

# PROTEST AND PRESSURE IN A PANDEMIC


**STATUS OF RUSSIA'S FOREIGN AGENT LAWS AND  
IMPLICATIONS FOR ENVIRONMENTALISTS IN 2020**



Defending the Kushtau mountain in Bashkortostan, august 2020. (Photo: Kushtau-online)

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## STATUS OF RUSSIA'S FOREIGN AGENT LAWS AND IMPLICATIONS FOR ENVIRONMENTALISTS IN 2020

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# PREFACE

Founded in 1914, Naturvernforbundet/Friends of the Earth Norway is Norway's oldest environmental and nature conservation organization. Naturvernforbundet is membership-based and democratic, and consists of over 31,000 members divided between approximately 100 local groups across the country, working to solve environmental issues both locally and globally.

Naturvernforbundet/Friends of the Earth Norway has over many years worked closely with Russian environmental organizations. The cooperation has been helpful for both sides on a wide range of environmental topics. The work has all the time faced challenges from regulations on the Russian side, but the situation deteriorated significantly with the foreign agent NGO laws that were approved in the Russian parliament and by the president in 2012. Especially since 2015 and onwards, the time and resources spent to cope with constantly growing demands and pressure from the authorities have increased in our partner organizations.

For several years, Naturvernforbundet and its Russian partners have published status reports on the conditions for civil society in general

and how it affects environmental organizations. All reports and updates are available at [www.naturvernforbundet.no/civilsocietyreports](http://www.naturvernforbundet.no/civilsocietyreports).

Our Russian sister organization Russian Social-Ecological Union (RSEU)/Friends of the Earth Russia is a non-governmental, non-profit, and member-based democratic organization, established in 1992. RSEU brings together public organizations and active citizens from all regions of Russia. All RSEU activities – programs and projects, actions and campaigns – are aimed at nature conservation, and protection of health and the wellbeing of people in Russia and around the world. RSEU members act together for nature conservation, for sustainable development of Russia and the planet. In 2014, RSEU became the Russian member of Friends of the Earth.

In Russia, activists, groups, and organizations fighting for the environment and human rights often face severe consequences of their work. Persecution and pressure come in different forms from the state, from private businesses, and from individuals. Supporting activists, groups, and organizations has therefore a prominent place in RSEU's work.



# SUMMARY

Russia's civil society has been under pressure since the beginning of the 2000s. The situation has become increasingly difficult over the years. Since 2012, the so-called foreign agent laws have been an important tool for controlling and restricting civil society.

In 2020, several legal bills were launched that further limit the space for civil society and human rights. Environmental groups and activists we speak to worry more than ever before about their situation, including those that have not previously been so much affected by the foreign agent laws. The chances of being labelled a foreign agent increased with a new law adopted in 2020, which created a situation in which any individual and non-registered group can be entered into the register. There are also increased limitations to expressing your opinion on the streets through protests and demonstrations. The laws and explanatory orders are not very specific and opens for selective use. The vague definitions and general hostility towards civil society involvement in the public debate create uncertainties and fear that can lead to self-censorship beyond the intentions of the laws.

Russian environmentalists have reported several episodes of pressure towards environmental activists this year. There are outbreaks of social conflicts accompanied by street protests and direct clashes between locals and developers.

Such conflicts occurred in relation to ongoing projects throughout the country, such as landfill construction in the Arkhangelsk region, mining in Bashkortostan, forestry in Udmurtia, and conflicts around urban green spaces in the Moscow region. Overall, these ongoing environmental conflicts can increase social tension and pressure on environmental activists. They might also contribute to increasing politicization of the environmental movement, which in turn can make environmental work look more controversial than necessary.

The current situation is extremely challenging for environmentalists. In all countries, the environmental movement is up against strong interests, and must build knowledge and capacity to be able to use a wide range of democratic instruments to protect environmental interests. Russian environmentalists also participate in public hearings, write reports and brochures, recruit followers and supporters by using social media, and conduct other related activities. Some of this work is still possible and we are very impressed by Russian environmentalists for their achievements. However, the Russian environmental movement faces not only restrictions from the foreign agent laws and others, but also limitations in possibilities to bring forward their arguments for nature and environmental protection.



# 1. INTRODUCTION

For several years, we have witnessed a worsening of the situation for civil society in Russia. In this report, we show how civil society space in general, and the space for environmental groups and activists in particular, has been further narrowed in 2020. The report presents the legal changes, as well as episodes of pressure towards environmental groups and activists.

In 2020, we clearly see a visible tightening of the room for environmental activism and increased violations of human rights. Several of our colleagues and fellow environmentalists raise concern over the new laws, and on how it will affect their work. Monitoring by Russian environmental organizations shows increased pressure and intimidation towards environmental activists.

At the same time, environmental awareness and activism is growing in Russia. According to recent studies, 35 per cent of Russians are ready to take part in environmental protest, and 56 per cent say that regional and federal authorities are

unable to cope with solving environmental problems<sup>1</sup>. As written in our previous report, more environmental protests take place, and local ad-hoc groups are growing stronger. Although people may have different reasons for engaging in protests, it seems there is a growing belief that federal and regional authorities are unable, or unwilling, to combat environmental problems.

As environmentalists, the focus in our reports is mainly on pressure towards environmental NGOs and activists. However, we want to point out that other parts of Russian civil society also face problems, often more severe. The new laws and amendments are not targeted towards environmentalists specifically, more towards political opposition.

Most of the data reflected and numbers shown are considered and counted until the end of 2020. In some cases, if the effect in the beginning of 2021 has an important additional value for the discussion of 2020 events, we include this.



## 2. BACKGROUND

This chapter summarizes much of the same information as in our previous reports, so experienced readers may well skip this chapter and go on to read about the 2020 developments.

The space for civil society in Russia started shrinking around 2000, when Vladimir Putin became president. From 2006, Russia imposed increased reporting requirements on NGOs, especially relating to foreign funding. It also provided for planned, annual inspections of the organizations from the authorities, as well as unannounced inspections. Following this, several NGOs were inspected in 2007-2008, but most environmental organizations continued their work as before.

The situation severely deteriorated in 2012 when the foreign agent law was introduced. The law intended to restrict foreign funding for electoral monitoring NGOs, after the massive protest movement that followed the irregularities in the 2011 and 2012 parliamentary and presidential elections. After most NGOs refused to register as foreign agents, the Ministry of Justice was given the authority to label NGOs as foreign agents.

After the foreign agent law was introduced, the pressure on civil society became what we can call systemic, through regular inspections, labeling, fines, courts, and so on. Thus, it was necessary for NGOs to start more systemic monitoring and documentation. We have been following the

conditions and the development of the situation for environmental NGOs and activists in Russia for years. We have made annual reports since 2013.

The main trend is that, every year, the situation for civil society is becoming worse. Existing legislation becomes stricter, new limitations are imposed, and more limiting regulations are proposed. Even if a new bill does not become law, it can still serve the function of spreading fear of the restrictive state, which might limit people's willingness to protest or even speak their opinion.

### BACKGROUND ON THE LAW ON FOREIGN AGENTS

The law on Foreign Agents aims to marginalize, defame, and shut down critical voices. An organization can be labelled a Foreign Agent if it has received foreign funding at the same time as engaging in "political activity". The definition of "political activity" is vague and covers in practice any normal advocacy work that any organization would be engaged in. Activities like information work and arranging meetings can also be considered "political" and lead to being labelled as foreign agents, which means that no organization is safe.

Consequences for NGOs that are registered are huge, and, in practice, it has proven difficult to continue the activity of a number of orga-

nizations. Thus, many groups have decided to close down. The forced registration also led to court cases and big fines for not having registered voluntarily. Since 2012, the law on foreign agents has led to the liquidation of 22 out of the 32 environmental NGOs that have been declared as foreign agents.

From the authorities, it was claimed that the foreign agent law was not discriminatory. However, after several amendments have been made to the law, the NGOs labelled as foreign agents have lost several rights. The human rights council of the President has raised this issue several times and informed the President about the selective implementation of the law. NGOs labelled as foreign agents must provide all information on their activities in advance, in addition to annual reporting. The grounds for a ban are not specified; any activity can be banned.

The law on foreign agents has served as one of Russian authorities' main tools to repress Russian civil society. The law hinders Russians organizations in working efficiently: restricting foreign funds, marginalizing "political" and almost any other NGO's activity, spreading distrust to non-governmental actors among society, and introducing self-censorship among NGOs. In addition, the various aspects and processes of the law, like inspections, increased reporting, huge fines, and even sometimes court cases, draw time and resources from NGOs.

A change in the law from 2014 gave the Ministry of Justice the right to add organizations to the register themselves, without a court ruling. This change had a clear effect: in 2015, the number of environmental NGOs added to the register increased tenfold (see Table 1).

*Table 1: Number of environmental NGOs labelled as foreign agents 2014-2020*

2014	2
2015	20
2016	4
2017	5
2018	0
2019	1
2020	0
<b>Total</b>	<b>32</b>

After 2015, the number of environmental organizations being labelled foreign agents remained relatively stable and low over the years. However, one should not assume that the problem has become any smaller. The important work of the environmental organizations that were previously listed and then closed is still highly impacted. Those who changed into consulting companies spend more time and money, and those that operate without registration face practical issues. In addition, all environmentalists struggle with the status as alleged betrayers and foreign agents against Russian values.

In 2019, the law on media foreign agents was changed to include individual foreign agents. This law opens for the possibility to punish individuals for any kind of information publishing. The law "On recognition of individuals as media acting as Foreign Agents" was initiated as a bill in the end of 2017 and the first reading took place in January 2018. After being abandoned for almost two years, the bill was handled very quickly in the end of 2019. The second and third Duma readings took place in November 2019. The Federation Council approved the bill on 25th November, and the bill was signed by the president and came into force in December 2019.

## **BACKGROUND ON THE LAW ON UNDESIRABLE ORGANIZATIONS AND OTHER LAWS LIMITING THE SPACE FOR RUSSIAN CIVIL SOCIETY**

The undesirable organizations Law (called "unwanted" by the Ministry of Justice, we use the more understandable and internationally used term) followed three years after the foreign agents law, targeting not only the recipients of foreign aid (NGOs), but also the providers (donors), as well as individuals involved in any cooperation with such organizations.

The law targets international organizations that operate in Russia. The scope for the law on undesirable organizations is even wider than the foreign agent law, and both laws rely on the same kind of vagueness and unclear writing that benefits the authorities, and creates fear and uncertainty within NGOs.

Anyone working for or cooperating with an "undesirable" organization — including in an un-

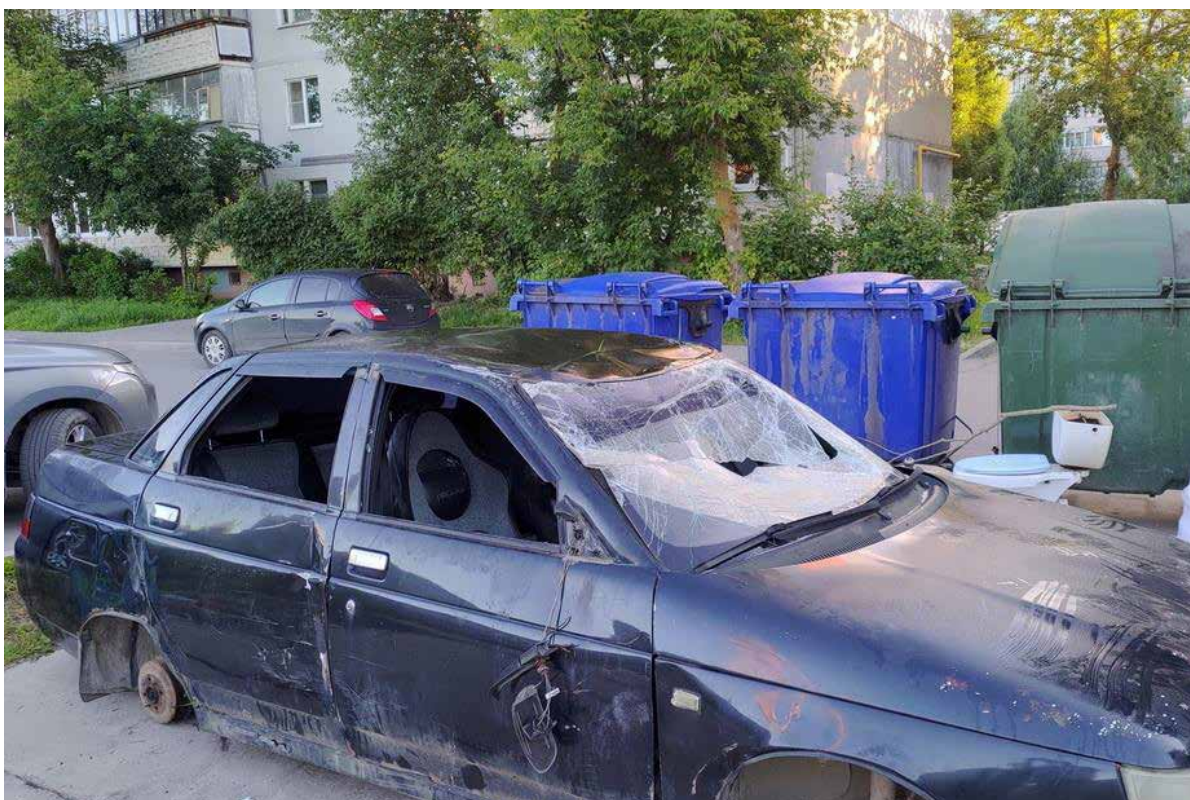


official capacity — faces fines. Criminal proceedings will be initiated against repeated offenders and the punishments can be even harsher, with fines, and prison sentences ranging from two to six years.

Regarding the register of undesirable organizations, most of those registered so far are US-based foundations or connected to these, and providing financial support for Russian NGOs. Two of four listed in 2017 were institutions of Mikhail Khodorkovsky, an ex-oligarch who fled Russia after being pardoned and released from

prison. Four organizations listed in 2018 included two focusing on elections monitoring, one German fund, and one environmental US-based NGO. In 2019, four organizations were also listed, including two US-based organizations, one Canadian and one from the Czech Republic.

There are also other laws that narrow the space of Russian civil society. For instance, it has been increasingly difficult to organize public actions and protests legally. Even when applications are sent well in advance, answers tend to be negative or alternative locations are offered.



Activist's crashed car in Vologda. (Photo\_ Evgeny Domozhirov)



## 3. NEW LEGAL DEVELOPMENTS IN 2020

The overall picture is that more happened in 2020 in terms of new legal developments compared to previous years. Several bills were proposed in November 2020, imposing new restrictions on free speech, access to information, and the right of assembly. Some of these passed the State Duma in late December, some in the beginning of 2021.

To become law, bills must pass three readings by the State Duma and an upper house Federation Council vote, as well as obtaining President Vladimir Putin's signature. For bills that pass the third reading in the Duma, it is expected that they will be approved and become law. The current status of each bill can be followed at the official web page of the legislative support system, <https://sozd.duma.gov.ru/>

An overview of the new laws most relevant for civil society organizations are presented in Table 2.

### EXPANSION OF THOSE WHO CAN BE LABELLED A FOREIGN AGENT

In December 2020, President Putin signed into law a bill<sup>2</sup> allowing any politically active, for-

eign-funded individual or organization to be labelled a foreign agent. This is an expansion of who can be labelled foreign agents, and thus a potential threat to unregistered environmental groups and individual environmentalists. After 2015, several organizations closed after being labelled foreign agents. Working as unregistered organizations, or as individuals, have been an alternative, even with its disadvantages.

The expansion of the foreign agent law to include individuals performing media work were passed in 2019 to cover individual journalists and bloggers. The new law means that the scope of those who can be recognized as a foreign agent in Russia is even wider. Now, any politically active, foreign-funded individual can be targeted. As before, the term "political" is as broad as can be imagined and can include almost any kind of work an environmental group could consider. Foreign funding could mean simply attending an event organized by a group with foreign funding. This makes it easier for the authorities to target specific activists that authorities see as problematic. The law seems aimed to keep people from monitoring elections and to prevent the non-systemic opposition<sup>3</sup>

from participation in elections. However, it can also be used to impact organizations and persons that do not participate in elections or campaigns for a political candidate, but for instance fight for environmental issues.

## **MORE RESTRICTIONS ON PUBLIC PROTESTS**

The new amendment to the federal law “On Meetings, Rallies, Demonstrations, Processions and Picketing” requires that bank account details must be indicated in the notification of the public event. Collection of funds and spending must only go through this account.

The ban on demonstrations and gatherings are stricter. One-person protest, usually referred to as “picket”, has been widely used by for instance Fridays for Future Russia, as gatherings have been hard to exercise. Now, even this alternative risks arrest if someone is providing any assistance to the protester. If the police consider that the person is not alone and someone is helping them, then everyone can be arrested.

There are other minor adjustments that together make it more difficult to organize public protests. There are also more restrictions for journalists, which makes it more difficult to report about public protests.

It was extremely difficult to hold a public action in Russia before. With the adoption of these restrictions, it has become even more difficult.

## **CRIMINALIZING AND INCREASED CONTROL OF FOREIGN AGENTS**

Two supporting laws to criminalize violations of the foreign agent law have been adopted. If you are labelled as a foreign agent, you can get fined for not registering voluntarily. For non-registering and not following the duties of a foreign agent, you can be charged with criminal offence and face up to two years in prison. If the violation is considered systematic or malicious, the maximum punishment is five years.

An amendment to increase control of those labelled as foreign agents has become law.

Foreign agent NGOs must provide their activity plans to the authorities beforehand and report afterwards. In addition to the additional control, the rules also impose additional work. With the new amendment, individual foreign agents also need to do this. Fines will also be increased for all foreign agent violations.

## **CONTROL AND REGULATION OF EDUCATION ACTIVITIES**

A new amendment to the law on education introduces control and regulation by the government of any educational activity. The amendment is not limited to the education system; it also affects what we would call information activities. As explanatory orders from the Ministry of Justice have not yet been made, it is unclear in what way the law will impact such activities. The amendment says, though not very clearly, that all international education programs, or any other educational programs with foreign participation, need a state license and the approval of educational authorities. It is not yet clear what level of authority, federal or regional, must grant approval.

Education and information work that has previously been viewed as uncontroversial may now face difficulties. Many environmental organizations and initiative groups work with schools or inform citizens on how they can contribute to an improved environment, for instance regarding energy saving measures, and waste collection and recycling options. NGOs that cooperate with universities and scientific institutions will be more affected and are now nervous. After the first Duma reading, several petitions were launched online.<sup>4</sup> The largest was signed by more than two hundred thousand people. This petition, which was started by astrophysicist Sergei Popov, states that “many educational projects, based primarily on the enthusiasm of their participants, may end up in danger of disappearing due to the appearance of numerous bureaucratic requirements, the need for licensing, coordination of the content of each lecture, etc”<sup>5</sup>.

Table 2: Overview of the most relevant new laws<sup>6</sup> (by 5th April 2021):

Number/title	Content	Status
No. 1057230-7 On Amending the Federal Law “On Meetings, Rallies, Demonstrations, Processions and Picketing”	<p>More restrictions on public protests: Requires that bank account details be indicated in the notification of the public event. Collection of funds and expenditure must only go through this account.</p> <p>It is extremely difficult to hold a public action in Russia even without these restrictions. With the adoption of the bill, it became even more difficult.</p>	Signed by Putin 30th December 2020. Has become law.
No. 1057914-7 On amendments to certain legislative acts of the Russian Federation in terms of establishing additional measures to counter threats to national security	<p>Expansion of potential foreign agents by extending the status to unregistered public associations and also expanding the concept of an individual foreign agent to cover any individual.</p> <p>By this expansion, there are now 5 types of foreign agents: Non-governmental organisations, media, journalists, and now unregistered groups and any individual.</p>	Signed by Putin 30th December 2020. Has become law.
No. 1073604-7 On amendments to Article 330-1 of the Criminal Code of the Russian Federation (in terms of clarifying responsibility for malicious evasion of duties determined by the legislation of the Russian Federation on non-profit organizations performing the functions of a foreign agent)	<p>Introduces a new article 330 into the Criminal Code, which criminalizes violations of the law on “foreign agents”.</p> <p>For example, if a person is forcibly included in the register of foreign agents, they will be fined for not joining it voluntarily. Prison terms can also be imposed if the rules are not followed.</p> <p>Previously, most of the NGOs that were labelled foreign agents were only fined for not registering voluntarily.</p>	Signed by Putin 30th December 2020. Has become law.
No. 1060950-7 On amendments to the Code of Administrative Offenses of the Russian Federation	<p>Introduces into the code of administrative offenses the norms establishing responsibility for violation of all new provisions of the legislation on foreign agents.</p> <p>This is a supportive bill, defining punishment for violating new NGO regulations for individual foreign agents only.</p>	Signed by Putin 24th February 2021. Has become law.
No. 1052523-7 On amendments to the Federal Law “On Non-Commercial Organizations” in terms of improving the legal regulation of the activities of non-commercial organizations performing the functions of a foreign agent and structural divisions of foreign non-commercial non-governmental organizations	<p>Increased obligations of NGOs included in the foreign agent register.</p> <p>Obliges NGOs included in the Foreign Agent register to send their planned activities to the Ministry of Justice, then to report following the activities.</p>	Signed by Putin 5th April 2021. Has become law.
No. 1057895-7 On amendments to the Federal Law “On Education in the Russian Federation”	<p>Introduces control and regulation by the government of any educational activity, not limited to the education system.</p> <p>Educational organizations will be required to obtain permission from the Ministry of Science and Higher Education or the Ministry of Education<sup>7</sup> for any cooperation with foreign colleagues, including holding international conferences and even exchanging scientific literature.</p>	Signed by Putin 5th April 2021. Has become law.

Furthermore, 2020 constitutional amendments not directly linked to the situation for civil society nevertheless impact the overall situation. The amendments both prolong President Putin's personal term limits until 2036 and at the same time increase the emphasis on so-called traditional Russian values. According to Andrei Kolesnikov<sup>8</sup>, chair of the Russian domestic politics and political institutions program at the Carnegie Moscow Center thinktank, the result of 2020's upheaval is that "full-scale authoritarianism has finally taken shape in Russia."

All in all, the legal changes make it even more difficult to work for environmental issues.

As Vladimir Slivjak wrote in the *Moscow Times*<sup>9</sup>:

*Unfortunately, this (...) gives carte blanche to law enforcement officials who subscribe to conspiracy theories. After all, honors and promotions are not given to officers for catching polluters of the air and water, but to those who expose unregistered organizations that spread criticisms of the government's environmental policy.*



Clashes with the protectors of forests from deforestation for the construction of residential complex, Izhevsk, 12.11.2020. (Photo: Dmitry Morozov)

## 4. LISTINGS OF FOREIGN AGENTS AND UNDESIRABLE ORGANIZATIONS IN 2020

No new environmental NGOs were labelled as foreign agents in 2020. Other NGOs have been included in the register, such as NGOs working on women's rights, LGBT issues, and HIV<sup>10</sup>.

The list of environmental NGOs that are listed as Foreign Agents can be viewed here in Russian: <http://rusecounion.ru/ru/ecoagents> and here in English: <https://rusecounion.ru/eng/ecoagents>

In 2020, 12 more undesirable organizations were listed. These are mostly US-based, of which several related to Falun Gong. In addition, organizations from the United Kingdom, Belgium, France, and the Czech Republic were listed. The last two were added on 25th December<sup>11</sup>. The state list of the undesirable organizations can be viewed at the website of the Ministry of Justice<sup>12</sup>.

The law *On recognition of individuals as media acting as Foreign Agents* from 2019 received its explanatory orders from the Ministry of Justice in September 2020<sup>13</sup>. The order states that the foreign agent register can include both individuals and legal entities who 1) disseminate information, including on the internet, and 2) receive assistance from abroad. These criteria are vague. It seems that any income or transaction from outside of Russia might be

considered as foreign funding. At the same time, any interaction, including likes and reposts, from media foreign agents might be considered as the "spread of information". Before listing individual media foreign agents, the Ministry of Justice must consult the Ministry of Foreign Affairs. There is an exception for legal entities established by foreign media, here the Ministry of Justice can list by themselves.

In December 2020, the Ministry of Justice added five individuals to the register. Of the individuals first added<sup>14</sup> to the Justice Ministry's registry of "foreign mass media performing the functions of a foreign agent" were 3 journalists, but also St. Petersburg-based artist and activist Daria Apakhonchich and veteran human rights activist Lev Ponomaryov. Ponomaryov was heading the For Human Rights movement, which was previously listed as a foreign agent and eventually disbanded in November 2019. His labelling seems to confirm the concern that this law will be used selectively.

There is reason to believe that many citizens will exercise increased self-censorship in what they are writing online. Furthermore, since it is unclear if the law covers things like travel support, we might expect reluctance towards

attending seminars and conferences financed from abroad. Democracy in Russia will thus be further weakened, and people-to-people cooperation between Russia and other countries will experience further difficulties.

With the new laws, there can be in total 5 kinds of foreign agents:

1. Non-governmental organizations (NGOs), according to the 2012 law.
2. Media organizations, according to the 2017 law.
3. Journalists or individuals in the media, according to the 2019 law.
4. Organizations without registration according to the new law.
5. Individual foreign agents according to the new law.

Our Russian co-environmentalists frequently experience that their potential partners, such as municipal officials and university representatives, ask about their foreign agent status. Even for those not registered, the foreign agent concept can work as a barrier for communication, out of fear that a long-term partners can suddenly be listed as a foreign agent, as individuals or groups.



## 5. COVID-19 PREVENTION MEASURES IN 2020

In 2020, we have seen the use of Covid-19 restrictions as an argument for arresting and fining protesters. In April, May and June, a common method of pressure against environmental demonstrations was violation of the self-isolation regime (Articles 6.3 and 20.6.1 of the Administrative Code of the Russian Federation). Generally, different reasons can be given for fining protesters and breaking quarantine regime is just one of them. However, since 1st April, corona-related reasons almost completely replaced the protocols on violation of the procedure for holding mass events (Article 20.2 of the Administrative Code of the Russian Federation) and resistance to the demands of police officers (Article 19.3 of the Administrative Code of the Russian Federation). In the autumn 2020, Covid-19 restrictions were not used against environmental protesters, as restrictions were lifted. In the beginning of 2021, corona restrictions were used again, this time against political protests.

Several Russian environmental groups have complained that public hearings have been cancelled or gone ahead with limited public participation. In connection with the Covid-19 epidemic in many regions and municipalities (public hearings are the responsibility of municipal authorities), new procedures have been ad-

opted for conducting such discussions. In some regions, public hearings can be held via the Internet, where the procedure for selecting participants is not transparent and some activists were unable to register for such discussions. Other regions began to use polls instead of hearings. At the same time, it is not clear how opinions are considered and whether they will be included in the final document (the protocol).

In Chelyabinsk in April 2020, it was decided that a public hearing to discuss the cutting of trees would be held in absentia. This meant that people could send their comments, but not participate in any way, not even digitally. The day before the hearing it was revealed that those who wished to attend should send copies of their passports and consent to processing of personal data, according to the leader of the movement “Stop GOK”<sup>15</sup>. Complaints regarding this process were sent, but the hearing took place. Environmentalists worry that the new hearing procedure will continue, even after corona restrictions are lifted.

In Nizhniy Novgorod in April 2020, environmentalists complained that local hearings were conducted in a way that contradicted the corona rules of the governor<sup>16</sup>. Although the governor explicitly forbade gatherings of any kind, the local Duma asked people to come to the hearing and identify themselves as a participant in the



discussions. As participating in hearings was not included in the accepted reasons to leave the house, people could have been afraid to follow the hearing procedures.

A similar situation took place in Leningrad region in May. Despite the governor's decision to prohibit any public gathering to prevent corona from spreading, the administration of Kingisepp decided to organize a hearing with the construction company. Both local environmental groups and a local indigenous people's organization complained<sup>7</sup>, stating that the hearing was illegal and demanded that it should be stopped. They considered it unfair to hold such hearings, when for instance people over 65 years could not attend, as they were obliged to follow a regime of self-isolation. The organizers refused to stop and continued the hearing, but the only participant was a business representative. Other participants chose to leave to avoid violating the decision of the governor.

In April 2020, the Russian Union of Indus-

trialists and Entrepreneurs (RSPP) proposed<sup>18</sup> suspending current environmental supervision, control, and the most significant environmental regulation procedures under the pretext of the coronavirus pandemic. However, their suggestion was not followed.

In addition, Russian environmentalists point out<sup>19</sup> that Russia (Rosatom) and Germany (Urenco Germany) have taken advantage of the coronavirus crisis to resume shipping radioactive uranium waste to dump in the Urals and Siberia in Russia. When environmental groups discovered, in autumn 2019, that Germany was exporting its radioactive waste to Russia, via the harbor of Amsterdam, they directly organized protests in these three countries. Those protests had success, and the transport by rail and sea was put on hold. That was before the coronavirus crisis hit. In March 2020, when Covid-19 lockdowns restricted people's right to protest in Russia even further, the shipments of radioactive waste were set to resume.



Free Kazantsev demands at the demonstration in Chelyabinsk on September 10, 2020.

(Photo from the Stop-GOK group [https://vk.com/stop\\_gok](https://vk.com/stop_gok))



## 6. RECORDED EPISODES OF INTIMIDATION OF ENVIRONMENTAL ACTIVISTS IN 2020

In the beginning of 2020, it seemed like the main pressure from Russian authorities moved to protest groups, whereas NGOs were more left alone. But with the new legal developments in the last part of the year, the pressure increased on organizations as well.

It is difficult to say with certainty which issues are subject to more pressure. According to numbers presented below, most cases of detained and fined activists relate to extraction of natural resources, waste management, polluting industries, and construction projects. On the other hand, activists who oppose nuclear energy are subject to more serious pressure, such as articles from the criminal code, accusations of espionage and, as a result, the need to leave their home country and seek political asylum abroad<sup>20</sup>.

Concerned citizens and organizations normally direct their appeals to - and attempt to establish a dialogue with - the authorities. Raising public attention, filing appeals and complaints, and participating in public hearings are normal working methods to bring new perspectives to the table of decision-makers. When such working methods are ignored or hindered, we have seen environmental activists turning to protest actions. This is not unique to Russia; in Norway and other countries, environmentalists

may resort to protests and demonstrations to get attention if they feel ignored. An important difference is that, in Russia, such protest actions can be interpreted by authorities as voicing criticism against the regime itself and therefore as a potential threat. In 2020, we have seen protests escalating into physical confrontation.

In 2020, environmentalists and environmentalists were beaten, tried, dispersed, and fined. Russian Social-Environmental Union (RSEU)/ Friends of the Earth Russia monitors the pressure on environmental activists and published a report on the topic in January 2021<sup>21</sup>. Information from this report is presented below.

All in all, in 2020, RSEU recorded 169 episodes of pressure<sup>22</sup> on 450 environmental activists in 26 regions of Russia. One activist was killed, 15 were injured to varying degrees of severity or had their property damaged, 14 criminal cases were initiated against eco-activists, and 264 administrative protocols were drawn up. The total amount of individual fines was over half a million rubles (more than 5 000 euros). Details are shown below.

### GREEN HOT SPOTS AND ISSUES

The leading regions in terms of the number of episodes of pressure on environmentalists

were Moscow (48 episodes), Bashkortostan (20), Arkhangelsk region (18), Moscow region (11), Kemerovo region (9), and the Republic of Tatarstan (9).

The hottest issues of environmental conflicts were the construction of a waste landfill at the Shies station in the Arkhangelsk region (20 episodes), an attempt to develop the limestone mining industry in the Kushtau shishan (limestone mountain) in Bashkortostan (17), protection of a park on Ivan Franko Street in Kuntsevo in Moscow (14), the construction project “Festival Park- 2” in Moscow (11), and construction of a section of the South-Eastern Expressway in Moscow (8).

The main episodes of pressure on eco-activists are associated with the extraction of natural resources, problems in the field of waste management, hazardous industries, and construction projects.

In particular, the pressure was associated with the construction of landfills at the Shies station in the Arkhangelsk region, in Povarovo in Solnechnogorsk and Voskresensk in the Moscow region and near the Vesoly farm in the Rostov region, the construction of waste incinerators in the Osinovo village in Tatarstan, and the Timokhovo village in the Moscow region.

The extraction of raw materials is often associated with the destruction of valuable natural, historical, and cultural territories, and causes a deterioration of the ecological situation at the sites of extraction. Examples are the conflicts around the development of the Shikhan Kushtau for the production of soda in Bashkortostan, the construction of the Tomino GOK mining complex in the Chelyabinsk Region, and the mining of uranium in the Kurgan Region, as well as coal mining and transportation in several districts of the Kemerovo Region.

Construction projects are most often associated with deforestation of green areas, and individual green areas. Thus, the points of tension were protests related to the construction of the Festival Park 2 residential complex in the park on Festivalnaya street in Moscow, in the Ramenki district in Moscow with the construction of the Legacy residential complex, in the park area on Ivan Franko street in the Kuntsevo (an understudy of Kutuzovsky Prospekt), and in Vologda for the construction of a kindergarten

on the site of a public garden on Yaroslavskaya Street.

A significant number of pressure episodes were associated with the construction of a section of the South-Eastern Expressway through the repository for radioactive waste of the Moscow Polymetals Plant, as well as with plans to build a plant for processing highly toxic waste in Kambarka, Udmurtia.

#### DEATH

A death occurred on 26th August 2020 in Vologda. Activist Sergei Pakholkov, who opposed the destruction of a park on Yaroslavskaya Street, died at a police station after being arrested. A criminal case was opened, but neither the activist's wife nor the lawyer were allowed to access the case materials.

#### DAMAGE TO HEALTH AND PROPERTY

In Vologda, on 7th August, about 15 unknown people broke windows, left dents, and overturned an eco-activist's car parked near a protected square. On 29th September, two defenders of the same square were injured as a result of the use of force by workers.

Another activist's car was damaged on 13th July in Moscow, when unknown persons damaged the on-duty van “Oborona Slope” of opponents of the construction of the South-East Expressway section. At night, all four wheels of the car were punctured and something was poured into the tank, as a result of which the van could not be started.

In the Chelyabinsk Region, during filming of the Tomino GOK construction site, an activist of the Stop GOK movement, Alexander Kopyev, was attacked by two unknown persons with knives. Kopyev was able to fight back and was not seriously injured, but the tires of the eco-activist's car were punctured.

In Vsevolozhsk, Leningrad Region, the police broke the arm of a park defender in Peschanka.

#### PRESSURE ON NON-GOVERNMENTAL ORGANIZATIONS (NGOS)

There are only three NGOs remaining in the foreign agent register. The rest have left, either by applying to be delisted or by closing their NGO.

In Kaliningrad, criminal prosecution of the director of “Ecodefense!” Alexandra Korole-

va continues, under the article on malicious non-execution of a court decision (part 2 of article 315 of the Criminal Code of the Russian Federation), for repeatedly not paying fines that “Ecodefense!” was given for not following the rules of the foreign agent legislation.

On 15th May 2020, the Goryachy Klyuch City Court confirmed a 300,000 ruble fine (approximately 3 300 eur) for violating the law on foreign agents regarding the organization “Civil Initiative Against Environmental Crime”.

On 3rd March 2020, the Moscow City Court rejected the appeal of the Center for Assistance to the Indigenous Peoples of the North against the actions of the Ministry of Justice of Russia (on refusal to register changes in the constituent documents), which led to the closure of the organization in November 2019.

The public organization “Bashkort”, which defended the Shikhan Kushtau in Bashkortostan, was declared extremist on 22nd May 2020 and closed down. This law is used to silence critics as a repressive mechanism against ethnic and cultural groups standing up for their rights.

In Krasnodar, the co-chairman of the RSEU and coordinator of the “Ecological Watch for the North Caucasus” Andrey Rudomakha was detained in a criminal case about an “undesirable organization” with which Rudomakha has nothing to do. After interrogation, he was released as a witness. Searches were also carried out in the office of “EcoWatch” and in the apartments of the organization’s activists.

The list of environmental NGOs that are listed as foreign agents can be viewed here in Russian: <http://rusecounion.ru/ru/ecoagents> and here in English: <https://rusecounion.ru/eng/ecoagents>

## CRIMINAL PROSECUTION

In Chelyabinsk, the criminal prosecution of activists of the Stop GOK movement continues. The Stop GOK movement protests against a copper mining and enrichment plant. Vasily Moskovts is tried for incitement to hooliganism by prior conspiracy (part 4 of article 33 and part 2 of article 213 of the Criminal Code of the Russian Federation) and deliberate destruction of property out of hooliganism (part 2 167 of the Criminal Code of the Russian Federation), and Gamilya Asatullina for hooliganism committed by a group of persons (part 2 of Art. 213 of the

Criminal Code of the Russian Federation) and attempted destruction of property (part 2 of Art. 167 of the Criminal Code of the Russian Federation). In December, the hearings were held behind closed doors.

In relation to another opponent of the construction of the Tomino GOK - lawyer Vladimir Kazantsev - the prosecutor’s office of the Chelyabinsk region approved the indictment in a criminal case of fraud (part 3 of article 159 of the Criminal Code of the Russian Federation, part 1 of article 30, part 4 of article 159 of the Criminal Code of the Russian Federation). On 17th November, the preventive measure was changed from house arrest to travel restrictions.

In the Arkhangelsk region, a decision in the criminal case against the Shies activists lasting from spring 2019 was rendered. Accusations occurred after a conflict on the construction site, where activists were blocking illegal construction. After the clash, an excavator operator claimed to be injured, but later journalist investigation showed he was fine. A court nonetheless sentenced Andrey Starkovsky and Denis Drobinin to one year conditionally under articles on the threat of murder or infliction of grievous bodily harm (part 1 of article 119 of the Criminal Code of the Russian Federation) and arbitrariness (part 2 of article 330 of the Criminal Code of the Russian Federation). The term arbitrariness is used in the official English translation of the criminal code of the Russian Federation. Quote “Article 330. Arbitrariness 1. Arbitrariness, that is the unauthorized commission of actions contrary to the order presented by a law or any other normative legal act, actions whose lawfulness is contested by an organisation or individual, if such actions have inflicted substantial harm”.

Usually such articles would be used against state representatives (for instance as police officers), for overstepping your role in acting on behalf of the state or a company. To use such article against a civilian, not representing a state or commercial institution, seems very strange. Each of them must also pay 20 thousand rubles (approximately 220 eur) in compensation to the excavator operator, who destroyed the trailer of eco-activists. Two defenders of the protest camp - Vyacheslav Grigoryants and Valery Dzyuba - were acquitted. On 2nd September 2020, the

Arkhangelsk Regional Court upheld this decision.

Andrey Borovikov, another defender of Shies, was searched on 29th September and his office equipment was seized. The reason was the criminal case initiated against him in the spring of 2020 for allegedly spreading pornography - posting a clip of the Rammstein music group on his personal page on the VKontakte network.

In Yekaterinburg, in a criminal case against the defender of a park near the Drama Theater, the activist Maksim Shibyanov was prosecuted under the article "Intentional infliction of moderate harm to health" (Article 112 of the Criminal Code of the Russian Federation) for allegedly hitting the journalist Maksim Rummyantsev. On 9th July, the court ordered a second medical examination for Rummyantsev. Another defender of the park was taken into custody on charges of inciting and participating in riots.

In Kurgan, pressure continued on environmental activists who oppose uranium mining by Rosatom's subsidiary Dalur. A criminal case on evasion of military service has been initiated against Alexei Schwartz. As reported in another article from Russian Social-Ecological Union<sup>23</sup>, the Federal Security Service in the Kurgan Region initiated a criminal case against local eco-activist Lyubov Kudryashova in March 2020 for her "public justification of terrorism using the Internet". Activists attribute her persecution to her work at the Public Monitoring Fund for the Environmental Condition and the Population Welfare, which she led back in 2017. The Foundation has repeatedly published information on the possible environmental damage resulting from Dalur's mining activity.

In Moscow, Aleksandr Kolotov, an opponent of the construction of a section of the South-Eastern Expressway, received the status of a witness in a criminal case on damage to the radiation sensor of the Federal State Unitary Enterprise "RADON" (part 1 of article 167 of the Criminal Code of the Russian Federation).

Lilia Govorova, an opponent of the construction of a logistics center in Chuvashia, was accused of using violence against a government official (Article 318 of the Criminal Code of the Russian Federation).

Sergei Pinyagin, a campaigner against the work of a car wash in the Krasnodar Territory,

was accused of deliberately inflicting moderate harm on a janitor who attacked the activist's wife (Article 112 of the Criminal Code of the Russian Federation).

Alexander Davydov, an opponent of the construction of an incineration plant in Kazan, was beaten and threatened to stop his environmental activism, and reported this to the police. The police said they found no evidence of such beating, and instead accused him of a "deliberately false denunciation" (part 1 Art.306 of the Criminal Code of the Russian Federation<sup>24</sup>), meaning he was accused of lying with the purpose of accusing others.

#### ADMINISTRATIVE PROSECUTION

The most significant episodes of administrative pressure were 1) the arrest of 63 opponents of the construction of a section of the South-Eastern Expressway in Moscow in March, 2) the detention of 70-90 people in Bashkortostan in the camp of Shikhan Kushtau defenders in August, and 3) the dispersal of an eco-activist camp in the village of Cheremza of the Kemerovo Region against the construction of a coal-loading plant, where 19 administrative cases were initiated in August.

In April, May and June, a common method of pressure was the drawing up of protocols for violation of the self-isolation regime (Articles 6.3 and 20.6.1 of the Administrative Code of the Russian Federation) - since 1st April, they have almost completely replaced the protocols on violation of the procedure for holding mass events (Article 20.2 of the Administrative Code RF) and resistance to the demands of police officers (Article 19.3 of the Administrative Code of the Russian Federation).

#### CASES REMAINING UNEXPLORED

The responsible have not yet been found in the most brutal attack from 2016 on firefighting activists in the camp of the Environmental Watch for the North Caucasus and the Russian branch of Greenpeace. The case has not been properly investigated and criminal proceedings have been discontinued. A similar situation developed with regard to the December 2017 attack on a group of activists of the Environmental Watch for the North Caucasus and its leader Andrei Rudomakha.



## 7. CONCLUSION

For several years, the situation for Russian environmental civil society has deteriorated and 2020 was no exception. This was due to two developments. Firstly, we witnessed more cases of intimidation towards environmental activists, who protested despite restrictions. Secondly, several harmful legislative bills that further narrow the space for Russian civil society were introduced.

In addition, the pandemic resulted in fewer opportunities for participation in hearings and additional restrictions on activists. It is yet to be seen if this trend will continue in 2021, when corona restrictions are being lifted.

As stated in our previous reports, we expected a switch from pressure on NGOs to pressure on individuals. We see that unregistered environmental groups and their leaders are under threat. This is a challenging balance for all Russian environmentalists: those who are active and effective in their work seem to face a higher risk of being noticed and punished.

Pressure towards environmental groups and individual activists continued in 2020 and seems to have increased. In addition to pressure from the authorities, environmental organizations have reported outbreaks of social conflicts involving street protests and direct clashes between locals and developers in Russia. Such conflicts occurred in relation to landfill construction near the Shies station in the Arkhangelsk region, min-

ing in Shikhan Kushtau in Bashkortostan, forest cutting in Udmurtia, and conflicts around urban green spaces in the Moscow region. Overall, these ongoing environmental conflicts increase social tension and pressure on environmental defenders, and could contribute to the increasing politicisation of the environmental movement. According to the report of the Environmental Commission of the Presidential Council for Civil Society and Human Rights in Russia,<sup>25</sup> access to environmental information and meaningful public participation in decision-making remain the only ways to prevent social conflict and ensure environmental protection.

Legal developments introduced in the end of 2020 and beginning of 2021 will further limit the possibilities to work for environmental and nature protection. The chances of being labelled a foreign agent increased now that any individual and non-registered group can be entered into the register. Furthermore, there are increased limitations on expressing opinions on the streets through protests and demonstrations. 2021 will show how the new legal amendments will be implemented by the authorities, but we understand that environmental groups and activists are worried.

However, the picture is not entirely bleak. The struggles against the landfill in Shies in Arkhangelsk and mining on the mountain of Kushtau in Bashkiria have been won, at least for now.

However, people that worked on these issues are still investigated and prosecuted for their involvement.

A report on climate and environment, including an article on prosecution of climate and energy activists, was presented to President Putin at his meeting with his Human Rights Council in December 2020<sup>26</sup>. Following this, the Russian Public Chamber got interested in the issue and in January 2021 they organized a round table, highlighting analysis and recommendations from Russian environmentalists<sup>27</sup>.

In March 2021 the Public Chamber announced the creation of a coordinating council for environmental well-being, which should protect environmental activists under pressure from business and authorities<sup>28</sup>.

The United Nations Human Rights Council passed a resolution in March 2019<sup>29</sup> recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, the environment, and sustainable development. The Russian Social-Ecological Union (RSEU) emphasizes that the Russian state is obliged to respect, observe, and protect human rights, including environmental rights<sup>30</sup>.

In 2021, elections to the State Duma, the lower house of the Russian parliament, must be held by September. It is expected that the Russian regime will suppress oppositional voices and limit protesting in the streets. Although intended to control the political opposition, the measures will most likely limit the environmental movement as well.

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Naturvernforbundet/Friends of the Earth Norway has over many years worked closely with Russian environmental organizations. The cooperation has been helpful for both sides on a wide range of environmental topics.



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