural, social, economic issues are very sensible for both of actors therefore sometimes states create legal and physical barriers for NGOs activities to limit their influence and work capabilities as the state sees NGOs as a threat. Accordingly, NGOs must be aware of existing countries legal system and its restrictions to successfully establish and manage an organization. In the next chapter will be identified and explored the government's possible legal and physical barriers for NGOs activities to analyze state-NGOs conflictual relations.

2. POTENTIAL STATE'S BARRIERS FOR NGO

Nowadays NGOs are facing many different problems. NGOs and its volunteers are working to achieve social good but often receive repressions as imprisonment, disappearances, harassment, executions or legal barriers from the state's law which can restrict NGOs freedoms. Because of NGOs active interference into the political and human right sphere, open criticism of public authorities in organizations reports and publications, NGOs receive legal barriers such as restriction for public meetings or foreign funding. Moreover, NGOs members receive physical harassment, every year in the world human rights defenders are killed, persecuted or kidnapped. This chapter will be analyzing more accurate state's possible legal barriers and physical harassment for NGOs activities.

2.1. Legal Barriers for NGOs

Exist various reasons why state and NGOs cooperate inefficiently or unwillingly. For instance, NGOs sometimes are seen as working in the opposition part, therefore government as also elites can portray themselves as the only legitimate power of people's needs. This situation happens because of the country's political environment. Furthermore, sometimes NGOs work more isolated and are not so willing to cooperate with the government. In such a case, again exists a high possibility of state-NGOs conflict. As well as NGOs dependence on foreign financial sources and donors can cause tension and mistrust from the government side. NGOs Foreign sponsors are a very sensitive issue for successful NGOs-state cooperation, especially in Russia. Furthermore, NGOs work capacities may not be so effective and professional as was claimed or vice versa, NGOs capacities are much higher and more effective than the government. When the government loses control in society and country, it feels threaten and as a result tries to reduce influence of NGOs activities⁵⁹. Therefore, it is just a few of the most common causes of state-government conflicts, but there may be more.

NGOs often receive pressure and tension because of proactive actions related to deepening democracy. The pressure on NGOs appears when famous and powerful elites feel that their work and interest are threatened. Therefore, elites try as much as possible to resist new ideas of democratization. For instance, when NGOs try to push the government for changes in the judicial sector, organizations often receive resistance from the elites which control territorial, budget or other power because their

⁵⁹ Clark, John. *The Relationship between the State and the Voluntary Sector*. Human resources development and operations policy working papers; no. HRO 12. Washington, DC: World Bank, 1993. p. 7-8. Accessed at the 3rd of March, 2019. <http://documents.worldbank.org/curated/en/304061468767382451/pdf/multi-page.pdf>

interest can be threatened⁶⁰. Accordingly, because of the elite's interests, NGOs actions towards the protection of human right are limited.

Furthermore, not just elites but also the countries try to influent, add pressure and limit NGOs actions, particularly organizations working with human rights, freedom and democracy issues⁶¹. The states are not satisfied with NGOs publications related to human right crimes or problems. NGOs interference into political activities makes states portray NGOs as main enemies. Nevertheless, states which carry about the democratic principles and free global civil society should support and participate with human rights NGOs at their activity: „*States should not view human rights NGOs as political opposition but should recognize the indispensable role of human rights defenders in a democracy*”⁶². Just with states and NGOs cooperation it is possible to reach significant human rights improvements and establish democratic principles.

Often states limit NGOs activities by the legal framework. Legal regulations can be used successfully to restrict and control NGOs actions. Possible state's legal barriers imposed on NGOs activities to reduce their work capacities will be identified and characterized in accordance to these three articles: Ch. Van der Borgh and C. Terwindt *NGOs Under pressure in partial democracies* (2014), International Center for Not-for-Profit Law *Defending Civil Society Report* (2012) and D. Moore *Civil Society under threat: common legal barriers and potential responses* (2006).

2.1.1. Barriers to entry and associate

To begin with, the first legal barrier which state officials can impose on NGOs activities is a barrier to entry and associate organization. States can impose the law which limits the foreign, local formal registered or informal organizations and groups existence. For example, in North Korea are forbidden all the organizations not created by the government, even though country constitution allows the freedom of association⁶³. Therefore, states law has to ensure the possibilities of NGOs registration and to provide all necessary tools for organization association. Unfortunately, states can also legally discriminate and prohibit organizations registration and association.

Secondly, states can prohibit the existence of informal organizations. Some states can allow establishing formal organizations but prohibit unregistered ones. Moreover, the governments have

⁶⁰ Van der Borgh, Chris; Terwindt, Carolijn. *NGOs Under pressure in partial democracies*. Chapter 1.4. Non-Governmental Public Action Series. 2014. Accessed at November 9, 2017. <https://www.palgrave.com/gp/book/9780230368347>

⁶¹ International Center for Not-for-Profit Law (ICNL); World Movement for Democracy Secretariat at the National Endowment for Democracy (NED). *Defending Civil Society Report*. Second edition, 2012. p. 3. Accessed at November 10, 2017. http://www.icnl.org/research/resources/dcs/DCS_Report_Second_Edition_English.pdf

⁶² Office for Democratic Institutions and Human Rights (OSCE). *Extracts from the consolidated summary of the 2004 OSCE human dimension implementation meeting*. 2004 Poland. Report of the Rapporteur. p. 2. Accessed at November 12, 2017. <http://www.osce.org/odihr/40546?download=true>

⁶³ International Center for Not-for-Profit Law (ICNL). p. 17.

the possibility to repeal unofficial organizations and impose penalties on unregistered groups members. For example, in Zambia NGOs have to pay and be registered through 30 days of its formation. If NGO refuses to register, organization and its member are accused of a criminal offence and may receive penalties and imprisonment up to 3 years⁶⁴. Accordingly, unregistered organizations can be legally banned.

Thirdly, the government may restrict NGOs rights to choose establishers or members. Governments can have special legal barriers for NGOs members and founders. Some countries can set the minimum number of required members to establish an organization. For instance, in Qatar, NGOs founders should have Qatar nationality and have a good reputation and behavior⁶⁵. Therefore, NGOs internal structure is also depended on the regulations of the state.

Moreover, states may impose long and difficult NGOs registration process. NGOs are required to go through a formal registration in order to have legal status in the country. However, to limit NGOs motivation the government can make the registration process difficult and complicated. Therefore, states officials can require various documentations, impose high registration fees and often delay registration process. In addition, in Eritrea proclamation is written that to establish NGO founder should have 1 million of US Dollars “*they (NGOs) have at their disposal in Eritrea one million US Dollars or its equivalent in other convertible currency, or technical or other capacity amounting to it*”⁶⁶. Therefore, such a requirement is explained as necessary for the successful achievement of the organization’s goals.

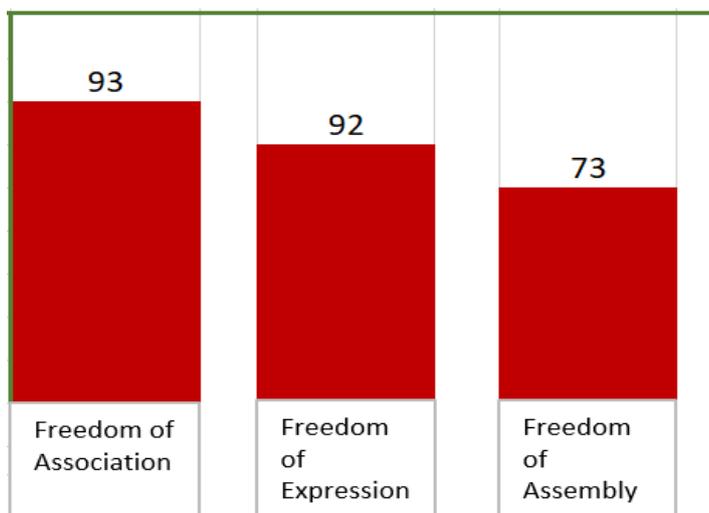
Accordingly, the state’s law can restrict NGOs freedom of association. NGOs can have difficulties to establish an organization, registry it or have enough number of members. Therefore, in accordance with the latest data on freedom of associations, expression and assembly, in 2015 the biggest violations against NGOs were made exactly in the field of freedom of associations (Table No.2). In 93 countries NGOs rights to associate were violated. Furthermore, the restrictions of freedom of association are not the only limits which face NGOs. Second the biggest NGOs legal barrier is related to freedom of speech and expression.

⁶⁴ Government of Zambia. Non-Governmental Organisations Act, 2009. Article 10, point 3. Accessed at November 13, 2018. <https://zambialii.org/zm/legislation/act/16-6>

⁶⁵ International Center for Not-for-Profit Law (ICNL). p. 17.

⁶⁶ Government of Eritrea. *Proclamation No. 145/2005, A Proclamation to Determine the Administration of Nongovernmental Organizations*. 2005. Article 8, point 1 (c). Accessed at November 13, 2017. <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81435/88425/F975805266/ERI81435.pdf>

Table No. 2. Violations by rights and numbers of states where violations occurred in 2015



Sources: Global Civil Society Watch. *Report*. 2016. p. 2⁶⁷.

2.1.2. Barriers to speech and advocacy

In accordance to the Article 10 of the European Convention on Human Rights “*everyone has the right to hold opinions, receive and impart information or ideas without interference by public authority*”⁶⁸. Everyone has the right to freedom of speech and expression, also the organizations.

NGOs should feel free to share their opinions and information. NGOs can and should criticize human rights crimes and talk about existing problems by different publications and research projects. Nevertheless, states try to restrict NGOs freedom of speech, forbid to meet for NGOs and exchange their ideas in the local and international areas. In this way, the states try to reduce NGOs participation in public discussions about government actions and policies.

For example, in 2005 changed Belarusian criminal code included the law, which forbids to provide for foreign states and international organizations intentionally mistaken information about the Republic of Belarus and its government political, social, economic, military and international situation. If international organizations disregard this law they can be imprisoned from 6 months to 2 years⁶⁹.

⁶⁷ Global Civil Society Watch. *Report*. 2016. p. 2. Accessed at 26th of March, 2019. *This is the latest data on freedom of associations, expression and assembly from this report. http://www.civicus.org/images/CSW_Report.pdf.

⁶⁸ European Convention on Human Rights. European Court of Human Rights, Council of Europe. Article 10. Accessed at 3rd of March, 2019. https://www.echr.coe.int/Documents/Convention_ENG.pdf

⁶⁹ Moore, David M. *Civil Society under threat: common legal barriers and potential responses*. International Center for Not-For-profit Law. 2006. p. 8. Accessed at November 13, 2017. http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/civil_society_under_threat/civil_society_under_threat_en.pdf

Moreover, because of the limits of speech and cooperation people often do not recognize NGOs and do not know about their actions. Also, because of the lack of communication with the government, the local NGOs are not aware of different international funding possibilities⁷⁰. Therefore, the lack of freedom of speech and cooperation makes NGOs lose the connection and relations with society and the government.

Furthermore, governments can control and regulate which information NGOs publish. States may try to prevent some reports publications or dissemination of information on the websites. For example, in Sultan of Omar, the Civil Associations law 5th article emphasizes: “*Associations shall not be allowed to interfere in politics, to form political parties or to interfere in religious issues*”. Therefore, NGOs are forbidden to interfere into political and religious issues and publications on these topics may be severely punished. Moreover, in Sultan of Omar NGOs cannot have the public seminars without the Minister approve⁷¹. Thus, NGOs freedom of speech is tightly controlled by the government.

The main problem is that NGOs are still not officially recognized by states and do not have international legal personality. Exist a lot of treaties regulating states important issues and relations in the international sphere but not with NGOs⁷². Few attempts were made to define NGOs and their legal status, although no international convention on NGOs has been created yet. Therefore, there are no international law regulations for NGOs establishment and work. In such a case, NGOs have to follow and respect the law of the state in which NGOs have been established, work in accordance that state national legislation. However, national law in each country can be different so NGOs legal status and situation varies. Therefore, NGOs legal status is not protected and organizations rights to expression can in any time be violated.

To conclude, the freedom of expression is probably one of the most essential NGOs freedoms. Just through publishing reports, talking loudly about human rights crimes and raising awareness about existing civil society problems it is possible to attract states officials’ and people’ attention, to mobilize for common actions and improve general national welfare. Although, without barriers to associate and speech there are still other significant legal barriers which limit NGOs freedoms.

⁷⁰ Khosravi, Mohammad Ali; Shahsavari Fard, Shohreh. *Non-Governmental Organizations and the Barriers of Their Efficiency in Iran (after 1979)*. Open Journal of Political Science, 2016. p. 200. Accessed at November 13, 2017. http://file.scirp.org/pdf/OJPS_2016041415454864.pdf

⁷¹ Sultanate of Oman. *Sultani Decree No. 14/2000 Issuing the Civil Associations Law*. Article 5. Accessed at November 14, 2017. <http://www.icnl.org/research/library/files/Oman/oman1400-en.pdf>

⁷² Martens, Kerstin. *Examining the (Non-) Status of NGOs in International Law*. Indiana Journal of Global Legal Studies: Vol. 10: Iss. 2, Article 1. p. 19. 2003. Accessed at 15 of March, 2019. <https://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=1263&context=ijgls>

2.1.3. Barriers to assembly

Another possible legal barrier for NGOs activities is a restriction of NGOs assemblies. In accordance to the Guidelines on Freedom of Peaceful Assembly published by ODIHR (OSCE Office for Democratic Institutions and Human Rights), peaceful assembly is a “*fundamental human right that can be enjoyed by individuals and groups, unregistered associations, legal entities and corporate bodies. Assemblies may serve many purposes, including the expression of diverse, unpopular or minority opinions*”⁷³. Therefore, NGOs have the right to organize and do peaceful assemblies and in this way represent their opinions and share information with others. Moreover, the peaceful assembly consists of different types of gatherings: mass actions, flash mobs, meetings, rallies, pickets, parades, processions, marches, mass actions, even some funerals or public religious assemblies⁷⁴. Accordingly, peaceful rallies or marches are also counted as peaceful assemblies and individuals and organizations have a right to organize and participate in them. Assembly is a significant tool in a democratic society and sometimes assemblies can disrupt public traffic or some urban activities. The most important is that the scale of disturbance would be balanced with the protection of the rights of others.

Furthermore, Article 21 of International Covenant on Civil and Political Rights highlights that the restrictions for peaceful assembly can be imposed just in case of threats for public safety, national security, public order, public health or morals or to protect freedoms and rights of others⁷⁵. Although, sometimes states can ignore these rights and prohibit public gatherings.

States often use their General Assemblies law to constrain the public demonstrations, which by the law are forbidden if they do not have written permissions from the government. Permission is needed to ensure the security of the society, because the states often claim that some public gatherings cause troubles to public order. For instance, the 2001 Jordan Public Gathering Law emphasized that the public gatherings and different meetings in the offices or private houses must receive permission and authorization from the governors because otherwise governors are empowered to prohibit such meetings⁷⁶. Therefore, the states can forbid public gatherings or allow those selected by the authorities.

⁷³ Guidelines on Freedom of Peaceful Assembly: Second Edition. Published by OSCE Office for Democratic Institutions and Human Rights (ODIHR). p. 15. Warsaw/Strasbourg 2010. Accessed at 20 of March, 2019. <https://www.osce.org/odihr/73405?download=true>

⁷⁴ Handbook on monitoring freedom of peaceful assembly. Published by OSCE Office for Democratic Institutions and Human Rights (ODIHR). p. 11-12. Warsaw, 2011. Accessed at 20 of March, 2019. <https://www.osce.org/odihr/82979?download=true>

⁷⁵ International Covenant on Civil and Political Rights. Adopted by the General Assembly of the United Nations on 19 December 1966. Article 21. Accessed at 20 of March, 2019. <https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf>

⁷⁶ Freedom House. *Freedom in the World 2008: The Annual Survey of Political Rights and Civil Liberties*. Rowman & Littlefield Publishers, 2008. Political Science. p. 376. Accessed at November 14, 2017.

Also, states can forbid public meetings of foreign NGOs. In Turkey's Constitution 34 article, Turkish government emphasizes that all the people have the same rights and freedom to public gatherings: *"Everyone has the right to hold unarmed and peaceful meetings and demonstration marches without prior permission"*⁷⁷. Notwithstanding, in the other article's paragraph is highlighted that foreigners, who want to organize public meetings must obtain permission from the Ministry of Interior⁷⁸. Accordingly, foreign NGOs would need to dedicate more time and money for organizing public meetings, additionally, NGOs can never be sure about the government permission for an assembly.

Furthermore, the states can forbid political NGOs meetings. NGOs activity and interference into political issues is probably one of the biggest problems for the authoritarian and other regimes, which restrict human rights. Nevertheless, the European Union Office for Democratic Institutions and Human Rights highlights that *"States should promote freedom of assembly and association in recognition of the indispensable contribution of civil society to the development of democratic societies"*⁷⁹. As a result, states should not create legal barriers for assembly but support and help for human rights NGOs to express their interests and opinions, because it is a fundamental right of the people to peacefully gather and promote their democratic power and make their all voices heard.

Therefore, sometimes states can try legally prohibit NGOs public assemblies, especially foreign or political NGOs public gatherings. Although there are still other legal issues where the government can try to reduce NGOs activities.

2.1.4. Barriers to resources

NGOs actions can be also limited by the restriction of funding. NGOs need funding to implement their daily work and activities. Therefore, the restriction of funding can stop and reduce the organization's work capacity. NGOs are not governmental organizations so most of their funding does not come from the state. However, NGOs receive various donations, private funding and sometimes financial support from the government's officials. Although, the significant amount of funding NGOs receive from foreign donors.

States avoid to publicly ban NGOs which are hostile and opposite to their regime. Rather state creates various legal barriers which could restrict NGOs right to funding because in this way state reduces the possibility of negative international attention as NGOs right restrictions are less visible.

⁷⁷Constitution of the Republic of Turkey. Article 34. Accessed at November 15, 2017. https://global.tbmm.gov.tr/docs/constitution_en.pdf

⁷⁸ TUSEV (The ICNL Freedom of Assembly thematic portal partner in Turkey). *Freedom of Assembly of Turkey*. 2016. p. 1. Accessed at November 15, 2017. <http://www.icnl.org/research/resources/assembly/FoA%20in%20Turkey.pdf>

⁷⁹ Office for Democratic Institutions and Human Rights (OSCE). *Extracts from the consolidated summary of the 2004 OSCE human dimension implementation meeting*. 2004, Poland. Report of the Rapporteur. p. 2. Accessed at November 12, 2017. <http://www.osce.org/odihr/40546?download=true>

Moreover, the funding restrictions are mainly imposed on national NGOs working with political and civil rights, although national branches of international NGOs can also be affected. Funding restrictions harm not just national NGOs activities but also all regional-international solidarity movement of human rights organizations. Some states even adopt xenophobic, nationalist or anti-Western policies to demonise and critique NGOs with foreign financing⁸⁰.

States can try to restrict local (grants, donations) as well as foreign NGO's funding. States often explain their restriction on foreign funding as a necessity for protecting public order and national security. There are cases when foreign funded NGOs are described and presented as "Foreign Agents", spies or state enemies which try to destroy the unity of the country and threatens national security. Therefore, States apply banking limitations, the requirement of government confirmation about the grant-makers or high taxes to control an organization's finances. For example, the Ethiopian law forbids for local NGOs to receive more than 10% of organization finances from abroad. Moreover, the Ethiopian NGOs which are engaged in the field of democracy and human rights, cannot be defined by the state as a foreign organization⁸¹. Therefore, the restriction of foreign funding can damage many functions of NGOs.

States can restrict foreign funding in a few ways⁸². Firstly, legislation of a country can prohibit all foreign funding for NGOs. Secondly, the state can prohibit foreign funding of particular activities or NGOs. Moreover, there are the cases when specific authorization from the government is required in accordance to receive foreign funding. Also, states law can require that foreign finances would be transferred through banks or financial institutions which are controlled and managed by the government. In some countries, tax systems are created in such a way to discriminate human rights organizations. Finally, NGOs with foreign funding may receive special status as in case with "Foreign Agent" law. Therefore, these are the most common limitations of foreign funding. Although, is important to mention that states are obligated not just to refrain from any interference into NGOs funding but also states are obligated to create administrative, legal and other conditions for NGOs work and for receiving finance. It has already been mentioned in the 1st Chapter that the state must ensure all the conditions for collective-development human rights.

⁸⁰ The Observatory for the Protection of Human Rights Defenders. *Violations of the right of NGOs to funding: from harassment to criminalisation*. 2013 Annual Report. Foreword by Maina Kiai. Geneva-Paris, 2013. p. 8. Accessed at 15 of March, 2019. http://www.omct.org/files/2013/02/22162/obs_annual_report_2013_uk_web.pdf

⁸¹ American bar association center for human rights. *International and comparative law analysis of the right to and restrictions on foreign funding of non-governmental organizations*. Washington, DC. p. 7. Accessed at November 16, 2017. https://www.americanbar.org/content/dam/aba/administrative/human_rights/international-and-comparative-law-analysis-on-the-right-to-foreign-funding.authcheckdam.pdf

⁸² The Observatory for the Protection of Human Rights Defenders. *Violations of the right of NGOs to funding: from harassment to criminalisation*. p. 42.

It is important to add that the restriction of foreign funding can be considered as a restriction of freedom of expression because NGOs need funding to share their information and publish research projects⁸³. Thus, by prohibiting funding for organizations, states limit the possibility of expression.

The United Nations Human Rights Council highlights that: “*Any associations, both registered or unregistered, should have the right to seek and secure funding and resources from domestic, foreign, and international entities, including individuals, businesses, civil society organizations, Governments and international organizations*”⁸⁴. Accordingly, NGOs have the right to receive foreign and domestic funding and government, individuals or other entities should not limit this right.

2.1.5. Barriers for operational activity

The last possible government’s legal barrier is for NGOs operational activity. Operational NGOs as also more concentrated on campaigning have to mobilize resources, run campaigns, encourage supporters and attract volunteers, organize special assemblies and events, cooperate with media and with government’s officials⁸⁵. In all of these areas states can try legally restrict NGOs activities.

Even if NGOs are registered and have permission for an assembly, the government can still control and influence NGOs daily work and actions. States can require NGOs actions reports, various documents, do inspections and even interfere into organizational structure and management⁸⁶. NGOs must be ready for the government institutions visits and different documentation verification. For example, in Russia exists a law which permits a government to have a nationwide campaign and unexpectedly inspect NGOs⁸⁷. Moreover, some states as Egypt or Belarus have a law, which can close the organization for indefinite reasons usually related to national security⁸⁸. Therefore, states can determine and control NGOs offices despite NGOs various permissions and rights.

⁸³American bar association center for human rights. *International and comparative law analysis of the right to and restrictions on foreign funding of non-governmental organizations*. Washington, DC. p. 8. Accessed at November 16, 2017. https://www.americanbar.org/content/dam/aba/administrative/human_rights/international-and-comparative-law-analysis-on-the-right-to-foreign-funding.authcheckdam.pdf

⁸⁴ Kiai, Maina. *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association*. United Nations General Assembly, Human Rights Council. 2012. Paragraph 68. Accessed at November 16, 2017. http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf

⁸⁵ Willetts, Peter. *What is a Non-Governmental Organization?* City University, London. 2002. Accessed at 22 of March, 2019. <http://www.staff.city.ac.uk/p.willetts/CS-NTWKS/NGO-ART.HTM#Part10>

⁸⁶ International Center for Not-for-Profit Law (ICNL); World Movement for Democracy Secretariat at the National Endowment for Democracy (NED). *Defending Civil Society Report*. Second edition, 2012. p. 17-18.

⁸⁷ Human Rights Watch. *Laws of Attrition. Crackdown on Russia’s Civil Society after Putin’s Return to the Presidency*. 2013. p. 25. Accessed at November 16, 2017. https://www.hrw.org/sites/default/files/reports/russia0413_ForUpload_0_0.pdf

⁸⁸ Regional NGO Law Rapid-Response Mechanism. *International Investment Treaty Protection of Not-for-Profit Organizations*. 2008. p. 5. Accessed at November 16, 2017. <http://www.icnl.org/research/library/files/Transnational/BITNPOProtection2.pdf>

In accordance to the 17 Article of International Covenant on Civil and Political Rights “*no one should be subjected to unlawful interference with his privacy, family, home or correspondence, not to unlawful attacks on his honor and reputation*”⁸⁹. Individuals as organizations have the right to the protection of the law from such intervention attacks. Therefore, states should not limit NGOs activities by unlawful inspections.

Furthermore, States can limit NGOs daily work by presenting NGOs in a “negative light”. Stigmatization is a process during which some groups as NGOs can be presented as unlawful, dangerous and untrustworthy subjects. NGOs are portrayed as a threat to the existence of secure and justice society. The negative labeling can also be made by non-state actors like different corporations or media. In accordance, stigmatization can be divided into two fields: criminal and social stigmatization. During criminal stigmatization are used criminal labels and NGOs associations with unlawful actors, while in the social stigmatization NGOs are portrayed as opponents for social values and norms⁹⁰. Accordingly, because of states negative information, NGOs work and actions can receive resistance and distrust from a lot of people.

Therefore, states can legally restrict NGOs operational activities and daily work. The invasive supervisory of organization actions and different inspection of documentation are often the daily reality of NGOs.

To conclude, states impose legal barriers to restrict NGOs capabilities. The main legal barriers against NGOs include barriers to associate, to receive funding, to have the freedom to speech and advocacy, to have an assembly and barriers in daily operational activity. However, the legal barriers against NGOs are not the only organization’s problems. The most dangerous action against NGOs members and volunteers is physical harassment. The human rights defenders are often persecuted, killed, threatened or receive criminal sanctions. Therefore, NGOs members’ physical harassment will be analyzed in a more detailed way in the next sub-chapter.

⁸⁹ International Covenant on Civil and Political Rights. Adopted by the General Assembly of the United Nations on 19 December 1966. Article 17. Accessed at 20 of March, 2019. <https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf>

⁹⁰ Van der Borgh, Chris; Terwindt, Carolijn. *NGOs Under pressure in partial democracies*. Non-Governmental Public Action Series. 2014. Accessed at November 9, 2017. <https://www.palgrave.com/gp/book/9780230368347>

2.2. Physical harassment

Human rights defenders and NGOs volunteers' freedoms are restricted not just by the state's law but also by physical harassments. Every year around the world are dying human rights defenders and NGOs are publishing reports about existing tortures, kidnaping and persecutions.

NGOs physical harassment must be stopped and volunteers work must be protected. The states should not use violent actions to threaten or control NGOs volunteers and even their families. In accordance to Organization for Security and Co-operation in Europe, Guidelines on the Protection of Human Rights Defenders 12 article: "*State institutions and officials must refrain from any acts of intimidation or reprisals by threats, damage and destruction of property, physical attacks, torture and other ill-treatment, killing, enforced disappearance or other physical or psychological harm targeting human rights defenders and their families*⁹¹". Therefore, the states should never use violent actions or other threatening methods to restrict human rights defenders' freedoms.

Moreover, states should help NGOs to implement their functions and secure volunteers. The states are powerful actors in the international system and should protect NGOs which are fighting for the rights of all human beings. Guidelines on the Protection of Human Rights Defenders 12 Article adds that: "*States also have a duty to protect human rights defenders from such acts by non-state actors and to take steps to prevent abuses*"⁹². NGOs working with human rights receive physical harassment also from non-state actors as companies, army groups or different organizations, so states protection and help are necessary.

One of the ways to restrict NGOs actions is criminal sanctions. These criminalization conducts can restrict the work of organizations or individuals. The states use criminal sanctions to threat NGOs. Criminalization gives the possibility to persecute publicly or privately, by using coercive measures under government authorities such as pre-trial detention, traveling limitations, arrest of computers or other techniques, expensive lawyers service and other⁹³. Moreover, states by imposing criminal sanctions not just threat NGOs but limit organizations work, communication with people and freedom of expression. For instance, few US-based organizations which worked in Uzbekistan received criminal sanctions because did not register the organization logo and few activities with the

⁹¹ Organization for Security and Co-operation in Europe (OSCE). *Guidelines on the Protection of Human Rights Defenders*. 2014. Article 12. Accessed at November 20, 2017. <http://www.osce.org/odihr/guidelines-on-the-protection-of-human-rights-defenders?download=true>

⁹² Ibid. Article 12.

⁹³ Van der Borgh, Chris; Terwindt, Carolijn. *NGOs Under pressure in partial democracies*. Non-Governmental Public Action Series. 2014. Accessed at November 9, 2017. <https://www.palgrave.com/gp/book/9780230368347>

Uzbekistan government. Therefore, some of organization members were questioned for around 12 hours⁹⁴.

Furthermore, states have possibilities not just to threaten NGOs but also imprison organizations members. Human rights NGOs work is very dangerous because democracy and human rights issues are always unpleasant for the states. In 2017 the Taiwan NGO worker Lee Ming-Cheh faced life imprisonment because of the attempt to “*subvert states power*”⁹⁵.

Therefore, the criminal sanctions have to be stopped and NGOs have to be preserved. The persecution and imprisonment of NGOs defenders are against the democratic principles of the states, where all individuals and organizations are free to express their own opinions and interests. However, exactly because of NGOs human rights publications and work in political sphere volunteers are blamed and send to jail. This is how states can protect their interests and control NGOs influence.

By analyzing NGOs barriers and restrictions, it is important to mention NGOs volunteers’ persecution and sometimes even assassinations. NGOs members can experience various kinds of physical harassment. These actions can differ from threats messages, e-mails or phone calls to attempts to kill or injure organizations members. These harassments can be divided into two parts: first one, done by simple people and the second one, done by the agents of the state, which often claim to behave in accordance to the law. Furthermore, states agents can even collaborate with interested non-state actors as different gangs, corporations, police and arms to challenge NGOs activities⁹⁶. Therefore, the states, individuals and other groups can threaten NGOs volunteers and even cooperate to restrict the freedom of NGOs.

In accordance to Amnesty International, in 2015 were killed 156 of human rights defenders and in 2016 were killed 281 of defenders⁹⁷. Although, in 2018 were killed a “record number” of human rights defenders – 321 people in 27 countries⁹⁸. Despite global progress, improvements in education, health care and other issues, the killings of human rights activists have doubled since 2015. Moreover, 49% of human rights defenders killed in 2018 had previously suffered some specific direct threat. Accordingly, the killings and threatening of human rights defenders are growing. The journalists,

⁹⁴ Moore, David M. *Civil Society under threat: common legal barriers and potential responses*. International Center for Not-For-profit Law. 2006. p. 10. Accessed at November 13, 2017. http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/civil_society_under_threat/civil_society_under_threat_en.pdf

⁹⁵Amnesty International. *Urgent action Taiwan NGO worker faces life imprisonment*. Published at October 23, 2017. Accessed at November 16, 2017. <https://www.amnesty.org/download/Documents/ASA1773342017ENGLISH.pdf>

⁹⁶ Van der Borgh, Chris; Terwindt, Carolijn. *NGOs Under pressure in partial democracies*. Non-Governmental Public Action Series. 2014. Accessed at November 9, 2017. <https://www.palgrave.com/gp/book/9780230368347>

⁹⁷ Amnesty International. *Attacks on human rights activists reach crisis point globally*. Published at May 16, 2017. Accessed at November 19, 2017. <https://www.amnesty.org/en/latest/news/2017/05/attacks-on-rights-activists-reach-crisis-point-globally/>

⁹⁸ Front Line, The International Foundation for the protection of Human Rights Defenders. *Front Line Defenders Global Analysis 2018*. p. 12. 2019, Ireland. Accessed at 15 of January, 2019. https://www.frontlinedefenders.org/sites/default/files/global_analysis_2018.pdf

lawyers and the people who are fighting for human rights issues face a huge number of violent actions, persecution and threatening. NGOs cannot work efficiently and successfully if the states and other interested actors try to suspend the organization's actions, persecute volunteers or threaten NGOs members.

State's authorities and police quick and appropriate reaction, just after reports about existing threats, could decrease by a significant deterrent the killings of human rights defenders⁹⁹. Nevertheless, states and the police are lack of willingness and attention to the existing crimes and often ignore human rights defender's problems. Therefore, government and its institutions have to devote more efforts to protect NGOs and its volunteers, because in the other way, protection of human rights and people's freedom will be highly difficult and dangerous.

Accordingly, persecution and threatening of NGOs members are still increasing every year. When legal barriers do not sufficiently limit the actions of an NGO, certain actors begin to apply physical harassment to threaten organization members and volunteers. States and its institutions are obliged to ensure the safety of human rights defenders and create conditions for safe NGOs work. Just with the states and other authorities support it is possible to protect human rights defenders, improve the general human rights situation and ensure the safety of NGOs members.

To conclude, because of NGOs work related to human rights issues, politic activities and domestic policies, NGOs face a lot of serious problems. The states and other interested actors are often dissatisfied with the interference of NGOs in the state's domestic policies and issues. NGOs work and publications can be seen as a threat to states political authority and control. Therefore, appropriate legal matters and physical harassment are used against NGOs actions to reduce and restrict NGOs work capabilities (Table No. 3).

⁹⁹ Front Line Defenders. *Annual report on human rights defenders at risk in 2016*. p. 6. Accessed at November 19, 2017. <https://www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2016>

Table No. 3. Legal and Physical barriers for NGOs activities

Legal Barriers	Physical harassment
1) Barriers to entry and associate;	1) Persecution;
2) Barriers to assembly;	2) Killings;
3) Barriers to speech and advocacy;	3) Threatening;
4) Barriers to resources;	4) Criminal sanctions
5) Barriers for operational activity;	

Source: made by author based on research.

The main legal barriers that NGOs face are barriers to associate, to assembly, restriction of freedom of speech, limitations to funding and operational activities. Moreover, the states and other authorities are even persecuting, threatening and killing human rights defenders and imposing criminal sanctions. Therefore, NGOs work is associated with many problems and threats. To have a more detailed and practical analysis about NGOs-State relations and possible barriers, in the next chapter, above examined eventual legal barriers as also physical harassments for NGOs activities will be analyzed in the context of the particular country – Russian Federation.

3. ACTIVITIES AND LIMITATIONS OF NGOs IN RUSSIA

NGOs public image has a huge role regarding NGOs successful work, especially in establishing trusted relations with people and strong cooperation with the government officials. NGOs formation during the collapse of the Soviet Union and economic crisis had a huge impact on nowadays NGOs image and success in Russia. Moreover, because of historical events, it is possible to understand why citizens are more favourable to one organization than to others. Therefore, the main aim of this chapter is to examine the formation, development of NGOs in Russia and to characterize NGOs legal limitations and physical barriers through the analysis of the country's legal framework and cases of physical harassment.

3.1. Methodology

To have a comprehensive analysis of the legal and physical barriers for NGOs activities in Russia a qualitative research method was applied.

The research methodology- description, document analysis and semi-structured interviews methods.

To begin analysis of legal and physical barriers for Russian NGOs firstly it is important to examine Russian NGOs historical background: formation and development. A description method highlights the NGOs creation process which will be significant for further analysis. Secondly, a document analysis method to examine Russian Federation non-profit organization law and its regulations will be applied. Also, while analysing legal and physical barriers United Nations Human Right Council and Human Right Committee reports will be used as well as various international human right organizations reports. Finally, semi-structured interviews will be applied to analyse empirical cases of six Russian NGOs, their views about legal and physical barriers and the general situation in Russia. Not just to analyse what is happening, but also to identify the causes of the situation. Moreover, by using a semi-structured interview method higher respondent's reliability is ensured¹⁰⁰. Therefore, these three methods will help to explore the causes and consequence of legal and physical barriers for NGOs activities in Russia.

¹⁰⁰ Unikaitė- Jakuntavičienė, Ingrida; Rakutienė, Sima. *Politikos mokslų rašto darbų rengimas*. Mokomoji knyga. Kaunas, 2015. p. 54-55. Accessed at 17 of November, 2018. <https://eltalpykla.vdu.lt/bitstream/handle/1/262/ISBN9786094671654.pdf?sequence>

Semi-structured interview instrument. The interview questionnaire was made up of 17 compulsory questions¹⁰¹. Although, semi-structured interviews were conducted, the respondent was able to add some other important issues, or an interviewer felt free to ask other questions if there was a need of them. The most important was to gather as much relevant information as possible. All the questions were grouped and analysed in accordance to legal barriers described in the previous chapter: barriers to associate, to entry, to freedom of speech, to funding, to operational capacity and cases of physical harassments.

Semi-structured interview sample: The invitations for the interviews were sent to 16 NGOs working in Russia. The list of NGOs was made in accordance to the information from the official website of the Ministry of Justice of the Russian Federation¹⁰². Six of NGOs agreed to have an interview. With five of organizations: Transparency International, Agora, SOVA, International Memorial and Sakharov Center interviews were held during the Skype or phone talks and “Golos” answered to interview questions by mail (Table No. 4).

Table No. 4. Interview Methodology

	NGO name	Interview Type	Data	Duration	Responsible person
1.	Golos	By mail	2018.08.09	-	Member of the Council
2.	Transparency International	Skype talk	2018.08.14	40 min	One of the higher ranking employees
3.	Agora	Skype talk	2018.10.01	29 min	One of the higher ranking employees
4.	SOVA	Phone talk	2019.02.08	27 min	One of Directors
5.	International Memorial	Phone talk	2019.02.13	29 min	One of the higher ranking employees
6.	Sakharov Center	Jitsi meet	2019.02.14	42 min	One of the higher ranking employees

Source: made by author.

Interviews were held in English and Russian languages. All the interviews went smoothly, without any problems. Although, it is important to mention that before starting the interviews organizations required to send them a university confirmation letter, verifying that I am a real student

¹⁰¹ Appendix

¹⁰² Ministry of Justice of the Russian Federation. Accessed at 20 of August, 2018. <http://unro.minjust.ru/NKOs.aspx>

writing a master thesis about NGOs in Russia. How highlighted respondent from the “Golos” organization, these organizations are often the victims of provocations, therefore it is important to them to be sure about the interviewer intentions. All these organizations are registered as “Foreign Agents” and in some way were coping with Russia’s legal system. These six NGOs are well known in Russian society and also at international level and it is possible to find a lot of articles about these NGOs and their activities in social media.

Therefore, the examination of each barrier will begin with the theoretical approach - the Russian Federation non-profit organization law and later continue in accordance to NGOs answers. However, firstly the historical framework of NGOs creation and development in Russia has to be explored because without analysis of Russian NGOs creation and development it is impossible to understand the role of existing legal and physical barriers.

3.2. NGOs development in Russia

In Russia, NGOs had a long and complicated development process that can explain the role and a difficult legal situation of the contemporary organizations. The beginning of NGOs creation in Russia starts in the 1990s. In 1991 the dissolution of the Soviet Union occurred and 10 new republics were established. However, after the collapse of the Soviet Union, Russia emerged in an economic crisis. Boris Yeltsin, the president of that period, decided to implement a radical economic reform “*shock therapy*”: stabilization of ruble, market privatization and price liberalization. Therefore, President Yeltsin decided to develop a market economy in accordance to IMF and United States example and recommendations. Unfortunately, despite President’s economic reforms, state’s economy horribly collapsed and in 1991-1998 Russia lost around 30% of their GDP, experienced bouts of inflation and between 1992-1999 almost 150\$ billion of capital flowed out of the country¹⁰³. Accordingly, those years for Russia were economically and politically very difficult and most importantly, Russia realized that Western ideas are not suitable for Russian society.

After the collapse of the USSR, a disintegration process began. Civil society had a mission to help to consolidate the collapse of the state. Russian politicians and social scientists started to explore Western countries civil society ideas and came into a conclusion that the strong civil society is a tool for necessary country’s reforms. The establishment of new organizations oriented towards the implementation of cultural and social functions had partly compensated the insufficiency of social

¹⁰³ Johnston, Matthew. *The Russian Economy Since the Collapse of the Soviet Union*. Investopedia, 2016. Accessed at 10 of May. <https://www.investopedia.com/articles/investing/012116/russian-economy-collapse-soviet-union.asp>

areas in “post-perestroika” state¹⁰⁴. Therefore, the idea that the civil society has a goal to reform the collapsed state and develop strong Russian society was borrowed from the 1990s.

Although, a lot of people did not accept the civil society goal to transform Russian policy as a positive idea. Russian incredulity towards NGOs grew because of the two main aspects: 1) The civil governance in Russia significantly grew after the collapse of the Soviet Union; 2) Russian scholars and scientists followed Western countries strategies and ways of building a strong society. Therefore, these two historical issues started to associate NGOs in Russia with anti-communism ideas. Unfortunately, a lot of Russians started to blame liberal ideas and pro-Western views about strong civil society with the 1990s Soviet Union collapse, turmoil and country’s economic crisis. Accordingly, many Russians citizens and government members started to separate themselves from the liberal Western ideas, from the view of “Western-style” civil society governance and consequently, NGOs in Russia lost their support¹⁰⁵.

Moreover, at the end of the 80s – the beginning of 90s, Russia’s mobilization was significantly growing through citizen’s social activity and politicization. By that time in the country, the hope started to exist that it is possible to collect all the initiative from the “grassroots” level and as a result create a strong democratic vector for the country’s development. However, Russian civil society did not transform into the effective civil associations because NGOs and civil society lacked the community’s support and reliability due to connotations with Westernization and collapse of the Russian economy. Therefore, because of the failure to create a strong civil society, the population started to withdraw from political and public life. Unjustified hopes generated discussions about general opportunities and possibilities for the civil society in Russia. The civil society understood, that everyone in Russia receives goods from the government and everyone must submit to decisions from “above”¹⁰⁶. Accordingly, the Russian civil society tried to encourage state development, although the failure to create one strong and united civil society moved people to resignation from the public and political activities and drew a line between “grassroots” level and government.

Therefore, in accordance to A. Makarychev, Russian civil society can be divided into two main groups. One of the society group is more prone to state control and regulations while the second group is more oriented into international society, autonomy and cooperation with external actors. The relations between these two civil society groups have a competitive and even conflicting character. The reason for that is a different understanding of the process of civil governance formation, functions

¹⁰⁴ Zabolotnaya, Galina M. “Социальный и политический капитал гражданского общества в условиях посткоммунистического перехода: региональный аспект”. p. 1. Accessed at 19 of February, 2018. <https://www.civisbook.ru/files/File/Zabolotnaya.pdf>

¹⁰⁵ Dufalla, Jacqueline. *Non-governmental organizations in Russia: adapting for success*. 2014. Accessed at 15 of February, 2018. <https://geohistory.today/ngo-russia/>

¹⁰⁶ Zabolotnaya, Galina M. “Социальный и политический капитал гражданского общества в условиях посткоммунистического перехода: региональный аспект”. p. 5.

and responsibilities. The first group sees that the basis of social relations are political interests and the political will of the ruling elite. On the other side, the second group sees social relations in a more liberal way, through complex interdependence and citizens freedom to make their own decisions¹⁰⁷. Accordingly, these two groups of Russian civil society present existing difficult and tense atmosphere around NGOs.

To conclude, in Russia the civil governance idea originated from the western countries and from the beginning was associated with the liberal democracy, which should improve and change the old Russian system. However, in the 1990s in the country was a complicated economic and political situation, state was in collapse and Western liberal ideas about the strong civil society and market economy did not fit in the Russian system. NGOs negative connotation with the West and foreign actors made the Russian government and citizens believe that NGOs are tools of foreign countries to spread their interests and to improve their geopolitical situation through a sacrifice of Russia¹⁰⁸. Therefore, Russian civil society remains split into two big blocks, one of which represents and supports civil society orientation towards country's government control and the second concentrated on sharing the idea of liberal and democratic values through their own and independent international actors support.

3.3. Russian NGOs features

In accordance with the Russian report for the UN Human Right Council, there were more than 220,000 NGOs in Russia in 2017 and just in the first 6 months of 2017 Russian government registered 11,000 organizations¹⁰⁹. Moreover, based by Federal service state statistics Rosstat, in total 90 835 public associations (4 510 in 2018), 64 political parties (1 in 2018) and 90 787 non-profit organizations (7 748 in 2018) were registered in the register of the Ministry of Justice of the Russian Federation until 2019 (Table No. 5)¹¹⁰.

Furthermore, if we compare Rosstat statistic from 2017, the number of organizations has slightly decreased, although special attention should be paid to foreign NGOs offices in Russia. By the beginning of 2018, 127 branches of foreign NGOs were registered in Russia (2 of them in 2017),

¹⁰⁷ Makarychev, Andrey S. "Гражданское общество в России: между государством и международным сообществом". p. 1. Accessed at 25 of February, 2018. <https://www.civisbook.ru/files/File/Makarychev.pdf>

¹⁰⁸ Dufalla, Jacqueline. *Non-governmental organizations in Russia: adapting for success*. 2014. Accessed at 15 of February, 2018. <https://geohistory.today/ngo-russia/>

¹⁰⁹ United Nations Human Right Council. *National Report- Russian Federation*. Working Group on the Universal Periodic Review, Thirtieth session, 2018. Point 191. Accessed at 16 of April. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/053/67/PDF/G1805367.pdf?OpenElement>

¹¹⁰ Федеральная Служба Государственной статистики (Росстат). Официальная статистика 2018. Accessed at 27 of April, 2019. http://www.gks.ru/wps/wcm/connect/rosstat_main/rosstat/ru/statistics/state/#

while in 2018 this number decreased to 117. In 2018 no branch of foreign NGOs was registered and the total number decreased by 10 organizations¹¹¹.

Table No. 5. Number of public associations and organizations registered in the Russian Federation in 2017 and 2018

	Total registered until 2019	Including those registered in 2018	Total registered until 2018	Including those registered in 2017
Public associations	90835	4510	95204	4841
• Including public organizations	54533	3767	55771	3874
• Including trade unions	20066	151	22241	207
• Social movements	1320	92	1442	118
Political parties	64	1	70	1
Non-profit organizations	90787	7748	90852	8854
• Including charities funds	8677	758	8549	1074
Branches and representatives of foreign non-profit NGOs	117	-	127	2

Sources: Compiled based on Федеральная Служба Государственной статистики (Росстат), *Россия в цифрах* 2017; 2018.

Moreover, the internal composition of the non-profit organizations' sector is very diverse. Every year around 16,000 organizations are moving out and moving in from the official organizations' registration list. During the last six years, 99,000 organizations were created and included in the register and 97,000 were eliminated from it. Therefore, even if non-profit organizations sector remains stable because of organizations short age its internal structure and composition are changeable¹¹².

NGOs number vary in accordance to regions. On average, for 1000 Russians citizens there are 1,5 NGOs. This number is higher in the areas where there is much stronger non-profit sector as Sankt Petersburg, Kaliningrad and Moscow regions or in low populated regions like North Caucasus or the Far East. Furthermore, the biggest number of NGOs are working in the social service, focusing on people with disabilities, orphanages and child abandonment. Unfortunately, environmental or human

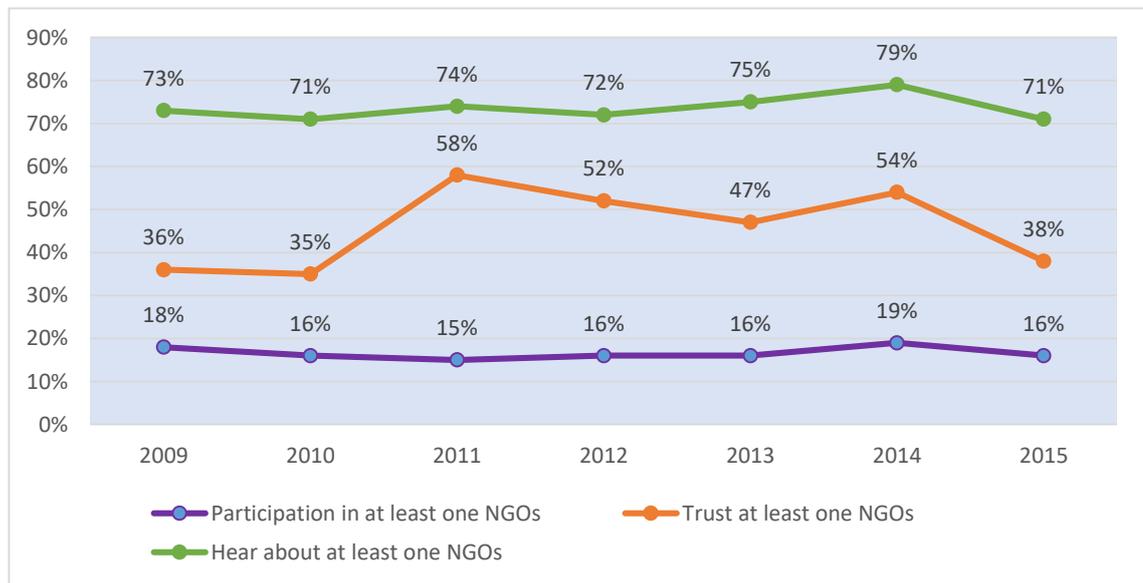
¹¹¹ Федеральная Служба Государственной статистики (Росстат). *Россия в цифрах*. Москва 2018. p. 164. Accessed at 3rd March, 2019 http://www.gks.ru/free_doc/doc_2018/rusfig/rus18.pdf

¹¹² EU-Russia Civil Society Forum (CSF). *2017 Report on the State of Civil Society in the EU and Russia*. 2018. p. 99. Accessed at 18 of April. http://eu-russia-csf.org/fileadmin/website/2018_03_16_Report_Pages.pdf

rights organisations are an absolute minority in Russia¹¹³. Accordingly, NGOs are very unevenly distributed in the country and mostly working with social issues.

As well, the diagram below presents Russian citizens opinion about NGOs (Diagram No. 1). From 2009 until 2015, just 16-19% of Russians participated in at least one of NGOs activities and 71-79% of citizens heard about NGOs and their work. Furthermore, the level of public trust and believe in NGOs fell down by 20% from 2011 to 2015¹¹⁴. During these 4 years several legislations were adopted that restricted the rights of organizations such as “Foreign Agents” law and “Undesirable Organizations” law. Consequently, last year’s government legal changes had significant impact on the organizations effectiveness and public image.

Diagram No. 1. Participation, trust and awareness in NGOs activities



Sources: CSF. *2016 Report on the State of Civil Society in the EU and Russia*. 2017. p. 128.

Furthermore, NGOs are seeing some improvements since 2016. In accordance to 2016 survey, 64% of NGOs evaluated negatively their situation during the last three years, 17% of organizations did not see any changes of situation and 12% answered that organization situation got better (Diagram No. 2)¹¹⁵. Accordingly, new legal changes mostly restricted human rights and environmental organizations. Although, if we analyse data from 2017, 30% of NGOs evaluated the situation is

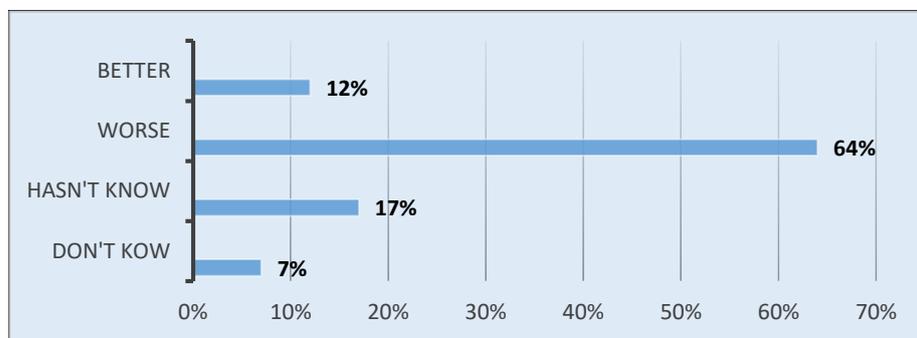
¹¹³ EU-Russia Civil Society Forum (CSF). *2016 Report on the State of Civil Society in the EU and Russia*. 2017. p. 128. Accessed at 20 of April. http://eu-russia-csf.org/fileadmin/State_of_Civil_Society_Report/18_05_2017_RU-EU_Report_spaudai_Hyperlink_Spread.pdf

¹¹⁴ Ibid. p. 129. *This is the latest data about Russians participation, trust and awareness in NGOs activities.

¹¹⁵ Ibid. p. 134.

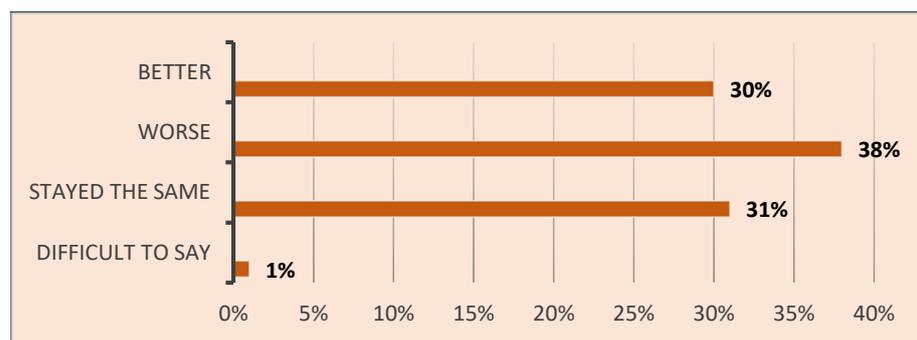
getting better over the last three years, 38% worse, 31% answered that situation stayed the same and just 1% wrote that it's difficult to answer (Diagram No. 3)¹¹⁶.

Diagram No. 2. Organizational opinion on the situation in Russia over the last three years, 2016



Sources: CSF. *2016 Report on the State of Civil Society in the EU and Russia*. 2017. p. 134.

Diagram No. 3. Organizational opinion on the situation in Russia over the last three years, 2017



Sources: CSF. *2017 Report on the State of Civil Society in the EU and Russia*. 2018. p. 104.

Therefore, if in 2016 64% of NGOs evaluated that their situation got worse during the last 3 years, in 2017 just 38% agreed with it. Accordingly, the positive view about the last years' situation grew from 12% to 30%. However, 30% of NGOs did not see any situation improvement or deterioration in the past years.

It is important to highlight that in 2016 survey, 79% of environmental organizations and 82% of human rights organizations evaluated last few years changes negatively while just 39% of organizations working with social issues assessed it negatively¹¹⁷. On the other hand, in 2017 survey,

¹¹⁶ EU-Russia Civil Society Forum (CSF). *2017 Report on the State of Civil Society in the EU and Russia*. 2018. p. 104. Accessed at 18 of April. http://eu-russia-csf.org/fileadmin/website/2018_03_16_Report_Pages.pdf

¹¹⁷ EU-Russia Civil Society Forum (CSF). *2016 Report on the State of Civil Society in the EU and Russia*. 2017. p. 134. Accessed at 20 of April. http://eu-russia-csf.org/fileadmin/State_of_Civil_Society_Report/18_05_2017_RU-EU_Report_spaudai_Hyperlink_Spread.pdf

the negative opinion of human rights organisations was reduced from 82% to 75%, however, the number of social sphere organizations which evaluated the situation as worse grew to 47%¹¹⁸.

NGOs and the Russian government both have different aims and goals but share the same strategies towards the social civil governance. Russian government officials and non-profit organizations work with social issues and implement programs to solve social problems. However, these two actors are lacking consensus on how to define social priorities and develop effective policy. NGOs play some role, but they are not included in the creation of the social policy, various social programs formation or development¹¹⁹.

Furthermore, the two main problems that Russian NGOs face are tense relations with the government and its institutions and lack of funding and financial resources¹²⁰. Nevertheless, Russian civil society sees the legal framework in a more positive light than during the last few years. In 2016 almost 65% of organizations had a negative perception about the legal framework and in 2017 it dropped to 35%. In 2012 “Foreign Agent” and in 2015 “Undesirable Organizations” laws were accepted as also few legal amendments were made by the Russian government which restricted organizations capabilities. While in 2017 Russian government approved some legal changes which slowed down organizations inclusion into “Foreign Agents” register and gave a possibility to exclude from this register the organization which refuses foreign funding¹²¹. Therefore, even if NGOs situation in Russia is complicated, organizations feel some improvements.

To conclude, the NGOs situation in Russia is very heterogeneous. The most successful are organizations working with social issues while human rights and environmental organizations face a lot of legal barriers and restrictions. Moreover, NGOs have tense relations with the government which complicates organizations work and additionally for organizations it is difficult to receive financial support. Also, in Russia a few legislations as “Foreign Agent” and “Undesirable organizations” were accepted which significantly restrict NGOs rights. Therefore, NGOs are an important part of civil society but complicated relations between NGOs and state have an impact on NGOs successful work. In the Russia existing legal barriers for NGOs activities portray tense situation between NGOs and government.

After the introduction with the historical framework of Russian civil society, Russian NGOs development and features, it is possible to draw the general image about the situation of NGOs in Russia. However, to explore NGOs role in a more detailed way and examine existing legal and

¹¹⁸ EU-Russia Civil Society Forum (CSF). *2017 Report on the State of Civil Society in the EU and Russia*. 2018. p. 104. Accessed at 18 of April. http://eu-russia-csf.org/fileadmin/website/2018_03_16_Report_Pages.pdf

¹¹⁹ Krasnopolskaya, Irina; Skokova, Yulia; Pape, Ulla. *Government–Non-profit Relations in Russia’s Regions: An Exploratory Analysis*. Article in *International Journal of Voluntary and Non-profit Organizations*. 2015. Accessed at 22 of April. <https://link.springer.com/article/10.1007%2Fs11266-015-9654-3>

¹²⁰ EU-Russia Civil Society Forum (CSF). *2017 Report on the State of Civil Society in the EU and Russia*. 2018. p. 104-105. Accessed at 18 of April. http://eu-russia-csf.org/fileadmin/website/2018_03_16_Report_Pages.pdf

¹²¹ *Ibid.* p. 106.

physical barriers for NGOs activities in Russia it is essential to analyse the Russian Federation non-profit organizations law which regulates all the activities of NGOs in the territory of Russian Federation as also to explore a few practical examples - the opinions of six Russian NGOs.

3.4. NGOs legal and physical aspects in Russia

There are different kinds of legal barriers which can restrict NGOs registration and funding sources or reduce NGOs work capabilities. By analysing NGOs activities in Russia in accordance with described legal and physical barriers it is possible to receive a comprehensive and detailed image of NGOs situation in a country. Therefore, the six main areas of barriers described in the previous chapter will be analysed in the Russian context. The six main barriers will be examined in accordance with theoretical (Russian Federation non-profit organization law) and empirical (interviews with the six Russian NGOs) cases.

To begin with, short presentation of six interviewed Russian NGOs has to be done. First organization, "Golos" is the movement for defence of Voters' rights. "Golos" mission is to protect citizens' electoral rights. NGO deals with the violations of the election candidate's rights: as their nomination, the right to honest and undistorted results of votes also with violations of voter's rights and the rights of observers. The second NGO, "Transparency International in Russia" is a Russian NGO being a part of an international movement - transparency international. NGO deals with issues of international corruption, money laundering, bribery, nepotism, conflict of interests and all the topics related to the corruption. The third NGO, "Agora" is an international human right group working with migration issues. NGO works with refugees, work migrants, with internal migrants who seek for an asylum or for citizenship. NGO has various programmes related to the migration issues and migrant's integration into the society. Also, "Agora" helps for victims of abduction, women from African countries who have been victims of sexual trafficking and for men from middle Asia, from whom passports were stolen. Another NGO, "SOVA" Center for Analysis and Information is a think tank working on nationalism and racism issues. NGO does research about racism, nationalism and xenophobia in Russia. Moreover, Organization works on human rights, political radicalism issues also conducts informational work on relations between the secular society and the churches. "International Memorial" is an international charitable, educational, historical and human rights society. "Memorial" focuses on human rights, reveals historical truth about mas-scale political repressions in the Soviet Union, overcomes various totalitarian stereotypes and builds a developed and democratic civil society and a state of law. "Memorial" is more a movement than just a single organization. Just in Moscow five Memorials exist: Memorial Human Right Centre, International

Memorial, Moscow Memorial, Russian Memorial, Memorial Scientific Research and Education Centre. The Memorial offices are in Germany, Ukraine, Italy, Czech Republic and other countries. However, the organization is registered in Russia. Last NGO, “Sakharov Center” is a cultural center and Human right NGO. The organization mission is to continue work of Academician, human rights and peace activist, Noble Peace Prize laureate Andrei Sakharov. “Sakharov Center” promotes human rights, freedom and democracy, also works on historical perception of Soviet totalitarianism and organizes different exhibitions and public lectures. Therefore, all these six NGOs are dealing with different questions, however all NGOs issues are very important for society’s safe and welfare life.

3.4.1. Barriers to entry and associate

The main law which regulates NGOs work is a Russian Federation non-profit organization law. The Russian Federation non-profit organizations law approved by Duma is the main law applied for all NGOs created in Russian Federation territory¹²². This law regulates the establishment, existence, control and liquidation of different kinds of non-profit organizations. Moreover, this law has the power to determinate the order of creation and activities of foreign NGOs offices on the territory of Russian Federation¹²³. Therefore, all main aspects of the local and foreign NGOs regulations in Russia are determined by this law.

The Russian Federation non-profit organization law characterizes NGOs rights to entry and associate. Firstly, there are a few restrictions for NGOs founders. Members, participants or founders of NGOs or public associations can be just those foreign or stateless people who are legally and officially domiciled in the territory of the Russian Federation. Moreover, some people cannot be members, founders or participants of NGOs. Those persons include foreign or stateless nationals who are “undesirable” in Russia. Also, people who are appearing in the Russian government maintained anti-terrorists financing and money laundering watch file or organizations suspended of Countering Extremist Activity Law. Furthermore, the founders and members of NGOs cannot be persons by court set as participating in some kinds of extremist activities or people who are now in prison due to a crime committed¹²⁴. Therefore, NGOs receive some requirements when they are choosing members, founders or participants of organizations.

Another important aspect in the Russian Federation non-profit organizations law is the organization registration process. NGOs which want to be officially established and work in Russia

¹²² Федеральный Закон о некоммерческих организациях. Российская Федерация. Глава I. Общие положения. Статья 1. 2 пункт. Accessed at 25 of February, 2018. <http://pravo.gov.ru/proxy/ips/?docbody=&nd=102039064>.

¹²³ Ibid. Article 1. point 2-1.

¹²⁴ The International Center for Not- for-Profit Law (ICNL). *NGO Law Monitor – Russia*. 2008. p. 5. Accessed on 26 of March, 2018. <http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan044570.pdf>

must be registered in the government register within three months after the organization establishment decision¹²⁵. Although, to be registered NGOs must fulfil some requirements and provide various documents. These required documents must be submitted to territorial institutions or authorized responsible bodies. These documents include an application signed by NGOs representative with his personal information, organization constituent documents, information about NGO founders, composition of elected bodies, organization location and required data about NGO state's fee payment¹²⁶. Additionally, NGOs need to bring application about organization inclusion in the register of "Foreign Agents" (If NGO has it). Accordingly, NGOs which want to work in Russia must be registered in the state register by sending above mentioned documents.

To register foreign non-profit NGOs branches all required documents must be submitted in the official language of the organization origin and also with translation it into the Russian language with proper certifications¹²⁷. Foreign NGOs branches should inform about organization office establishment and submit all necessary documents to authorized bodies within three months after the decision to create the organisation¹²⁸. Foreign NGOs branches should prepare and send NGOs constituent documents, information about the main office place and the head of NGO, organization objectives and goals¹²⁹. Wherefore, to register foreign NGO office is important to present the main information about the organization structure and goals.

Consequently, the establishment process and registration requirements for local NGOs and foreign NGOs offices do not differ significantly. Both organizations have 3 months to prepare for the authorized institutions all requested documents in the official Russian language, where NGOs would submit main information about the organization goals, objectives, constituent documents and information about the organization composition. Therefore, the Russian government applies rational registration requirements and does not discriminate local and foreign NGOs branches.

One more aspect which needs to be put into consideration is when by the law the organization cannot entry the state's register. For foreign NGOs offices entry into the state's register can be denied because of a few reasons. Firstly, if the documents are not fully presented or these documents are not properly registered. Also, if NGOs constituent documents contain inaccurate information or the organization establishment goals and objectives contradict the Constitution and legislation of the Russian Federation. Moreover, NGO can be refused the entrance into the state register if the goals and objectives threat national interests, sovereignty, territorial inviolability and political

¹²⁵ Федеральный Закон о некоммерческих организациях. Российская Федерация. Глава I. Общие положения. Статья 3. 4 пункт. Accessed at 8 of March, 2018. <http://pravo.gov.ru/proxy/ips/?docbody=&nd=102039064>

¹²⁶ Федеральный Закон о некоммерческих организациях. Российская Федерация. Глава III. Создание, реорганизация и ликвидация некоммерческой организации. Статья 13-1.5 пункт. Accessed at 8 of March, 2018. <http://pravo.gov.ru/proxy/ips/?docbody=&nd=102039064>

¹²⁷ Ibid. Article 13. point 1.7.

¹²⁸ Ibid. Article 13. point 2.1.

¹²⁹ Ibid. Article 13. point 2.3.

independence of the Russian Federation. Lastly, NGOs cannot be registered if earlier been excluded from registration due to violations of the legislation and Constitution of the Russian Federation¹³⁰. Therefore, NGOs must carefully analyse all the requirements mentioned in the Russian Federation non-profit organization law to successfully register organization and have a basic understanding of the existing restrictions.

Therefore, it is possible to claim that NGOs receive very rational and reasonable legal restrictions to entry and associate in Russia. Russian Federation non-profit organizations law precisely describes which important documents local NGOs and foreign NGOs branches need to submit to authorized officials within three months of the organization's establishment decision. As well, local and foreign NGOs branches receive almost the same requirements, so there is no discrimination in accordance to organizations. For a state registration NGOs need to present basic information which includes organization goals, constitute documents and information about the main employees, therefore the government does not require to prepare some special or specific documents. Moreover, in the non-profit organizations' law are clearly described cases when organizations cannot access state's register and they are strongly concentrated on the state and its citizen security issues. Therefore, NGOs which want to register themselves in Russia in accordance to non-profit organizations law should not face huge difficulties or some kind of discrimination.

However, Russian NGOs present a little bit different situation with registration. At the beginning of the interview, respondents were asked to shortly present their organization's missions, goals and years of establishment. Three of the organizations were established at the beginning of the 2000s. "GOLOS" Association was established in 2000, and in 2013 it changed into the "Golos" movement. SOVA was established in 2002 and "Transparency International" was also established between 1999-2000. The oldest organizations are "Agora" - established in 1989-1990, "Memorial" in 1989 and "Sakharov Center" established in 1990-1991. Therefore, the last three organizations were registered by the Soviet government.

Respondents were asked to explain their NGOs creation and registration process. All six NGOs unitedly answered that they did not have any troubles with the establishment and with the registration of NGO. "Agora" organization, created in 1990, answered that they never had any troubles during the registration: *"We are an NGO, non-profit organization, problems related with a registration of organization never existed"*. The respondent from the "Transparency International" mentioned: *"They didn't have much of paper work or organization work, so it was really easy to register organization like us in Russia, in 1999"*. Therefore, in accordance with respondents, NGOs registration was not difficult. However, all the respondents highlighted the difference between the registration situation in 1990-2000 and nowadays. "International Memorial" highlighted that in the 1990s they did not have

¹³⁰ Ibid. Article 13. point 2.7.

any problems and they even did not exist: *“all those organizations were registered by the Soviet government or immediately after Soviet Union collapse. Registration of those organizations happened before the current Russian government”*. Through the last 18 years in Russia were made few significant law changes which changed NGOs view towards the establishment process. The respondent from “Sakharov Center” mentioned that in early 1990s they did not have any problems with registration, however, *“problems started a bit later”*. “Golos” even mentioned that nowadays times are not as free as was before: *“Association GOLOS was created in free times”*.

Moreover, all six NGOs worried if it would be so easy to register their organizations during the present times. The respondent from the “Transparency International” emphasized: *“Nowadays, I guess it would be impossible...the political climate, the social climate in our country is now much colder”*. An example of the colder climate can be seen in the case of “Golos” movement. When in 2013 “GOLOS” Association was closed and “Golos” movement was created, NGO faced a lot of problems: *“The Voice movement (Golos) was established in times of serious pressure from the authorities”*. Accordingly, NGOs from the “free times” moved to the moments of pressure and tensions. Even if NGOs did not have problems with the establishment of an organization, nowadays it is much harder to do it. Respondent from the “SOVA” emphasized that their establishment process was very easy and problems with the officials appeared just a few years ago: *“For a lot of years, we didn’t have any problem with the government officials. Problems occurred just a few years ago”*. Therefore, as a respondent from “Transparency International” highlighted, the political and social atmosphere in Russia significantly changed. The government relations towards NGOs became more accurate, even suspicious.

To conclude, in accordance to Russian Federation non-profit organizations law, it is not complicated to register and establish NGO. Moreover, existing laws do not restrict Russian and foreign NGOs establishment process. However, interviews with “Agora”, “Transparency International”, “SOVA”, “Sakharov Center”, “International Memorial” and “Golos” highlighted that even if NGOs did not face any problems during the registration, nowadays NGOs face a lot of tension, difficulties and much more sceptical government’s attitudes.

3.4.2. Barriers to speech and advocacy

The biggest number of NGOs working on Russian Federation territory is performing on charitable and social issues. However, NGOs which especially specialize in environmental or human

rights problems are in the most dangerous and tense situation because of their constant criticism and interference into the government policies¹³¹.

NGOs which despite the goals and tasks described in the organization documents carry out the activities in the state political sphere or related to the constitutional and federal system of Russia are described as interfering into the state's internal policy. Besides, NGOs that preserve the sovereignty and territorial integrity of the country, take part in the protection of the Russian law, state, and public security or defend Russian foreign policy, socio-economic and national development are also mentioned as NGOs working in the political field. Furthermore, NGOs which are working on the development of the country's political system, analyse the activities of the state's institutions, or check the legislative regulations of human rights are described as interfering into the Russian policy because in this way NGOs can influence the development, implementation and decision-making process of the state and government bodies¹³². Therefore, NGOs which are associated with these areas are recognized as interfering into the Russian political life and organizations can face legal restrictions and punishments.

According to Human Right Watch, the environment and the atmosphere of the above mentioned NGOs is complicated and not the best. The Russian government officials are using different methods to restrict human rights and environment NGOs advocacy and freedom of speech. Officials at the regional and federal level are using oral attacks, financial, various audits or registration operations to make organizations administrative work more difficult or are implementing extremism legislation to close NGOs through the court decision¹³³. Accordingly, Russia violates NGOs right to freedom of speech and impose strict penalties.

All these attacks and attempts to reduce the freedom of speech of NGOs working in the political field started after 2004 Russian President's Vladimir Putin speech. In that speech president highlighted that NGOs are ignoring the most important issues of the citizens and the country and especially distinguished those NGOs which are receiving funds from foreign actors as NGOs working against the Russia's interests. Moreover, Russian security officials accused NGOs for interfering into the state's internal political policies and organizing political upheavals. Therefore, public and open discretisation of NGOs working in the political sphere laid the foundation for justified restriction of

¹³¹ Human Rights Watch. *Managing Civil Society: Are NGOs Next*. Human Rights Watch Briefing Paper. 2005. Accessed at 20 of March, 2018. https://www.hrw.org/legacy/backgrounder/eca/russia1105/4.htm#_ftn43

¹³² Федеральный Закон о некоммерческих организациях. Российская Федерация. Глава I. Общие положения. Статья 2. 6 пункт. Accessed at 5 of March, 2018. <http://pravo.gov.ru/proxy/ips/?docbody=&nd=102039064>

¹³³ Human Rights Watch. *Managing Civil Society: Are NGOs Next*. Human Rights Watch Briefing Paper. 2005. Accessed at 20 of March, 2018. https://www.hrw.org/legacy/backgrounder/eca/russia1105/4.htm#_ftn43

NGOs rights¹³⁴. Accordingly, political NGOs are punished, criticized, discriminated compared to other organizations in Russia.

On the other hand, NGOs can successfully work in social spheres. Into the political area are not included NGOs working in the science, health care, art, culture spheres. Also, NGOs can successfully work on protecting the animals, plant world, on promoting a healthy lifestyle, physical culture and sport. Finally, into the political field are not included NGOs working with social services, especially support for disabled persons, childhood, motherhood and different kinds of charities¹³⁵. Accordingly, the Russian government encourages organizations to be active and work towards the art, culture, sport, and social policies.

To sum up, NGOs rights for advocacy and implementation of goals related to the political sphere are limited and restricted. Russian Federation imposes different barriers to reduce NGOs freedoms of speech especially a critic about the Russian political issues. Therefore, Russia violates NGOs freedom of speech and right to express organizations own opinion. Political NGOs are discriminated because only non-political organizations can work successfully and with government support in Russia.

Nevertheless, interviewed NGOs presented other issues related to the freedom of speech. During the interviews, all six NGOs agreed, that they can freely analyse all the topics and also to publish them to the society. “SOVA” respondent said *“We are analysing everything what is in our interest’s scope. We do not refuse anything”* also respondent from “Golos” added: *“We are quite free to express our opinions and publish our investigations; We are able to explore almost all areas of the electoral process”*. The “Transparency International” agreed with the idea that they can freely study all the approaches: *“We feel absolutely free to study or approach everything”*. Same as “Agora”: *“We are freely publishing all these analytics. All information related to our work we can publish freely”*. “Sakharov Center” mentioned that some of research areas can be problematic but they still can and continue to analyse them: *“We don’t have any kind of activities that we are not doing, or because they are going to be problematic. If we think that the issue is important we will discuss it”*. Also, “International Memorial” highlighted that they freely analyse all the issues, analyse historical political repressions and that in nowadays Russia there are no prohibited topics for them. Respondent adds that Russian government can be not happy about their publications but they still have their rights for researches: *“The other thing is that it may not be appreciated by the Russian government. But it doesn’t mean that we can’t analyse these issues. We are doing it in accordance to Russian law,*

¹³⁴ Machleder, Josh; Alfa-Fellow. *Contextual and Legislative Analysis of the Russian Law on NGOs*. INDEM Foundation Moscow, Russia March 16, 2006. p. 5-6. Accessed at 30 of March, 2018. http://www.indem.ru/en/publicat/Russian_NGO_Law_03252006.pdf

¹³⁵ Федеральный Закон о некоммерческих организациях. Российская Федерация. Глава I. Общие положения. Статья 2. 6 пункт. Accessed at 5 of March, 2018. <http://pravo.gov.ru/proxy/ips/?docbody=&nd=102039064>

freedom of research and announcement". Therefore, NGOs do not identify restrictions related to the freedom of research because in accordance to Russian law and constitution they are free to research all issues.

However, NGOs stressed that the government officials can in other way restrict their freedom of speech. For example, government can deprive funding, spread propaganda, put psychological pressure on observers. The respondent from "Agora" mentioned, that two of their publications were delayed, expertise and article about the extradition of the citizen from Uzbekistan. The article was described as extremist and included into the list of forbidden articles. Furthermore, "Transparency International" answered, that they try to be as possible precise with their all researches and investigations, although the most difficult situation is during the investigation of some famous, public officials or politicians, because they have a power to put organization members under the law suit: *"the most dangerous part, when we feel the less free is the investigations concerning exact persons"*. Right now, NGO is under the lawsuit with the dean of one of the main universities in Sankt Petersburg, who been a target in the last year organization's investigations. Also, this person was a supervisor of V. Putin thesis, during his studies in the university. Therefore, even if NGOs can freely study and publish researches, they can still receive consequences as lawsuits, psychological pressure or other things.

Moreover, one of the main NGOs problems is an inevitability to participate in the electoral process. The respondent from "Golos" movement pointed: *"In Russia, public organizations do not have the right to attend PECs to observe elections. We collect information through journalists, citizen journalists, observers from candidates and citizens"*. Accordingly, even if the "Golos" movement is created to ensure free and transparent elections, they are forbidden to observe the elections process. Therefore, they have to collect all the information through the third parties. "Transparency International" has the same restriction. NGO emphasized that government is deciding who can participate in the electoral process and is doing so through the prosecutors and the Ministry of Justice.

To conclude, in accordance with the Russian Federation non-profit organizations law, there are different attitudes towards the political and non-political organizations. Political organizations often are described as interfering into the country's political issues, therefore their publications and statements receive higher attention from the government. Although, all six interviewed NGOs highlighted their possibilities to freely analyse, investigate and discuss all the topics, however, the problems can appear during the publication of those researches. One of the biggest barrier for NGOs is not the restriction of speech but the restriction to directly participate in the electoral process.

3.4.3. Barriers to assembly

The planning of public protest or meeting can be very difficult and complicated in Russia. Organizers of assembly must request for a special permit not later than 5 days before the public assembly. However, even if the assembly is approved the government officials can appoint other public gathering places which are distant and in remote zones. According to Freedom House, for NGOs and various groups which are criticizing the existing country's regime and policy, authorities often deny the permission for the gathering. Earlier the participants and organizers of unapproved meetings or demonstrations had to pay fines but nowadays they may receive 15 days in prison. On the other hand, the organizations which receive state funding and are supporting country's interests and government ideas are frequently the most successful by the receiving official permissions for an assembly¹³⁶. Accordingly, NGOs which disagree with the Russian policy, governing way and support opposite interests than the government are often unsuccessful to receive an official permit for an assembly.

The Russian Federation non-profit organizations law highlights that NGOs interference into the country's political sphere can be recognized by few forms¹³⁷. Firstly, if NGOs take part in planning and holding the public events in a form of pickets, demonstrations, public meetings, rallies or different kinds of public gatherings and are arranging and conducting public speeches, discussions or debates about the political issues, Russian government can judge such actions as interfering in state political affairs. As well, NGOs can receive resistance if they are participating in activities, which goals are to receive certain results on the elections, referendum, or performance of political parties. Also, in monitoring elections and referendum or forming their commissions. Furthermore, the Russian Federation non-profit organizations law stresses that NGOs public appeals into the government bodies, institutions of local self-government or their officials, also implementation of various actions which could influence the work of these bodies, especially in the adopting, amending or repealing the law of the country is directly understood as a threat for the Russian government. Besides, the spread of NGOs opinion about the government institutions, their adopted decisions or policies, is restricted with the use of various modern information technologies. Finally, NGOs can receive legal punishments if they are formatting public-political views by doing different sociological researches, public opinion surveys and involving Russian citizens (especially teenagers) into these kinds of activities. Therefore, NGOs cannot organize different meetings or form public-political views or in the other way influence citizens and government bodies' work, policies and law. By implementing

¹³⁶ Freedom House. *Freedom of Association Under Threat: The New Authoritarian's Offensive Against Civil Society*. 2008. Accessed at 24 of March, 2018. <https://freedomhouse.org/report/freedom-association-under-threat-new-authoritarians-offensive-against-civil-society/russia>

¹³⁷ Федеральный Закон о некоммерческих организациях. Российская Федерация. Глава I. Общие положения. Статья 2. 6 пункт. Accessed at 5 of March, 2018. <http://pravo.gov.ru/proxy/ips/?docbody=&nd=102039064>

and encouraging above described political activities organizations can be restricted and punished by the government officials.

Therefore, Russian officials impose legal barriers for NGOs public gatherings and activities. If NGOs are working in the political field or touching areas which are important and strongly controlled by the government, there is a small chance that organization will receive permission for an assembly or at the exactly place and date which organization asked. Therefore, in accordance with the above mentioned information, Russia strictly violates NGOs working with political issues right to freedom of assembly and freedom of speech.

During the interviews, organizations were asked if they organize any public assemblies and if yes, how communication with the public officers is going. All six NGOs answered that they are organizing some gatherings. Most of events are different seminars, lectures, experts Forums, press conferences, meetings with other organizations, round table conferences of organization members and volunteers. For example, “Golos” movement organizes call centres for a single voting day, during which up to 100 volunteers are participating, “International Memorial” organizes school competitions, exhibitions and seminars. “Sakharov Center” even has theatrical events, movie screenings, debates and library. Therefore, all six NGOs organize different internal and external assemblies.

The respondent from “International Memorial” explained that usually NGOs do not need government permission for public gatherings, except the public assemblies in the streets: *“We don’t really need to cooperate with the government officials. We don’t need to ask a request for public gathering if it don’t count demonstrations or public actions in the street”*. Also “Golos” movement highlighted that for their organization of public events they don’t need to cooperate with the government officials: *“For our public events, we do not need to collaborate with government officials. They may attend to them. The Central Election Commission often sends a representative to the Forum”*. Therefore, NGOs can freely organize their public assemblies in which even government officials can participate, although public meetings in streets, outside the NGO building, require government official permission.

Despite officials’ participation in NGOs events, a “SOVA” respondent highlighted that cooperation with officials get worst after the “Foreign Agent” law: *“In General, since 2012, officials start to communicate less with us, after the atmosphere get more tense because of protests and after we been included into “Foreign Agents” register”*. The same mentioned respondent from the “International Memorial”: *“conditions for communication with officials are more difficult, when some of your organization are included into “Foreign Agent” register”*. Moreover, the respondent explained that because of NGOs inclusion into “Foreign Agent” register, officials are afraid to communicate with the organizations, they are even forbidden to visit a place of “Foreign Agent”

organization. For organization it is very absurd situation, because they organize international meetings with international delegations, therefore officials from the Russian security bodies and Ministry of Foreign Affairs have to come to those events because they are accountable of them: *“they have to send people to our events, they don’t have other choice but formally they shouldn’t participate”*. For organization this decision is not just irrational but also unconstitutional.

The respondent from the “Transparency International” emphasized that government officials join their organization events when they see for themselves some benefit from it. However, they do not do it publicly: *“They don’t write on the website, so the government bodies don’t know that their person took part in our meeting”*. Government officials do not want to be associated with some NGOs. Furthermore, some government officials are even afraid to communicate with the transparency international, be related to them. Nevertheless, government officials who are not afraid to communicate with NGO often come to the conferences organized by the third parties as universities or international organizations, where NGOs and officials can freely share their ideas: *“I would say 1/3 of all government officials we deal with are not afraid of us and they could speak with us”*. Accordingly, officials are not so willing to participate in NGOs events, especially those NGOs which are not so positively evaluated by the government or are included in the Foreign Agents law.

“Golos” movement stressed, that public-security organs might put efforts to disrupt their public events, for example putting pressure on the landlords who give property: *“We have photos and video evidence of pressure on landlords, who refuse us premises”*. The same emphasized “Sakharov Center” that police can come and inspect organization events. However, such police attention can scary the landlords and as a result the event can be cancelled. “Sakharov Center” highlighted that *“the pressure usually comes not from the police itself but from opposing parties or other organizations”*. Opposing organisations or pro-government movement sometimes try to disturb organization events.

Furthermore, “Agora” mentioned that they cannot organize any rallies: *“if we are starting to organize or do some rallies we receive higher attention from the police towards us, also start some arrests. So, we don’t have opportunities to organize rallies”*. NGOs can organize different lectures and meetings but not rallies. An “Agora” respondent shared organization experience of participating in the rally. During the time of the interview, the court hearing of the head of the organization – S. Gannushkina and one of the heads of the human right group “Memorial” was going. They were accused of participating in the rally at the Red Square, where they demonstrated they support to their colleague O. Titiyev and asked for his release from prison. O. Titiyev is the head of human right group “Memorial” office in Chechnya and he was falsely accused of the drug-possession. Accordingly, NGOs right to organize rallies are very restricted, and even if organization members participate in rallies they can face very serious consequences.

Therefore, NGOs can organize various public meetings, lectures and conferences without the permission of government officials, except the public events in the streets or outside the NGO building. Despite that, government officials can try to disrupt meetings by putting pressure on their colleagues, landlords, forbid rallies. NGOs should have the possibility to organize peaceful assemblies, to share their political and social views, to do public-political researches or educate citizens about political or social issues. NGOs are working to improve civil society and have the right to share their own ideas, political views and even to publicly criticize government policy because every person has the freedom of peaceful assembly.

3.4.4. Barriers to resources

In November 2012 in Russia went to the power a law which requires that NGOs implementing political activities and receiving foreign funding would register as “Foreign Agents”. A lot of NGOs did not agree with this requirement and decided not to register because organizations did not associate themselves with the “Foreign Agent”. Although, the Russian authorities realized that small number of NGOs registered themselves into the Foreign Agent register, therefore the Ministry of Justice decided to begin various inspections and from March to September 2013 a lot of NGOs were checked and examined by their district public prosecutors. Various NGOs get notice and warnings that they break the Foreign Agents law. Moreover, in 2014 changes were made in the Foreign Agents law where the Ministry of Justice can by themselves without a court decision include NGOs to the register¹³⁸. Accordingly, NGOs which receive foreign funding lost their rights to be excluded from the “Foreign Agents” law.

Russian Federation non-profit organizations law defines more specifically in which cases NGOs can be recognized as “Foreign Agents”. The law emphasizes that NGOs which receive funding and other property sources from foreign governments, its governments bodies, from various multinational and foreign organizations, foreign citizens and persons without a citizenship or from authorized by the persons and also receive funding from Russian legal entities which participate and take actions in the interests of foreign institutions in implementing political goals and activities on the territory of Russian Federation are so called non-profit organizations implementing foreign agents functions¹³⁹. Therefore, “Foreign Agents” are NGOs which receive funding from foreign sources and are implementing different political activities.

¹³⁸ Servetnik, Vitaly; Album, Kjersti; Lorentzen, Yngvild. *Pressure towards Russian environmental NGO. Status of Russia's Foreign Agents law and consequences for civil society in 2016*. Published by Naturvernforbundet, April 2017. p. 5. Accessed at 19 of March 2018. https://foeeurope.org/sites/default/files/other/2017/pressure_towards_russian_environmental_ngos.pdf

¹³⁹ Федеральный Закон о некоммерческих организациях. Российская Федерация. Глава I. Общие положения. Статья 2. 6 пункт. Accessed at 5 of March, 2018. <http://pravo.gov.ru/proxy/ips/?docbody=&nd=102039064>.

“Foreign Agents” law created a negative image of NGOs. For Russian citizens NGOs are presented as spies of foreign countries, which want to influence Russian policy and interests. “Foreign Agents” title gives connotations with “traitor” or “enemy of the country” and it pushes citizens to be more hostile and hesitant towards NGOs¹⁴⁰. As a result, the title of “Foreign Agents” has a negative impact for successful NGOs existence and development in Russia.

Without foreign funds NGOs can also receive income within Russia as different income from the business, crowdfunding, governing grants and from NGOs commercial activities. However, NGOs rarely receive income from the business sector. Usually business funding is coming from big commercial organisations as Vladimir Potanin Charity Foundation, Mikhail Prokhorov Foundation and for volunteering sector dedicated businessmen grants. Nevertheless, NGOs which receive this kind of funding are often implementing conformist and socially oriented activities¹⁴¹. Therefore, NGOs can receive income within Russia but there is a particular organizations selection process and funding is intended for the most “not harmful” for the Russian government organizations.

Accordingly, NGOs cannot receive foreign funding and take a part in various political actions because in this way they will be registered as “Foreign Agents” and will be damaged NGOs transparent and reliable image. Moreover, for NGO is difficult to receive funding from the local area or government grants. Therefore, “Foreign Agents” law is probably the most controversial and NGOs rights restricting law. Russian government limits NGOs rights to choose their own funding sources and also to cooperate and receive financial support from international organizations and foreign individuals. Consequently, NGOs image and financial situation were damaged because of “Foreign Agents” law.

The “Foreign Agents” law was discussed with NGOs during the interviews and was created much broader and complex image about the “Foreign Agent” law and its consequences. At the beginning, NGOs were asked to present their financial sources. “Golos” is carried out through donations from Russian citizens and government grants. “Transparency International” receives president’s grants and support from the Russian organizations, however, most of the funding NGO receives from its secretariat in Berlin, also from the Council of Europe and other foreign sources. NGO tries to find different funding for their various projects. They got financial sources from American Embassy, also from the Swedish Embassy. “International Memorial” has financial sources from international foundations as Henry Jackson Society, University of Toronto, the Korber Foundation and others and also from Russian organizations. “SOVA” is funded by the Norwegian

¹⁴⁰ Servetnik, Vitaly; Album, Kjersti; Lorentzen, Yngvild. *Pressure towards Russian environmental NGO. Status of Russia’s Foreign Agents law and consequences for civil society in 2016*. p. 6. Accessed at 19 of March 2018. https://foeeurope.org/sites/default/files/other/2017/pressure_towards_russian_environmental_ngos.pdf

¹⁴¹ Chikov, Pavel. *Russian NGOs: the funding realities*. 2013. Open Democracy. Accessed at 22 of March, 2018. <https://www.opendemocracy.net/od-russia/pavel-chikov/russian-ngos-funding-realities>

Helsinki Committee, International Partnership for Human Rights, European Instrument for Democracy and Human Rights (EIDHR) and Russian Jewish Congress. Moreover, previous sponsors included Freedom House, Liberty Road Foundation and others. Another NGO, “Sakharov Center” does not have governmental funding since 2014, partly because they did not receive the Presidential Grant and also because the paper work is very complicated and long. Therefore, the organization receives funding from private donations and institutional donors as European Union, the Andrei Sakharov Foundation, Sreda and OAK Foundations and other. The organization mentioned that Russian organizations are not willing to support them, because of the “Foreign Agent” law: *“We don’t have any organization which supports us, at least openly, and don’t have a lot of private donors. So mostly its project funded foreign finances”*. Also, the respondent from “Agora” highlighted, that because they are included into the “Foreign Agents” register they cannot receive government funds and it is hard for them to receive financial support from the Russian organizations, so “Agora” is mostly sponsored through UN funding. Therefore, Russian NGOs receive funding from the Russian grants, private donations but mostly from the foreign foundations. Some of NGOs as “Golos” refused foreign funding so that they could be removed from the “Foreign Agent” register.

“Foreign Agents” law has a huge impact on NGOs. All six NGOs are included into this register. As was mentioned before, to be included in this register, NGO has to use foreign funding and to be related to the political issues. However, all NGOs highlighted that the law does not define what political factors are. Already in 3.3.3 Barriers to Assembly subchapter was mentioned that in accordance to the Russian Federation non-profit organizations law, interference into the country’s political sphere can be recognized by organizing public events or discussion about the political issues, by spreading NGOs opinion about the government institutions, their policies and adopted decisions by the information technologies, by formatting public-political views through different sociological researches and so on. Therefore, how NGOs in interviews emphasized it is hard to describe what exactly political activities are. The respondent from “Transparency International” mentioned: *“What exactly is politic staff, that’s undefined. So if the prosecutor would like to put you on the list of Foreign Agents, they could say, that everything, actually everything what you do is politics”*. “Agora” mentioned, that to be included into the register is not necessary to work directly with political issues: *“It can be educational programs, tools for mass media”* (as „Radio Svaboda”). Therefore, it can be seen that NGOs and government differently understand political activities. For “International Memorial” political activities are nomination or support of deputies, attempts to influence legislation, any actions which are directly related to the external and internal politics. Organization scientific, rights defence and charitable work is not related to this area. However, government understands political activities in totally different way how the law should see it: *“political activity, for the Russian government, is everything what could impact public opinion”*. Any NGOs discussions, researches or

speeches could make an impact for the public therefore, they can be evaluated as an interference into the political sphere. It is absurd for organizations: *“Any artist can influence public opinion but he is not called a politician, even if the topic, mentioned by the writer in his stages or singer in his songs, can become a political factor it doesn’t mean that he is implementing political activities”*. Same problem with the definition of political activities sees the respondent from the “Sakharov Center”: *“the definition that we are using is not the one the Ministry of Justice uses”*. Therefore, there is no precise and concrete definition of political activities in Russian NGOs law, and that makes organizations work much complicated.

All NGOs have very different histories of their inclusion to the “Foreign Agent” register. In the beginning, it is important to mention that into the “Foreign Agent” register can be included just Russian organizations, not foreign organizations, as mentioned “Transparency International”: *“If you are a foreign organization you couldn’t be put into the Foreign Agents law”*. “Transparency International” is in “Foreign Agent” register from April 2015. “Transparency International” was included after their press release during which they criticized Foreign Agent law: *“The Ministry of Justice said that we are dealing with parties criticizing the law and as far as we have foreign financing, well, we are there”*. “Agora” was included into the register because of their foreign funding. Every year NGO makes reports to the Ministry of Justice; therefore, it is clearly visible that the organization receives foreign sources. A little bit different situation was with the inclusion of “Golos” Association. The organization was charged because of activities they carried out until 2011 when “Foreign Agent” law did not exist yet. Then, the organization developed the Electoral Code from the grant of the Norwegian Helsinki Committee. Following that, one of the units of the “Golos-Ural” was included into the register because of the alleged donation from foreign sources- less than 2000 rubbles:” *The inclusion was made due to the dependence of the judicial system, distortion and juggling of facts, as well as direct provocations”*. Therefore, there were two trials: appeal and cassation. In accordance with the letter of the Russian government to the ECHR in 2017, September, the fines against Association were admitted as unlawful and cancelled. However, the organization still remained in the register. “SOVA” was included to the register in 2016, 30th of December. Inclusion was justified because of the organization’s foreign funding, especially from the “undesirable organizations” an also because of their political activities. During police inspection officers asked organization members to present documents, financial reports and also public posts and statements and in accordance to them was decided that organization brings public evaluation about the government actions, what is true: *“Because public evaluation of government actions is seen as a political activity, so we were described as participating in political activities”*. The organization also suggested some improvements in legislation. “Sakharov Center” was included in 2014 and also has a very complicated history of inclusion to the register. The organization was included because of

foreign finance and political activities, but with the last point organization does not agree: *“our political actions were seen, in quotes from the experts who been invited to our organization to participate in different discussions”*. Therefore, guests-experts’ comments were described as an organization of political activities, because the Ministry believes that the organization made experts say so. Organization challenged this decision in trial and experts testified that it was their own professional and personal opinions. However, the court considered otherwise: *“the Court said: well, it is your personal opinion”*. Last organization, “International Memorial” was included into the register in 2016 because of foreign finance and political activities, and with the last point organizations also disagrees. Because “International Memorial” has a lot of Memorial movements and association, two of their organizations are included into the register: International Memorial and Memorial Human Right Centre. The interesting point is that “International Memorial” is not just Russian movement but also an organization having associations in different countries: *“Our organization has a status of an international organization so organization inclusion into the “Foreign Agent” register contradicts to the law”*. However, the inclusion of “International Memorial” does not mean the inclusion of all organizations around the world, because they all are independent juridical bodies. So included is just Russian “International Memorial”. The organization tried to appeal the inclusion in court, but they lost. All six NGOs tried to appeal their inclusion to the court but they lost. Right now almost all of those organizations put an appeal to the European Human Right Court and their cases are still ongoing.

When by the decision of Ministry of Justice NGO is recognized as “Foreign Agent”, NGOs are obliged to register themselves in the register. Therefore, few of interviewed NGOs received administrative case and 300 000 ruble fine (4000 eur.) because of not inclusion themselves into the register. “SOVA” a few days after the inclusion received a protocol that an administrative case against them has been open: *“because we didn’t register by ourselves our organization to “Foreign Agents” register”*. Organization had to pay 300 000 ruble fine. “Sakharov Centre” had to pay the fine twice. Firstly, for not including themselves into the register and secondly, for not renaming themselves in all organization information brochures and website as a “Foreign Agent”, despite the fact that the court process was still ongoing: *“we tried to challenge this decision in courts and didn’t wanted to rename us straight after we been labelled by the Ministry. However, in accordance to Ministry we should do that despite the fact that the court process is still going”*. Therefore, all together organization had to pay around 10 000 euros fine, mostly from private donations. “International Memorial” needed to pay 300 000 ruble fine for not including themselves into the register, however organization highlights that the court process is still going and inclusion by the Ministry to the register does not mean that organization agrees with it and will register it by themselves. Organization puts the information on their brochures and website that they are “Foreign Agent” (Picture No. 1), although

they emphasize that they disagree with it: “*when sometimes we need to write on our website and brochures that we are “Foreign Agent”, we are writing that it is a decision of the Ministry of Justice with whom we disagree and is challenged in court*”. Also respondent from the “International Memorial” added that in accordance to the law, organization has to put on every brochure, social media page, websites and so on, the title “Foreign Agent”, that everyone could see that organization is included into the register. Responded from “Transparency International” emphasized, that he did not really like it and they even compare that with the yellow star putted on the Jewish during the Second World War: “*Its humiliating*”.

Picture No. 1. Russian NGOs match themselves as “Foreign Agent” in their website



Source: International Memorial website¹⁴²

Therefore, NGOs appeal and challenge the Ministry decision about the NGOs inclusion to the “Foreign Agent” register in Russian courts and European Human Right Court. However, despite the fact that the court process is still ongoing, NGOs receive fines for not including themselves into the register - 3000 000 rubles and for not renaming themselves to the “Foreign Agent” in all organization publications, websites and brochures.

Moreover, “Foreign Agent” law has other different consequences on NGOs activities. Because of “Foreign Agents” law, “Golos” Association suspended activities and lost all the necessary funding for the full-scale election observations. For new created “Golos” movement foreign grants are prohibited, in other cases, if they use foreign funding they cannot pretend for the government grants. Moreover, the organizations included in this register since 2014 are forbidden to observe the elections. For the “Transparency International” it is really hard to evaluate the consequences of “Foreign Agents” law. An organization has to spend a lot of money on the counting and doing huge and different reports to the Ministry of Justice because all NGOs included into the “Foreign Agent” register has to do more complicated and detailed reports. Last time 1000 pages were put on the report organization. Therefore, these are huge files and a lot of job for the administration division. Also respondent from “Agora” agreed that after their inclusion into the register, they have to fill much more complicated and detailed schemes for financing reports.

¹⁴² International Memorial. Official website. Accessed at 21 of February, 2019. <https://www.memo.ru/en-us/>

Furthermore, some of the partners and sponsors decide not to cooperate with the organizations because of their inclusion to the “Foreign Agent”. In 2015 “Transparency International” lost a few partners but there were not many of them. “SOVA” highlighted that some of their social partners started to avoid them, nobody said that directly but they can feel it: *“some of our social partners started to be afraid to collaborate with us, participate with us on the seminars because this “Foreign Agent” status looks a little bit “infectious”*. Moreover, organization mentioned that if they work would be related to school or education issues (institutions strongly depended on the government) they for sure would have huge problems. This issue the respondent from the “Sakharov Center” explains better: *“we are not able to work with students and any kind of officials there”*. NGO used to organize a lot of events, lessons and exhibitions for school children, because in the museum they have a lot of documents about the XX century repressions so it is a typical issue for school’s history class. Although, because of NGO inclusion to the “Foreign Agent” register, nowadays they can organize just individual tours initiated originally by the teacher: *“it can’t be an official list (for school) we can have just private lessons”*. Therefore, because of “Foreign Agent” law NGOs lost some of their partners, financial sources, also have to do more complicated reports to the Ministry of Justice and NGOs cannot work with school children or other institutions, strongly depended on the government.

Furthermore, the respondent from the “Transparency International” highlighted that they are discussing with other NGOs all those law issues: *“We do speak with the “Golos”, with “Agora”, “team29”*. To talk about all those important issues, organizations have some gatherings, for example, last time they met to discuss the issues of the war in the social media. However, NGOs are not so positive about the possible changes, at least for the moment: *“Everyone understands that now it is impossible to change those things, through the government relation or through the public gatherings. Impossible. We try to go through these times”*. The respondent from “Agora” pointed, that inclusion into the register is like sanctions, here is a decision and you cannot really change it. The respondent from the “International Memorial” said that they have a big group of NGOs with the same situation as them so they cooperate and support each other: *“we discuss how to disconnect public opinion from political activities and secondly, we support each other”*. Organizations try to find some possibilities to fight with the “Foreign Agent” law, support each other in courts and share the information. “Sakharov Center” mentioned that right now there are around 150 organizations included into “Foreign Agent” register and they all are cooperating, discussing and exchanging their views about the “Foreign Agent” law. Furthermore, NGO highlighted that they are discussing this law issues with the colleagues from abroad and surprisingly “Foreign Agent” law can be translated into international sphere: *“We are discussing the situation with our Hungarian colleagues, because they are facing the same problems”*. Accordingly, NGOs from other countries also face “Foreign Agent” law.

Moreover, “SOVA” respondent mentioned that a lot of organizations left “Foreign Agent” register. Nowadays in accordance to the law it is possible to be excluded from the register: *“If organization refuse foreign finance they can submit an application for the removal from the register”*. So organizations refuse foreign financing to be excluded from the register, because it is almost impossible to be excluded from the participation in political activities, only solution is to decline foreign finances. “SOVA” respondent highlighted that “Foreign Agent” law is created to make a pressure on NGOs rather than to destroy them: *“I even think that “Foreign Agent” law was made not to destroy but to make some pressure, discomfort for NGOs that we wouldn’t be so chill and of course they have succeeded”*. Therefore, in this way government tries to control and direct NGOs activities.

One more important aspect to mention about the “Foreign Agent” law is Russian people view on NGOs included into the “Foreign Agents” register. Respondent from the “Transparency International” stressed, that from his experience, people are already separated in Russia. There are people who do not believe and trust any foreign organisations, or any organisation which are not FSB or police organizations. Therefore, in accordance to the respondent, Foreign Agents law did not change significantly public opinion: *“They won’t trust us even if we are not put into this register”*. Although, most of the people do not really care about this “Foreign Agent” register. People who know what NGO is doing, fighting with corruption and helping for the people, they continue to believe, trust and support NGO.

To conclude, main NGOs restriction to the finance is “Foreign Agents” law. The “Foreign Agent” register is significant for NGOs receiving foreign funds, working with political (in accordance with the government) issues. NGOs inclusion into this register often seems incomprehensible and inexplicable. This law prohibits for NGOs to observe elections, receive foreign funds, to apply for government grants, work with schools or other public institutions. NGOs public image is also damaged, organizations have to rename themselves into the “Foreign Agents”, pay huge fines for not including themselves into the register, receive much higher attention from the police while government officials and partners try to avoid them. As a result, for such NGOs it is difficult to find support from Russian organizations and sometimes simple citizens, not to mention financial aid.

3.4.5. Barriers for operational activity

The last NGOs legal barrier is about the operational activity. NGOs do not receive many legal barriers for their operational activities, exception is made just for NGOs related to the political issues. However, Russian government has recently strengthened control of NGOs activities. Government officials require NGOs representatives to monitor and audit their finances and all operations. Besides, officials can whenever they want to ask for NGOs internal, financial or operational documents and

come to the events organized by NGOs with government authorities. All these inspections have impact on NGOs activities and show the lack of organizations protection¹⁴³. Therefore, NGOs inspections by the Russian government officials and various overbroad requirements complicate daily NGOs activities.

Furthermore, in case of NGOs failure to provide required information or when organization activities do not match with objectives mentioned in the constituent documents, Russian government has a right to liquidate foreign NGOs office¹⁴⁴. Accordingly, the provision of required documents and information for a government is one of essential points for the successful NGOs existence in the territory of Russia.

One more barrier for NGOs operational activity is in 2015 approved “undesirable organization” law. This law gives the power for general prosecutors to extra-judicially ban international and foreign organizations due to allegedly threaten Russia’s constitution, security or defence issues from the Russian territory. Unfortunately, any appeals or judicial reviews against the nomination into the “undesirable organizations” lists do not exist. The representative, members of “undesirable organizations” and their publications are prohibited in Russia. As well, it is prohibited for Russian citizens to cooperate and support those “undesirable organizations”. Russian citizens who help and collaborate with the “undesirable organizations” can receive up to 6 years’ imprisonment and criminal charges¹⁴⁵. As a result, “undesirable organization” law restricts NGOs freedom to speech, operational activities and gives a possibility for the Russian government to use this law as a tool for unwanted NGOs control or liquidation.

During the interview, organizations were asked about other existing laws which in some way could restrict organizations rights. All six NGOs answered, that there are no other laws, or official documents which would restrict their rights. However, how respondent from the “Transparency International” mentioned, the structure of Russian law is made in such a way, that each law has a huge number of amendments. All these amendments made the law even more constrained, and the parliament continue to put new ones and, in this way, to intervene into the organization issues: “*When Foreign Agents law went through the parliament and their implemented it, they made 30-20 amendments, making it stricter. So they don’t actually need to make a new law because they have this*”

¹⁴³ Moore, David M. *Civil Society under threat: common legal barriers and potential responses*. Directorate-general for external policies of the union directorate b. Policy Department. International Center for Not-For-profit Law. 2006. p. 9. Accessed at 29 of March, 2017. http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/civil_society_under_threat/civil_society_under_threat_en.pdf

¹⁴⁴ Федеральный Закон о некоммерческих организациях. Российская Федерация. Глава III. Создание, реорганизация и ликвидация некоммерческой организации. Статья 18. 2-1 пункт. Accessed at 10 of March, 2018. <http://pravo.gov.ru/proxy/ips/?docbody=&nd=102039064>

¹⁴⁵ Lokshina, Tanya (Human Right Watch); Sevortian, Anna (EU-Russia Civil Society Forum). *Briefing on Shrinking Space for Civil Society in Russia*. 2016. Accessed at 3rd of April, 2018. <https://www.hrw.org/news/2017/02/24/briefing-shrinking-space-civil-society-russia>

one.” Therefore, even if there are just one main law which restricts NGOs rights - “Foreign Agent”, this law is made with a lot of amendments, which make the law even harder to implement.

On the other hand, the “Agora” respondent mentioned, that the main barriers for their organization are: *“non-execution of the legal acts about the insurance of refugee’s asylum; violations of the Migration Convention; violations of Human Right Declaration”*. Therefore, for “Agora” it is not the “Foreign Agents” law which mostly restricts organization rights. NGO does not receive enough of support and help from the government, even emphasized that in Russia the law is not implemented, organizations always try to be very accurate and the case of the colleague from the Chechnya is an example of the difficulty of the situation. The organization stressed that their work can be productive just in case of a close cooperation with the government, when NGO can partly take the issues related to the migration, take out the work and stress from the Ministry of Internal Affairs, then their work is productive. However, nowadays relations look more like a confrontation: *“We try to support the rights of migrants and refugees, and applicate the Migration Convention and Declaration of Human Rights; While at the same time those laws and conventions are not protected by the organs working with the migration questions”*. Therefore, “Agora” cannot successfully implement their policies and productively solve migration problems because there are significant restrictions from the government side. NGO work is more individual, private but unfortunately not systemic. The respondent from the “Transparency International” has the same opinion. The Organization could do much more if they would allow to, but right now NGO has very limited ways to influence situation: *“In Ukraine, Lithuania, France or Great Britain our colleagues are doing great jobs because they feel their working in the government, society which is free, they have a lot of instrument to do it”*. Therefore, for NGOs to work successfully is significant government support. Just by cooperating with the government, NGOs see the possibility of positive changes in the society.

Moreover, it is significant to mention that the “Foreign Agents” law is applied just for the Russian organizations but the law of above mentioned “undesirable organizations” is imposed to foreign organizations, foreign juridical forms of organizations. For example, as “Transparency International” highlighted that some huge human rights groups as Amnesty International, or Soros Foundation are included into this list. Therefore, not just Russian NGOs rights are restricted in Russia, but also foreign organizations have trouble to work freely.

“Undesirable organizations” law significantly influenced also interviewed Russian NGOs. Respondent from the “Sakharov Center” mentioned that they lost almost 40% of funding because of the “undesirable organizations” law. The point is that big number of international organizations which were helping and sponsoring Russian NGOs been included into the “undesirable organizations” list, therefore Russian NGOs are forbidden to receive funding from them. “International Memorial” also had finances from the “undesirable organizations”, however right now they are not in organization

sponsors list. Although, the respondent highlighted that they cannot receive financing from “undesirable organizations” not because they do not want but because they practically cannot do it: *“because Russian bank system is not taking any finances from the account of those “undesirable organizations”*. Therefore, for NGOs it is impossible to receive financial support from those organizations. Furthermore, a very interesting situation happened for “SOVA” organization. The organization has a list of sponsors in their website where “undesirable organizations”, which previously supported NGO, were also mentioned. Next to the name of sponsor the link was also attached to this organizations website. Therefore, because of the link to the “Undesirable organization” “SOVA” received an administrative case: *“we violated the administrative article because the link to the website of the undesirable organization is seen, in the prosecutor office, as a dissemination of information about the undesirable organizations and what of course is forbidden by the law”*. The organization received two administrative cases one against the organization and one against the director of organization. Luckily, the organization avoided fines because in accordance with different issues the duration of administrative case expired and organization did not have to pay fines. The respondent was very surprised that it is possible to receive a fine because of the links to the “undesirable organizations”, although the respondent received information that previously some of NGOs had the same situation, they just avoided attention and arranged everything silently. “SOVA” organization tried to make their case as much public and laud as possible. Therefore, the “undesirable organizations” law, created for the foreign organizations also strongly impacts Russian NGOs activities and financing.

To conclude, the main NGOs operational barrier is lack of cooperation from the government side as also the “undesirable organizations” law which impacts NGOs financing and operational activities. All the problems and restrictions could be solved if NGOs and the government could commonly work and support each other.

3.4.6. NGOs physical harassment in Russia

In the last interview questions, NGOs were asked about their members, volunteers’ persecutions or threatening. All six NGOs answered, that physical harassment is happening very rarely, only “Golos” NGO highlighted that some of their members had multiple concussions. However, NGOs receive mostly word harassment, constant psychological pressure from the police officers, attacks on social media and also lawsuits and heavy fines.

There were cases, when NGOs volunteers were fired from their jobs, as two of “Golos” teachers-coordinators were fired from their work. Also, NGO receives pressure from pro-government people: *“Members of the movement - under the persecution of pro-government journalists, lies and*

slander of official media". The respondent from the "International Memorial" added that they received psychological pressure from some TV channels (close to Kremlin). Moreover, an organization building was painted and written inscription "Foreign Agent". All these actions are made by pro-Kremlin young people movement, who also sometimes try to prevent some NGO events. Fortunately, for the last few years, the police have been monitoring and preventing such cases.

Furthermore, the "Sakharov Center" respondent highlighted that they regularly receive harassment from the social media, comments in organization websites as also personal messages to e-mail as, for example, that organization should stop harassing Orthodox Church. Therefore, organization and its members regularly receive such kinds of blame. The respondent from "Agora" highlighted the same i.e. that they mainly receive slanders, different people present their organization not "in the good light". Also, NGO receives a lot of insults in the social media: "*When we publish information about the refugees, their stories in Facebook or vkontakte, we often receive very aggressive comments*". "Transparency International" is dealing with the same problems. NGOs try to protect themselves against all web attacks, web trolls because those issues are very important for successful NGO investigations:" *Because we deal with news, we try to avoid fake news, organizations and everything propaganda related*". Therefore, the internet and organization members' safety are the most important things.

Moreover, the respondent from the "Transparency International" pointed out that the members of organization receive some threats concerning their relatives and their carriers. The organization deals with it in ad-hoc way, they try to communicate about those issues with colleagues, and make those threats as possible public: "*Because we believe that the public opinion is highlighting this problem and it becomes safer for the people to work*". Therefore, by publishing all threats and pressures, NGOs feel safer.

Accordingly, NGOs rarely face physical harassment. Usually NGOs must deal with psychological pressure, threats against their relatives and their own careers. Also, there are very often web attacks and aggression in the social media so NGOs try to deal with it in ad-hoc way.

Moreover, to have a broader view about NGOs situation in Russia, it is significant to put attention into UN Human Rights Council annual reports. Every member of UN has the responsibility to present to the Human Right Council a report about country's human rights situation. Human Right Council analyses that report and uploads their own recommendation or remarks which later can be explored and commented by a country. Therefore, UN Human Right Council receives reports also from Russia about country's human rights situation.

Russian Federation at UN General Assembly Human Rights Council national report highlighted that NGOs registered in "Foreign Agents" register and described by the government official as implementing foreign agent's functions are not separated from the possibility to receive support,

funding and financial help from the stateless or foreign persons, international or foreign organizations. Moreover, Russian representatives emphasized that those NGOs can participate in the political activities in Russia and they are not discriminated in accordance to other NGOs not included into the “Foreign Agents” law¹⁴⁶. Accordingly, Russia presents the “Foreign Agents” law as not restricting or in other way discriminating NGOs actions.

As well, Russian officials mentioned that all the people in Russia have been guaranteed freedom of expression and thought, the right to peaceful gatherings and assemblies. It is highlighted in the national report that Russian legislation does not impose not appropriate or disproportionate restrictions towards NGOs in accordance with their rights to freedom of expression and peaceful assembly¹⁴⁷. Therefore, Russia denies imposing any restrictions on public assembly and freedom of speech.

UN Human Rights Committee had some remarks and recommendations for Russian human rights situation. Firstly, UN Human Rights Committee emphasized that regional and federal laws ban non-traditional sexual relations promotion to minors and it has a negative impact on the LGBT individuals and their public image. The law imposes disproportionate restrictions on LGBT and UN asks Russian officials for guaranteeing for LGBT persons, their supporters and NGOs working with LGBT issues rights to freedom of assembly and expression¹⁴⁸. Accordingly, NGOs which spread information about LGBT rights are bounded in Russia.

In accordance to O. Gnezdilova, a human rights NGOs lawyer in Voronezh (Russia), in April 2015 a few unidentified attackers came to the Murmansk LGBT organization office “MAXIMUM” and released some suffocating gas with a smell of acrid. At that time 2 people were in the office and they started to feel nauseous and choke. However, the investigators rejected the request of “MAXIMUM” to examine this criminal investigation. Also, NGO „Committee for the prevention of torture” from Chechnya was attacked in July 2015. The attackers took some organization documents, damaged the car of rights defender and destroyed organization equipment. The representative of NGO – I. Kalyapin highlighted that organization staff tried to report the police about the attack and did a few attempts to reach the police by phone. Later the organization staff called to the Investigative Committee to report about inappropriate work of the police. Nevertheless, the response, which was received by NGO, was that investigators knew about the existing attack and were already on their

¹⁴⁶ United Nations Human Right Council. *National Report- Russian Federation*. Working Group on the Universal Periodic Review, Thirtieth session, 2018. Point 190. Accessed at 16 of April. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/053/67/PDF/G1805367.pdf?OpenElement>

¹⁴⁷ Ibid. Point 172-173.

¹⁴⁸ United Nations Human Rights Committee. *Concluding observations on the seventh periodic report of the Russian Federation*. International Covenant on Civil and Political Rights. 2015. Point 10. Accessed at 18 of April. http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/RUS/CO/7&Lang=En

way to the organization. Unfortunately, no one really came¹⁴⁹. Accordingly, NGOs in Russia struggle to receive the help and support from the local police station, investigators or other governmental authorities. Often LGBT and human rights NGOs persecutions or attacks are ignored and not put into consideration.

Furthermore, in accordance to UN Human Rights Committee, there are a lot of reports about unjustified assembly participants' punishments by law execution officials. The participants of the assembly face violent actions, imposition of fines, detentions or even imprisonment because of their political views. The Committee presents one of example when in 2012 on 6 of May on Bolotnaya Square in Moscow public meeting was held where a few of its participants received imprisonment up to 4 and a half years and some persons were deterred. As well, the organizers of public assembly could receive high administrative sanctions¹⁵⁰. Therefore, civil society freedom to public gatherings and expression of political views are strictly punished in Russia.

Last but not least, UN Human Rights Committee highlighted the impact of the "Foreign Agents" law. NGOs can be listed into the register without a court decision or without organizations consent. Also, the definition of "political activities" is very broad and not specifically described in the law, therefore various organizations especially working on human rights or environmental issues are included into the register of "Foreign Agents". Besides that, there is information about NGOs operational activities restrictions, suspension or even voluntary closure because of the "Foreign Agents" law¹⁵¹. Conclusively, the "Foreign Agents" law particularly restricts and worsens NGOs situation in Russia.

Moreover, NGOs receive various threatening and persecutions actions because of the "Foreign Agent" law. In accordance to Human Right Watch, in 2016 June the government representative first time officially criminally prosecuted and accused under the law a chair of the peace-building and with human rights issues working group "Women of the Don" – V. Cherevatenko, because of organization intentional avoidance to enrol into the "Foreign Agents" register. As a result, V. Cherevatenko was sentenced to 2 years in prison. Moreover, Human Right Watch highlighted that in February of the same year, the association of lawyers working on political and civil activist's rights "AGORA" was closed by a decision of court. In accordance to Ministry of Justice, "AGORA" infringed "Foreign Agent" law and worked outside the scope of this legislation¹⁵². Furthermore, in accordance to Amnesty International, Human Right centre - "Memorial" received US\$8,800 fine (600,000 Rub)

¹⁴⁹ Gnezdilova, O. *Freedom of Association in the Russian Federation*. Under Attack. 2016. Accessed at 30 of March, 2018. <http://www.article20.org/ru/node/6794#.Wr44iJiFLIU>

¹⁵⁰ United Nations Human Rights Committee. *Concluding observations on the seventh periodic report of the Russian Federation*. International Covenant on Civil and Political Rights. 2015. Point 21. Accessed at 18 of April. http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/RUS/CO/7&Lang=En

¹⁵¹ Ibid. Point 22.

¹⁵² Human rights watch. *Russia events of 2016*. Accessed at 2 of April, 2018. <https://www.hrw.org/world-report/2017/country-chapters/russia>

because one of the centre sister organization – “Memorial Educational and Historical Centre”, did not note its articles with “Foreign Agent” mark even if “Memorial” centre was not registered as a “Foreign Agent”¹⁵³. Therefore, “Foreign Agent” law often began to be used as an official reason for government fines, criminal sanctions or persecutions against NGOs.

Finally, NGOs activists especially from human rights and environment fields are often chosen as targets of violence. Freedom House published that in 2017 December chief of North Caucasus Environmental Watch A. Rudomakha was heavily beaten up and suffered various injuries from unknown attackers. The assault happened after A. Rudomakha filmed seemingly an unlawful construction projection on the shore of the Black Sea which in accordance to organization opinion was built for a high government official¹⁵⁴. Accordingly, NGOs activist due to publicity of unfavourable for government officials’ information, received physical punishment and was beaten and injured.

Therefore, NGOs in Russia especially working on human rights, political and environment issues receive not just legal barriers but also physical harassment from government officials and individuals. Moreover, UN Human Right Committee report shows that human right situation in Russia has still a lot to improve. Russian “Foreign Agents” law, LGBT issues, restriction of public assembly and freedom to express political views make NGOs work more complicated. UN Human Rights Committee recommendations for Russian government to reject “Foreign Agents” law, support and work closer with NGOs could improve government and NGOs relations and all civil society situation.

To conclude this chapter about legal barriers and physical harassment, in order to work successfully in Russia, NGOs need to get acquainted with the Russian Federation non-profit organization law, which regulates NGOs establishment, activities and liquidation. Special attention has to be put to the “Foreign Agents” and “Undesirable Organizations” laws. These two controversial and NGOs rights restricting laws strictly reduce NGOs financing possibilities. Moreover, existing NGOs physical harassment makes NGOs work not just complicated but also dangerous. Therefore, NGOs (especially related to the political field) receive various legal restrictions and physical harassment and concrete steps must be taken to change this situation.

¹⁵³ Amnesty International. *Amnesty International Report 2015/2016. The State of the World’s human rights*. p. 305. Accessed at 2 of April <https://www.amnesty.org.au/wp-content/uploads/2016/09/Amnesty-International-Australia-Report-2015-16.pdf>

¹⁵⁴ Freedom House. *Freedom in the world 2018. Russia*. Accessed at 3rd of April, 2019. <https://freedomhouse.org/report/freedom-world/2018/russia>

Therefore, summarizing the work, as the institutional liberalism emphasized, NGOs are important for the country's democratic growth and for the protection of human rights. R. Keohane, J. Nye, A. Simmons and L. Martin' works analysis revealed that organizations as NGOs stimulate cooperation between the states, the state and its citizens, and in this way reduce mistrust and possibilities of conflicts in international relations. Accordingly, existing NGO barriers prevent Russia from successfully cooperating with other countries, trusting each other and accessing common solutions.

Moreover, in accordance to institutional liberalism, when states domestic institutions fail to realize and fulfil the needs of the society or existing policies work ineffectively, NGOs can substitute domestic policies, help to monitor human rights, suggest policies improvements, set goals. In accordance to institutional liberalism, when Russian internal policies do not work effectively, transfer of domestic affairs to international level, the use of NGO assistance, might increase national prosperity.

Furthermore, analysed A. Wiener, A. Lang and J. Tully literature reveals that existing NGO barriers prevent Russia from growing at a democratic level and being seen as a democratic country in the international arena. NGOs shape state's human rights policies, constitutionalize international order and move domestic state's policies into international law regulations as a result promoting higher transparency and democracy. As Professor J. Oneal highlighted, a link exists between the international institutions and the personal liberty in democratic countries, and increase of economic cooperation. Therefore, by restricting the activities of NGOs, Russia hinders the development of a state's domestic policies, promotion of bigger personal liberty and democracy, and as a result does not encourage the welfare of the state.

Also, R. Devitt and other institutional liberalism scholars stressed the importance of international organizations in shaping the international image of the state. NGOs work in the state's internal politics and if NGOs-State cooperation is going very tight and problematic, international organizations and other states can reconsider about the closer cooperation with such a country, especially if we talk about tension in human rights sphere. Therefore, positive cooperation between NGOs and states increases the support of the international actors for the country. Unfortunately, due to the barriers of NGOs, Russia is seen as undemocratic and unreliable in the international relations.

NGOs activities and deep interference into state's issues are often understood by the state authorities as a threat, and therefore, legal and physical barriers for NGOs activities are determined. An example of such a tense state-NGO relationship is the Russian Federation.

The state itself is the main victim of such tense relations between the state and the organization. The case of Russia highlights how conflicts with NGOs damage state's international image and cooperation with other countries. Imposed legal and physical barriers for NGOs activities reflect existing human right violations and reduced the level of democracy in Russia. At the end of the interview NGOs were asked their general opinion about negative and positive aspects of NGOs in Russia. The main positive aspects for all six NGOs is that organization actions are demanded by the society. As "Golos" emphasized: *"Problems in the electoral sphere are so significant that from 2016 even the authorities are beginning to listen to us"*. Also, "Transparency International" highlighted, that people believe in them and they have possibilities to work with brilliant experts, from each anti-corruption field: *"We really appreciate the trust from the society we have; Great that we are allowed to work in Russia and we can do it"*. Respondent from "SOVA" highlighted that NGOs should work as long as they can, not change into some non-formal associations or movements, just because of government pressure: *"Not good solution that NGOs which are not so comfortable for a government would just stop their activities"*. Therefore, society support and believe in NGOs are the most important issues why NGOs are still working in Russia.

The barriers that have already been analysed reflect how difficult the situation around NGOs in Russia is. Psychological pressure, unwillingness from the government to cooperate, "Foreign Agents" and "undesirable organization" laws are daily NGOs problems. Furthermore, even without those problems, NGOs must deal with daily stress, because migration, corruption, human rights issues are not one of the easiest to deal with. The respondent from the "Sakharov Center" mentioned an interesting fact that organization mission is the main problem: *"Russian Government problem is not foreign support by itself, foreign funding are just means, but government problem is the mission of our organization, what we are doing"*. There are other organizations not funded by foreign sources but they still receive pressure from the government, because of organization missions and activities. Therefore, this just emphasizes that NGOs working with political, environmental, human right and other issues - extremely important to the government- can receive more pressure and difficulties in Russia and as a result raise doubts about the independent and democratic policy of the country. Accordingly, many countries stop cooperating with Russia because of its undemocratic actions.

At the end of the interview and at the end of the whole work, it was important to understand why there are such tense relations between the government and NGOs in Russia. The answer to these questions was received from the "International Memorial". In accordance to respondent, Russian civil society is too conservative and easily gives up to the influence of the government. From the Soviet times, there has been an attitude that the government has to take care of people and their life. It is comfortable for people to think in this way and behave like a majority. The idea that there are enemies in government or people who do not care about an ordinary person is very uncomfortable. The reason

of this attitude is that *“People weren’t ready for the freedom they received at the beginning of the 1990s”*, people did not know what to do with all this freedom they received because always government controlled and directed their lives. Although, a respondent emphasized that in the last few years they see an improvement, society slowly begins to change and starts to speak that maybe the country is not going in the good direction. People are disappointed with “isolationism”, negative dynamics of the country’s development, about laws that go against the constitution and restriction of rights. Therefore, Russian society slowly realizes that they should have a right to govern their own lives, express their own attitudes and not to be totally regulated by the government. Moreover, the respondent from “International Memorial” mentioned a phenomenon of cognitive dissonance: *“Russian government wants that people would think about the past in such a way, that Soviet Regime was and good and bad”*. Soviet times, in one way are presented by government as negative and criminal times with a lot of political repressions which should never happen, however in radio and TV programs is possible to see movies about positive Soviet times or for example forbid and not recognize such topics as Baltic occupations or Poland sovietisation. Therefore, government attitude is very ambivalent, works on both side and as a result *“Government ambivalence prohibits to choose one way, that from now we see history like that”*. This is a reason why civil society in Russia is so split and have different attitudes towards the government role, NGOs and history. Although, without a strong civil society is impossible to create successful NGO and improve the state’s policies.

To conclude, a few steps should be done to improve NGOs and Russia’ government cooperation. Firstly, “Foreign Agent” law should be abolished or at least the rules of this law should be more concrete, especially which activities the law emphasizes as the political ones. Secondly, the cooperation between government and NGOs should be much deeper. Government officials should participate in NGOs public gatherings more often, that changes would be done systematically together with NGOs and, in this way, would improve all the society’ situation. Thirdly, NGOs have the right to organize and participate in peaceful rallies, so the state should permit them. Furthermore, NGOs financing issues and relations with the “undesirable organizations” should be solved. Government grants should not be prohibited for the Russian NGOs same as foreign sources. Moreover, special attention has to be put into corruption and human right issues. When NGOs investigate some high politician cases or some other issues strongly related to the government interests, they often receive threatening and even face law suits. Therefore, without the fight with discrimination, injustice and corruption, NGOs and all society cannot live freely. Accordingly, there is still a lot of work to ensure successful NGOs work, organization and its members’ safety and rights. In spite of everything, without the state's perception that organizations are an important part of a democratic society that can improve the state's internal and external policies, it is impossible to ensure a successful state and a happy society.

CONCLUSIONS

1. The analysis of the scientific literature revealed that liberal institutionalism emphasizes the positive impact of international organizations on domestic as well as external state's policy. International organizations reduce mistrust existing in the international area and encourage closer cooperation between the state and its citizens. International organizations are important for the country's democratic growth and stability. Therefore, effective cooperation of organizations and states can encourage the country's internal development and improve international relations.
2. This work particularly concentrates on one of the types of international organizations - NGOs. According to the scientific literature, non - governmental organizations are voluntary and humanitarian organizations that receive support from civil society and work to improve the social needs of the people, preserve the environment and fight for public goods. NGOs are flexible, dynamic and innovative. Since they operate on a local level, they sometimes can reach much deeper society problems than state's officials. Furthermore, NGOs work is significant in publishing and solving human rights problems which in turn is important for maintaining a free and powerful society and for higher state's democracy level.
3. Despite NGOs importance and positive impact, NGOs interference into political, social activity can be intolerant by the government. Therefore, states impose legal and physical barriers to restrict NGOs actions and reduce work capabilities. After examination of scientific literature, human rights NGOs' reports and state's constitutions, five possible government's legal barriers were identified: to entry and associate, to assembly, to speech and advocacy, to resources and for operational activity. Furthermore, NGOs can face such physical harassments as threatening, criminal sanctions, persecutions or killing. Accordingly, NGOs cannot successfully fulfill their missions when the state refuses to cooperate and adapts legal and physical barriers for NGOs' activities.
4. In order to have a more detailed analysis, how states legal and physical barriers challenge NGOs activities, the specific state was chosen – the Russian Federation. The analysis of Russian scientific articles revealed that in Russia NGOs began to develop in the 1990s during the collapse of the Soviet Union and economic crisis. Therefore, a lot of people started to associate NGOs and liberal ideas with a breakdown of the country. Accordingly, since then Russian civil society has been divided into two big groups: supporters of NGOs' actions and its independence and believers that the public sphere should be controlled by the government. Moreover, laws adopted in 2012-2015 have tightened the activities of NGOs. In Russia, NGOs dealing with human rights and

political activities are the most restricted. Therefore, historical background of the Russian NGOs and adopted laws explain the current tense situation between the state, society, and NGOs.

5. By applying document analysis and empirical methods main legal and physical barriers of NGOs' activities in Russia were characterized. Firstly, the laws "Foreign Agents" and "Undesirable organizations" adopted in 2012 and 2015 respectively, significantly restricted NGOs' freedom to funding and caused a lot of tension. Secondly, NGOs' freedom to peaceful assembly is limited, NGOs cannot organize rallies. Thirdly, organizations working with political, corruption, elections and human rights issues are often the targets of provocations. Government members are reluctant to cooperate with such organizations and police officers are often suspicious of their activities. On the other hand, NGOs freedom of association and speech is not as strictly limited. Accordingly, the Russian legal system needs a change in order to create favourable conditions for NGOs' work and to improve NGOs-Russian government cooperation.
6. NGOs face not just legal barriers but also physical harassment. Analysis of the UN Human Rights Committee, human rights NGOs' reports and Russian NGOs' interviews reveal that NGOs' members are threatened because of implemented activities or "Foreign Agent" law. NGOs' offices are damaged and painted, members of NGOs receive threatening emails and comments on social networks. Moreover, the police and government officials are very passive in the solution of physical and psychological harassment. Conclusively, Russian NGOs receive physical barriers especially those working with human rights and political issues.
7. To conclude, the first hypothesis was proven - Russian NGOs' operational work is limited because of legal restrictions. And although Russian NGOs are also challenged by physical harassment, legal restrictions are the main problem for them. The Laws "Foreign Agent" and "Undesirable Organizations" are the biggest challenges for NGOs' operational work in Russia. Therefore, prosperous NGOs' activities in Russia can be ensured through changes in the legal framework.

LITERATURE AND SOURCES

1. Literature

1.1 Book and Monographs

1. Baylis, John; Owens, Patricia; Smith, Steve. *The Globalization of World Politics: An Introduction to International Relations*. Oxford University Press, 2017. ISBN 978-0-19-107130-0.
2. Brown, Chris; Ainley, Kirsten. *Understanding International Relations*. Palgrave Macmillan, 2009. Macmillan International Higher Education, Apr 15, 2009. Political Science.
3. Immanuel Kant. *Perpetual Peace: A Philosophical Sketch*. 1795.
4. Jackson, Robert, H.; Sørensen, Georg. *Introduction to International Relations: Theories and Approaches*. Oxford University Press, 2016. International relations.
5. Johnson, Tana; Heiss, Andrew. *International Organization and Global Governance*. 2nd ed., ed. Thomas G. Weiss and Rorden Wilkinson. London: Routledge, 2018.
6. Karns, Margaret.; Mingst, Karen. *International Organizations. The Politics and processes of Global Governance*. Second Edition. Boulder, London: Lynne Rienner Publisher, 2004. ISBN: 1-55587-987-X hc
7. Karns, Margaret.; Mingst, Karen; Stiles, Kendall. *International Organizations. The Politics and processes of Global Governance*. Third Edition. Boulder, London: Lynne Rienner Publisher, 2015. ISBN: 978-1-62637-151-4 pb.
8. Keohane, Robert O. *After Hegemony: Cooperation and Discord in World Political Economy*. Princeton University Press, New Jersey. 1984.
9. Kuus, Merje. *The Routledge Research Companion to Critical Geopolitics*. Routledge, 2016. Political Science.
10. Lewis, David. *The Management of Non-Governmental Development Organizations*. Second Edition. Routledge, 2006. ISBN 0-203-03070-2.
11. Pease, Kelly-Kate S. *International Organizations* Fifth Edition. Webster University, Published by Routledge, 2016, London and New York. ISBN: 9780205075874.
12. Van der Borgh, Chris; Terwindt, Carolijn. *NGOs Under pressure in partial democracies*. Non-Governmental Public Action Series, 2014. ISBN 978-0-230-36834-7.

1.2 Articles in periodic scientific journals

13. Klees, Steven J. *NGOs: Progressive Force or Neo-Liberal Tool?* Current Issues in Comparative Education Vol. 1(1), Teachers College, Columbia University, 2002. Accessed at 20 of February, 2019 https://www.tc.columbia.edu/cice/pdf/25634_1_1_Klees.pdf

14. Keohane, Robert O. *International Institutions: Two Approaches*. *International Studies Quarterly*, Vol. 32, No. 4. 1988. Accessed ad October 15, 2017. <http://www.jstor.org/stable/2600589>
15. Keohane, Robert O. *Twenty Years of Institutional Liberalism*. *International Relations* 26(2), 2012. DOI: 10.1177/0047117812438451
16. Khosravi, Mohammad Ali; Shahsavari Fard, Shohreh. *Non-Governmental Organizations and the Barriers of Their Efficiency in Iran (after 1979)*. *Open Journal of Political Science*, 2016. Accessed at November 13, 2017. http://file.scirp.org/pdf/OJPS_2016041415454864.pdf
17. Kreuder-Sonnen, Christian; Zangl, Bernhard. *Which post-Westphalia? International organizations between constitutionalism and authoritarianism*. *European Journal of International Relations* 2015, Vol. 21(3). Accessed at 1 of February 2019 <https://journals-sagepub-com.ezproxy.vdu.lt:2443/doi/pdf/10.1177/1354066114548736>
18. Makarychev, Andrey S. “Гражданское общество в России: между государством и международным сообществом”. Accessed at 25 of February, 2018. <https://www.civisbook.ru/files/File/Makarychev.pdf>
19. Martens, Kerstin. *Examining the (Non-)Status of NGOs in International Law*. *Indiana Journal of Global Legal Studies*: Vol. 10: Iss. 2, Article 1. 2003. Accessed at 15 of March, 2019. <https://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=1263&context=ijgls>
20. Martin, Lisa L.; Beth A. Simmons. *Theories and empirical studies of international institutions*. *International Organization* 52(4). 1998. Accessed at 1st of March, 2019. https://dash.harvard.edu/bitstream/handle/1/3382862/Theories_Empirical.pdf?sequence=2
21. Mearsheimer, John J. *The False Promise of International Institutions*. *International Security*, Vol. 19, No. 3, Winter, 1994-1995, Page 7. Accessed at 5th of April, 2019. https://www.jstor.org/stable/2539078?origin=JSTOR-pdf&seq=1#page_scan_tab_contents
22. Nielson, Daniel L.; Tierney, Michael J. *Delegation to International Organizations: Agency Theory and World Bank Environmental Reform*. *International Organization*, Vol. 57, No. 2, 2003. Page 244. Cambridge University Press on behalf of the International Organization Foundation. Accessed at 16 of April, 2019. https://www.jstor.org/stable/3594852?origin=JSTOR-pdf&seq=1#page_scan_tab_contents
23. Nye, Joseph S.; Keohane, Robert O. *Transnational Relations and World Politics: An Introduction*. *International Organization*, Vol. 25, No. 3, *Transnational Relations and World Politics*. 1971. Accessed at 2nd of February, 2019. https://edisciplinas.usp.br/pluginfile.php/364783/mod_resource/content/1/keohane-nye_1971.pdf

24. Werker, Eric; Ahmed, Faisal Z. *What Do Nongovernmental Organizations Do?* Journal of Economic Perspectives, Volume 22, Number 2. 2008. Accessed at October 9, 2017 <http://pubs.aeaweb.org/doi/pdfplus/10.1257/jep.22.2.73>
25. Wiener, Antje; Lang, Anthony F.; Tully, James; Maduro, Miguel Poiares; Kumm, Mattias. *Global constitutionalism: Human rights, democracy and the rule of law.* 2002. Global Constitutionalism, Volume 1, Issue 01. Accessed at 15 of January, 2019. <https://iow.eui.eu/wp-content/uploads/sites/18/2013/04/12-Von-Bogdandy-Background6-Global-Constitutionalism.pdf>
26. Zabolotnaya, Galina M. “Социальный и политический капитал гражданского общества в условиях посткоммунистического перехода: региональный аспект”. Accessed at 19 of February, 2018. <https://www.civisbook.ru/files/File/Zabolotnaya.pdf>

1.3 Articles featured in conference material collections

27. Lokshina, Tanya (Human Rights Watch); Sevortian, Anna (EU-Russia Civil Society Forum). *Briefing on Shrinking Space for Civil Society in Russia.* Presented at the Carnegie Center on February 2016. Accessed at 3 of April, 2018. <https://www.hrw.org/news/2017/02/24/briefing-shrinking-space-civil-society-russia>
28. Office for Democratic Institutions and Human Rights (OSCE). *Extracts from the consolidated summary of the 2004 OSCE human dimension implementation meeting.* 2004 Poland. Report of the Rapporteur. Accessed at November 12, 2017. <http://www.osce.org/odihr/40546?download=true>
29. O Neal, John R. *Causes of Peace: Democracy, Interdependence, and International Organizations, 1885-1992.* The Norwegian Nobel Institute. 2003. Prepared for presentation at the workshop on “Globalization and Armed Conflict” of the European Consortium on Political Research, Copenhagen, April 15-19, 2000. Accessed at 18 of February, 2019 <https://ecpr.eu/Filestore/PaperProposal/07420483-6f84-4d7d-8104-22379150f7c9.pdf>
30. Vasile Cornescu, Adrian. *The Generations of Human’s rights.* Faculty of Juridical Sciences University “Constantin Brancusi” of TarguJiu, Romania. Days of Law: The Conference Proceedings, 1. edition. Brno: Masaryk University, 2009, ISBN 978-80-210-4990-1. Accessed at 2nd of March, 2019. https://www.law.muni.cz/sborniky/dny_prava_2009/files/prispevky/tvorba_prava/Cornescu_Adrian_Vasile.pdf

1.4. Other literature

31. Handbook on monitoring freedom of peaceful assembly. Published by OSCE Office for Democratic Institutions and Human Rights (ODIHR). ISBN 978-92-9234-814-4. Warsaw, 2011.
32. Juozaitis, Justinas. *International Organizations in Neorealism: A Case of Lithuania's EU Common Energy Policy Formation 2006 – 2012*. Vytautas Magnus University, Faculty of Political Science and Diplomacy. ISSN 1648-8776 Jaunųjų Mokslininkų Darbai. Nr. 1 (41). 2014. Page 38-39. Accessed at 10th of April, 2019. <https://vb.vdu.lt/object/elaba:6120638/>
33. Stein, Arthur A. *Neoliberal Institutionalism*. In *The Oxford Handbook on International Relations*, Page 212. Edited by Christian Reus-Smit and Duncan Snidal. New York: Oxford University Press, 2008. Accessed at 1st of April. <http://www.grandstrategy.net/Articles-pdf/11-Smit-Snidal-c11.pdf>
34. Unikaitė-Jakuntavičienė, Ingrida; Rakutienė, Sima. *Politikos mokslų rašto darbų rengimas*. Mokomoji knyga. Kaunas, 2015. Accessed at 17 of November, 2018. <https://eltalpykla.vdu.lt/bitstream/handle/1/262/ISBN9786094671654.pdf?sequence>

2. Sources

2.1 Legal acts

35. Constitution of the Republic of Turkey. Accessed at November 15, 2017. https://global.tbmm.gov.tr/docs/constitution_en.pdf
36. European Convention on Human Rights. European Court of Human Rights, Council of Europe. Accessed at 3rd of March, 2019. https://www.echr.coe.int/Documents/Convention_ENG.pdf
37. Government of Eritrea. *Proclamation No. 145/2005, A Proclamation to Determine the Administration of Nongovernmental Organizations*. 2005. Accessed at November 13, 2017. <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/81435/88425/F975805266/ERI81435.pdf>
38. Government of Zambia. *Non-Governmental Organisations Act, 2009*. Accessed at November 13, 2017. <https://www.zambialii.org/zm/legislation/act/2009/16/noa2009343.pdf>
39. International Covenant on Civil and Political Rights. Adopted by the General Assembly of the United Nations on 19 December 1966. Accessed at 20 of March, 2019. <https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf>
40. Sultanate of Oman. *Sultani Decree No. 14/2000 Issuing the Civil Associations Law*. Accessed at November 14, 2017. <http://www.icnl.org/research/library/files/Oman/oman1400-en.pdf>

41. Федеральный Закон о некоммерческих организациях. Российская Федерация. Accessed at 12 March, 2018. <http://pravo.gov.ru/proxy/ips/?docbody=&nd=102039064>.

2.2 Reports

42. American bar association center for human rights. *International and comparative law analysis of the right to and restrictions on foreign funding of non-governmental organizations*. Washington, DC. Accessed at November 16, 2017. https://www.americanbar.org/content/dam/aba/administrative/human_rights/international-and-comparative-law-analysis-on-the-right-to-foreign-funding.authcheckdam.pdf
43. Amnesty International. *Amnesty International Global report. Death sentences and executions 2018*. Published April, 2019. Accessed at April 30, 2019. <https://www.amnesty.org/en/documents/act50/9870/2019/en/>
44. Amnesty International. *Amnesty International Report 2015/2016. The State of the World's human rights*. Accessed at 2nd of April https://www.amnesty.org.au/wp-content/uploads/2016/09/Amnesty_International_Australia_Report_2015_16.pdf
45. Clark, John. *The Relationship between the State and the Voluntary Sector*. Human resources development and operations policy working papers; no. HRO 12. Washington, DC: World Bank, 1993. Accessed at the 3rd of March, 2019. <http://documents.worldbank.org/curated/en/304061468767382451/pdf/multi-page.pdf>
46. EU-Russia Civil Society Forum (CSF). *2016 Report on the State of Civil Society in the EU and Russia*. 2017. Accessed at 15th of march, 2019. http://eu-russia-csf.org/fileadmin/State_of_Civil_Society_Report/18_05_2017_RU-EU_Report_spaudai_Hyperlink_Spread.pdf
47. EU-Russia Civil Society Forum (CSF). *2017 Report on the State of Civil Society in the EU and Russia*. 2018. Accessed at 15th of march, 2019. http://eu-russia-csf.org/fileadmin/website/2018_03_16_Report_Pages.pdf
48. Freedom House. *Freedom in the World 2008: The Annual Survey of Political Rights and Civil Liberties*. Rowman & Littlefield Publishers, 2008. Political Science. Accessed at November 14, 2017. https://books.google.lt/books?id=mcG-AAAAQBAJ&dq=Bans+on+public+gatherings+NGOs&source=gbs_navlinks_s
49. Freedom House. *Freedom in the World 2018. Bosnia and Herzegovina*. Accessed at March 2nd, 2019. <https://freedomhouse.org/report/freedom-world/2018/bosnia-and-herzegovina>
50. Freedom House. *Freedom in the world 2018. Russia*. Accessed at 3rd of April, 2018. <https://freedomhouse.org/report/freedom-world/2018/russia>

51. Freedom House. *Freedom of Association Under Threat: The New Authoritarian's Offensive Against Civil Society*. 2008. Accessed at 24 of March, 2018. <https://freedomhouse.org/report/freedom-association-under-threat-new-authoritarians-offensive-against-civil-society/russia>
52. Front Line Defenders. *Annual report on human rights defenders at risk in 2016*. Accessed at November 19, 2017. <https://www.frontlinedefenders.org/en/resource-publication/annual-report-human-rights-defenders-risk-2016>
53. Front Line (The International Foundation for the protection of Human Rights Defenders). *Front Line Defenders Global Analysis 2018*. Ireland, 2019. Accessed at 15 of January, 2019. https://www.frontlinedefenders.org/sites/default/files/global_analysis_2018.pdf
54. Global Civil Society Watch. *Report*. 2016. Accessed at November 15, 2017. http://www.civicus.org/images/CSW_Report.pdf
55. Gnezdilova, Olga. *Freedom of Association in the Russian Federation*. Under Attack. 2016. Accessed at 30 of March, 2018. <http://www.article20.org/ru/node/6794#.Wr44jIjFLIU>
56. Guidelines on Freedom of Peaceful Assembly: Second Edition. Published by OSCE Office for Democratic Institutions and Human Rights (ODIHR). ISBN 978-92-9234-785-7. Warsaw/Strasbourg 2010. Accessed at 20 of March, 2019. <https://www.osce.org/odihr/73405?download=true>
57. Human Rights Watch. *Laws of Attrition. Crackdown on Russia's Civil Society after Putin's Return to the Presidency*. 2013. Accessed at November 16, 2017. https://www.hrw.org/sites/default/files/reports/russia0413_ForUpload_0_0.pdf
58. Human rights watch. *Russia events of 2016*. Accessed at 2nd of April, 2018. <https://www.hrw.org/world-report/2017/country-chapters/russia>
59. International Center for Not-for-Profit Law (ICNL); World Movement for Democracy Secretariat at the National Endowment for Democracy (NED). *Defending Civil Society Report*. Second edition, 2012. Accessed at November 10, 2017. http://www.icnl.org/research/resources/dcs/DCS_Report_Second_Edition_English.pdf
60. Kiai, Maina. *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association*. United Nations General Assembly, Human Rights Council. 2012. Accessed at November 16, 2017. http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-27_en.pdf
61. Machleder, Josh; Alfa-Fellow. *Contextual and Legislative Analysis of the Russian Law on NGOs*. INDEM Foundation Moscow, Russia March 16, 2006 Accessed at 30th of March, 2018. http://www.indem.ru/en/publicat/Russian_NGO_Law_03252006.pdf

62. Organization for Security and Co-operation in Europe (OSCE). *Guidelines on the Protection of Human Rights Defenders*. 2014. Accessed at November 20, 2017. <http://www.osce.org/odihr/guidelines-on-the-protection-of-human-rights-defenders?download=true>
63. Regional NGO Law Rapid-Response Mechanism. *International Investment Treaty Protection of Not-for-Profit Organizations*. 2008. Accessed at November 16, 2017. <http://www.icnl.org/research/library/files/Transnational/BITNPOProtection2.pdf>
64. Servetnik, Vitaly; Album, Kjersti; Lorentzen, Yngvild. *Pressure towards Russian environmental NGO. Status of Russia's Foreign Agents law and consequences for civil society in 2016*. Published by Naturvernforbundet, April 2017. Accessed at 19 of March 2018. https://foeeurope.org/sites/default/files/other/2017/pressure_towards_russian_environmental_n_gos.pdf
65. The Observatory for the Protection of Human Rights Defenders. *Violations of the right of NGOs to funding: from harassment to criminalisation*. 2013 Annual Report. Foreword by Maina Kiai. Geneva-Paris, 2013. Accessed at 15 of March, 2019. http://www.omct.org/files/2013/02/22162/obs_annual_report_2013_uk_web.pdf
66. Ulleberg, Inger. *The role and impact of NGOs in capacity development. From replacing the state to reinvigorating education*. Published by International Institute for Educational Planning. UNESCO. 2009. Accessed at October 8, 2017. <http://unesdoc.unesco.org/images/0018/001869/186980e.pdf>
67. United Nations Human Rights Committee. *Concluding observations on the seventh periodic report of the Russian Federation*. International Covenant on Civil and Political Rights. 2015. Accessed at 18th of April, 2018. http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/RUS/CO/7&Lang=En
68. United Nations Human Right Council. *National Report- Russian Federation*. Working Group on the Universal Periodic Review, Thirtieth session, 2018. Accessed at 16 of April, 2018. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/053/67/PDF/G1805367.pdf?OpenElement>
69. Федеральная Служба Государственной статистики (Росстат). *Россия в цифрах*. Москва 2018. ISBN 978-5-89476-435-1 Accessed at 3rd March, 2019 http://www.gks.ru/free_doc/doc_2018/rusfig/rus18.pdf

2.3 Media

70. Chikov, Pavel. *Russian NGOs: the funding realities*. 2013. Open Democracy. Accessed at 22nd of March, 2018. <https://www.opendemocracy.net/od-russia/pavel-chikov/russian-ngos-funding-realities>
71. Johnston, Matthew. *The Russian Economy Since the Collapse of the Soviet Union* Investopedia, 2016. Accessed at 10 of May, 2018. <https://www.investopedia.com/articles/investing/012116/russian-economy-collapse-soviet-union.asp>
72. The Economic Time. *French parliament adopts controversial anti-terror law*. October 18, 2017. Accessed at October 23, 2017. <https://economictimes.indiatimes.com/news/international/world-news/french-parliament-adopts-controversial-anti-terror-law/articleshow/61135612.cms>

2.4 Other sources

73. Amnesty International. *Urgent action Taiwan NGO worker faces life imprisonment*. Published at October 23, 2017. Accessed at November 16, 2017. <https://www.amnesty.org/download/Documents/ASA1773342017ENGLISH.pdf>
74. Amnesty International. *Attacks on human rights activists reach crisis point globally*. Published at May 16, 2017. Accessed at November 19, 2017. <https://www.amnesty.org/en/latest/news/2017/05/attacks-on-rights-activists-reach-crisis-point-globally/>
75. Crockett, Sophie. *The Role of International Organisations in World Politics*. E-International Relations Students. Royal Holloway, University of London. 2012. Accessed at 4th of April, 2019. <https://www.e-ir.info/2012/02/07/the-role-of-international-organisations-in-world-politics/>
76. Devitt, Rebecca. *Liberal Institutionalism: An Alternative IR Theory or Just Maintaining the Status Quo?* E- International Relations Students. 2011. Accessed at 1st of February, 2019. <https://www.e-ir.info/2011/09/01/liberal-institutionalism-an-alternative-ir-theory-or-just-maintaining-the-status-quo/>
77. Dufalla, Jacqueline. *Non-governmental organizations in Russia: adapting for success*. 2014. Accessed at 15 of February, 2018. <https://geohistory.today/ngo-russia/>
78. Fact Sheet. *Bureau of democracy, human rights, and labour*. Non-Governmental Organizations (NGOs) in the United States. U.S. Department of State, Diplomacy in action. <https://www.state.gov/j/drl/rls/fs/2017/266904.htm>

79. Gomichon, Maxime. *Joseph Nye on Soft Power*. E-International relations students, 2013. Accessed of October 15, 2017. <http://www.e-ir.info/2013/03/08/joseph-nye-on-soft-power/>
80. Human Rights Watch. *Managing Civil Society: Are NGOs Next*. Human Rights Watch Briefing Paper. 2005. Accessed at 20 of March, 2018. https://www.hrw.org/legacy/backgrounder/eca/russia1105/4.htm#_ftn43
81. International Exchange Erasmus student network (ESN). *Erasmus Students Network*. Accessed at October 15, 2017. <https://esn.org/>
82. International Memorial. Official website. Accessed at 21 of February, 2019. <https://www.memo.ru/en-us/>
83. Ministry of Justice of the Russian Federation. Accessed at 20 of August, 2018. <http://unro.minjust.ru/NKOs.aspx>
84. Moore, David M. *Civil Society under threat: common legal barriers and potential responses*. Directorate-general for external policies of the union directorate b. Policy Department. International Center for Not-For-profit Law. 2006. Accessed at 29 of March, 2017. http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/civil_society_under_threat/civil_society_under_threat_en.pdf
85. OXFAM international. *Who we are*. Accessed at October 15, 2017. <https://www.oxfam.org/en/about>
86. Raj, Kartik. *France's Counterterrorism Bill Normalizes Emergency Practices*. Human Rights Watch. Published September 25, 2017. Accessed October 25, 2017. <https://www.hrw.org/news/2017/09/25/frances-counterterrorism-bill-normalizes-emergency-practices>
87. SOVA official website. Accessed at 10th of February, 2019. <https://www.sova-center.ru/en/>
88. The International Center for Not- for-Profit Law (ICNL). *NGO Law Monitor – Russia*. 2008. Accessed on 26 of March, 2018. <http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan044570.pdf>
89. The Sakharov Center. Official website. Accessed at 20th of February, 2019. <https://www.sakharov-center.ru/>
90. The UN HRBA Portal. *What kinds of human rights obligations are there?* UN Development Group - Human Rights Working Group (UNDG-HRWG). Accessed at 3rd of March, 2019. <https://hrbaportal.org/faq/what-kinds-of-human-rights-obligations-are-there>
91. Three Generations of Human Rights. The Levin Institute – The State University of New York, 2017. Globalization101.org. Accessed at 2nd of March, 2019. <https://www.globalization101.org/three-generations-of-rights/>

92. TUSEV (The ICNL Freedom of Assembly thematic portal partner in Turkey). *Freedom of Assembly of Turkey*. 2016. Accessed at November 15, 2017. <http://www.icnl.org/research/resources/assembly/FoA%20in%20Turkey.pdf>
93. United Nations Humans Rights office of the high commissioner. *What are human rights*. Accessed October 24, 2017. <http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>
94. Willetts, Peter. *What is a Non-Governmental Organization?* City University, London. 2002. Accessed at 22 of March, 2019. <http://www.staff.city.ac.uk/p.willetts/CS-NTWKS/NGO-ART.HTM#Part10>
95. World Heritage Encyclopedia. Non-Governmental organisations. Accessed at October 8, 2017. http://self.gutenberg.org/articles/Non-governmental_organisation
96. Worldreader *Meet the team*. Accessed at October 15, 2017. <https://www.worldreader.org/about-us/team/>

APPENDIX

1 appendix

INTERVIEW QUESTIONS

Main Questions:

- What are the mission and goals of your organization?
- Which issues are you dealing with?

- When was organization established?
- Are you Russian NGO or foreign NGO having an office in Russia?
- How was going the process of creation and establishment of organization (office)? Did you have some problems? Which?

- Does your organization organize some public assemblies or gatherings? How is going public assembly organization and cooperation with the government officials?
- What are the main financial sources of organization? Is there any restriction related to funds?

- Was your organization (or maybe is) included into “Foreign Agents” law register?
- How was this decision justified?
- Which consequences this law had on your organisation?
- Are you discussing with other NGOs or lawyers about the issues of this law? Is there any legal action that can be taken towards a resolution of this situation?

- Is your organization included in other registers or lists which restrict the rights or freedom of organization?

- Did your organization face some legal barriers or restriction from the Russian government? Which?
- How would you evaluate the level of freedom you have in accordance to control from the government?

- Is there any subjects or topics you cannot study or approach?
- Is there any subjects or topics you prefer not to study or approach? Why?

- Did organization or its members, volunteers receive some physical harassment? Persecution or threats? If yes, how do you deal with them?

How in general you evaluate the situation of your organisation in Russia? Positive/Negative points

2 appendix

TRANSCRIPTS OF INTERVIEWS

GOLOS

Interview with GOLOS was done in 9th of August, 2018. Higher member of the Council answered to interview questions by mail. Answers were received in Russian and translated into English.

What are the mission and goals of your organization?

Mission of the Voice movement (Golos) - protection of citizens' electoral rights

With which issues are you dealing?

Violation of the rights of candidates: The right to nominate candidates, the right to campaign in equal conditions with representatives, the right to honest, undistorted results of the vote. Violations of the rights of voters: as a rule, the foregoing limits the choice, and violates the rights of the ordinary voter, plus what concerns the rights of the individual voter. Access to the site for people with limited mobility, the right to vote, the rights of observers.

When organization was established?

The voice (Golos) - as a group of people pursuing the above objectives - in 2000, when the GOLOS Association was formed. In 2013, due to the Law on Foreign Agents, the activities of the Association were suspended. A movement to protect the rights of voters "Voice" (Golos) was formed.

Are you Russian NGO or foreign NGO having an office in Russia?

We are a Russian NPO (non-profit organization).

Did you have some problems during the creation and establishment of organization (office)? Which?

Association GOLOS was created in free times. Organizations for public election monitoring were established in all countries of the post-Soviet space. There were no particular problems.

The Voice movement (Golos) was established in times of serious pressure from the authorities. Its very creation was the result of the problems that the authorities created to prevent civilian control over the elections. We lost funding and were forced to move on to fundraising and working through volunteers.

This led to problems with all material issues (equipment, office, staff). Officials were afraid to cooperate with us, refused premises, because of the propaganda of pro-government media. Our participants were subjected to psychological pressure. Criminal investigations were opened. And so on.

Does your organization organize some public assemblies or gatherings?

We have a meeting for movement participants. This is for management. We have lectures and seminars for observers - this is our work with volunteers. We have forums of public observers - these are meetings, together with other observation movements. By election results, we hold press

conferences. One of our major functional units - call centers for single voting day - can also be considered as public events involving up to 100 people.

How is going public assembly organization and cooperation with the government officials?

The question is not entirely clear. For our public events, we do not need to collaborate with government officials. They may attend to them. Once on the Forum was the Head of the Central Election Commission. The CEC often sends a representative to the Forum. Sometimes they give certificates.

On the other hand, public-security organs may try to disrupt our public events. We have photos and video evidence of pressure on landlords, who refuse us premises.

What are the main financial sources of organization?

The activity of the Movement is carried out through donations from Russian citizens. Twice we were given government grants. Foreign grants are prohibited for us.

Was your organization (or maybe is) included into “Foreign Agents” law register?

The GOLOS Association and its associated RPO GOLOS were the first organizations actually included in the Register. There is a popular opinion that the Registry was coined by the GOLOS Association.

How was justified this decision?

There were two trials, cassation and appeals. According to the letter of the Russian government to the ECHR in September 2017, the fines against the Association were recognized as unlawful, cancelled, but the organization remained in the register. The case of these two trials takes several volumes. In our opinion, supported by the Government of the Russian Federation in the letter indicated above, they were illegal. The organizations were charged with the activities that they carried out until 2011, when the Law on Foreign Agents was not yet invented (the development of the Electoral Code for a grant from the Norwegian Helsinki Committee). Subsequently, one of the units of the “Voice-Ural” was included in the register, because of a donation allegedly made by a foreigner, less than 2000 rubles. In the nutshell, the inclusion was made due to the dependence of the judicial system, distortion and juggling of facts, as well as direct provocations.

Which consequences this law had on your organisation?

It was decided to suspend activities. We have lost the funding necessary for full-scale election observation in accordance with the OSCE methodology. Since 2014, amendments have been in place that explicitly prohibit Foreign Agents from observing elections.

Are you discussing with other NGOs or lawyers about the issues of this law? Is there any legal action that can be taken towards a resolution of this situation?

A complaint was filed with the ECHR, the Russian government verbally began to distance itself from the decision, but there was no exception to the registry.

Is your organization included in other registers or lists which restrict the rights or freedom of organization?

Not. As I already said. The association has suspended its activities. The Voice movement is not included in any registries. It cannot be included in the registry, because it is an organization without a legal entity.

Did your organization face some legal barriers or restriction from the Russian government? Which?

In Russia, public organizations do not have the right to attend PECs to observe elections. We collect information through journalists, citizen journalists, observers from candidates and citizens. In 2018, the PEC refused to accredit the pool of our journalists. (Precinct election commission)

How would you evaluate the level of freedom you have in accordance to control from the government?

We are quite free to express our opinions and publish our investigations. Government have the nature of the obstacles to activity in other ways. Deprive funding, wear out litigations on far-fetched grounds, inaction in attacking the watchers, inaction, when we publish facts that speak of a crime, government propaganda and psychological pressure on observers.

Is there any subjects or topics you cannot study or approach?

We are able to explore almost all areas of the electoral process. The inability to put observers by public organizations, and the limitations mentioned above, limit our capabilities.

Is there any subjects or topics you prefer not to study or approach?

The question is not clear.

Did organization or its members, volunteers receive some physical harassment? Persecution or threats? If yes, how do you deal with them?

There were cases of physical attacks on our observers. Amputation of internal organs, multiple concussions - this refers to physical effects. If we understand the word harassment more widely, then observers at PECs are under constant psychological pressure from commissioners and the police.

Members of the movement - under the persecution of pro-government journalists, lies and slander of official media. Two teachers-coordinators were fired from their jobs. One today emigrated abroad. Lawsuits and heavy fines are also part of the prosecution.

How in general you evaluate the situation of your organisation in Russia? Positive/Negative points

The most positive is that our movement is in demand by society. Problems in the electoral sphere are so significant that from 2016 even the authorities are beginning to listen to us.

The constant flow of volunteers to observers, donors, readers who spread our information indicates that we are doing the right thing and that our activity is useful to society.

About negative points, I hope, said above.

TRANSPARENCY INTERNATIONAL

Interview with Transparency International was conducted in 14 of August, 2018 through skype. One of the higher ranking employees answered to interview questions. The interview was held in English.

Interviewer: To begin with, what are the mission and goals of your organization?

Respondent: We are non-governmental organization dealing with corruption issues. We are actually a Russian organization being a part of an international movement- Transparency International. We have headquarters in Berlin. We been working in Russia since 1999. In 2000 we were accredited as a part of the movement.

So, speaking about the mission and goals of our organization, I should name transparency, integrity and rule of law. We are dealing with such issues as international corruption, money laundering, basically everything related to the corruption, political corruption, ground corruption. To name few: issues of conflict of interests, bribery of course, nepotism and such things.

So, in Russia we focus on anticorruption research, making a framework of anticorruption activists, students from the universities, and for couple of years we been doing anticorruption investigations trying to do so called “name of the names” – highlight those who are corrupt, and trying to find a way to bring them to justice. So, in short words that what we are doing.

Interviewer: Thank you very much. I just want to stress. You are Russian organization which was later accredited to transparency international?

Respondent: Yes. We don't have strict rules of command, so every branch of transparency international, and we have offices in one hundred countries right now, and every chapter of transparency international is independent. So we work with our national issues and we cooperate with different organizations. And our headquarter is helping for us with finding funding, with our problems and defining overall strategy of the whole movement. So we are Russian organization but we are part of this network, community of transparent international.

I: Thank you. Another question will be, had you some problems during the creation and establishment of your organization? And here would be two little questions: creation of your, Russian NGO organization and also later, during the accreditation of organization. These two moments.

R: Well, couple of years past, it's been 20 years from now and I wasn't working in the organization when it was founded. It was absolutely another time. The political and social situation in our country was totally different from now. And I guess, the founders of our organization didn't had any difficulties with registering it. It was registered as a small expert based organization dealing only with research. At that time, we weren't speakers on international level about the problems of corruption. It was based around the figure of our founder E. Panfilova who established transparency international in Russia. Well, I don't know about any problems with authority or with anything else, when organization was established.

I: And about the accreditation process into the Transparency International?

R: Not, not really. We done through the process of accreditation pretty much easily. There were any troubles, as I know it, with founding our organization. The laws were easier that time, according to my knowledge. They didn't have much of paper work or organization work, so it was really easy to register organization like us in Russia, in 1999.

Nowadays, I guess it would be impossible. If there are not transparency international in Russia and someone will try to establish this organization now in 2018, well, I think it would be pretty much impossible. But it's my private opinion.

I: Thank you. You think so because of the existing legal situation?

R: Yes. And the political climate, the social climate in our country is now much colder. Many problems with authorities where "Silaviks" and the force of Ministry of Justice bother to establish any international organization. Something like that.

I: Thanks. Another question would be, does your organization organize some public assemblies, like meetings or gatherings? And if you organize something like that, how are you dealing to receive some agreements from the government, permissions? Whether they support your meetings or do something to prevent, reduce them? How is going communication with them?

R: We do organize experts' assemblies, like round tables and conferences and small lectures, public lectures in some places which allows for us to do that. We been doing it in High School of Economics (Moscow) which is well known university in Russia. We did some gatherings in the Sakharov centre in Moscow, which is the prominent human rights defending organization. We make some experts assemblies and we invite to them government officials and they sometimes come to our round tables. They come when they think it could be useful for them, but they don't do it publicly. They don't write on the website, so the government bodies don't know that their persons took part in our meeting. They come sometimes, who are not afraid, and we actually meet with the officials in events made by third parties. Like universities or some international organizations make round table, make conferences and there we could meet some government officials and try to speak with them. Some of them, I would say 1/3 of all government officials we deal with are not afraid of us and they could speak with us.

I: Very interesting, really. One of the main core question would be, what are the main financial sources of organization? Where you receive funding, from abroad, from inside, from which funds?

R: We receive financial sources from grants, so we take part in different grants competitions, and our main source of finance is our secretariat, our headquarter in Berlin. Actually we have a graphic on our current financing on our website so it would be useful for you to go there. It is really detailed.

We had some financing from Russian organizations, from the President's grants, the last one we got 3 years ago. And currently we are into some projects with Council of Europe and we had some financing from them.

We try to find different financing for each our project. We got some financing from American embassy, last year we had financing from the Swedish embassy, during the project of the north Russians. Actually there are various of sources.

I: Thank you. I just have one additional question. Before, I had the interview with "Golos" movement and they said that foreign grants are forbidden for them.

R: Yea, that's a really complicated question. We can speak about that later when we will move to Foreign Agents law. To become a Foreign Agent in Russia you have to follow two things and that's really weird: You should have some foreign financing and then you have to do politic staff. But what exactly is politic staff, that's undefined. So if prosecutor would like to put you on the list of Foreign Agents, they could say, that everything, actually everything what you do is politics. So "Golos",

because they had foreign finance, they try to avoid these problems to being putted into the register. I totally understand what they said for you.

I: Yea, I think I also understood it. And going to another question, your organization is included into this “Foreign Agents” law register?

R: Yes, we are there from April 2015.

I: But it is your Russian NGO, not transparency movement?

R: No, because if you are foreign organization you couldn’t be putted into the Foreign Agents law. Because it is foreign organization. So every organization included into the register of Foreign Agent is Russian organization.

I: And how Russian government justify this decision?

R: We made press release criticizing Foreign Agent law. After it, it was used to put us into this register. Because the Ministry of Justice said that we are dealing with parties criticizing the law and as far as we have foreign financing, well, we are there.

I: Well, in accordance to that law it is quite logical.

R: Yea. It is crazy staff. But we are in a good company there, with the “Golos”, with “Team29” with many other good organizations.

I: Okay, thank you. Which consequences this law had on your organisation? Did something change after you were included into this register?

R: We don’t know how to evaluate these consequences. We spent much money on counting, because you have to put reports to the Ministry of Justice, to prosecutors. Our administration division is doing really good job coping with these reports, because there are many of them and they are huge. Last time we putted 1000 pages on the report to the Ministry of Justice. Huge file of papers.

Some of our partners, not many but some of them, decided not to work with us, in 2015.

According to the law we have to put the name - Foreign Agent, on every brochure we distribute, on our website, social media, so well, I don’t like it really. We compare it with the yellow star putted on the Jewish clothes in ghettos during Nazi times. It’s humiliating. It’s pretty much it. Its humiliating, it’s not comfortable to fill these reports but that’s pretty much it.

I: Thank you, that’s very interesting. Are you discussing with other NGOs or you having some gatherings, some meetings how to change that?

R: Yea, we do. We do speak with the “Golos”, with “Agora”, “team29”. Last time we spoke for couple of days about the war in social media, should we put it on cover on our Facebook page, or we shouldn’t. But everyone understands that now it is impossible to change those things, through the government relation or through public gatherings. Impossible. We try to go through these times. And yes, we communicate with our colleagues.

I: I have one more question about the Russian public, communities. Because usually when you hear “Foreign Agent” people can doubt about these organizations. Has this law a huge impact on people? Are people trusting less on organizations, especially with the foreign financial sources?

R: That’s a good question, thank you. From my experience, I should say that, people are already separated in Russia. There are people who don’t trust any foreign, as they say, organisations, or any organizations which are not police organizations or FSB. They won’t trust us even if we are not putted

into this register. Our name of organization sounds very foreign, western, so it is a good reason to hate us.

But biggest part of people doesn't really care about this register, they don't care if we are there or not. They know what we are doing and they know that we are helping people and fighting corruption, so they don't really care. So, I think it didn't change everything, maybe changed something, but most of the people don't care about it.

I: Thank you. So, going to another topic. Is your organization included in other registers which could restrict the rights of organization? Because I heard that there is another law - "undesirable organizations".

R: Yes, I know "undesirable organizations" law. But no, we are not into this list and we couldn't be putted into this list of undesirable organizations law. Undesirable organizations law touches only foreign organizations, foreign juridical forms of organizations. Like Soros Foundation, or some huge human rights defending groups as Amnesty International. As far as we are Russian organization and putted into the Foreign Agents register we couldn't be putted into undesirable organizations list. So, no, we are not in any other restriction list.

I: Thank you, that's really very interesting. So probably these two laws, Foreign agents and Undesirable organizations, are the most important for big international organizations. Like, I didn't find any other particular laws which would strictly restrict organizations rights.

R: Yes, this pretty much it, but the structure of law in Russia is made so that there is a huge amount, tones of amendments to any law and they, our parliament, keep to put new ones to intervene. So, when Foreign Agents law went through the parliament and their implemented it, they made 30-20 amendments, making it stricter. So they don't actually need to make a new law because they have this one. There are two list for the Russian organizations and foreign organizations.

I: Thank you for an answer. Did your organization face some legal barriers or restriction from the Russian government? Do there are some other staff by which government can restrict your organization rights, without Foreign Agent law.

R: We cannot participate in the electoral process and we have to report for the Ministry of Justice. These are two main things.

I: So interesting, because the "Golos" said too, that they cannot participate in the election process, so they are collecting all information from journalists, newspapers but can't participate in the process by themselves.

R: Definitely.

I: That's strange, because "Golos" mission is to check how elections are going.

R: Absolutely. That's funny thing, they get information from other sources, from the journalists, but they can't participate in any electoral process directly. So, the same thing with us.

I: Is it Government deciding who can participate on electoral process?

R: Yes, pretty much. They do it through the prosecutors and through the Ministry of Justice.

I: Thank you. There is one wide question, how would you evaluate the level of freedom you have in accordance to control from the government? In which parts of organization activities are you more freely, and which requires your higher carefulness, because of control from the government.

R: With this question I went to our general director and his deputy, speaking about the level of freedom, and they said that they feel themselves independent in the manner. If they would need to

put that on the scale it would be 5 of 10. We try to be as precise as possible doing our research and doing our investigations, and I would say, the most difficult part is when we talk about some people, some corrupted politicians, officials, because they could fee us and now we are under the law suit with the person, who been in our last year investigation, who is the supervisor of V. Putin thesis when he has been in university, he is a dean of one of the main universities in Sankt Petersburg. So, now we are under the law suit, he filled to us when we made investigation about his activity in Sankt Petersburg. So to put these things shortly, the most dangerous part, when we feel the less free is the investigations concerning exact persons.

I: Thank you. Well, other questions are very related. Is there any subjects or topics you can't study or have less willingness to study?

R: No there are no such subjects or topics. We feel absolutely free to study or approach everything, sometimes we decide not to do it, not because we are afraid to do it, but because we don't think we will find anything related to corruption.

I: It's probably the end of questions related to the law issues, other questions are more about the physical harassment. Did organization or its members, volunteers receive some physical harassment?

R: That's a really complicated question. We received some physical threats on internet, some our colleagues received them and it wasn't serious. We never dealt with any physical violence. We received some threats concerning our relatives, their and our carriers and we deal with it on the case basic basis in ad-hoc way. We try to communicate with our colleagues in the Transparency International, when we receive such threats. It's not very often, but sometimes that happens and we try to make it as public as possible. Because we believe that the public opinion its highlighting this problem and it becomes safer for the people to work.

Another thing is our internet safety. We deal with it very seriously and we try to protect ourselves against any web attacks, web trolls and all of these things. Because we deal with news, we try to avoid fake news, organizations and everything propaganda related. This part of our work is really important.

I: Just before finishing this interview, I have one question. I read that the most harmed organizations are those working with human rights and even environmental issues, and the most successful are dealing with social issues, sport, education. Is it true?

R: It's really case related. Sometimes ecological organizations deal with a lot of troubles because they go into the field to fight with some officials. Sometimes its social things, sometimes its human rights.

It depends on the high power person, which interests their (organizations) poke. They mess with some powerful person and this person could do everything. So their interests could lay on the field of ecology, production, religion. It depends on the person; it doesn't depend on the organization.

I: So the last question is very wide. How in general you evaluate the situation of your organisation in Russia? Where you see positive, negative points?

R: I will go under three points, which I would like to underline here. The main positive point is that we exist and we do what we do and people believe on us. We really appreciate the trust from the society we have. And I really appreciate that we could work with brilliant experts, from every field of anti-corruption, because we have very strong chapter of transparency international thanks to our experts. So it's great that we are allowed to work in Russia and we can do it.

For negative points, we could do much more if we would allow to. So we have very limited ways to influence situation. There are many reasons for it. I really wish that we could do more. In Ukraine, Lithuania, France or Great Britain our colleagues are doing great jobs because they feel their working with the government, society which is more free, they have a lot of instrument to do it.

The last negative point is burning out. The situation is that people who work with us experience a lot of stress, especially dealing with corruption, with crime. It's very difficult for your psychology, for your mind to deal with these things. It has no relations with the government, with the overall situation in the country, or socio-political issues, but it's the most negative thing I'm personally deal with and my friends probably too. That's it. So these three points I wanted to underline about the situation of our organization, but the first point which is the positive one is the main.

I: Thank you for all answers. It was very interesting conversation.

R: Thank you. It was a pleasure to talk, good luck with your work.

AGORA

Interview with AGORA was conducted on 1st of October, 2018 through skype. One of the higher ranking employees answered to interview questions. The interview was held in Russian and later the transcript was translated into English.

Interviewer: To begin with, what are the mission and goals of your organization?

Respondent: The mission of our organization is to help for migrants which are in hard life situation. We think that right policy for migration can bring advantage for all the society. We help for the refugees, work migrants, internal migrants with application for asylum and also with application for permanent living, help to receive citizenship. These are our main policies.

We also have different special programs, funded by different organizations. For example, we have programs which ensure the availability of education for the Russian citizenships and migrants from different Russia' regions. We help with the application for kindergarten, schools, if migrants have some problems in this area. Usually migrant's problems are related to the lack of registration (residence).

We also have special programs for victims of kidnapping, for woman from the African countries, who been victims of sexual trafficking, for men - it's help for citizens from the middle Asia, from whom passports were stolen.

We have programs for victims of hate crimes. Usually these attacks are made by Russians or attacks made on religion basis.

We have special integration programs, which help to learn Russian language and integrate into the society. We have 2 integration centres for Syrian refugees children in Moscow region. We have integration centre for adult migrants and refugees in Moscow.

We have programs for work with migrants. For forming and filling work documents. These are our programs related to the refugees and migrant's issues.

Interviewer: Thank you. So your organization is really big?

Respondent: Yes. In our organization are working 30 people. Some of them are consultants for questions of migration, doctors, psychologists. Also lawyers, but in juridical way they are registered

in “Memorial” (right defender centre) organization, but they are having consultations in our organization, follow our migrants to the law sessions.

Interviewer: Are you Russian NGO or foreign NGO having an office in Russia?

Respondent: We are Russian NGO, but we are included into the list of Foreign Agents. Organizations are included there because of their funding from the foreign sources. And our main funder is UN Migration Commission. So, we are included into the Foreign Agent register.

I: Thank you. Before moving to the questions about the Foreign Agents law, I would like to ask how was going the process of creation and establishment of organization. And in which year organization was created?

R: Organization was created in 1989, but officially, in accordance to documents was established in 1990. Our work started from the help for the Armenian refugees, which in 1990 came to Moscow from the Karabakh. Later, of course, our work moved to help for the refugees from Chechnya, also for Afghanistan refugees. During all organization existence we have a lot of Afghanistan refugees here in Russia, in Moscow. So almost all waves of migration they flew through the Committee. Right now, main flews of migration are from the Afghanistan, Syria, East Ukraine, Yemen.

I: Thank you. So when organization was established, you didn’t face any problems related to the registration?

R: With registration, for sure not. We are NGO, non-profit organization, problems related with registration of organization never existed.

I: Thank you. Does your organization organize some public assemblies, rallies or gatherings? And if yes, how is going public assembly organization with the government officials?

R: We have public gatherings, open lectures, press conferences, we organize some events and celebrations for migrants, defenders, journalists. So we have a lot of different events.

If we talk about the rally. Organizations of rallies in Moscow is very complicated think. Today was the court hearing of our head of organization S. Gannushkina and also one of the head of the organization “Memorial”, because they together at the red square had a rally demonstrating the demand for the release of the O. Titiyev (the head of the human right group “Memorial” office in Chechnya). His case is falsified; he is charged of a drug-possession. He is a coordinator of our program in Chechnya. We have program for the support for the people went out from the jail from the Republics of North Caucasus. We help for the people from this region because the relations towards them in jails are even worst that towards others. Therefore, yes, if we are starting to organize or do some rallies we receive higher attention from the police towards us, also starts some arrests. So, we don’t have opportunities to organize rallies.

I: Thank you very much. What are the main financial sources of organization?

R: The main our financing sources are from the UN. Also our different projects are financed by different foreign sources.

I: Is there any restriction related to funds?

R: Well, because we have a status of Foreign Agent, we can’t receive government funds. Also for us is hard to receive funds from the Russian organizations.

I: Thank you. How was justified your inclusion into the Foreign Agents register?

R: Every year we have to make reports for the Ministry of Justice. And after 7th of our reports we were included into the register because is clearly visible from which sources we are receiving our funding.

I: And had this law any consequences on your organisation?

R: Well, yes. Firstly, it is harder for us to account (for the Ministry) about our finances, cause right now we have much more complicated and detailed scheme for financing reports. And we can't pretend for the government grants.

I: Are you discussing with other NGOs about these issues? Is there any legal action that can be taken towards a resolution of this situation?

R: No, we don't look for any possibilities, and also all our closest partners are also in Foreign Agents register: "Memorial", "Radio Svaboda" and etc.

It is same as sanctions, they are imposed on the governmental level that for example you can't import some cheese from the particular country, same here. Here is a decision that organizations which receive foreign funding are included into this register and they have to do reports in accordance to the special form.

I: Thank you. I also read that to be included into the register of Foreign Agents, organization should have foreign funding, but also implement activities related to the political issues. Is that true?

R: Not, it is not required. It can be educational programs, tools for mass media (as „Radio Svaboda“).

I: Thank you, I didn't know that. Is your organization included in other registers or lists which restrict the rights or freedom of organization?

R: No, I think no. If we talk about some legal, judicial registers, so no.

The main barriers for our organization activities are non-execution of the legal acts about the insurance of refugee's asylum or violations of the Migration Convention, violations of Human Right Declaration. So these are our main problems.

Also, I can't say that the Foreign Agents law very strongly restricted our organization activities. Because actually, we didn't receive funding from the Russian grant foundations, so as we were receiving foreign fund we still continue to have them.

I: Thank you, did your organization face some other legal barriers or restrictions from the Russian government?

R: If we talk about some concrete documents, so no. But all our organization activities are some kind of reflection of tense relations with the government. Because in Russia law is not implemented.

I: Thank you. How would you evaluate the level of freedom you have in accordance to control from the government? Do you feel free?

R: Of course not, we are not free. We are working on the territory of the Russian Federation and in Moscow, thanks to our partners, we can talk and work more liberally. But in general, we always try to be very accurate. And of course, our colleague case from the Chechnya is an example, because his case is falsified, somebody bets drugs into his pocket.

I: I understood, thank you. Is there any subjects or topics you can't study or you prefer not to study?

R: We have analytical work, related to our monitoring of courts or analyse of refugee's data from the Ministry of Internal Affairs. We are publishing freely all these analytics. All information related to

our work we can publish freely. From the other side, we don't have any open critic, but it is not our goal. We are human right defender's organization.

I: Thank you. Did your articles or publications have been suspended or delayed?

R: Wait, I will ask it our chief. Yes, it was. One article was recognized as extremist and was included into the list of forbidden articles. It was a case about the extradition of Uzbekistan citizen. And also, one our expertise was delayed.

I: Did organization or its members, volunteers receive some physical harassment? Persecution or threats?

R: Yes, it was. But it was not physical attacks, but more called "Данос" (slander). Presenting organization not "in the good light". These events happened from the different persons, but not physical harassment.

I: And psychological harassment?

R: Well, if we can count psychological harassment as insults in the social media, they are a lot of them. When we publish information about the refugees, their stories in Facebook or vkontakte, we often receive very aggressive comments.

I: Thank you very much. And the last question. How in general you evaluate the situation of your organisation in Russia? Positive/Negative points.

R: Our organization work can be productive just in case we are cooperating with the government. If we partly take out the work and stress about the migrants' questions from the Ministry of Internal Affairs.

But in our case is more the confrontation. We try to support the rights of migrants and refugees, and applicate the Migration Convention and Declaration of Human Rights. While at the same time these laws and conventions are not protected by the organs working with migration questions. Therefore, we can't talk about some global success and wins. Our help is not systemic but private, individual. We can't talk about the changes in all the system because from the government side there are very significant restrictions.

I: Thank you. Last question, how you see NGOs opportunities and work in Russia?

R: It for sure depends by the sector and direction of NGO. Right now are very supported NGOs working with hospice and children with the oncological disease, educational projects, science start-ups. These NGOs are supported, for them are allocated governmental grunts.

In Russia exists governmental grunt and to apply for it, last year the requirements were significantly reduced. Therefore, there are some steps towards NGO. But they are towards NGOs working with children, medicine, education fields. Nothing related to what we are doing: human rights, freedom of speech.

I: Thank you. That is very interesting, because before I asked one organization if in Russia are some NGOs sectors more successful than others, and they said that no.

R: I think they are. I know a lot of people working with the children funds and they are mostly supported by the government.

I: Thank you for this conversation.

R: Thank you Samanta. Good luck!

SOVA

Interview with SOVA was conducted on 8th of February, 2019, during a telephone conversation. One of NGO directors answered to interview questions. The interview was held in Russian and later the transcript was translated into English.

Interviewer: What are the mission and goals of your organization?

Respondent: SOVA Center does various of research and informational work on issues as xenophobia or nationalism, political radicalism or interactions between the secular societies and the churches. Organization also analyses the issues of human rights and safeguarding liberal democracy in Russia¹⁵⁵.

Interviewer: With which issues are you dealing?

Respondent: Political radicalism, human rights questions, racism, nationalism, government abuse of counter-extremism measures¹⁵⁶.

Interviewer: Thank you. When organization was established?

Respondent: In October 2002.

I: Are you Russian NGO or foreign NGO having an office in Russia?

R: SOVA is Moscow based non-profit Russian organization. Organization was created by a group of people working with the Moscow Helsinki Group and the Panorama Center for Information and Research¹⁵⁷.

I: What are the main financial sources of organization?

R: Currently the SOVA Center is being funded with the help of the European Instrument for Democracy and Human Rights (EIDHR), International Partnership for Human Rights, Russian Jewish Congress and Norwegian Helsinki Committee. Previous sponsors for the SOVA Center included¹⁵⁸:

“Open Society” Foundation (OSF); National Endowment for Democracy (NED) Germany, Henry M. Jackson Foundation,

Federal grants from the Russian Federation (through The State Club Foundation, Institute of Civil Society Problems, and Civil Dignity Movement), and The State Club Foundation directly, Public Verdict Foundation; Bilateral projects with the UK Embassy; Freedom House; Liberty Road Foundation.

I: Thank you. Did you have some problems during the creation and establishment of organization (office)? Which?

R: During the establishment of our organization we didn’t have any problems. For a lot of years, we didn’t have any problem with the government officials. Problems occurred just few years ago.

¹⁵⁵SOVA official website. Accessed at 10th of February, 2019. *Additions to the respondent's answers <https://www.sova-center.ru/en/>

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.

¹⁵⁸ Ibid.

I: Thank you. Does your organization organize some public assemblies or gatherings? How is going public assembly organization and cooperation with the government officials?

R: We don't organize any public assemblies. We organize in Moscow or in regions some seminars, round table meetings. Sometimes government officials participate on them, sometimes not. I think it mostly depends by our partners, how good they have relations but not so much by ourselves. If it (seminars/conferences) are happening in Moscow, federal officials would not participate. Sometimes we are invited for some government events, but they usually are not coming to ours. In General, since 2012, officials started to communicate less with us, after the atmosphere get tenser because of protests and after we been included into "Foreign Agents" register.

First time we been checked just when this law was created, around 2013. But it didn't have any consequences, it was just simple inspection. They asked to show some documents, I needed to provide some explanations in Moscow city prosecutor's office. But in any case, it didn't have any consequences for us.

After few years, in the last working day of 2016, 30th of December, already at the end of the working day we received information from journalists that we are included in "Foreign Agent" register. Before that, in autumn we had one more inspection and we partly understood where it could lead us. Inspection was made because of some complaint from the movement "anti-Maidan", because SOVA was receiving financial support from "undesirable organizations" and wasn't still included into "Foreign Agent" register. So we were inspected, officials asked some documents but in reality they didn't need them because all the information about our finance is public and we also each year write a report about our organizations financial situation. Also they needed our public statements and posts and from them officials came to decision that we bring public evaluation about government actions. What is true. Because public evaluation of government actions is seen as a political activity, so we were described as participating in political activities.

I: So your organization inclusion into the "Foreign Agent" register was because of your public evaluation of government actions?

R: Yes. We also suggested some improvements in legislations, that is true.

Few days after, when we were included into the register, we received a protocol that against us has been opened an administrative case, because we didn't register by ourselves our organization to "Foreign Agents" register. We didn't make it by ourselves, by our initiative and well, we should realize that we are counted as one of these organizations. So later, we were facing at the same time two processes: one is registration of our organization into "Foreign Agent" register; and the second was administrative penalty – 300 000 ruble, because we didn't register our organization by ourselves. But from the beginning we understood the fact that we can't challenge this decision, because nobody has done it yet. We tried to ask during the court process, why concretely our organization was included into the register, how particularly our organization attracted officials' interests compare with the other organizations. Officials just answered that they were checking our organization and found violations in our organization, others they didn't check yet.

So we were included into "Foreign Agent" register in 2016, 30th of December. The court cases took place at the first half of 2017. During the second half of 2017 we tried to affront our fine, because some of organizations managed to do it. But not we, and we needed to pay the fine of 300 000 ruble (4000 eur).

Later all those issues finished, but after more than one year we received new case, which didn't have relations to the "Foreign Agent" law but had relations to the "undesirable organizations" law. In accordance to the "undesirable organizations" law, we can't receive money from the organizations

included into this register, but previously we received. However, when the law was passed we stopped to receive the financial support from these organizations. Although, in our website we have a page where is a list of all our financial sponsors, also from the past. On that list were two undesirable organizations: “Open Society” Foundation (OSF) and National Endowment for Democracy (NED). The list of our sponsors was made together with the link to these organizations. For us it was just basic staff on our website. However, we received a protocol that we violated the administrative article because the link to the website of the undesirable organization is seen in the prosecutor office as a dissemination of information about the undesirable organizations and what of course is forbidden by the law and is counted as an administrative violation. To say true, I was very surprised, I said that we don't have in our website the information about these organizations and the link is not the same as information. However, for the officials the link looked the same as information. Then I asked are any backgrounds about such cases and then I received information that already been some practical examples as this. I didn't know it before, but yes, I received information that some of NGOs already received fines just because of the links. Before us were some organizations with such a case, but these organizations didn't want to make this case public, they avoided attention and arranged everything silently. While we tried to make this case about links as much public and loud as possible. We were ready to argue in court. We had two administrative cases one against organization and one against me as a director of organization. We also should receive some fine, however in some lucky way our cases weren't analysed. The higher judge sent back our case to the city judge because of the lack of information about the time and the place of violation. What in one side is funny because really no one could concretely remember the time and place when these links were made, for sure they been created few years ago. The prosecutor's office successfully appealed against this judge's decision and judge needed to analyse the case again. However, luckily the administrative case has expired, because the duration of administrative case (when the case has to be analysed) is very short. Therefore, we were lucky our case was just closed and we didn't have to pay any fine. But I know a lot of organizations which had to pay fines because of such a case.

We didn't have other issues related to the Foreign Agent register. We are periodically making reports to the government, put on all of our posts and on the pages in the website that we are "Foreign Agent". So, for a moment we don't have any problems.

I: Thank you. Which consequences this law had on your organisation? (Foreign Agent)

R: Of course the fact that we needed to pay a fine and lost a lot of time for all those court processes. To say true, for me and for my colleagues our status as a Foreign Agent is not so important. There are organizations which see this status as some damage but we don't see a reason to start some disagreements.

What we see as consequences, looks like some of our social partners started to be afraid to collaborate with us, participate with us on the seminars because this “Foreign Agent” status looks a little bit “infectious”. Nobody told us about it directly, but we feel that way.

Our organization primary implements analytical work and luckily we work not so much with the issues/institutions which strongly are depended by the government as for example schools, we don't have any relations with them. But if we would have some relations with schools we for sure would have huge problems. But we are working in other area and with the partners who are not so afraid about our existing situation. There are various of exceptions but we, in general, can continue our work. Of course in any moment situation can change but for a moment we continue our work.

I: Thank you very much. Whether there are many organizations included in the “Foreign Agent” register?

R: Yes, and also significant number of organizations which left this register. There are organizations which have decided to refuse the financing of foreign sources and in this way they left the register. Because it is almost impossible for organizations to refuse the participation in political activities, only solution is to decline foreign finance. We don’t want to do this; we think it would be a huge mistake.

I: So you didn’t refuse your foreign financial sources?

R: No, in any case.

I: But these organizations which decided to refuse foreign finance they were removed from the register?

R: Yes, now in accordance to the law it is possible to do so. If organization refuse foreign finance they can submit an application for the removal from the register. But our organization doesn’t want to do so.

I: Thank you. Did organization or its members, volunteers receive some physical harassment? Persecution or threats? If yes, how do you deal with them?

R: No, we didn’t face any physical harassment, never.

I: And what about psychological pressure or threatening in social media?

R: Of course, sometimes in some publications or website various unpleasant things are written about us, but I don’t see it as a psychological pressure. Someone don’t like us and write such things, it is normal staff.

I: Thank you. Is there any subjects or topics you can’t study or prefer not to study?

R: Not. We have kind a narrow scope of interests and we are analysing everything what is in our interest’s scope. We do not refuse anything.

I: Last question would be how in general you evaluate the situation of your organisation in Russia? Positive/Negative points

R: Good point is that we are working, because we could have stopped. Some of organizations stopped their work and started to exist as some non-formal associations and they are successful. In any case, I think we should work as an organization as long as we have possibility to do so. It is not a good solution that NGOs which are not so comfortable for a government would just stop their activities. The situation is very strange. From one side I represent an organization which is included into “Foreign Agents” register but I am also a member of Presidential Council for Human Rights. In December of the last year, when President updated a list some of members were not included in the new list (some of them were “Foreign Agents” but not all), but I still remain a member of the council despite the fact that we are “Foreign Agent”, and we are not the only “Foreign Agents” in the Council. Therefore, Government position is very strange, not very strict. I even think that “Foreign Agent” law was made not to destroy but to make some pressure, discomfort for NGOs that we wouldn’t be so chill and of course they have succeeded.

I: Thank you. Do you see some improvements or possibilities in nearly future, to change existing situation?

R: For sure “Foreign Agent” law should be totally abandoned. It doesn’t have any rational reason; it is totally irrational. Everyone understand existing situation and for no one it is a sensation, people get used to it and just continue to work further. So I think our current political regime could abandon this law without any loss.

I: Thank you. So “Foreign Agent” law is the main obstacle for your organization successful existence?

R: No, not the main. I am sure that “undesirable organizations” law is much more harmful to organizations than the “Foreign Agent” law. Because “undesirable organizations” law significantly reduced financial support. Some of the main NGOs foreign sponsors were forbidden and some other big sponsors left by themselves because were afraid to cooperate. This “undesirable organizations” law is now used not just to put pressure on NGOs but also wider on various activists’ groups. It is less “famous” law but I think more harmful.

I: Thank you very much for conversation!

R: Thank you!

INTERNATIONAL MEMORIAL

Interview with International Memorial was conducted on 13th of February, 2019, during a telephone conversation. One of the higher ranking employees answered to interview questions. The interview was held in English.

Interviewer: What are the mission and goals of your organization?

Respondent: Memorial is a movement rather than an organization. Memorial deals with historical issues about the mass-scale political repressions during the Soviet Union and also defends human rights issues in nowadays Russia¹⁵⁹.

Interviewer: Which issues are you dealing with?

Respondent: Memorial participates in the restoration of historical truth of the political repressions of totalitarian regimes; Shapes public consciousness on the values as democracy and law; Emphasizes the individual rights in public life and political area; Overcomes totalitarian stereotypes; Helps to build a democratic state of law and strong civil society; prevents the chances of a return to totalitarian regime¹⁶⁰.

Interviewer: When was organization established?

Respondent: Memorial organization was a Soviet organization. Almost all Soviet republics were represented in the Memorial. It was registered in 1989 by the Soviet government.

I: Are you Russian NGO or foreign NGO having an office in Russia?

¹⁵⁹ International Memorial. Official website. Accessed at 15 of February. *Additions to the respondent's answers <https://www.memo.ru/en-us/memorial/>

¹⁶⁰ International Memorial. Official website.

R: International Memorial (which was included into “Foreign Agent” register) is an international organization. The offices of International Memorial are in Italy, Germany, Ukraine and other countries, so it is international but at the same time Russian organization. Organization is registered in Russia.

I: Because I know that just Russian NGOs can be included into “Foreign Agent” register.

R: Yes. Our organization has a status of an international organization so organization inclusion into the “Foreign Agent” register contradicts to the law.

Just in Moscow we have 5 Memorials: Memorial Human Right Centre, International Memorial (which is included into all International Memorial group), Moscow Memorial, Russian Memorial, Memorial Scientific Research and Education Centre. Memorial Human Right Centre and International Memorial are included into “Foreign Agent” register. Our Russian International Memorial is included into the register but it doesn’t mean that all organizations of International Memorial are also included into the register because they all are independent juridical bodies.

We tried to appeal the decision in the court, but we lost. Nowadays in Russia we don’t have independent courts, they make these decisions which are comfortable for government. It is a fact. Of course, in accordance to constitution and law, yes, courts are independent. However, in practice courts don’t take decisions against the government.

I: Thank you. Maybe some of organizations have been recently registered?

R: No. Maybe the youngest is Human Right Centre, but it was also at the beginning of 1990s. Scientific Research and Education Centre was registered in 1990 July. Therefore, all those organizations were registered by the Soviet government or immediately after the collapse of the Soviet Union. Registration of these organizations happened before current Russian government.

I: How was going the process of creation and establishment of organization (office)? Did you have some problems?

R: No. In 1990s we didn’t have any problems and they didn’t exist.

I: Thank you. Does your organization organize some public assemblies or gatherings? How is going public assembly organization and cooperation with the government officials?

R: We organize a lot of public gatherings, meetings, exhibitions, seminars, school competitions, and to say true, we don’t really need to cooperate with the government officials. We don’t need to ask a request for public gathering if it don’t count demonstrations or public actions in the street. For example, during the Day of Remembrance for Victims of Political Repression (30th of October – we read at 29th), we read surnames and we need permission from the government because we do that in the particular square. Last year it was some problems, when government tried to say that we can’t read surnames at that square because there are taking place for some repair works. However, at the end they gave us permission because understood that it is irrational to forbid for us. Of course, conditions for communication with officials are more difficult, when some of your organization are included into “Foreign Agent” register.

I: What are the main financial sources of organization?

R: We have financial sources from Russian organizations as also international foundations. Previously we had FORD Foundation also SOROS. Even these sponsors who later were described as

“undesirable organizations” but during our existence supported us. They are mentioned in our website and we not delay them. Right now we don’t have “undesirable organizations” on our sponsors list¹⁶¹.

Karta (Poland)

Vladimir Potanin Foundation (Non-profit charitable organization)

EED (European Endowment Democracy)

OAK (Switzerland)

Friedrich Naumann Foundation (Germany) (Office in Russia)

Mikhail Prokhorov Fund (Cultural Initiatives Foundation)

Sreda Foundation

Heinrich Boll Foundation (Germany) (Office in Russia)

University of Toronto

Erinnerung Verantwortung Zukunft Foundation (Germany)

The Korber Foundation(Germany)

Henry Jackson Society (USA)

Leo Lande Foundation

I: But you can’t receive money from ‘undesirable organizations’?

R: From “undesirable organizations” receive funding is impossible, not because we don’t want to but because Russian bank system is not taking any finances from the account of these “undesirable organizations”.

I: Thank you. So your organization is still included into “Foreign Agents” law register?

R: International Memorial is still included into the “Foreign Agent” register, same Memorial Human Right Centre. They were included by the decision of the Ministry of Justice.

I: Did you registered your organization by yourself?

R: Our position is very concrete and strict. “Foreign Agents” law accepted in 2012 is unconstitutional, contradicts Russian Federation Constitution. Therefore, the implementation of this law is not obligatory. It is possible to force us to call “Foreign Agent” but we didn’t take this name voluntarily. And even when sometimes we need to write on our website and brochures that we are “Foreign Agent”, we are writing that it is a decision of the Ministry of Justice with which we disagree and is challenged in court. The court process is going until now, right now our case is in the European Court. So all these “Foreign Agent” issues are not closed yet. It is not that they included us into register and we agreed with it. No, we didn’t agree and still don’t agree.

I: Thank you. How was justified your inclusion?

R: It is very simple, are two main things in accordance to which Ministry of Justice makes their decisions. First is foreign financial sources, what we of course have, second is participation in the political activities, what of course we are not doing. Because government understands political activities totally in different way how the law should see it. Political activities are participation in political processes: nomination, support of deputies, attempts to influence legislation. So there are actions directly related to the internal and external politic. Memorial is doing scientific, charitable, rights defence work which are not described as political activities. Right defence is not political activity but human right activity. Scientific work is a story about real past events, what happened in

¹⁶¹ International Memorial. Official website. Accessed at 15 of February. *Additions to the respondent's answers <https://www.memo.ru/en-us/memorial/>

history. It is also not political activity. So it is all created by the Russian government under, I would say, very interesting explanation: political activity, for the Russian government, is everything what could impact public opinion. Such a broad description does not meet any standards. Not meet standards of our constitution, European law and all international law standards. Any artist can influence public opinion but he is not called a politician and implementing political activities, even if the topic, mentioned by the writer in his stages or singer in his songs, can become a political factor, it doesn't mean that he is implementing political activities.

I: True, thank you. This law had some consequences on your organisation?

R: Our working conditions have deteriorated as we have to account more often and bigger amount than previously. Also the attention from the officials distract us, our attention from our main activities. Firstly, our work rhythm is damaged, our attention is not concentrated we are distracted by the inspections of officials and also preparation of all required document. So many documents are required by the officials that we must take them out in huge boxes, few kilograms and use paper, make copies. Secondly, some officials are afraid to communicate with the organizations included into the "Foreign Agent" register, by fact, they even can't visit a place of the "Foreign Agent" organization, such a form of government discrimination. We are non-profitable public organization, for us is not a big deal, do some high official will come to our event of won't. But from another side, it is absurd. For example, in Memorial we have international delegations, Russian Ministry of Foreign Affairs or Russian security bodies are accountable of these events so they have to send people to our events, they don't have other choice but formally they shouldn't participate. So it is example that we have not just irrational law but also unconstitutional.

I: Are you discussing with other NGOs or lawyers about the issues of this law? Is there any legal action that can be taken towards a resolution of this situation?

R: We appealed the decision in court. Also we have a big group of other organizations which are in the same situation as we, are included into "Foreign Agent" register, so we cooperate and support each other. One think, we discuss how to disconnect public opinion from political activities and secondly, we support each other. And also we are waiting for a decision from the European Court.

I: Thank you. So it just two main laws "Foreign Agent" and "undesirable organizations" that prevent you from working successfully?

R: Our work is hampered by the pressure from the government which is realized in laws like these. Because Russian Government has set itself a goal to persecute, limit every civil society activity.

I: How do you think, why? Does the government see NGOs as a threat?

R: Definitely. We see some government "isolationism", moral ideological dictate. This is visible through TV programs, campaigns from the Kremlin, or from the people close to Kremlin. We see creation of a model where everything is controlled by the Kremlin. By the way, Kremlin delivers money and financial support with pleasure for NGOs, but only for organizations that are behind Kremlin, which are seen as their partners. NGOs which criticize or are not influenced by the Kremlin, they all are seen as enemies. It is such an attempt to create a uniform mind-set in Russia. Conceived an insert that we must have national priorities as patriotism. In accordance to Russian Constitution, an ideology that is mandatory for everyone is forbidden, Article 13. But everyone sees that this is happening and Kremlin simply contradicts his own constitution.

I: Thank you. Is there any subjects or topics you can't study or prefer not to study?

R: No. We analyse everything what we have on our program. We analyse history, historical political repressions, human rights in nowadays Russia and there are no prohibited topics for us. The other thing is that it may not be appreciated by the Russian government. But it doesn't mean that we can't analyse these issues. We are doing it in accordance to the Russian law, freedom of research and announcement.

I: Thank you. Did organization or its members, volunteers receive some physical harassment? Persecution or threats? Psychological pressure or attacks on social media?

R: We receive psychological pressure. Some TV channels (which are close to the Kremlin) have campaigns against us, it is a fact. Examples of physical harassment also happened. Our office building was painted and written inscription "Foreign Agent". This was made by pro-Kremlin young people movement, who also sometimes try to prevent our events, as was few years ago during the opening of a school competition. For the last few years, the police have been monitoring everything and preventing such problems. But the attempts were, we were dealing with them.

I: Thank you. And the last question, how in general you evaluate the situation of your organisation in Russia? Positive/Negative points.

R: Positive point is that we exist and we continue to work. Negative points, for us it becomes more and harder to work. Permanent pressure from the government, also general pessimism that Russian civil society is too conservative and easily gives up to the influence of the government. Because it is very comfortable for ordinary person to think, act and behave as most. It is uncomfortable to think that in Kremlin are sitting your enemies, easier to think about something good that government will take care of me and my life, such an attitude has remained since Soviet times. Government has to take care of me. People weren't ready for a freedom they received at the beginning of 1990s. Some people abused that freedom, they became criminals. But nowadays we see that society slowly begins to change, more and more people speak that we are moving in the wrong direction that Russia is not going in the good direction and bigger number of people talk about this than those who support Kremlin. So slowly this process is going, people are disappointed of "isolationism" policy because we want that tomorrow would be better than yesterday but we see negative dynamics of the country's development. Each year we have fewer and fewer rights and freedoms and more laws that go against the constitution, our rights and freedoms.

But I can't say that for 40% we feel good and for 60% we feel bad, it is hard to measure the situation. There are positive trends which give us optimism but there are also negative trends because the government rise more pressure on everyone who think in their own way, independently.

I: Thank you. Maybe bigger government pressure depends on your organization mission? History of political repression.

R: No, government attitude here is very ambivalent. For example, when President V. Putting was opening a statue for victims of political repression, he emphasized the importance of memory, that repressions can never be justified - right words. However, from another side, government can close some discussion topic in newspapers, in radio, TV. Government can make some campaigns that Russian government is strong and we did everything in a good way, we can't talk about the Baltic occupations or Poland sovietisation, it is official government propaganda. Therefore, nowadays government is ambivalent, it works on both sides. Government ambivalence prohibits to choose one way, that from now we see history like that and no more repressions. We can't delay words which

were said previously. Very strange situation, in one side Russian TV and all serials express in a negative light Soviet times, deficit, human right crimes, KGB but at all TV shows we can hear that it was great and happy times. It is a cognitive dissonance, Russian government want that people would think about the past in such a way that Soviet Regime was and good and bad. Memorial tries to show that Soviet Regime was criminal, although this view is not yet as popular as we would like to.

I: Thanks for such an interesting interview!

R: Thank you.

THE SAKHAROV CENTER

Interview with Sakharov Center was conducted on 14 of February, 2019 through Jitsi meet platform. One of the higher ranking employees answered to interview questions. The interview was held in English.

Interviewer: What are the mission and goals of your organization?

Respondent: Sakharov Center mission – develop and keep alive the legacy of Academician Andrei Sakharov. Organization tries to increase a historical consciousness of Soviet totalitarianism, promotes values of human rights, freedom and democracy, encourages comprehensive and free discussions about the human rights problems and historical issues, tries to develop strong civil society in Russia¹⁶².

Interviewer: When was organization established?

Respondent: Organization was established in 1991. In 1990 was created the Public Commission to Protect the Legacy of Andrei Sakharov. The museum was opened in 1994.

Interviewer: Are you Russian NGO or foreign NGO having an office in Russia?

Respondent: We are Russian NGO. Also exist another foreign entity, the American Sakharov Foundation, but they are not connected with us, not part of our structure. In our Sakharov Center we have a museum, discussion program, library and educational program. We have two building: one is a museum and library, second is an exhibitions place, for example we have documents and photo exhibitions. We also work as open venue (platform), so if you have a project or any kind of event, just ask us and we will provide civic actors. Basically anyone who wants to organize some event can come to us, we have very basic conditions as for example be related to our organization mission. The only things which are not allowed are religious and political issues, religious meetings, official political gatherings, different kinds of political movements, rallies. However, this is a big question in Russia nowadays, what is to be concerned as political activities. The government has a different opinion what are political activities, but we think political is only pre-existing definitions in laws, before “Foreign Agent” law. The law which defines judges’ actions, highlight that judges should be independent and not to be engaged in any political movement, not to participate in any kind of elections – we consider this as political activities.

¹⁶² The Sakharov Center. Official website. Accessed at 20th of February, 2019. *Additions to the respondent's answers <https://www.sakharov-center.ru/>

I: Thank you. In 2012 Sakharov Foundation was renamed to Sakharov Center, why?

R: The Sakharov Foundation is the American branch. We were called The Sakharov Museum and multifunctional social Center. Sakharov Center is a little bit shorter, that was a main reason.

I: Thank you. How was going the process of creation and establishment of organization (office)? Did you have some problems?

R: It was early 1990s and Elena Bonner was still alive, so we didn't have problems. Problems started a bit later. As I know, it wasn't something difficult.

I: Thank you. Does your organization organize some public assemblies or gatherings?

R: We organize discussions, public lectures, movie screenings, debates, seminars, exhibitions, library, and theatrical events.

I: And how is going public assembly organization and cooperation with the government officials?

R: So usually you need permission if you are going to use the authors, who are not belong to us. Also, once a year for the Academicians birthday, because we have some outdoors activities. Except that, we don't do anything that have to require the permissions. It is not about the permission mostly, we have a venue (platform), inside you are allowed to do whatever, but when we are going to hold something that is uncomfortable for officials, for example about some kinds of business, almost every time we are doing it, some people or police will come and it is enough to scary the owner of the building or the eventer and they start to speak that maybe they shouldn't organize the event today.

We also have situations when local or city police come to us and ask what we are doing, then we simply explain that we are going to have some workshop or staff like that. Then they can ask: Ok, why do you want to talk to LGBT people? And of course we answer, that they are the people. So police just go away and nothing happens. Happens a lot of situation when the owner of the building is scary and then the event is cancelled.

The pressure sometimes happens for organization, sometimes for the participators. For example, with LGBT communities, if some Christians come or something happens, police are coming and checking the documents those who are inside the building. Police are not as much saving them (LGBT) from the attackers as just finding out are inside some minors. That is usually happening. The police are not very helpful. However, the pressure usually comes not from the police itself but from opposing parties or other organizations.

I: Thank you. What are the main financial sources of organization? Is there any restriction related to funds?

R: We don't have governmental funding since 2014. Partly because we didn't been in the last round of Presidential Grant and also because the paper work is really complicated, a lot of paper for that. Organization private donations and institutional donors are: The Andrei Sakharov Foundation, OAK Foundation, European Union, Foundation "Remembrance, Responsibility and Future", Sreda Foundation, Sigrid Rausing Trust. We don't have any organization which support us, at least openly, and don't have a lot of private donors. So mostly its project funded foreign finances. But I think 90% of independent foreign Russian NGOs have this situation.

I: Thank you. Was your organization (or maybe is) included into "Foreign Agents" law register?

R: Yes, we are included since 2014. We are challenging this decision in court, in European Human Right Court. Of course if Russia won't leave Council of Europe by that time, which probability is quite high.

I: Your case in European Human Right Court is still on process?

R: We are at the stage of “communicating”, it is stage number two. First stage is “accepted”, now is “communication”.

I: How was your inclusion into “Foreign Agent” register justified?

R: There are two bullet points: foreign finance, which we do, and political work, which is strange. In the Russian law there is no definition what is political action, the definition that we are using is not the one the Ministry of Justice uses. Therefore, our political actions were seen, in quotes from the experts who have been participant in different discussions organized by our organization. “We are seen implementing political activities because of criticizing the current regime” it is a quote from the papers which been given to us. Well, there are some courts with same experts, because Ministry believes that we (organization) made experts to say, what they said. During the trial we invited those experts and they justified saying that it was their professional and personal opinions. But then the Court said: well, it is your personal opinion.

I: So now you are on the list of “Foreign Agent” register?

R: Yes, we are and we are going to be probably until the end, because we won’t refuse foreign funding.

I: And did you registered your organization by yourself?

R: No one did it. In the first year when the legislation was introduced in 2013, no one did it willingly so Ministry started to check out. We paid the fine twice. First for not including ourselves, it was 300 000 ruble (4000 euro). The next one was for not rename ourselves as a “Foreign Agent”, because we tried to challenge this decision in courts and didn’t want to rename us straight after we been labelled by the Ministry. However, in accordance to Ministry we should do that despite the fact that the court process is still ongoing. All together we needed to pay 10 000 euros and that was from private donations.

I: Thank you. Which consequences this law had for your organisation?

R: Basically we are not able to work with students and any kind officials there. We used to have a lot of events for school children, they had to pay just for bus and nothing else. And in our museum we have a lot of paper about the history of repressions during the XX century so it is a typical issue for schools. But now we can have just individual tours or tours organized by the teacher himself, it can’t be official list we can have just private lessons. Way less school children as before.

Also, the paper work of course. We didn’t have a lot of government officials participating in our events, but it was some, however now the number is even more reduced.

But the main think, we are concern about, is the legislation. Now we are a group of “Foreign Agents”, the law not communicate directly to us but with a group of us, so in future it can be another law addressed for our group.

Russian Government problem is not foreign support by itself, foreign funding are just means, but government problem is the mission of our organization, what we are doing. For example, organization “Russian behind bars” are facing the same pressure even if they are funded by the people. I don’t think they received any foreign funding or grant support until the last year. Or for example with Navalny, he doesn’t receive any grants support but still Government has a problem with him. So for the government is easier to reduce the financial support.

But when the “undesirable organization” law was introduced and when the list came to the press, some of the donors have took off their support completely, some of them did it before the inclusion.

It is a legislation that directly threatens you. You receive a criminal case if you are working with these organizations. We lost 40% of our funding because of the “undesirable organizations” law. Fortunately, we were able to find some new donors.

I: Thank you. Are you discussing with other NGOs or lawyers about the issues of this law? Is there any legal action that can be taken towards a resolution of this situation?

R: Now around 150 organizations are included into “Foreign Agent” register. Of course the discussions are ongoing and exchange of opinions between different “Foreign Agents”, judicial collaboration.

Yes, of course we do and of course we are exchanging news.

But actually it not only us, Russian NGOs. We are discussing the situation with our Hungarian colleagues, because they are facing the same problems. Unfortunately, now it is not only in Russia, we see that it can be translated into international sphere.

I: Do exist other registers or lists which restrict the rights or freedom of organization?

R: No, not that I know. These are the two main laws.

I: Thank you. Is there any subjects or topics you can't study or prefer not to study?

R: No, we don't have any kind of activities that we are not doing, or because they are going to be problematic. If we think that the issue is important, we will discuss it.

I: Thank you. Did organization or its members, volunteers receive some physical harassment? Psychological pressure? Attacks on social media?

R: We regularly receive wide range of harassments from the social media, comments in the website or personal messages, for example to my e-mail box. For example, that we should stop harassing Orthodox Church. Such blames are addressed for person or for the organisation.

I: Thank you. The last question will be how in general you evaluate the situation of your organisation in Russia? Positive/Negative points.

R: The bad points I think I listed them. Good point that we still are working, are able to continue our work, have our buildings. But we don't know how government will continue all these law issues, if they will be changed or be continued. Also the point that the name of our Center- Sakharov is well known, it is protecting us from some kind of harassment, because we are well known in the world. Some of other colleagues in the region are not so lucky. So I think it can be complicated for those who are smaller. Our educational programs are in demand, we have a licence to provide our workshops and lectures. We also have a volunteer center, mostly to help human right defenders in Moscow. We are doing together with them projects and campaigns, so we have a number of people who are willing to participate and they are mostly young people. It is a positive point that despite the government pressure, activists and volunteers are not afraid to make campaigns to improve civil society. Therefore, this is a good point that there are people who despite all these things want to be friends, want to help us and be included in what we do.

I: Thank you for this interesting conversation!

R: Thank you and good luck!