



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

## THIRD SECTION

### **CASE OF ECODEFENCE AND OTHERS v. RUSSIA**

*(Applications nos. 9988/13 and 60 others – see appended list)*

### JUDGMENT

Art 11 (read in light of Art 10) • Freedom of association • Application of Foreign Agents Act to applicant non-governmental organisations and their directors neither prescribed by law nor necessary in a democratic society • Concepts of “political activity” and “foreign funding” insufficiently foreseeable and lacking sufficient safeguards against abuse • No relevant and sufficient reasons for creating special status of “foreign agents”, imposing additional requirements or restrictions on organisations registered as such and punishing breaches in unforeseeable and disproportionate manner • Legal regime placing significant chilling effect on choice to seek or accept any amount of foreign funding, especially in respect of sensitive or domestically unpopular topics

Art 34 • Hinder the exercise of the right of petition • Failure to comply with interim measure indicated by the Court through enforcement of dissolution order against a non-governmental organisation

STRASBOURG

14 June 2022

*This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.*



**In the case of Ecodefence and Others v. Russia,**

The European Court of Human Rights (Third Section), sitting as a Chamber composed of:

Georges Ravarani, *President*,

Georgios A. Serghides,

Darian Pavli,

Anja Seibert-Fohr,

Peeter Roosma,

Andreas Zünd,

Frédéric Krenc, *judges*,

and Milan Blaško, *Section Registrar*,

Having regard to:

the sixty-one applications against the Russian Federation lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by seventy-three Russian non-governmental organisations and their directors (“the applicants”), on the dates indicated in the Appendix;

the decision to give notice to the Russian Government (“the Government”) of the complaints concerning restrictions on the applicants’ rights to freedom of expression and association and the protection against discrimination and undue pressure, and to declare inadmissible the remainder of the applications;

the observations submitted by the respondent Government and the observations in reply submitted by the applicants;

the comments submitted by the Council of Europe Commissioner for Human Rights (“the Commissioner”) (Article 36 § 3 of the Convention);

the comments submitted by the following third-party interveners who were granted leave to intervene by the President of the Section (Article 36 § 2 of the Convention): the Institute for Law and Public Policy (ILPP); the United Nations Special Rapporteur on the situation of human rights defenders (“the Special Rapporteur”); the International Service for Human Rights (ISHR); the International Commission of Jurists (ICJ); Amnesty International; a group of Hungarian non-governmental organisations including the Hungarian Helsinki Committee, the Hungarian Civil Liberties Union, Transparency International Hungary, Atlatszo.hu, and the Eötvös Károly Policy Institute (“the Hungarian NGOs”); the Helsinki Foundation for Human Rights (Poland); and the Media Legal Defence Initiative;

the decision of the President of the Chamber to appoint Judge G.A. Serghides to sit as an *ad hoc* judge (Rule 29 § 2 (b) of the Rules of Court), Mr Mikhail Lobov, the judge elected in respect of Russia, having withdrawn from sitting in the case (Rule 28 § 3), and none of three persons designated by the Government as eligible to serve as *ad hoc* judges making themselves available to the Court (Rule 29 §§ 1 (c) and 5);

Having deliberated in private on 17 May 2022,

Delivers the following judgment, which was adopted on that date:

## INTRODUCTION

1. The present cases concern restrictions on the freedom of expression and association of Russian non-governmental organisations (NGOs) which have been categorised as “foreign agents” funded by “foreign sources” and exercising “political activity”.

## THE FACTS

2. The applicants are Russian NGOs and, in some cases, their directors. The names of the applicants and their representatives are given in the Appendix.

3. The Government were initially represented by Mr A. Fedorov and Mr M. Galperin, former Representatives of the Russian Federation to the European Court of Human Rights, and later by their successor in this office, Mr M. Vinogradov.

4. The applicant NGOs had operated for a long time under the same legal regime as any other Russian NGOs. They were active in civil society issues, human rights, the protection of the environment and cultural heritage, education, social security and migration.

5. In 2012 the new Foreign Agents Act was enacted (for details, see the following section). It required Russian NGOs which were deemed to engage in “political activity” and to have been in receipt of “foreign funding” to seek registration as “foreign agents”, under the threat of administrative and criminal sanctions. They were also required to label their publications as originating from a “foreign-agent” organisation, post information on their activities on the Internet and submit to more extensive accounting and reporting requirements.

6. Since 2012 the Foreign Agents Act has been updated several times. In June 2014 the Ministry of Justice was given the power to put organisations on the register of foreign agents at its own discretion. In 2016 the Foreign Agents Act was updated with a new definition of “political activity”.

7. After the Foreign Agents Act came into force, prosecutor’s offices and local justice departments required the applicant organisations and their directors to submit documents for an audit. They examined the documents and concluded that the applicant organisations fell within the definition of a “foreign agent”. The Ministry of Justice put most of the applicant organisations on the register of foreign agents. The facts specific to each case are set out in the Appendix.

8. The applicants unsuccessfully challenged the decisions of the justice departments and prosecutor’s offices before the domestic courts.

9. The application of the Foreign Agents Act has resulted in the imposition of administrative fines, financial expenditure, restrictions on the applicant organisations’ activities and the institution of criminal proceedings

against the director of one organisation. Many applicant organisations were liquidated for violating the requirements applicable to “foreign agents”, or had to take decisions on self-liquidation because they were unable to pay the fines, or in order to avoid new sanctions.

10. On 28 and 29 December 2021 the Supreme Court of the Russian Federation and the Moscow City Court, respectively, granted the prosecutor’s applications for the liquidation of the applicant organisations International Memorial and the Memorial Human Rights Centre and their field offices. The courts considered it established that the organisations – which the Ministry of Justice had put on the register of “foreign agents” – had committed “gross and repetitive” violations of “foreign-agent” legislation by failing to label their Facebook, Twitter, YouTube, Instagram and other online publications as originating with a “foreign-agent” organisation. The courts held that, by “concealing [their] foreign-agent status”, the organisations failed to ensure “transparency of [their] activities”, prevented “proper public scrutiny of [their activities]”, and violated “the right of citizens to receive reliable information about [their] activities”, in flagrant violation of Russian law.

11. On 29 December 2021 the Court indicated to the Government, under Rule 39 of the Rules of Court, that, in the interests of the parties and the proper conduct of the proceedings before it, the enforcement of the decisions to dissolve the two applicant organisations should be suspended for a period that would be necessary for the Court to consider the present case.

12. On 28 February and 5 April 2022 the Appeals Panel of the Supreme Court and the First Court of Appeals, respectively, dismissed the two organisations’ appeals against the dissolution orders.

13. International Memorial applied to the Supreme Court for a stay of execution of the liquidation decision, as directed by the interim measure. On 22 March 2022 the Supreme Court refused the application, ruling that the enforcement of the liquidation decision did not “prevent the organisation from exercising its rights under Article 34 of the Convention”, did not “create a risk of loss of life, health or irreparable harm to the organisation or its members” and did not “violate the constitutional right to freedom of association”.

14. On 5 April 2022 the liquidation decision was enforced and International Memorial was removed from the State Register of Legal Entities.

## RELEVANT LEGAL FRAMEWORK AND MATERIAL

### I. THE FOREIGN AGENTS ACT

#### A. Enactment of the Foreign Agents Act

##### 1. Definitions

15. In 2012 the Russian authorities adopted a series of amendments to the legislation on NGOs, which are collectively known as the Foreign Agents Act (Law no. 121-FZ of 13 July 2012). The Act introduced the notion of a “foreign agent” in section 2(6) of the Non-Commercial Organisations Act, Law no. 7-FZ of 12 January 1996 (“the NCO Act”), defining such an agent as:

“... a Russian non-commercial organisation receiving funds and other property from foreign States, their governmental bodies, international and foreign organisations, foreign nationals, stateless persons or persons authorised by [any of the above], or Russian legal entities receiving funds and other property from the above-mentioned sources ... (‘foreign sources’) and which engages in political activity, including political activity carried out in the interests of foreign providers of funds, in the territory of the Russian Federation.”

16. The concept of “political activity” was defined as follows:

“A non-commercial organisation, except for a political party, is considered to carry out political activity if, regardless of its statutory goals and purposes, it participates (including financially) in the organisation and implementation of political actions in order to influence State authorities’ decision-making process that affect State policy and public opinion.

Activities in the following fields shall be excluded from the scope of ‘political activity’: science, culture, the arts, healthcare, the prevention of diseases and the protection of health, social security, the protection of motherhood and childhood, the social support of disabled persons, the promotion of a healthy lifestyle, physical well-being and sports, the protection of flora and fauna, charitable activities, and the assistance of charities and voluntary organisations.”

##### 2. Additional requirements applicable to “foreign agents”

###### (a) Registration requirement

17. All organisations deemed to fit the definition of a “foreign agent” were required to file an application with the Ministry of Justice to be included on the register of foreign agents (section 32(7) of the NCO Act and section 29 of the Public Associations Act, Federal Law no. 82-FZ of 19 May 1995).

###### (b) Unscheduled inspections

18. “Foreign agents” were liable to have routine inspections by the Ministry of Justice, which were to be carried out at least once a year, and also to have unscheduled inspections in the circumstances listed in section 32(4.2)

of the NCO Act, in particular if the Ministry of Justice received information from an individual, organisation or State authority indicating that an NGO was engaged in political activity and was financed from abroad but had failed to register as a “foreign agent”, and if a “foreign agent” organisation had asked to be deleted from the register of foreign agents.

**(c) Labelling requirement**

19. “Foreign agents” were required to label all the publications which they issued or distributed with a statement to the effect that those publications originated from an organisation which was listed as “foreign agent” (section 24 of the NCO Act).

**(d) Accounting and auditing requirements**

20. The Foreign Agents Act also introduced new accounting and auditing requirements. The financial reports of non-commercial organisations exercising the functions of a “foreign agent” were made subject to compulsory audits. The organisations were required to keep a separate statement of income or expenses obtained from foreign sources (section 32(1) of the NCO Act):

“3. ... non-commercial organisations exercising the functions of a foreign agent shall submit an audit statement together with the above-mentioned documents. Moreover, the documents submitted by non-commercial organisations exercising the functions of a foreign agent shall contain information on the spending of funds and the use of other property received from foreign sources, and on their actual expenditure and use of property ...

Non-commercial organisations exercising the functions of a foreign agent shall submit to a competent body [the Ministry of Justice] a report on their activities and the members of their management bodies every six months; every three months they shall submit documents containing information on the spending of funds and the use of other property, including funds and property received from foreign sources, and an audit statement shall be submitted every year”.

**(e) Reporting requirements**

21. “Foreign agents” were required to publish biannual and annual reports:

“3.2. ... once a year, non-commercial organisations exercising the functions of a foreign agent shall publish on the Internet a report about their activities containing the same information as that submitted to a competent body [the Ministry of Justice] or its local department; and every six months the organisations will provide such a report for publication in the mass media.”

22. Government Regulation no.212 of 15 April 2006 on the implementation of certain provisions of federal laws relating to non-governmental organisations, prescribes that Russian NGOs are required to submit reports on their activities and the composition of their management

bodies, and documents concerning their expenses and property every year (paragraph 2 (a)).

**B. Criminal and administrative liability**

23. The Foreign Agents Act also created a new criminal offence of maliciously avoiding the obligation to submit documents required for registering an organisation as a “foreign agent” which is punishable with fines of up to 300,000 Russian roubles (RUB) or up to two years’ deprivation of liberty (Article 330.1 of the Criminal Code). On 30 December 2020 the maximum penalty under this provision was extended to five years’ imprisonment (Law no. 525-FZ).

24. On 12 November 2012 sanctions for a violation of the Foreign Agents Act were added to the Code of Administrative Offences (“the CAO”). The new Article 19.7.5-2 established a fine of between RUB 100,000 and RUB 300,000 (2,490 to 7,470 euros (EUR) at the exchange rate on the date of enactment) which could be imposed in relation to a “foreign-agent” organisation that submitted incomplete, incorrect or belated information to the State authorities. The new Article 19.34 punished non-commercial organisations for carrying out activities without being registered on the register of “foreign agents” (paragraph 1) or for failing to label publications as originating from a “foreign-agent” organisation (paragraph 2). The minimum fine for those offences was set at RUB 300,000, and the maximum fine at RUB 500,000 (EUR 12,450).

25. On 31 December 2014 the CAO was amended in line with a decision of the Constitutional Court (see paragraph 40 below). In particular, in accordance with the amended Article 4.1(2.2) and (3.2) of the CAO, by way of exception, where the nature and effects of an offender’s administrative offence, personality or financial situation so require, the amount of the fine may be fixed below the minimum amount in the relevant provisions of the CAO, where the minimum amount of the fine amounts to at least RUB 10,000 for individuals, RUB 50,000 for officials, and RUB 100,000 for organisations. The amount of the fine may not be less than half of the minimum amount of the fine provided for by the relevant provisions of the CAO. On 3 November 2015 the statute of limitations for non-compliance with the “foreign agent” legislation was extended from three months to one year (Law no. 304-FZ).

**C. Delegating to the Ministry of Justice the authority to add organisations to the list**

26. On 4 June 2014 the NCO Act was amended to give the Ministry of Justice the power to add non-commercial organisations to the register of



foreign agents if it considered that an organisation met the criteria set out in the Act (section 32(7)).

#### **D. Procedure for removing an organisation from the list**

27. On 8 March 2015 a procedure for removing an organisation from the register of foreign agents was added to the NCO Act (section 32(7.1)). An organisation may be deleted from the list if, in particular, it has been liquidated or reorganised, or an extraordinary inspection has established that the organisation has not received foreign funding or engaged in political activity in Russia for a period of one year before filing the request for deletion.

#### **E. Updated definition of “political activity”**

28. On 2 June 2016 the definition of political activity was updated to read:

“A non-commercial organisation, except for a political party, is considered to carry out a political activity in Russian territory if, regardless of its statutory goals and purposes, it engages in activities in the fields of statehood, the protection of the Russian constitutional system, federalism, the protection of the Russian Federation’s sovereignty and territorial integrity, the rule of law, public security, national security and defence, external policy, the Russian Federation’s social, economic and national development, the development of the political system, the structure of State and local authorities, [or] human rights, for the purpose of influencing State policy, the structure of State and local authorities, or their decisions and actions.

The above activity may be carried out in the following ways:

organising and holding public events such as meetings, rallies, demonstrations, marches or pickets, or any combination of them, and organising and holding public debates, discussions, or speeches;

attempting to obtain specific outcomes in elections or referenda, acting as an election or referendum observer, establishing election or referendum commissions, engaging in the activities of political parties;

submitting public petitions to State and local authorities and officials, and performing other actions affecting [such public authorities and officials], including actions encouraging the adoption, amendment or repeal of laws or other legal acts;

disseminating, including via information networks, views on State authorities’ decisions and policy;

shaping opinion on social and political issues by, in particular, organising public opinion polls and publishing the results, or conducting sociological research;

involving citizens, including minors, in the above activities;

financing the above activities.

The activities in the following fields shall be excluded from the scope of ‘political activity’: science, culture, the arts, healthcare, the prevention of disease and the protection of health, social security, the protection of motherhood and childhood, the

social support of disabled persons, the promotion of a healthy lifestyle, physical well-being and sports, the protection of flora and fauna, charity work.”

## **F. Restrictions applicable to “foreign-agent” organisations**

29. On 4 November 2014 Law no. 344-FZ established a simplified form of book-keeping which may be used by all non-commercial organisations with the exception of “foreign-agent” organisations (sections 6(4)(2) and 6(5)(12) of the Accounting Act, Law no. 402-FZ of 6 December 2011).

30. On 24 November 2014 Law no. 355-FZ amended the Political Parties Act (Law no. 95-FZ of 11 July 2001) to prohibit political parties from receiving donations from, or entering into transactions with, Russian “foreign-agent” organisations (sections 30(3) and 31(4.1)).

31. It also amended the Elections and Referenda Act (Law no. 67-FZ of 12 June 2002) to establish that Russian NGOs which had been categorised as “foreign agents” could not take part in electoral campaigning or referenda in any form, along with foreign entities and individuals. It specifically prohibited such organisations from promoting or opposing candidates or lists of candidates in an election, initiating a referendum or campaigning for a referendum, working towards a specific outcome in an election or participating in the monitoring of an election or referendum, except in the capacity of a “foreign (international) observer” (section 3.6). “Foreign-agent” Russian organisations were also prohibited, alongside foreign individuals and entities, from making contributions to the electoral fund of a candidate in an election or the fund of a referendum.

32. The State Duma Election Act (Law no. 20-FZ of 22 February 2014) and the Presidential Election Act (Law no. 19-FZ of 10 January 2003) were brought into line with the Elections and Referenda Act to prevent Russian “foreign-agent” organisations from in any way taking part in the preparation of an election, electoral campaigning, or the financing of an election.

33. On 3 July 2016 Law no. 287-FZ created a new category of non-commercial organisations which were “providers of socially useful services”. Such non-commercial organisations were eligible for priority funding at federal and regional levels (section 31.1 of the NCO Act). Section 2(2.2) of the NCO Act explicitly provided that “foreign-agent” organisations could not be recognised as “providers of socially useful services”.

34. Law no. 203-FZ of 19 July 2018 amended section 10(3) of the Public Monitoring Boards (Penal Facilities) Act (Law no. 76-FZ of 10 June 2008) to prohibit “foreign-agent” organisations from nominating candidates to public monitoring boards.

35. Law no. 362-FZ of 11 October 2018 added section 5(1.1) to the Anti-corruption Assessment Act (Law no. 172-FZ of 17 July 2009), excluding Russian organisations with the status of a “foreign agent” from the

list of civil society institutions entitled to carry out independent anti-corruption assessment of draft legislation.

## II. CONSTITUTIONAL COURT

36. On 8 April 2014 the Constitutional Court affirmed the constitutional validity of the provisions of the Foreign Agents Act (Ruling no. 10-P) and provided an interpretation of the term “foreign agent”.

37. Firstly, it set out which circumstances should be considered when determining whether an organisation was financed from abroad:

“... There is no risk of arbitrary interpretation and application of the provisions on foreign funding, as it makes no difference for how long, in what amount or in what form foreign funds have been provided. However, it is important to bear in mind that relevant funds and other property should be not only transferred (remitted) to the non-commercial organisation, but also received by it; if it refuses to receive them and returns them to the foreign source, in particular before starting political activity, the organisation is not obliged to file an application for registration as a foreign agent ...”

38. It further described what actions constituted political activity:

“The forms of political activity can be diverse. In addition to meetings, rallies, demonstrations, marches and pickets, political actions may include: elections and referendum campaigns; public appeals to State bodies; the dissemination of positions regarding decisions made and the policy pursued by State bodies, including dissemination via information networks; and other activities which cannot be exhaustively listed. When classifying as political actions some activities organised and carried out with the participation of non-commercial organisations ... it is important to determine how they may affect (either directly or by influencing public opinion) the decision-making process of State bodies and State policy, and also to determine whether they will trigger a public reaction and attract the attention of State bodies or civil society.

The activities of a non-commercial organisation in such fields as science, culture, the arts, public health, preventive care and healthcare, social support and protection, the protection of motherhood and childhood, the social support of disabled persons, the promotion of a healthy lifestyle, physical exercise and sports, the protection of flora and fauna, charitable activities, and aid to charities and voluntary organisations shall not be considered political activity ... even if the aim of these activities is to influence the decision-making process of State bodies and State policy, provided that this aim stays within the limits of the relevant field ...”

39. When defining whether an organisation intends to carry out political activities, it is necessary to consider the following elements:

“... if [a non-commercial organisation’s members] participate in political activity on their own behalf and on their own initiative, in particular, in breach of instructions provided by this organisation (its management bodies or officials), [the provisions] of the Foreign Agents Act do not apply ...

... The intention to participate in political activity in the territory of the Russian Federation may be confirmed by: the constituent documents, mission statement or other official documents of a non-commercial organisation; public statements by its directors (officials) containing an appeal to adopt, change or annul some decisions by State

bodies; notices of assemblies, meetings, demonstrations, marches or pickets sent by a non-commercial organisation to a regional executive or municipal body; the preparation and presentation of legislative initiatives; and other public activities objectively demonstrating that the non-commercial organisation intends to arrange and hold political events in order to influence the decision-making process of State bodies and State policy.”

40. The Constitutional Court held that the sanctions in the CAO were compliant with the Constitution, except for the provision establishing the minimum amounts of fines in Article 19.34 of the CAO, in so far as it prevented courts from giving due consideration to the nature of the offence, the extent to which the defendant was liable for the offence, the property and financial status of the defendant, and other elements which were relevant for meting out an individualised punishment:

“4.2. ... It becomes extremely difficult and sometimes impossible to ensure, as the Constitution requires, an individual approach to imposing an administrative fine whose minimum amount is 100,000 roubles for officials and 300,000 roubles for legal entities, especially because no alternative is provided for.

... Thus, the provision ... that establishes the minimum amount of the administrative fine ... does not conform to the Constitution of the Russian Federation...

5. ... pending the relevant amendments ..., the court may reduce the amount of the fine below the minimum amount ...if the amount of the fine as provided for by [the CAO] is not in line with the purpose of administrative punishment and obviously results in the excessive limitation of the offender’s property rights.

6. The court decisions on the cases of [Public Initiatives Support Centre] and Mr Zamaryanov ... shall be reviewed if ... they were based on Article 19.34 § 1 of the CAO ... ”

### III. LEGAL MATERIAL REFERRED TO BY THE PARTIES

41. This section contains extracts from legal instruments to which the parties referred in their submissions.

**A. Fundamental Principles on the Status of Non-governmental Organisations in Europe and Explanatory Memorandum, Strasbourg, 13 November 2002, and Recommendation CM/Rec(2007)14 of the Council of Europe Committee of Ministers to member states on the legal status of non-governmental organisations in Europe (10 October 2007)**

42. NGOs may solicit and receive funding – cash or donations in kind – from another country, multilateral agencies or an institutional or individual donor, subject to generally applicable foreign exchange and customs laws (Point 50 of the Fundamental Principles and Committee of Ministers Recommendation). The possibility for NGOs to solicit donations in cash or in kind is a fundamental principle, a natural consequence of their

non-profit-making nature. Such contributions, along with the proceeds of any economic activity, are an NGO’s vital means of financing the pursuit of its objectives. However, this possibility for NGOs to collect funding is not absolute and may be subject to regulation, with a view to protecting the target audience (point 56 of the Explanatory Memorandum).

43. In the spirit of transparency and accountability, NGOs should submit an annual report to their members and directors. Such reports can also be required to be submitted to a designated supervising body, where any taxation privileges or other public support has been granted to the NGOs concerned. In particular, relevant books, records and activities of NGOs may, where specified by law or by contract, be subject to inspection by a supervising agency. NGOs should generally have their accounts audited by an institution or person independent of their management (points 60-65 of the Fundamental Principles and points 62-66 of the Committee of Ministers Recommendation).

### **B. The United States Foreign Agents Registration Act**

44. The Foreign Agents Registration Act (“the FARA Act”) of 1938 (52 Stat. 631-633), a US law as amended in 1942 and 1966 (22 U.S.C. §§ 611-621), was originally adopted to require that agents representing the interests of foreign powers in a “political or quasi-political capacity” disclose their relationship with the foreign government, so that “the government and the American people” could evaluate “the statements and activities of such persons”. In 1966 the Act was amended to target agents actually working with foreign powers who sought economic or political advantage by influencing governmental decision-making. The amendments shifted the focus of the law from propaganda to political lobbying and narrowed the meaning of “foreign agent”. The current text provides:

“§ 611. Definitions

As used in and for the purposes of this subchapter—

...

(b) The term ‘foreign principal’ includes—

(1) a government of a foreign country and a foreign political party;

(2) a person outside of the United States ...; and

(3) a partnership, association, corporation, organisation, or other combination of persons organised under the laws of or having its principal place of business in a foreign country.

(c) Except as provided in subsection (d) of this section, the term ‘agent of a foreign principal’ means –

(1) any person who acts as an agent, representative, employee, or servant, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign principal or of a person any of whose activities are directly or

indirectly supervised, directed, controlled, financed, or subsidized in whole or in major part by a foreign principal, and who directly or through any other person –

(i) engages within the United States in political activities for or in the interests of such foreign principal;

(ii) acts within the United States as a public relations counsel, publicity agent, information-service employee or political consultant for or in the interests of such foreign principal;

(iii) within the United States solicits, collects, disburses, or dispenses contributions, loans, money, or other things of value for or in the interest of such foreign principal; or

(iv) within the United States represents the interests of such foreign principal before any agency or official of the Government of the United States; and

(2) any person who agrees, consents, assumes or purports to act as, or who is or holds himself out to be, whether or not pursuant to contractual relationship, an agent of a foreign principal as defined in clause (1) of this subsection.

...

(o) The term ‘political activities’ means any activity that the person engaging in believes will, or that the person intends to, in any way influence any agency or official of the Government of the United States or any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interests, policies, or relations of a government of a foreign country or a foreign political party

...”

### **C. Hungary’s Transparency Act**

45. Hungary’s Act no. LXXVI of 2017 on the Transparency of Organisations Financed from Abroad (“the Transparency Act”) required associations and foundations (except for sport and religious associations), political parties and ethnic minority associations to apply to be on a special register if the foreign funding part of their budget exceeded 7,200,000 Hungarian forints (HUF – approximately EUR 22,100) annually, under the threat of fines or dissolution. Organisations financed from abroad were subject to additional labelling and reporting requirements.

46. The Act was repealed in April 2021 following a finding by the Court of Justice of the European Union (Grand Chamber) that it was contrary to EU law (see judgment of 18 June 2020, *Commission v Hungary (Transparency of associations)*, C-78/18, EU:C:2020:476). The Court held in particular that the objective of increasing the transparency of the financing of associations, although legitimate, cannot justify the introduction of legislation based on a presumption – made on principle and applied indiscriminately – that any financial support paid by a non-national natural or legal person, and any civil society organisation receiving such financial support, were intrinsically liable to jeopardise the State’s political and economic interests and the ability of its institutions to operate free from interference (§ 86). As concerns the grounds

of public policy or public security, the Court found that the financial thresholds triggering the application of the obligations put in place by the Transparency Act were fixed at amounts which clearly did not appear to correspond with the scenario of a sufficiently serious threat to a fundamental interest of society which those obligations are supposed to prevent (§ 94).

47. The Court further considered that the obligations put in place by Transparency Act constituted limitations on the right to freedom of association, inasmuch as they rendered significantly more difficult the operation of the targeted associations because of the dissuasive effect of such obligations and the penalties attached to any failure to comply with them (§§ 115-16). Second, the systematic obligations imposed on the associations and foundations to register and present themselves under the designation “organisation in receipt of support from abroad” were also liable to have a deterrent effect on the participation of non-national donors in the financing of civil society and thus to hinder the activities of those organisations and the achievement of the aims which they pursue. Those obligations were furthermore of such a nature as to create a generalised climate of mistrust vis-à-vis the associations and foundations at issue, in Hungary, and to stigmatise them (§§ 118-19). The Court referred to its finding above that there was no justification for the introduction of those additional obligations (§ 140).

#### **D. Israel’s Disclosure Act**

48. Israel’s Act on Disclosure Requirements for Recipients of Support from a Foreign State Entity (Statute book 5771-2011, 2 March 2011) establishes that an organisation which has received more than 50% of its funding from a foreign State or inter-State organisation must submit to the Ministry of Justice an online form specifying the identity of the donor, the amount of support received and the designation of the support, and the conditions under which the support was granted, including undertakings given by the recipient of the support to a foreign State entity. Additionally, an NGO that has received a donation from a foreign entity for the purpose of funding a special advertising campaign must publish, as part of its campaign, the fact that it has received the donation.

#### **IV. RELEVANT LEGAL MATERIAL**

49. This section sets out legal assessments of the Foreign Agents Act and its effect on Russian NGOs.

## **A. Intergovernmental organisations and advisory bodies**

### *1. The Venice Commission*

50. On 27 June 2014 the European Commission for Democracy through Law (Venice Commission) reached the following conclusions concerning the Foreign Agents Act (CDL-AD(2014)025).

“132. ... The use of the term ‘foreign agent’ is highly controversial. By bringing back the rhetoric used during the communist period, this term stigmatises the NCOs to which it is applied, tarnishing their reputation and seriously hampering their activities. The Venice Commission therefore recommends that the term be abandoned.

133. The Venice Commission further considers that the legitimate aim of ensuring transparency of NCOs receiving funding from abroad cannot justify measures which hamper the activities of NCOs operating in the field of human rights, democracy and the rule of law. It therefore recommends reconsidering the creation of a special regime with autonomous registration, special register and a host of additional legal obligations.

134. If this specific legal regime is maintained, the power of the authorities to proceed with the registration of a NCO as ‘foreign agent’ (or other term) without that NCO’s consent should be removed ...

135. Pursuant to the law under examination, the legal status of a foreign agent presupposes not only that a NCO receives foreign funding but also that it participates in ‘political activities’. This expression is however quite broad and vague and the practice of its interpretation by public authorities has been so far rather disparate, adding to the uncertainties surrounding the meaning of the term. The Venice Commission therefore calls upon the Russian authorities to work towards a clear definition of ‘political activities’...

136. In addition to its text, the practical implementation of the Law on Non-Commercial Organisations also gives rise to concerns. Reports indicate that NCOs have been subject to numerous extraordinary inspections, with the legal ground of these inspections remaining unclear and the extent of documents required during them differing quite substantively.”

### *2. Commissioner for Human Rights of the Council of Europe*

51. On 15 July 2013 the Commissioner issued an Opinion on the Legislation of the Russian Federation on Non-Commercial Organisations in light of Council of Europe Standards. The Commissioner stated that the term “foreign agent” carried with it a connotation of ostracism or stigma, that the definition of “political activity” was broad and vague, and that the legislation regulating the activities of NGOs in Russia should be revised, with the aim of establishing a clear, coherent and consistent framework in line with applicable international standards. Reporting and accounting requirements should be the same for all NGOs, regardless of the sources of their income. They should be transparent and coherent and not interfere with NGOs’ ongoing work. There should be no more than one governmental institution dealing with issues such as registering, reporting, regulating and overseeing the work of the NGOs. Other agencies should exercise their supervisory



powers only in cases where there were reasonable and objective grounds to believe that the organisation in question had violated its legal obligations.

52. On 9 July 2015 an update was issued, entitled “Legislation and Practice in the Russian Federation on Non-Commercial Organisations in light of Council of Europe Standards: an Update”. The Commissioner analysed the domestic case-law and found that there had been at least 189 cases brought before first-instance and appellate domestic courts in respect of the application of the legislation on “foreign agents”. Of those, at least twenty-eight judicial decisions had been delivered in favour of the NGOs concerned, while at least 121 judicial decisions had found that the law had been correctly applied against the NGOs. In at least fifty-five of the cases, the judicial decisions had already become enforceable. As a result of the application of the legislation on “foreign agents”, at least twenty NGOs had ceased their activity either in full (for example, by terminating their operations voluntarily or suspending their activity) or in part (for example, by stopping specific projects). The Commissioner further noted that the recommendations in the previous Opinion had not been implemented, and made the following recommendations:

“The Commissioner calls on the Russian authorities to revise the legislation on non-commercial organisations in order to establish a clear, coherent and consistent framework in line with applicable European and international standards ... In particular, the legislative revision should entail:

- the use of clear definitions in the legislation allowing to foresee the legal consequences of its implementation;
- avoiding the use of stigmatising language such as ‘foreign agent’ towards NCOs;
- non-discriminatory legal provisions, including in the field of reporting and sanctioning of NCOs, irrespective of the sources of their funding;
- application of the ‘pressing social need’ criteria for any State interference with the freedoms of association and expression, including the imposition of sanctions;
- limiting State interference in NCO activities to setting up clear and non-biased standards of transparency and reporting;
- application of sanctions only as measures of the last resort in full compliance with the principle of proportionality;
- revocation of provisions establishing criminal prosecution of NCO staff in cases which normally fall under administrative procedures.”

### 3. *United Nations*

#### (a) **The right of access to funding**

53. The UN Declaration on Human Rights Defenders (General Assembly Resolution 53/144 of 8 March 1999) provides that “everyone has the right,

individually and in association with others, to solicit, receive and utilize resources for the express purpose of promoting and protecting human rights and fundamental freedoms through peaceful means in accordance with Article 3 of the present Declaration” (Article 13). The right of access to funding is to be exercised within the juridical framework of domestic legislation – provided that such legislation is consistent with international human rights standards.

54. The UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (General Assembly Resolution 36/55 of 25 November 1981) indicates that the right to freedom of thought, conscience, religion or belief shall include, in particular, the freedom “to solicit and receive voluntary financial and other contributions from individuals and institutions” (Article 6 (f)).

55. The Human Rights Council’s Resolution 22/6 on protecting human-rights defenders (21 March 2013) urged the States “to acknowledge publicly the important and legitimate role of human rights defenders ... by respecting the independence of their organizations and by avoiding the stigmatization of their work” and “to ensure that reporting requirements placed on [associations] do not inhibit functional autonomy”, that “restrictions are not discriminatorily imposed on potential sources of funding”, and that “no law should criminalize or delegitimize activities in defence of human rights on account of the geographic origin of funding thereto” (A/HRC/RES/22/6, §§ 5 and 9).

**(b) Assessment of the Foreign Agents Act’s compatibility with Russia’s obligations under UN treaties**

56. In its concluding observations on the seventh periodic report of the Russian Federation on the observance of the International Covenant on Civil and Political Rights dated 31 March 2015, the Human Rights Committee determined that the Russian Federation should, “at the very least”, remove the term “foreign agent” from the law, clarify the broad definition of “political activities”, remove the power granted under the law to register non-commercial organisations without their consent, and revisit the procedural requirements and sanctions applicable under the law to ensure their necessity and proportionality (CCPR/C/RUS/7/CO). Similar concerns were expressed by the Committee on Economic Social and Cultural Rights, following consideration of the sixth periodic report of the Russian Federation. The Committee called on the Russian Government to, among other things, repeal the legislative provisions introduced by the Foreign Agents Act and create a safe and supportive environment for the work of NGOs and human rights defenders (E/C.12/RUS/CO/6, §§ 7-8, 16 October 2017).

57. In its concluding remarks on the sixth periodic report of the Russian Federation dated 28 August 2018, the Committee against Torture expressed the view that the “foreign-agent” legislation was often used as a means of

administrative harassment against human rights organisations, forcing them to reduce and eventually cease their activities (CAT/C/RUS/CO/6, paragraph 28). It also expressed concern about a revision of rules on the composition of prison monitoring boards which had resulted in the exclusion of independent monitors (paragraph 22).

## **B. Non-governmental organisations**

### *1. Amnesty International*

58. A report released by Amnesty International in November 2016 entitled “Agents of the people: Four years of ‘foreign agents’ law in Russia” highlighted the negative impact of the Foreign Agents Act on independent Russian NGOs.

59. Amnesty International noted that the Russian authorities had implemented the Foreign Agents Act in such a way that almost any NGO which received foreign funds was likely to be registered as a “foreign agent”, irrespective of its activities. The Foreign Agents Act had been used to undermine and discredit effective and active NGOs. It had contributed to the creation of an atmosphere of suspicion and intolerance. Many organisations which had made a significant contribution to the promotion of human rights, civil society and well-being had been forced to close down.

60. NGOs faced a difficult choice: to accept funds from abroad and be labelled “foreign agents”, or to refuse foreign funding and rely exclusively on Russian sources, including presidential grants or grants from local authorities. However, NGOs funded by the Government might become less independent and more prone to self-censorship.

61. Amnesty International recommended suspending and then repealing the Foreign Agents Act; publicly acknowledging the importance of NGOs in civil society; and protecting NGOs and human rights defenders against harassment and attacks.

### *2. Human Rights Resource Centre*

62. “*‘Foreign Agents’: Mythical Enemies and Russian Society’s Real Losses*”, a research report released in March 2015 by the Human Rights Resource Centre, an information and legal services organisation for Russian NGOs in St Petersburg, reviewed cases where organisations had involuntarily been put on the register of foreign agents. The researchers concluded that the legislation on “foreign agents” had made the situation of NGOs worse. The domestic courts had adopted a very wide interpretation of the Foreign Agents Act by extending the term “political activity” to include activities useful to society, the dissemination of information and the protection of human rights. This had resulted in a prejudicial attitude towards NGOs which had an active position in society and implemented projects helping to deal with social

problems. This had also resulted in pressure being put on public leaders, impeding the leaders' activities and the daily work of NGOs.

63. The researchers identified seventy grounds for classifying activities as “political”, including activities that had taken place before the Foreign Agents Act had been adopted: organising educational campaigns, events, conferences, and seminars; posting information on the Internet about a speech by a “foreign-agent” organisation’s director; collecting signatures; signing petitions in support of an environmental activist; expressing an intention to participate in public events; a “foreign-agent” organisation’s members participating in events abroad; “foreign-agent” organisations’ directors being involved in public monitoring bodies in their personal capacity; publishing information and preparing reports on human rights; supporting NGOs; submitting an expert opinion to the Constitutional Court; the expert assessment of laws; publishing a report on activities on a “foreign-agent” organisation’s website; financing an NGO; donating books to a library; releasing films; distributing flyers; posting information online on events organised by NGOs; NGOs organising events in the office of a “foreign-agent” organisation; making recommendations to State authorities; participating in the activities of NGOs; organising a teleconference between Moscow and Tbilisi; publishing an analysis of Russian law on a website and criticising Russian law and authorities; holding meetings with politicians; allowing third parties to speak at an event organised by a “foreign-agent” organisation; sharing information on a personal account on social media; providing legal assistance to activists; awarding prizes; scientific research; and posting information about a “foreign-agent” organisation on a third party’s website. In most cases, the activities did not concern any political issues. The researchers concluded that any actions of NGOs could be identified as political activity. The indication in the Foreign Agents Act that NGOs’ activities in science, the protection of flora and fauna and other fields could not be considered political activity had not changed the situation.

### *3. Centre for Economic and Politic Reform*

64. In December 2015 the Centre for Economic and Political Reform, an online platform for independent experts, released the findings of research into the allocation of presidential grants to NGOs. It found that financial support for NGOs aligned with the State had increased manyfold after the enactment of the Foreign Agents Act. Between 2013 and 2015 the largest beneficiaries of presidential grants had included the Russian Orthodox Church and its affiliated organisations; proponents of “Eurasianism” – a domestically grown “third way” ideology with strong anti-Western overtones; Kremlin-aligned youth organisations, such as the Russian Youth Union (RSM); various NGOs active in the annexed region of Crimea, and “pet projects” of State leaders, such as Prime Minister Medvedev’s Lawyers’ Association of Russia, and President Putin’s Night Hockey League and a bikers’ club he patronised. The

report concluded that the financial support system served the interests of the State rather than those of civil society. In addition, in the absence of reporting requirements, most projects, in particular online projects, had never been implemented.

## THE LAW

### I. MATTERS OF PROCEDURE

#### **A. Joinder of the applications**

65. Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single judgment.

#### **B. Procedural succession in respect of the applicant organisations which have ceased to exist**

66. In order to consider the issue of succession in the cases of the applicant organisations that have ceased to exist, the Court asked the applicants to indicate whether any natural or legal persons had declared their intention to continue the proceedings in those cases. The applicants provided information on the founders, former directors, members and participants in the dissolved or liquidated applicant organisations who had expressed a wish to pursue the proceedings in their stead. This information was sent to the Government for comment and included in the relevant parts of the Appendix.

67. The Government submitted that the fact that some applicant organisations went into voluntary dissolution because of their “unwillingness to adapt to the existing legal realities” of the foreign-agent legislation could not be a valid ground for recognising a violation of their rights or for continuing the Convention proceedings after their dissolution. Other applicant organisations had been liquidated for non-compliance with the legislation on non-commercial organisations, including violations of reporting and accounting requirements. Their liquidation was not the result of any pressure from State authorities.

68. When ruling on the matter of procedural succession, the Court is not called upon to decide whether there has been an interference with the applicants’ Convention rights which was attributable to the State or whether it was justified. The issue is a narrow one: whether the persons who expressed a wish to pursue the proceedings before the Court in relation to the applications lodged by the applicant associations that ceased to exist have standing to continue the proceedings in their stead. The Court reiterates that in determining this matter the decisive point is not whether the rights in question are transferable to the persons wishing to pursue the procedure, but whether the proposed successors can in principle claim a legitimate interest

in requesting the Court to deal with the case on the basis of the applicant's wish to exercise the right to lodge an individual application with the Court. Also, human rights cases before the Court generally have a moral dimension which it must take into account when considering whether to continue with the examination of an application after an applicant has ceased to exist. This is all the more so when the issues raised by the case transcend the person and the interests of an individual applicant, as the Court's judgments serve not only to decide those cases brought before it but, more generally, to elucidate, safeguard and develop the rules instituted by the Convention, thereby contributing to the States' observance of the engagements undertaken by them (see *Capital Bank AD v. Bulgaria*, no. 49429/99, §§ 78-79, ECHR 2005-XII (extracts)).

69. The Court reiterates that dissolution of an association affects both the association itself and also its presidents, founders and members (see *Jehovah's Witnesses of Moscow and Others v. Russia*, no. 302/02, § 101, 10 June 2010, with further references). It follows that former directors and members of a dissolved or liquidated applicant association have a legitimate personal interest in requesting the Court to consider that association's complaint stemming from the allegation that its liquidation or dissolution had been a result of pressure which the State authorities had brought to bear on it. In addition, the issues raised in the present case transcend the interests of individual applicants concerning, as they do, the fundamental ability of non-governmental organisation to function without undue interference from the State authorities. One of the central complaints in the present case is that by introducing new restrictive measures and burdensome requirements the State authorities were seeking to make it difficult or impossible for the applicant associations to continue their work as "public watchdogs". Not considering the merits of the complaints merely on the basis that the applicant associations ceased to exist through voluntary dissolution or forced liquidation would defeat the purpose of their application to the Court (compare *Uniya OOO and Belcourt Trading Company v. Russia*, nos. 4437/03 and 13290/03, § 264, 19 June 2014).

70. Accordingly, the Court decides that the former chairpersons, presidents, founders, directors and members of the applicant associations that ceased to exist – whose names and titles are given in the Appendix – have standing to pursue the applications lodged by those associations.

## II. ALLEGED VIOLATION OF ARTICLES 10 AND 11 OF THE CONVENTION

71. The applicants complained that the statutory requirements introduced by the "foreign-agent" legislation and the practice of its application amounted to unforeseeable and excessive restrictions on their freedom of expression

and association under Articles 10 and 11 of the Convention, the relevant parts of which read as follows:

**Article 10**

“1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority ...

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others ...”

**Article 11**

“1. Everyone has the right to freedom ... of association with others ...

2. No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others...”

72. Given that the implementation of the principle of pluralism is impossible without an association being able to express freely its ideas and opinions, the Court has recognised that the protection of opinions and the freedom of expression within the meaning of Article 10 of the Convention is one of the objectives of the freedom of association (see *Gorzelik and Others v. Poland* [GC], no. 44158/98, § 91, ECHR 2004-I, and *Parti nationaliste basque – Organisation régionale d’Iparralde v. France*, no. 71251/01, § 33, ECHR 2007-II). Such a link is particularly relevant where – as in these cases – the authorities’ intervention against an association was, at least in part, in reaction to its views and statements (see *Stankov and the United Macedonian Organisation Ilinden v. Bulgaria*, nos. 29221/95 and 29225/95, § 85, ECHR 2001-IX, and *The United Macedonian Organisation Ilinden and Others v. Bulgaria*, no. 59491/00, § 59, 19 January 2006). The Court will therefore examine the present cases under Article 11 interpreted in the light of Article 10.

**A. Admissibility**

*1. Exhaustion of domestic remedies*

73. The Government raised a twofold non-exhaustion objection. They submitted that the Levada Centre, the Human Rights Academy, the Southern Human Rights Centre, the Chapayevsk Medical Association, Mr Sergeev, the Centre for Social and Labour Rights, Legal Mission, the School of the Conscript, the Sova Centre, Mr Yukechev and Tak-Tak-Tak had not applied for further review of the decisions in the administrative-offence cases after they had become enforceable. The Government also claimed that some

applicants had not applied for a judicial review of the Ministry of Justice's decision on their registration as "foreign agents".

74. As regards the first limb of the objection, the applicants relied on the Court's case-law, indicating that the procedure for reviewing the administrative-offence decisions under Article 30.12 of the CAO was not an effective remedy. As regards the second limb, they pointed out that they had all been given fines under Article 19.34 of the CAO for their alleged failure to register as "foreign agents", and that their appeals against those decisions had been rejected.

75. The Court agrees with the applicants. The review procedure under Article 30.12 of the CAO is not an effective remedy which needs to be exhausted (see *Smadikov v. Russia* (dec.), no. 10810/15, § 49, 31 January 2017). The applicant organisations also went through the chain of appeals in the proceedings in which they had been found liable for failing to seek registration as "foreign agents". The applicant organisations' inclusion in the register of "foreign agents" was sufficient evidence of interference, irrespective of any further action taken against them by the Ministry of Justice. The Government's objection is accordingly rejected.

## 2. *Victim status*

76. The Government considered that the complaints by some applicants were inadmissible *ratione personae* because they lacked status as "victims" of the alleged violations. In their submission, the Moscow Helsinki Group, the Democratic Centre, ADC Memorial and Coming Out could not claim to be "victims" because they had never been registered as "foreign agents". Some other applicants had lost their status as "victims" of the alleged violations on account of subsequent developments. The first group of such applicants, including the Humanist Youth Movement, Maximum Centre, Perm-36, Baikal Wave, the Committee against Torture and Golos-Povolzhye, had gone into voluntary dissolution to avoid paying fines. A second group made up of sixteen or more applicant organisations had been removed from the register of foreign agents. In the cases of the Golos Association and Ms Shibanova, the decisions by which they had been deemed non-compliant and fined had been reversed, and the fines had been reimbursed.

77. The applicants pointed out that, in accordance with the Court's case-law, an individual who was confronted with the choice of either modifying his or her conduct or accepting a restriction on his or her rights might claim to be a "victim" of the alleged violation, even in the absence of a specific instance of the impugned legislation being enforced. Despite the fact that some of the organisations had not been fined, and that some restrictive measures had been cancelled or not applied, they could still claim to be "victims" of the alleged violations, as they remained under the threat of registration as a "foreign agent" or the imposition of sanctions under the Foreign Agents Act. In order to avert that risk, they had to refuse foreign



funding and significantly reduce the scope of their activities, or take decisions on voluntary dissolution, being unable to secure alternative funding from Russian sources. The Moscow Helsinki Group emphasised that it had implemented staff cuts, cancelled annual human-rights training courses and scaled down human-rights monitoring activities in Russian regions. The Democratic Centre had been targeted by a prosecutor's warning advising it that it was potentially not complying with the Foreign Agents Act. Having refused foreign funding, it had had to stop paying office rent and salaries. Lastly, ADC Memorial and Coming Out had gone into liquidation, anticipating the Ministry of Justice's decision to put them on the register of foreign agents.

78. The Court will join the Government's objection as to the applicants' status as "victims" of the alleged violations to the merits of the case. In the absence of any other grounds for inadmissibility, this part of the application must therefore be declared admissible.

## **B. Merits**

### *1. Existence of interference*

78. The applicants submitted that by making them register as "foreign agents", using the stigmatising label of a "foreign agent", restricting their access to foreign funding, subjecting them to numerous inspections and fines and excessive accounting requirements, and imposing on them the obligation to label their publications as originating from a "foreign agent", the Russian authorities had interfered with their right to freedom of expression and association.

79. The Government submitted that the obligation to register as a "foreign agent" established in the Foreign Agents Act did not prohibit or restrict the applicant organisations' ability to engage in free debate and political activities in Russia and to express their ideas. There had therefore been no interference with their right to freedom of expression and association under Articles 10 and 11 of the Convention.

80. The Court reiterates that persons or NGOs may claim to be victims of a violation if they are members of a group at risk of being directly affected by legislation. Even in the absence of an individual measure of implementation, an applicant may nevertheless argue that a law breaches his or her rights in the absence of a specific instance of enforcement, and thus claim to be a "victim", within the meaning of Article 34, if he or she is required either to modify his or her conduct or risk being prosecuted for failure to comply with the law (see *Burden v. the United Kingdom* [GC], no. 13378/05, § 34, ECHR 2008, and *S.A.S. v. France* [GC], no. 43835/11, § 57, ECHR 2014 (extracts)).

81. Interference with the right to freedom of association can take a variety of forms, such as: requiring an existing association to submit to new

registration procedures (see *Moscow Branch of the Salvation Army v. Russia*, no. 72881/01, § 73, ECHR 2006-XI); conducting inspections which have the effect of inhibiting an organisation's activities and imposing sanctions (see *Cumhuriyet Halk Partisi v. Turkey*, no. 19920/13, §§ 71-72, 26 April 2016 (extracts)); using objectionable terms to describe an association (see *Leela Förderkreis e.V. and Others v. Germany*, no. 58911/00, § 84, 6 November 2008); imposing a prohibition on the foreign financing of a political party (see *Parti nationaliste basque – Organisation régionale d'Iparralde*, cited above, §§ 37-38); or causing an association to go into dissolution (see *Freedom and Democracy Party (ÖZDEP) v. Turkey* [GC], no. 23885/94, §§ 26-27, ECHR 1999-VIII, and *Tebieti Mühafize Cemiyyeti and Israfilov v. Azerbaijan*, no. 37083/03, § 54, ECHR 2009).

82. The Court observes that, prior to the enactment of the “foreign-agent” legislation, many applicant organisations had existed for a considerable period of time, and some of them – the Moscow Helsinki Group, the Memorial Human Rights Centre, the Movement For Human Rights, and Citizens’ Watch – had been legally established as early as the 1990s, in the wake of a democratic transition in Russia. They had received funding from a variety of sources, including individual and institutional donors, both domestic and international.

83. Following the enactment of the Foreign Agents Act, all the applicant organisations were subjected to unscheduled inspections on the part of the regulatory and law-enforcement authorities which sought to determine the sources of their financing and the scope of their activities (see paragraph 18 above). The inspections interfered with the operation of the applicant organisations, in so far as they took a long time and involved: repeated visits from prosecutors and officials from justice departments; the questioning of the applicant organisations’ staff; and requests that the organisations produce large numbers of documents covering several years of activities, including charter and financial documentation, information about events organised by the applicant organisations, and other documents relating to their mission. Failure to comply with the requests for documentation was punishable by substantial fines (see paragraph 24 above). The Court has already found that such burdensome requirements which have the effect of inhibiting an organisation's activities may, in themselves, amount to an interference with the right to freedom of association (see *Cumhuriyet Halk Partisi*, cited above, § 71, and *Jehovah's Witnesses of Moscow and Others*, cited above, § 176).

84. Once the domestic authorities determined that the applicant organisations had engaged in “political activities” and received “foreign financing” within the meaning of the Foreign Agents Act, the organisations were given fines for failing to seek registration as “foreign agents” (see paragraphs 24 above and 355 and 514 below). They were also confronted with a choice between accepting the label of a “foreign agent”, or continuing their work outside the confines of the Foreign Agents Act by rejecting any

donations considered to be “foreign financing” (see paragraph 500 below). If they chose the former option, registration as a “foreign agent” entailed additional accounting, auditing, reporting and labelling requirements (see paragraphs 19, 20 and 21 above). The latter scenario involved a reduction in their budget. The financial difficulties following such a decision resulted in staff cuts and the freezing of projects. Both options required a significant adjustment on the part of an organisation as regards conduct, which amounted to interference with its right to freedom of association. Moreover, the case of the Movement For Human Rights – an organisation which was initially deleted from the register of foreign agents in 2015 before being reinstated in 2019 (see paragraph 513 below) – demonstrated that even organisations which sought to modify their conduct in compliance with the Foreign Agents Act continually faced the risk of being deemed non-compliant and incurring sanctions.

85. Some applicant organisations, including ADC Memorial and the LGBT organisation Coming Out, went into dissolution, fearing that they would be unable to pay fines and secure alternative funding for their core activities. The inspections, sanctions and other restrictions in respect of those organisations eventually resulted in their ceasing to exist as legal persons. The Court reiterates that, to the extent that leaders and members of an association resolve to dissolve their organisation in the hope of avoiding adverse effects of domestic legislation or actions by the domestic authorities, such decisions cannot be said to have been made freely, as they should be if they are to be recognised under Article 11 (see *Freedom and Democracy Party (ÖZDEP)*, cited above, § 26; see also, on continuing proceedings in the cases of organisations which have been dissolved, *OAO Neftyanaya Kompaniya Yukos v. Russia* (dec.), no. 14902/04, § 443, 29 January 2009, and *Zhdanov and Others v. Russia*, nos. 12200/08 and 2 others, § 115, 16 July 2019). Dissolution of an association, whether effected by its members under duress or ordered by the domestic authorities – as it was, for instance, in the case of the Golos Association (see paragraph 354 below) – amounts to interference with the right to freedom of association.

86. Lastly, in so far as the individual applicants – the directors of applicant organisations – are concerned, the interference with their rights resulted from the decisions by which they were fined for failing to file applications to register their organisations as “foreign agents”. Moreover, where an applicant organisation was dissolved out of necessity or on the orders of the authorities, the act of dissolution also interfered with the exercise of the right to freedom of association by its directors and members (see the cases of the Golos Association, Fund 19/29, and the Democratic Centre).

87. In sum, the Court finds that the applicant organisations and their directors have been directly affected by a combination of inspections, new registration requirements, sanctions and restrictions on sources of funding and the nature of the activities which were imposed by the Foreign Agents

Act. They had to alter their conduct significantly to reduce the risk of facing further penalties under the Act, which, however, did not stop the authorities from issuing further fines while they were on the register of “foreign agents”. Those measures resulted in the dissolution of some applicant organisations. There has therefore been interference with the applicants’ right to freedom of association under Article 11 of the Convention, interpreted in the light of Article 10. The Court also rejects the Government’s objection as to the applicants’ status as “victims” of the alleged violations.

## 2. *Justification for the interference*

### (a) **General principles**

88. While in the context of Article 11 the Court has often referred to the essential role played by political parties in ensuring pluralism and democracy, associations formed for other purposes are also important to the proper functioning of democracy. For pluralism is also built on the genuine recognition of, and respect for, diversity and the dynamics of cultural traditions, ethnic and cultural identities, religious beliefs, artistic, literary and socio-economic ideas and concepts. The harmonious interaction of persons and groups with varied identities is essential for achieving social cohesion. It is only natural that, where a civil society functions in a healthy manner, the participation of citizens in the democratic process is to a large extent achieved through belonging to associations in which they may integrate with each other and pursue common objectives collectively (see *Gorzelik and Others*, cited above, § 92, and *Zhdanov and Others*, cited above, § 139).

### (b) **“Prescribed by law”**

89. The Court will firstly examine whether the measures taken against the applicants can be said to have been “in accordance with the law”. The interference had its statutory basis in the provisions of the Foreign Agents Act, which established a framework regulation applicable to Russian non-commercial organisations that were deemed to receive “foreign financing” and engage in “political activities”.

90. The Court reiterates, however, that the expression “prescribed by law” does not merely require that the measure should have a basis in domestic law, but also refers to the quality of the law in question. The law must be sufficiently clear and foreseeable in its terms to give individuals an adequate indication as to the circumstances in which and the conditions on which public authorities are entitled to resort to the impugned measures. Domestic law must also afford a measure of legal protection against arbitrary interference by public authorities with the rights guaranteed by the Convention.

(i) *Whether the interpretation of the term “political activity” was sufficiently clear and foreseeable*

(α) Submissions by the parties

91. The applicants submitted that the Foreign Agents Act defined “political activity” as activity including any joint effort to solve social problems which was made by citizens who were united in an organisation. Although the generally accepted meaning of political activity primarily concerned the struggle for power, Russian legislation had redefined this term to include most of the activities that constituted the core of the work of any non-commercial organisation, particularly socially active organisations. Within the meaning of the Foreign Agents Act, any activity that had public resonance and was capable of influencing public opinion was considered “political”. Such a wide definition of political activity had been intentionally used by the authorities to restrict the activities of the applicant organisations and suppress the dissemination of ideas which deviated from or were critical of the official position.

92. According to the Government, the concept of “political activity” in the Foreign Agents Act had been clearly formulated from the outset, and activities in the fields of science, culture, the arts, healthcare, charity work and so on were excluded from its scope (see paragraph 15 above). The 2014 judgment of the Constitutional Court had provided clarification about the forms that political activities could take (see paragraph 38 above). In 2016 the definition had been updated to specify the forms and fields in which “political activity” might take place and the aims of such activity (see paragraph 28 above). There was no uncertainty as to the scope of the term, because generally accepted definitions of political activity could also be found in Russian dictionaries, including a 1996 dictionary for the State, politics and the State service, a 2001 dictionary of politics, and a 2006 large encyclopaedic dictionary of law. Lastly, the Government submitted, by reference to the judgment in the case of *Animal Defenders International v. the United Kingdom* ([GC], no. 48876/08, § 59, ECHR 2013 (extracts)), that the definition of “political activity” in UK law was no more detailed, clear and precise than the equivalent concept in Russian law.

93. The Commissioner submitted that the application of the Foreign Agents Act revealed a fundamental uncertainty surrounding the term “political activity” as interpreted by executive, prosecutorial and judicial branches. For example, the authorities had determined that translating and analysing judgments of the Court (in the case of the Mass Media Defence Centre in Voronezh) or disseminating the Commissioner’s opinions on the Foreign Agents Act via an association’s website (the Soldiers’ Mothers of St Petersburg) constituted “political activity”, whereas all such activities fell within the legitimate exercise of freedom of expression. The activities qualified as “political” under the Foreign Agents Act were some of the most commonly practised, basic and natural methods which civil society

institutions employed to perform their work. Moreover, they constituted important elements of the democratic process.

94. The ISHR, the ICJ, Amnesty International, and the Media Legal Defence Initiative characterised the term “political activity” as being too vague, and one which violated NGOs’ right to communicate with international organisations and afforded authorities an overly broad discretion.

(β) The applicable principles

95. The Court has accepted that conduct which may entail involvement in political activities cannot be defined with absolute precision, and may include participation in peaceful assemblies, making statements to the press, participating in radio or television programmes, publications, or joining trade unions, associations or other organisations representing and protecting various group interests (see *Rekvényi v. Hungary* [GC], no. 25390/94, § 36, ECHR 1999-III). Admittedly, legal opinions on what aims should be considered “political” may differ, on account of this being a wide notion open to very diverse interpretations (see *Zhechev v. Bulgaria*, no. 57045/00, § 39, 21 June 2007). Nevertheless, a norm cannot be regarded as a “law” unless it is formulated in such a manner as to enable the citizen to foresee, to a degree that is reasonable in the circumstances, that certain conduct would lead to specific legal consequences or sanctions (see *Öztürk v. Turkey* [GC], no. 22479/93, § 54, ECHR 1999-VI).

(γ) Interpretation and application of the exceptions to the “political activities”

96. Even though certain fields of activity were explicitly excluded from the scope of “political activities” in the Foreign Agents Act, Russian authorities and courts interpreted the term “political activities” so widely that the usual activities of civil society organisations were included, in particular those in environmental, cultural or social fields. The authorities could label any activities which were in some way related to the normal functioning of a democratic society as “political”, and accordingly order the relevant organisations to register as “foreign agents” or pay fines.

97. In particular, the authorities put NGOs on the register of foreign agents for engaging in the following activities in the environmental field: organising a conference on the negative impact of hydraulic structures on rivers, protecting rivers, developing ecotourism, environmental education, and participating in public consultations on an environmental impact assessment (Baikal Wave); supporting an environmental activist (the Dront Centre); contributing to the development of environmental education and initiatives (Ecodefence); promoting the sustainable management of water resources, incentive measures for water consumers and environmental actions, and presenting the results of a sociological survey at a round-table

discussion (the Ecology and Security Centre); cleaning the banks of local rivers and restoring forests (the Foundation For Nature); posting drawings on the subject of a nuclear waste dump on the Internet, and organising cycling events to promote environmental values (Green World Local); organising discussions on climate change, its impact on indigenous peoples, and the impact of mining operations on indigenous peoples' land (the Indigenous Peoples' Centre); being involved in a forest conservation campaign and informing the public about the state of the environment (the Movement For Nature); posting publications on environmental problems on the Internet (the Partnership for Development); promoting the use of clean energy (Planet of Hope); and implementing an initiative to support Greenpeace's members (the Siberian Environmental Centre) (see paragraphs 210, 283, 290, 297, 311, 381, 416, 519, 533, 554, and 631 below).

98. Cultural and social activities were likewise deemed to constitute "political activity": a round-table discussion on stopping full-day groups in nursery schools (the Centre for Social and Labour Rights); recommendations concerning a centre for sports medicine, funeral services and assistance for homeless people; the distribution of free condoms and syringes (the Chapayevsk Medical Association); supporting a petition to a governor regarding a regional disability programme, and participating in a conference on social entrepreneurship (the Far East Centre); criticising a proposal to abolish a benefit paid to people with multiple children, and a prohibition on using drinking water to water gardens (Gagarin Park); the protection of cultural items and areas, preparing expert opinions on this subject, and collecting information on threats to items of cultural heritage (Green World and the Perm Human Rights Centre); monitoring social and economic developments and organising discussions on housing and social issues (the Levada Centre); issuing a publication on the right to spa-based therapy in Perm (the Perm Human Rights Centre); organising forums on pressing social issues (Perm-36); and training medical doctors on the prevention of HIV and sexually transmitted diseases in the homosexual community (Rakurs) (see paragraphs 222, 236, 304, 339, 374, 451, 540, 547 and 575 below).

99. Other applicant organisations, including the Centre for Social and Labour Rights, the Centre for Social Studies, Coming Out, the Human Rights Academy, Migration XXI Century, and the Women of the Don, were deemed not to have complied with the Foreign Agents Act in relation to activities in the field of the protection of human rights, because they had stood up for labour rights, LGBT and women's rights, and the rights of migrants. In other cases, commemorative events were considered to be "political activities", as in the cases of the Mass Media Defence Centre and the Southern Human Rights Centre (see paragraphs 473 and 653 below).

100. The above examples demonstrate that the exclusions from the scope of the concept of "political activities" – such as culture, social security, the protection of flora and fauna, and charity work – established in the Foreign

Agents Act (see paragraph 28 above) have been rendered meaningless by the unforeseeable practice of the Act which has been endorsed by the Russian courts. For example, Baikal Wave, an environmental organisation active in the protection of flora and fauna, which is not considered to be political activity, was deemed to have engaged in “political activities” once it had expressed an opinion on the decisions of State authorities on the protection of plants or another environmental matter, because “expressing opinions on decisions of State authorities” does constitute “political” activity (see paragraph 215 below).

(δ) Distinguishing between the activities of an organisation and its staff

101. The Constitutional Court required authorities to draw a distinction between the activities of members and directors of organisations which were undertaken in a personal capacity, and those which were carried out on behalf of an organisation. Only the latter activities, but not the former, could fall within the scope of “political activities” under the Foreign Agents Act (see paragraph 39 above). In practice, however, any statements or positions by the directors of the applicant organisations were routinely attributed to the organisations themselves, without establishing whether they had been made in a personal capacity or on behalf of the organisation. In the cases of the Civil Education Centre, the Dront Centre, Legal Mission, the Mass Media Defence Centre, the Movement For Human Rights, Planet of Hope, the Renaissance Centre, the School of the Conscript, the Sova Centre and the Women of the Don, the authorities considered the statements which the organisations’ directors had made in discussions, interviews or on websites, and their participation in projects, one of the aspects of the applicant organisations’ “political activity” (see paragraphs 257, 283, 444, 472, 512, 554, 596, 624, 659 and 689 below). In the cases of Baikal Wave and the Perm Human Rights Centre, the director’s comments on a journalist’s personal blog, a request to ban agricultural burning which had been submitted to the State authorities, and the founder’s personal blog were taken to constitute “political activity” on the part of the organisations themselves (see paragraphs 210 and 540 below). In the case of Ryazan Memorial, the authorities considered photos posted by the applicant organisation’s director on his personal page on a social network “political activity” (see paragraph 603 below). It follows that, in the absence of any clear and foreseeable legal regulation, the applicant organisations had to countenance a risk that any statements by their directors, members or founders, even comments on their private accounts on social media, could be qualified as “political activity” on the part of the organisations themselves.

102. In other cases, the authorities linked the work of the applicant organisations’ directors in State bodies – bodies to which they had been appointed in a personal or professional capacity, rather than as representatives of their respective organisations – to the activities of the organisations



themselves. In the cases of the Agora Association, the Chapayevsk Medical Association, the Civil Education Centre, the Committee against Torture and the Mass Media Defence Centre, their directors' or founders' work in the President's Human Rights Council and regional bodies of government was considered by the authorities to be "political activity" on the part of the applicant organisations themselves (see paragraphs 208, 236, 257, 270 and 472 below).

(ε) Interpretations of the forms of "political activities"

103. The Constitutional Court also outlined the forms in which the intention to engage in political activities could manifest itself, and the evidence which made such an intention apparent. It also emphasised that the ultimate purpose of political activities was to influence the decision-making process of State organs and State policy (see paragraph 39 above). In practice, however, the authorities dispensed with the requirement to show that the opinions expressed had potentially had an impact on their decisions. In the case of Sakhalin Environment Watch, the authorities considered the signing of a letter addressed to the Ukrainian environmental organisations and activists and published on the website of the Wildlife Conservation Centre during the Russian-Ukrainian conflict in 2014 "political activity". The letter was not addressed to the authorities of any State, its addressees were exclusively environmental organisations and activists of Ukraine, and it did not contain any requests or demands addressed to the authorities (see paragraph 610 and 612 below). Nevertheless, the Russian courts considered the letter of solidarity to be "political activity" on the part of the applicant organisation. In the case of the Levada Centre, the domestic courts held that the opinions on the political regime in Russia expressed by the applicant organisation's director and the head of a department in a lecture, in interviews and in articles published on a website, evidenced that the Levada Centre had exercised "political activity"; the courts made that finding without analysing whether those opinions had encouraged a change in the authorities' policy (see paragraph 453 below).

(στ) Conclusion

104. Bearing in mind that the term "political" is inherently vague and could be subject to diverse interpretations, the need for its stable, consistent and foreseeable interpretation was all the greater in these cases. Dictionaries, to which the Government referred, may be used to establish the ordinary meaning of words but they are not a substitute for legislative precision and well-established case-law. The Russian authorities applied an extensive and unforeseeable interpretation to the term "political activities" which was used in the Foreign Agents Act, to include even activities which were specifically listed as being excluded from its scope, and they treated indiscriminately the

activities of organisations themselves, those of their directors or members who were acting in a personal capacity, and those that lacked the requisite finality to influence State decisions and policy. Whereas the Foreign Agents Act required the purpose of influencing State policy in order to qualify as political activity (see paragraph 28 above), the practice of executive and other authorities extended the concept of “political activity” to any form of public advocacy on an extremely wide set of issues, without establishing whether the organisation had pursued its activities with the aim of influencing State policy. The classification of NGOs’ activities based on this criterion – whether they constituted “political activities” – produced incoherent results and engendered uncertainty among NGOs wishing to engage in civil society activities relating to, in particular, human rights or the protection of the environment or charity work, especially since the domestic courts failed to provide consistent guidance as to what actions did or did not constitute “political activity” (see *Zhechev*, cited above, § 55, and *The United Macedonian Organisation Ilinden and Others v. Bulgaria (no. 2)*, no. 34960/04, § 39, 18 October 2011).

(ii) *Whether the provisions on “foreign funding” are sufficiently foreseeable*

(α) Submissions by the parties

105. The applicants pointed out that the provisions on foreign financing contained in the Foreign Agents Act were not foreseeable and did not establish any particular amount, period or form of foreign funding required for an organisation to be declared a “foreign agent”. The Russian authorities had adopted an excessively broad and unpredictable interpretation of the term “foreign funding”. As the practical application of the Foreign Agents Act demonstrated, not only was the receipt of funds or other property by NGOs considered foreign financing, but also cash payments to their employees or members, and joint activities with other “foreign-agent” organisations. Even a refusal to accept foreign funding did not guarantee that an organisation that had refused such funding would not be branded a “foreign agent”. In addition, the recipients of funds did not have the opportunity to check the exact source of funding, since information about a donor’s citizenship or a donor organisation’s source of funds was not publicly available, and Russian legislation did not impose an obligation on organisations to verify the origin of funds transferred from another Russian organisation.

106. The Government submitted that the term “foreign funding” was clearly defined in the Act and had additionally been clarified by the Constitutional Court. The specific parameters of such funding – whether temporal (relating to the duration or frequency of the funding), quantitative (relating to the amount or extent of the funding) or material (relating to whether the funding constituted a donation, grant or award) – did not matter, so long as the funds came from a foreign source. The law applied to funds

and to any other property; the form in which funding was received – for example, a credit to a bank account or payment for events, services or other expenses – had no legal significance. Such funds and property must have been received after the date of enactment of the Foreign Agents Act. The law did not require the authorities to show that an organisation was aware of the foreign origin of funds it had accepted. Organisations engaging in “political activities” were to bear the risk of their ignorance as to the origin of their financing. If the authorities were required to prove that a recipient was aware of the foreign origin of funds, this would render the enforcement of the provisions on indirect foreign financing difficult.

(β) Purpose of disbursements

107. The Court notes that the Foreign Agents Act does not contain any rules as to the purpose of “foreign funding” and does not require the authorities to establish any link between such funding and the alleged “political activities” of the organisation. The absence of any rules relating to the purpose of disbursements has led to absurd situations, such as the case of the Civil Education Centre, in which the Russian authorities and courts concluded that the organisation was “financed” by a “foreign source” because a hotel in Oslo had refunded it for paying too much to hire conference facilities and rooms (see paragraph 259 below).

(γ) Distinguishing between the funds received by the organisation and those received by its staff

108. The term “foreign funding” has also been used indiscriminately by the authorities to include any disbursements – not just those paid to the applicant organisations, but also those paid to its members or directors, even where they acted in a personal capacity without involving an organisation. For example, the Southern Human Rights Centre was recognised as a “foreign agent”, in particular on the grounds that the head of the applicant organisation had received funds to purchase return airline tickets from Sochi to Moscow to visit the Goethe-Institut German cultural centre, where he had taken part in an event in his personal capacity rather than as the head of the applicant organisation (see paragraphs 652 and 654 below).

(δ) Interpretation of “foreign sources”

109. The Foreign Agents Act defines the term “foreign source” as one including both proper foreign sources, such as foreign States, institutions, associations and individuals, and any Russian entities “receiving funds and other property from those sources” (see paragraph 15 above). Such a Russian entity need not be designated as a “foreign agent” or otherwise identified as a “foreign source” at the moment when funds are made available. The law does not specify any criteria in accordance with which a Russian entity may

be deemed to fall into this category, such as a threshold amount or a percentage of an annual budget or the use of designated foreign funds for sub-granting to national organisations. This creates a situation of uncertainty, where a token donation from abroad may lead the authorities to classify a Russian entity as a foreign source of funds, and any organisations which have received funds from that entity as “foreign agents”. For example, Yekaterinburg Memorial had not received any financing from proper foreign sources. However, as another applicant organisation, International Memorial, had paid its insurance, utilities, electricity and telephone bills over a two-year period, the authorities considered that to be sufficient evidence of “foreign financing”, because International Memorial had been designated as a “foreign agent” (see paragraph 696 below). Gagarin Park was put on the register of foreign agents because it had received funds from a Russian charity foundation which, it subsequently transpired, had been financed from abroad (see paragraph 339 below). In the case of the School of the Conscript, the fact that another “foreign-agent” applicant organisation, Legal Mission, had paid for its website and office was considered evidence of “foreign funding” (see paragraph 624 below).

110. The absence of clear and foreseeable criteria has given the authorities unfettered discretion to assert that the applicant organisations were in receipt of “foreign funding”, no matter how remote or tenuous their association with a purported “foreign source” was. The cases of the Golos Association and Tak-Tak-Tak provide an illustration of this. In both cases, the directors of the applicant organisations had also sat on the boards of some other organisations which had been branded “foreign agents”. The fact that those other organisations had received foreign financing was, for the Russian authorities, sufficient to link “foreign sources” to the applicant organisations via their directors (see paragraphs 355 and 666 below). The Court considers that the applicant organisations could not reasonably foresee that such implausible and arbitrary connections would be established and that the money they received would be considered tainted by its foreign origin no matter how many degrees of separation there were between the recipient organisation and the purported “foreign source”.

(e) Existence of a legal possibility to decline foreign funding

111. Lastly, the Court finds that the circumstances in which a refusal of foreign funding could be considered valid were neither clear nor foreseeable. In the case of the Golos Association, the first-instance court found that, by refusing prize money from Norway, the Golos Association had validly refused foreign funding, which made the Foreign Agents Act inapplicable. However, shortly thereafter, during appeal proceedings, the same court found that the refusal of the same prize money had constituted the receipt of foreign funding, since by refusing to receive those funds, the Golos Association had taken a decision on its fate and demonstrated “the authority of an owner” in

respect of that amount (see paragraph 355 below). It was not until an extraordinary procedure was set in motion upon an application by the Ombudsman that that judgment was reviewed. Another example is that of Sakhalin Environment Watch, which refused foreign funding immediately after its inclusion on the register of foreign agents and asked to be removed from the register. However, the authorities refused to remove it from the register of foreign agents on the grounds that it was required to return all the funding it had received from foreign donors during the entire period of its activity, and not just from the date of its inclusion on the register of foreign agents (see paragraph 612 below).

(στ) Conclusion

112. As demonstrated by the above examples, the applicants were unable to envisage with a sufficient degree of foreseeability what funding and what sources of funding would qualify as “foreign funding” for the purposes of registration as a “foreign agent”. The legal norm on foreign funding which allows for its overbroad and unpredictable interpretation in practice, as evident from the circumstances of the present cases, does not meet the “quality of law” requirement and deprives the applicants of the possibility to regulate their financial situation.

*(iii) Whether the term “foreign agent” is sufficiently clear and foreseeable*

(α) Submissions by the parties

113. The applicants submitted that the term “foreign agent” was intentionally used in the Foreign Agents Act with the aim of creating the impression among the public that Russian NGOs were acting in Russia on the orders of and in the interests of “foreign” States or organisations. According to its generally accepted meaning, the term “agent” referred to a person performing assignments on behalf of another. According to the definition in the Russian Civil Code, one party to the agency agreement (the agent) undertook to perform legal and other actions on the instructions of the other party (the principal) for remuneration. However, the term was given a wide and novel interpretation in the Foreign Agents Act and in the practical application of that Act, by the scope of the term being extended to include any Russian organisation engaging in political activity, not necessarily in the interests of a foreign provider of funds. The concept of a “foreign agent” used in the US FARA Act (the United States being the only other jurisdiction in which such a term existed), which the Government asserted was a relevant comparator for Russia’s Foreign Agents Act, was fundamentally different. The FARA Act associated the status of a “foreign agent” with the exercise of activities “on the order, request or instructions or under the supervision” of a foreign principal, and “in the interests” of such a principal. Both of those conditions were necessary for an entity to be registered as a “foreign agent”.

114. The Government submitted that the term “foreign agent” was sufficiently clear and its application in practice foreseeable, firstly because it was defined in the Foreign Agents Act, and secondly because it was in itself a well-established legal category. In the realm of civil law, an “agent” was an entity authorised to act on behalf of another or execute official and business orders of another. It was logical to apply that term to Russian NGOs receiving funding from foreign sources to implement certain activities. The Government considered that the definition of an “agent of a foreign principal” in the US FARA Act, which encompassed any person engaging in political activities and public relations or collecting and dispensing contributions, was essentially similar to that of a “foreign agent” in Russian law.

115. The ILPP pointed out that the US FARA Act required evidence of a principal-agent relationship between the “foreign agent” and its “foreign principal” implying a high level of dependence and control between the domestic association and its foreign donor. By contrast, for a Russian NGO participating in “political activity”, receiving funding from abroad was sufficient for the NGO to be considered a “foreign agent”. It was not necessary to prove that it was acting “in the interests” of any foreign entity.

116. The Hungarian NGOs and the Helsinki Foundation for Human Rights submitted that the Russian Government’s analogy with the US FARA Act was deeply flawed, as the FARA Act was targeted not at civil society, but at professional lobbyists, that is, political players acting on behalf of governments, which was the opposite of what NGOs did.

(β) The Court’s approach

117. The Court considers that, whatever a generally accepted meaning or a legal definition of a particular term, the legislator is entitled to adopt a different meaning for the purposes of a particular legal act as long as it is formulated with sufficient precision and remains sufficiently clear and foreseeable in its application. The definition of a “foreign agent” used in the Foreign Agents Act has introduced a different concept of agency in which an agent might or might not be acting in the interests of the principal, as it apparent from the text of the document (see paragraph 15 above: “including ... activity carried out in the interests of foreign providers of funds”). This definition encompasses all situations in which a Russian NGO received “foreign funding” and engaged in “political activities”, including where the funding does not translate into donor’s control and direction, and is apparently based on an assumption that “foreign funding” – irrespective of the amount or the modalities and conditions of its granting – equals foreign control. Such definition of an agency relationship may indeed be a wide and novel one, however, there is no uncertainty in the fact that any Russian NGOs receiving any amount of “foreign” funding may come within the scope of this legislation. Consequently, the Court finds that no issue of clarity or

foreseeability of that definition arises and that this matter must be examined below from the standpoint of the necessity requirement.

*(iv) Conclusion on the lawfulness requirement*

118. The Court has found above that two key concepts of the Foreign Agents Act, as formulated and interpreted in practice by the Russian authorities, fell short of the foreseeability requirement. The facts of the present cases demonstrate that judicial review failed to provide adequate and effective safeguards against the arbitrary and discriminatory exercise of the wide discretion left to the executive (compare *Lashmankin and Others v. Russia*, nos. 57818/09 and 14 others, § 430, 7 February 2017). This would be sufficient for a finding of a violation of Article 11, interpreted in the light of Article 10, on the basis that the interference was not prescribed by law. The Court notes, nevertheless, that the questions in this case are closely related to the broader issue of whether the interference was “necessary in a democratic society”. In particular, the Court must verify whether the restrictions on the applicants’ activities corresponded in principle to a “pressing social need”, and whether they were proportionate to the aims sought to be achieved (see *Koretsky and Others v. Ukraine*, no. 40269/02, § 49, 3 April 2008, and *Tebieti Mühafize Cemiyyeti and Israfilov*, cited above, § 65).

**(c) Legitimate aim**

119. The applicants conceded that the interference had pursued the valid objective of exercising control by society and the authorities over the spending of funds received from foreign sources.

120. The Government submitted that the interference had aimed to ensure public control, security and greater transparency in respect of the political activities of foreign-funded NGOs.

121. The third-party interveners, including the ILPP, the Special Rapporteur, the Hungarian NGOs, the ICJ and Amnesty International, submitted that the protection of sovereignty and security could not be relied upon as a lawful ground for imposing restrictions on civil society organisations.

122. The Court accepts in principle that the objective of increasing the transparency with regard to the funding of civil society organisations may correspond to the legitimate aim of the protection of public order in paragraph 2 of Article 11.

**(d) “Necessary in a democratic society”**

*(i) General principles*

123. The Court reiterates that citizens’ ability to form a legal entity in order to act collectively in a field of mutual interest is one of the most

important aspects of the right to freedom of association, without which that right would be deprived of any meaning. The way in which national legislation enshrines this freedom and its practical application by the authorities reveal the state of democracy in the country concerned. Certainly States have a right to satisfy themselves that an association's aim and activities are in conformity with the rules laid down in legislation, but the State's power to protect its institutions and citizens from associations that might jeopardise them must be used sparingly, as exceptions to the rule of freedom of association are to be construed strictly and only convincing and compelling reasons can justify restrictions on that freedom. Any interference must correspond to a "pressing social need"; thus, the notion "necessary" does not have the flexibility of such expressions as "useful" or "desirable" (see *Sidiropoulos and Others v. Greece*, 10 July 1998, § 40, *Reports of Judgments and Decisions* 1998-IV, and *Gorzelik and Others*, cited above, §§ 88 and 94-95).

124. The Court has acknowledged that the function of creating various platforms for public debate is not limited to the press, but may also be exercised by, among others, NGOs, whose activities are an essential element of informed public debate. The Court has accepted that when an NGO draws attention to matters of public interest, it is exercising a public watchdog role of similar importance to that of the press and may be characterised as a social "watchdog" warranting similar protection under the Convention as that afforded to the press. It has recognised that civil society makes an important contribution to the discussion of public affairs. The manner in which "public watchdogs" carry out their activities may have a significant impact on the proper functioning of a democratic society. It is in the interest of democratic society to enable the press to exercise its vital role of "public watchdog" in imparting information on matters of public concern, just as it is to enable NGOs scrutinising the State to do the same thing (see *Magyar Helsinki Bizottság v. Hungary* [GC], no. 18030/11, §§ 166-67, 8 November 2016, with further references).

125. It is further relevant to recall that there is a wealth of historical, cultural and political differences within Europe so that it is for each State to mould its own democratic vision. By reason of their direct and continuous contact with the vital forces of their countries, their societies and their needs, the legislative and judicial authorities are best placed to assess the particular difficulties in safeguarding the democratic order in their State. The State must therefore be accorded some discretion as regards this country-specific and complex assessment which is of central relevance to the legislative choices such as are at issue in the present case (see *Animal Defenders International*, cited above, § 111).



(ii) *Whether creating a special status of “foreign agents” was necessary in a democratic society*

(α) Submissions by the parties

126. The applicants submitted that the term “agent” itself, even without the adjective “foreign”, had an unambiguously negative connotation in the Russian context. Since the time of Stalin’s regime, the word “agent”, used idiomatically, had been endowed with a markedly negative meaning placing it in the same semantic category as the words “saboteur”, “spy” and “traitor”. The fact that the Russian authorities were fully aware of such negative connotations was apparent from their strong objection to having their representative at the Court referred to as the “Agent of the Russian Government”. The Court had accepted that, by contrast with representatives of other member States who were referred to as Agents, that term would not be used to describe the representative of the Russian Government. A large-scale survey of the Russian population carried out in December 2016 found that 60% of the respondents had negative associations with the term “foreign agent”, 30% of the population reported having neutral associations, and only 3% reported positive associations. The State authorities themselves directly linked “political activity” within the meaning of the Foreign Agents Act with anti-State actions and the undermining of the constitutional system. The label “foreign agent” was so shameful and offensive that some of the applicant organisations, in order to avoid public humiliation, had refused foreign funding and had consequently been forced to terminate their programmes and cease all or some of their activities, which was a typical manifestation of the “chilling effect”.

127. The Government insisted that the term “foreign agent” did not have any negative undertones. They referred to the 2014 judgment of the Constitutional Court of the Russian Federation, according to which the designation of Russian NGOs as exercising the functions of a “foreign agent” was conditional on the receipt of funds and other property from foreign sources, and intended to identify them as “specific subjects of political activities carried out in the Russian territory”. It did not suggest that those organisations posed a threat to the State or public institutions “even if they acted on the orders of or on behalf of foreign funders”. “Attempts to establish the negative context” of the term “foreign agent” were a Soviet-era stereotype which was no longer meaningful in today’s realities. The designation did not imply any negative assessment of any such organisation by the State and could not be interpreted as a manifestation of a lack of trust or a desire to discredit those organisations, or their aims or activities. The Government emphasised that the registration of the applicant organisations as “non-commercial organisations exercising the functions of a foreign agent” had in no way affected their ability to freely express their ideas and engage in political activities, including their ability to take part in debates. The Government attached decisive importance to the fact that the Foreign Agents

Act did not provide for the liquidation of organisations for failure to apply for registration as a “foreign agent”.

128. The Commissioner observed that the term “foreign agent” carried with it strong negative connotations, since it had usually been associated in the Russian historical context with the notion of a “foreign spy” or a “traitor”. Legislative amendments had restricted “foreign-agent” organisations’ opportunity to interact with State officials and perform certain types of public activities. The use of the label “foreign agent” had not only affected the ability of non-commercial organisations to cooperate with State institutions, but also their relations with other partners and the general public. “Foreign-agent” non-commercial organisations had also been the targets of a smear campaign in the media: the environmental organisation Planet of Hope had been charged with “industrial espionage funded by US money” and its director had had to flee Russia.

129. The ICJ, Amnesty International, and the Helsinki Foundation for Human Rights emphasised the stigmatising effect of labelling NGOs “foreign agents”. Such measures interfered with the right to freedom of association under Article 11 of the Convention. As they also affected the capacity of NGOs and their representatives to engage in public debate, they similarly interfered with the right to freedom of expression under Article 10 of the Convention.

130. The Hungarian NGOs submitted that the stigmatisation of NGOs served to discredit those who raised their voices against the detrimental activities of the authorities. Criticising the authorities was likened to criticising the nation itself.

(β) Choice of an allegedly stigmatising term

131. The parties disagreed on the sentiment evoked by the expression “foreign agent”. For the applicants, third-party interveners and independent experts, including the Commissioner and the Venice Commission, it conveyed “a connotation of ostracism or stigma” across large sections of the Russian population, and could therefore be a threat to the free exercise of the activities of non-commercial organisations which had been labelled in that way (see paragraphs 50 and 51 above). The Venice Commission emphasised that, even without the specific Russian historical context, the term “foreign agent” always carried a negative connotation so long as it suggested that an organisation was acting “on behalf and in the interests of the foreign source”, rather than in the interests of Russian society (paragraph 55 of the Opinion). The Government claimed, by reference to the judgment of the Constitutional Court, that the term “foreign agent” had lost the negative connotation it had had in the past. The Court notes that the Government did not corroborate their assertion with any evidence, while the findings of a major opinion poll of the Russian population appear to suggest otherwise (see paragraph 126 above). Nor did the Government give any explanation or at least indication as to why

the term “foreign agent” had been chosen, what alternatives had been considered, and whether the term’s connotations had been taken into account.

132. The Court has previously found that, even where measures taken by the authorities have not actually restricted the right of an association to carry out its activities, the use of stigmatising language to describe that association may have had adverse consequences for its operation. The use of hostile terms constitutes interference with an association’s rights, and needs to be justified as being necessary in a democratic society (see *Leela Förderkreis e.V. and Others*, cited above, §§ 84-101, and compare *Aliyev v. Azerbaijan*, nos. 68762/14 and 71200/14, § 210, 20 September 2018). The Court also notes the view of the Court of Justice of the European Union (CJEU) that the designation of civil society organisations as “organisations in receipt of support from abroad” is capable of creating a generalised climate of mistrust towards those organisations and stigmatising them (see paragraph 47 above).

133. The parties appear to concur that the term “agent”, in its generally accepted meaning, designates a person or an entity which carries out certain work or tasks on the orders or instructions of another individual or entity (the “principal”) in return for remuneration in the framework of the principal-agent relationship. The term “agent” has consistently been used in that sense in Russian civil law, federal legislation and by-laws, and also in many other jurisdictions. Adding the adjective “foreign” implies that the principal is a foreign entity on behalf of which the agent is acting.

134. As the Court noted in paragraph 117 above, the definition of a “foreign agent” in the Foreign Agents Act introduced a concept of agency in which the control of the donor over the recipient of funds was effectively presumed rather than established on a case-by-case basis, even in a situation where the recipient of funds retained full managerial and operational independence in terms of defining its programmes, policies and priorities. This presumption was moreover un rebuttable because any evidence of operational independence of the grantee from the donor was legally irrelevant for designation of the targeted organisation as a “foreign agent”, the mere fact of receiving any amount of money from “foreign sources” sufficed.

135. The administrative and judicial practice in the applicants’ cases confirmed that interpretation of the agency relationship: neither the Ministry of Justice nor the courts considered it necessary to show that the applicant organisations had been acting in the interests of foreign sources, and deemed the fact that they had received foreign funding and had been carrying out political activities sufficient evidence of their being “foreign agents”. It has not been claimed or established in any of the applicants’ cases that they had acted on behalf of, on the orders of, or in the interests of a foreign entity, or that they had been anything but independent actors in their respective fields of activity. For example, in the case of the Southern Human Rights Centre, the organisation received funds from another Russian NGO which had already been included on the register of foreign agents, for the purpose of

creating its own website (see paragraph 652 below). Another applicant, Woman's World, received a donation from a Russian NGO to hold an awareness-raising event on the prevention of domestic violence, and yet another, Tak-Tak-Tak, used funds from the French Embassy in Moscow to hold a seminar on the security of human rights defenders (see paragraphs 666 and 680 below). In taking the decisions to register those organisations as "foreign agents", neither the Ministry of Justice nor the courts concerned themselves with showing that they had acted as "agents" in the interests of the organisations indicated as being the sources of their foreign funding.

136. The Court considers therefore that attaching the label of a "foreign agent" to any applicant organisations which have received any funds from foreign entities was unjustified and prejudicial and also liable to have a strong deterrent and stigmatising effect on their operations. That label coloured them as being under foreign control in disregard of the fact that they saw themselves as members of national civil society working to uphold respect for human rights, the rule of law, and human development for the benefit of Russian society and democratic system.

(γ) Creation of a new category of "foreign-agent" NGOs

137. The choice of a term for labelling a new category of Russian non-commercial organisations is part of a broader question of whether the creation of such a status can be justified as being "necessary in a democratic society".

138. The Court reiterates that a State can, consistently with the Convention, adopt general measures which apply to pre-defined situations regardless of the individual facts of each case even if this might result in individual hard cases. In order to determine the proportionality of a general measure, the Court must primarily assess the legislative choices underlying it and the quality of the parliamentary and judicial review of the necessity of the measure, attaching particular importance to the operation of the margin of appreciation (see *Animal Defenders International*, cited above, §§ 106-10).

139. The democratic process is an ongoing one which needs to be continuously supported by free and pluralistic public debate and carried forward by many actors of civil society, including individual activists and NGOs (ibid., § 111). Where risks to that process have been identified, foreign involvement in some sensitive areas – such as elections or funding of political movements – may justify stricter regulation or restrictions by the State, as ensuring the transparency of NGOs receiving substantial foreign funding is a legitimate aim. Nevertheless, as the Court has found above, the scope of the Foreign Agents Act and, in particular, the definition of "political activities" goes much further than what is customarily regarded as matters of national security or sensitive State interests. In essence, the regulation appears to be based on a notion that matters such as respect for human rights and the rule of law are "internal affairs" of the State and that any external scrutiny of such

matters is suspect and a potential threat to national interests. This notion is not compatible with the drafting history and underlying values of the Convention as an instrument of European public order and collective security: that the rights of all persons within the legal space of the Convention are a matter of concern to all member States of the Council of Europe.

140. The Court recalls, in this respect, that even before the Foreign Agents Act, the legislation on non-commercial organisations contained mechanisms allowing the State and society to exercise scrutiny over the receipt and spending of funds by non-commercial organisations, including funds from foreign sources. The Government did not identify any shortcomings or risks of abuse in the previously existing legal framework which the creation of a new status of “foreign agents” sought to address which prevents the Court from assessing the rationale for the new regulation. Instead, it appears that the “foreign-agent” status was put in place to set the applicant organisations apart from other non-commercial organisations and to subject them and their activities to a much stricter State scrutiny.

141. Once an organisation was assigned “foreign-agent” status, it was confronted with not only additional accounting and reporting requirements which the Court will address below but also a number of adverse consequences which went beyond merely legal consequences. The Commissioner and the Venice Commission observed that a non-commercial organisation labelled as a “foreign agent” would “most probably encounter an atmosphere of mistrust, fear and hostility making it difficult for it to operate”. They cited an example of homeless people refusing the offer of shelter from representatives of a humanitarian NGO because they did not want help from “foreign agents” (paragraph 54 of the Opinion).

142. The Court is particularly concerned with the fact that “foreign-agent” status has severely curtailed the applicant organisations’ ability to interact with the representatives of State authorities, including those with whom they had worked together for many years prior to their registration as “foreign agents”. The Commissioner and the Venice Commission noted that the representatives of State institutions would likely be reluctant to cooperate with “foreign-agent” organisations, in particular in discussions on possible changes to legislation or public policy (paragraph 55 of the Opinion). Such a risk did, in fact, materialise. For example, in the case of Yekaterinburg Memorial, the Ministry for General and Professional Education in the Sverdlovsk Region sent a circular letter, no. 02-01-82/1861 of 10 March 2017, requiring the heads of secondary and higher-education institutions in the region “to take measures to restrict the participation of educators and students” in events organised by that “foreign-agent” organisation. The Civil Education Centre received letters from four State and municipal educational institutions stating that those institutions no longer wished to collaborate with the applicant organisation following its registration as a “foreign agent”. Following its inclusion on the register of “foreign agents”, Sakhalin

Environment Watch received a similar letter from the Sakhalin Regional Border Guard Department, with which it had previously successfully collaborated in preventing poaching.

143. The executive authorities sought to distance themselves from “foreign-agent” organisations and sever any links to their directors or members. In the case of Woman’s World, a decree of the governor of the Kaliningrad Region, no. 196 of 30 December 2015, prohibited members of “foreign-agent” organisations from being members of the Governor’s Socio-Political Council, and the director of the applicant organisation was expelled from that council. On 14 September 2015 a lawyer with the Perm Human Rights Centre was prevented from participating in a meeting of a judicial qualifications board due to his links with the “foreign-agent” organisation. He was eventually able to continue his work, but not before adopting a different affiliation.

144. Restrictions on the participation of “foreign-agent” organisations in the political and social life of Russian society gradually found their way into federal legislation. A series of amendments to the electoral laws denied such organisations any form of involvement in any kind of election (see paragraph 30 above). The applicant organisations which stand up for fair elections and act as “election watchdogs” – the Golos Association and the Golos Fund, among others – were denied the opportunity to continue their missions as independent election monitors. The amended legislation likened the position of Russian “foreign-agent” organisations to that of foreign or international observers. The legislation established a procedure for extending an invitation to foreign or international observers but failed to define an equivalent procedure for inviting national organisations, which effectively thwarted any monitoring efforts by Russian organisations once they had been listed as “foreign agents”.

145. In more recent developments, restrictions on the activities of “foreign-agent” organisations were extended far outside the realm of politics to undercut their mission as independent monitors of State actors in other areas. The 2018 amendments withdrew the right of “foreign-agent” organisations to nominate candidates to public monitoring bodies, which were the only civil society institutions with access to penal facilities and the authority to highlight issues concerning human rights compliance in places of detention (see paragraph 34 above, and *Ananyev and Others v. Russia*, nos. 42525/07 and 60800/08, §§ 105-106, 10 January 2012). Another law deprived “foreign-agent” organisations of the opportunity to expose the potential for graft and corruption which proposed draft legislation might offer State officials (see paragraph 35 above).

(δ) Conclusion

146. It follows that the creation of the new status severely restricted the ability of the applicant organisations to continue their activities, because of

the negative attitude of their target groups and because of the regulatory and legislative restrictions on involving “foreign-agent” organisations in cooperation and monitoring projects. Their registration as “foreign agents” restricted their ability to participate in public life and engage in activities which they had been carrying out prior to the creation of the new category of “foreign agents”. The Government have not been able to adduce “relevant and sufficient” reasons for creating that new category, or show that those measures furthered the declared goal of increasing transparency. The creation of that status as defined in domestic law was therefore not “necessary in a democratic society”.

*(iii) Whether the additional auditing and reporting requirements were necessary in a democratic society*

(α) Submissions by the parties

147. The applicants submitted that the additional control and reporting requirements which were applicable to them on account of their status as “foreign-agent” organisations amounted a serious burden and drain on their time and resources. In the context of a shortage of resources, the main activities of “foreign-agent” organisations tended to focus on providing the authorities with a variety of additional reports and preparing for inspections, meanwhile statutory activities had to be significantly scaled down. Their staff were expected to produce four times as many reports as other non-commercial organisations, and also pay substantial amounts for the mandatory annual audit – between RUB 50,000 and RUB 250,000 (EUR 1,250 and 8,250 at the material time). Those fixed costs were not related to the amount of foreign funding received or an organisation’s overall budget, and represented a disproportionate burden, especially for organisations with the least resources. There was also a constant risk of administrative prosecution, even for insignificant delays or superficial inaccuracies in the reports.

148. The Government submitted that the mandatory auditing requirements extended to not just “foreign-agent” organisations, but also State-owned companies and corporations and local branches of foreign NGOs. The financial reporting requirements were comparable to those existing in other jurisdictions (they referred in particular to the EU Transparency Register and the Fundamental Principles). They did not impose an excessive burden on NGOs, and allowed the domestic authorities to ensure the transparency of their funding and receive up-to-date reports about their activities. The reporting requirements also sought to increase the protection of national security and “raise public awareness” about the fact that foreign individuals and entities were involved in providing support to organisations which were engaged in political activities and exercised influence over Russian politics and foundations of the State. Lastly, the Government cited examples of domestic decisions in which the courts had

discontinued administrative-offence proceedings instituted in respect of a charge of failure to submit the required reports.

149. The ILPP submitted that the Foreign Agents Act had put additional financial and administrative burdens on those NGOs which received foreign funding. It was estimated that annually, “foreign-agent” NGOs were forced to spend an average amount of RUB 273,000 more than other NGOs. By way of comparison, disclosure and reporting requirements for lobbyists controlled by foreign principals, provided for by the US FARA Act, were fundamentally different, in that they focused on lobbying, consulting and public-relations services rather than civil society organisations, whereas Russia’s Foreign Agents Act did focus on such organisations.

150. The Special Rapporteur stated that registration authorities should be independent from the Government; that reporting obligations should be simple, uniform and predictable; that the organs in charge of registration and supervision should carry out inspections only during ordinary business hours, with adequate advance notice; and that powers should not be used arbitrarily and for the harassment or intimidation of organisations.

151. The ISHR submitted that so long as “foreign-agent” organisations had to comply with cumbersome and more frequent reporting requirements, the practical consequences of being a “foreign agent” could be described as “debilitating”. The ICJ and Amnesty International emphasised that measures restricting or imposing administrative burdens on NGOs had to be the least intrusive possible, with due regard to the significance of the interests at stake. The Hungarian NGOs stated that measures prescribed by the Foreign Agents Act were disproportionate to the declared aim of transparency, and the obligation to register and report on activities was not in line with the aim pursued, nor were extraordinary inspections.

(β) The Court’s assessment

152. The Court reiterates that States may establish in their legislation rules and requirements on corporate governance and management bodies, and ensure the compliance of legal entities with such rules and requirements. In fact, the domestic laws of many member States of the Council of Europe provide for such rules and requirements, with varying degrees of regulation (see *Tebieti Mühafize Cemiyyeti and Israfilov*, cited above, § 72). However, in so far as legislative amendments impose new requirements on previously existing organisations, they need to be justified as being, in particular, “necessary in a democratic society” (see *Moscow Branch of the Salvation Army*, cited above, §§ 73-77 *et passim*).

153. From 2006 onwards all Russian non-commercial organisations were required to produce an annual report on their activities and sources of funding, including information on the use of funds, and submit that report to the Ministry of Justice in a pre-determined format, indicating their foreign funding sources in a special section of the report form. The report also needed



to be made freely available to the public online, both on the website of the Ministry of Justice and the organisation's own website. Therefore, even prior to the adoption of the Foreign Agents Act, the activities of non-commercial organisations, their financial situation and their sources of funding were public and transparent, and were also under the full control of the State authorities. The Government did not claim that that legal framework had been lacking or deficient in any respect.

154. The Foreign Agents Act did not alter or extend the scope of information which "foreign-agent" non-commercial organisations ought to provide to the authorities or make public. However, it significantly increased the frequency of reporting, requiring up to four reports per year, where previously one had sufficed. Since their registration as "foreign-agent" organisations, the applicant organisations have been required to submit reports on their activities and the composition of their management boards, twice a year; reports on how foreign-source funds have been spent or property used, four times a year; and a certified audit report, once a year. The reports need to be uploaded to their websites and the Ministry of Justice's website twice as often as before. Compliance with those requirements has been enforced by the Ministry of Justice, and failure to comply has been sanctioned with fines which are many times higher than those applicable to non-compliance by non-commercial organisations which have not been included on the register of "foreign agents". Those organisations may be fined between RUB 3,000 and 5,000 for a failure to provide the required information to State or municipal authorities (Article 19.7 of the CAO), whereas "foreign-agent" organisations will incur a fine of between RUB 100,000 and 300,000 for the same offence (Article 19.7.5-2 of the CAO, see paragraph 24 above). Thus, solely because the organisation Woman's World was included on the register of "foreign agents" and had failed to promptly submit its "foreign-agent" reports for the second and fourth quarters of 2016, the domestic courts fined it RUB 100,000 (see paragraph 682 below).

155. Since their classification as "foreign agents", the applicant organisations have been subject to the additional obligation to undergo an annual audit. The Government insisted that that obligation was non-discriminatory because it also applied to State-owned corporations. The Court does not consider that State corporations are a relevant comparator. They are large commercial operators managing public money, with substantial financial and human resources at their disposal; an audit of their spending is necessary to closely monitor the use of State funds and the fight against corruption, mismanagement and the wasteful allocation of resources. By contrast, non-commercial organisations had been submitting full financial reports, including their sources of funding, to the regulatory authorities even before the Foreign Agents Act. The Government did not explain how the new requirement increased the transparency of those organisations' activities and protected "national security". The Court also notes that auditing services are

expensive and impose a significant financial and organisational burden on the applicant organisations (see paragraph 147 above). In the above-mentioned case of Woman’s World, an additional ground for imposing the RUB 100,000 fine related to the organisation’s failure to submit an audit report for 2016. The courts did not accept its explanation that it had not had the funds to pay for such a report.

156. An additional obligation on “foreign-agent” organisations was introduced in 2017: all organisations required by law to undergo a mandatory audit – a category which included “foreign-agent” organisations – were required to enter the results of the mandatory audits into the Unified Federal Register of Information on the Activities of Legal Entities via the online portal fedresurs.ru. The audit results needed to be uploaded within three business days of their receipt, making this requirement particularly burdensome in terms of urgency, but also in terms of cost, because in order to gain access to fedresurs.ru and publish their audit statements, the applicant organisations were forced to incur additional expenses associated with obtaining another special electronic signature which was different from that used in the banking sector. The Court notes that no comparable requirements applied to other non-commercial or commercial organisations, even though the latter group’s budget could significantly exceed the funding available to the applicant organisations.

157. The Court also notes that “foreign-agent” organisations may not use a simplified form of book-keeping which all other non-commercial organisations are eligible to use (see paragraph 29 above). The Government did not explain why it was considered necessary to deny such organisations the benefit of access to a form of accounting capable of reducing their paperwork.

158. Lastly, as regards the additional requirement to submit to inspections, the authorities carry out routine inspections of “foreign-agent” organisations three times more often than inspections of other non-commercial organisations, on a triannual rather than annual basis. The Government did not offer any reasons for that increased supervision of the applicant organisations. Regardless of the declared aims to enhance transparency which have apparently been pursued, any risk of wrongdoing on the part of an organisation is effectively countered by the Ministry of Justice’s authority to conduct unscheduled inspections (see paragraph 18 above). While the important purpose served by inspections is undeniable, excessive use of the power to interfere with the operation of a civil society organisation should never be used as a tool to exercise control over NGOs.

159. In sum, the Court finds that the Government have failed to put forward “relevant and sufficient” reasons for imposing the additional requirements on the applicant organisations purely on account of their inclusion on the register of “foreign agents”. The Court is unable to find that the increased frequency of reporting and inspections, the obligation on

“foreign-agent” organisations to undergo a mandatory audit and publish it on a dedicated website, or such organisations being denied the benefit of simplified book-keeping could substantially facilitate the provision of more transparent and complete information to the public, as the Government claimed it should. In any event, those additional measures imposed a significant and excessive financial and organisational burden on the applicant organisations and their staff, and undermined their capacity to engage in their core activities. The Court concludes that such additional requirements as provided for by the Foreign Agents Act and subsequent legislation were not “necessary in a democratic society” or proportionate to the declared aims.

*(iv) Whether restricting access to sources of funding was necessary in a democratic society*

(α) Submissions by the parties

160. The applicants pointed out that the Foreign Agents Act linked receiving foreign funding with a multitude of obligations, including more frequent reporting, keeping separate accounts for foreign funding, mandatory audits, the labelling of publications, more frequent inspections, and so on. The only way that they could escape the burden of the additional obligations was by completely refusing all foreign funding and returning any such funding previously awarded to their organisations. An increase in domestic funding over a seven-year period had been much less significant than the Government had claimed. Besides, the Government had only cited the total amounts allocated for all non-commercial organisations, without specifying the amount of funding allocated for activities in the areas in which the applicant organisations specialised. The Government had not specified the criteria for selecting applications for State funding, or indicated any safeguards capable of guaranteeing that applications for such funding were considered solely on their merits, rather than in terms of the compatibility of the applicant organisation’s views and opinions with the prevailing State policy. The applicants pointed out that virtually all of the applicant organisations which had applied for State funding had been unsuccessful, as had the other organisations included on the “foreign agents” register.

161. The Government submitted that the requirement to apply for registration as a “foreign-agent” did not prevent an organisation from receiving funds and property from foreign sources and international organisations. Nor were “foreign-agent” organisations in any way prevented from receiving support from the State. The State had launched a support programme to finance organisations implementing “projects of social importance” and “projects in the field of the protection of rights and freedoms”. Between 2011 and 2017 the total amount of State support had grown sevenfold, from RUB 1 billion to RUB 7 billion. In the 2018 budget, a total amount in excess of RUB 8 billion had been allocated for the development of civil society institutions implementing “projects of social

importance”. Two applicant organisations, the Levada Centre and the Centre for Social and Labour Rights, had been awarded presidential grants in 2018 for research into palliative care and labour rights. Other applicant organisations, including Ryazan Memorial, Man and Law, the Chapayevsk Medical Association and Woman’s World, had taken part in the competition for presidential grants, but had been unsuccessful. In the Government’s view, this demonstrated that there were no obstacles for the applicant organisations which wished to apply for and receive State funding. Allocations and subsidies from the Public Chamber of the Russian Federation, and the federal and regional governments and ministries, supplemented the financial support of socially active NGOs.

162. The ILPP submitted that international law guaranteed access to resources for NGOs as an inherent part of their right to freedom of association (Article 6(f) of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and Article 13 of the Declaration on Human Rights Defenders). The Foreign Agents Act affected NGOs’ right to access funding to the extent that it discouraged reliance on foreign funding through the use of the pejorative term “foreign agent” and additional financial and administrative burdens on those NGOs which used foreign funding.

163. The Special Rapporteur submitted that freedom of association encompassed the right of NGOs to access financial resources. Without such resources, NGOs would not be able to enjoy freedom of association. The right to receive and use resources from foreign and international sources was recognised and protected in international law.

164. The ISHR, the Helsinki Foundation for Human Rights and the Media Legal Defence Initiative indicated that many organisations had avoided seeking foreign financial support or had shut down because they could not comply with the excessive requirements. The negative stigma attached to the label “foreign agent” had discouraged Russian donors from cooperating with such organisations.

(β) The Court’s assessment

165. The Court reiterates that where the domestic law restricts an association’s ability to receive grants or other financial contributions which constitute one of the main sources of financing of NGOs, the association may fail to engage in activities which constitute the main purpose of its existence (see *Ramzanova and Others v. Azerbaijan*, no. 44363/02, § 59, 1 February 2007). While States may have legitimate reasons to monitor financial operations in accordance with international law, with a view to preventing money laundering and terrorism and extremism financing, the ability of an association to solicit, receive and use funding in order to be able to promote and defend its cause constitutes an integral part of the right to freedom of association (see *Aliyev*, cited above, § 212). The limits placed on a

generalised restriction on the right to freedom of association and the availability of alternatives are also important factors in the assessment of its proportionality (see *Animal Defenders International*, cited above, § 117).

166. The Court concurs with the CJEU in that the objective of increasing the transparency of the financing of associations, although legitimate, cannot justify legislation which is based on a presumption, made on principle and applied indiscriminately, that any financial support by a non-national entity and any civil society organisation receiving such financial support are intrinsically liable to jeopardise the State's political and economic interests and the ability of its institutions to operate free from interference. A regulatory framework needs to correspond with the scenario of a sufficiently serious threat to a fundamental interest of society, which those obligations are supposed to prevent (see paragraphs 46-47 above).

167. The Foreign Agents Act does not contain provisions prohibiting foreign funding altogether. However, it also does not establish a minimum amount or share of "foreign funding" in an organisation's budget, with the result that an organisation regularly funded from abroad, an organisation which has been awarded an international prize for its work, and an organisation receiving a computer or software licence from an international company would all indiscriminately be considered to be funded by "foreign sources". If an organisation receiving such funding is also deemed to have engaged in "political activities", it is liable to be registered as a "foreign agent". The Court has established above that in practice the domestic authorities gave an extremely wide and unforeseeable interpretation of the concepts of "foreign sources" and "political activities". Even the usual activities of civil society organisations which were explicitly excluded from the scope of "political activity" were construed in such a way that almost any actions were taken to constitute "political activity" (see paragraphs 96 to 100 above). This situation rendered it difficult for the applicants to foresee which specific actions on their part could lead to their registration as "foreign agents", registration which would entail a host of additional reporting and accounting requirements inhibiting their ability to function because of the substantial amount of staff time and resources such requirements would demand of an organisation.

168. In the absence of clear conditions for the applicability of the Foreign Agents Act, the only way for the applicant organisations to avoid the application of "foreign-agent" label and restrictions and continue their activities was to forego "foreign funding" altogether. The applicants were thus confronted with a choice between either refusing all "foreign funding" in the widest possible interpretation of the term, or incurring additional expenses relating to reporting, accounting and audit services and abiding by the other requirements, such as the labelling of publications and frequent inspections. By imposing that choice on the applicant organisations, the

Foreign Agents Act made them opt for either exclusively domestic or foreign funding, thereby effectively restricting the available funding options.

169. The Court considers that an enforced choice between accepting foreign funding and soliciting domestic State funding represents a false alternative. In order to ensure that NGOs are able to perform their role as the “watchdogs of society”, they should be free to solicit and receive funding from a variety of sources. The diversity of these sources may enhance the independence of the recipients of such funding in a democratic society.

170. Furthermore, the Court is not convinced by the Government’s assertion that the domestic grants and subsidies for non-commercial organisations implementing “projects of social importance” could have adequately compensated for the previously available foreign and international funding.

171. Firstly, the Government’s reference to the existing support for “socially-oriented” organisations is not relevant to this case because, by virtue of a direct ban in the legislation, “foreign-agent” organisations – such as the applicant organisations – may not be granted the status of “providers of useful social services” and apply for priority funding which is exclusively associated with that status (see paragraph 33 above). Unlike other non-commercial organisations, organisations which have been recognised as “foreign agents” also cannot be considered “socially-oriented” and thus gain access to State financial support programmes, even though charity work is explicitly excluded from the scope of the Foreign Agents Act.

172. Secondly, owing to the applicants’ ineligibility to obtain financing as “socially-oriented” organisations, and the poorly developed private donor system in Russia, domestic financing may only come from the federal budget in the form of presidential grants. While the Government emphasised that there had been a significant increase in the amounts allocated for grants, they did not provide any indication as to the criteria for grant allocation and, most importantly, institutional guarantees confirming that grant operators would be independent and capable of ensuring that money was allocated to meritorious projects. Experts who studied the practice of grant allocation at the material time concluded that non-commercial organisations closely aligned with the State authorities were by far the largest beneficiaries of grants (see paragraph 64 above).

173. The Government were unable to show that the applicant organisations which had been forced to refuse foreign funding under the threat of being included on the register of “foreign agents” could have secured access to domestic funding on a transparent and non-discriminatory basis. Nor did the Government put forward “relevant and sufficient” reasons for causing the applicant organisations to choose between continuing their work while accepting foreign funding and the burdensome requirements of “foreign-agent” status, and significantly reducing their activities on account of insufficient domestic funding or a complete lack thereof. Without proper

financing, the applicant organisations were unable to carry out activities constituting the main objective of their existence, and some of them had to be wound up. Neither the executive authorities nor the domestic courts considered the consequences of the “foreign-funding” provisions for the work of those organisations, or the accessibility of alternative funding in Russia. It follows that the restrictions on access to funding have not been shown to be necessary in a democratic society.

(v) *Nature and severity of the penalties*

(α) Submissions by the parties

174. The applicant organisations contended that they had been fined for failing to submit the required application for registration as a “foreign agent” to the Ministry of Justice, since they had been unable to foresee that their activities would be deemed “political” within the meaning of the Foreign Agents Act. However, their actions had not and could not have entailed any negative consequences, such as a threat to national security or public safety. The Government had not submitted any evidence showing that a real risk of harm to any of the values guaranteed by the Convention had existed as a result of the applicants’ actions. Even assuming that there had been a danger in principle in a non-commercial organisation not registering as a “foreign agent”, this had been completely neutralised by the power of the Ministry of Justice to include organisations on the register of foreign agents at its own discretion. The sanctions had been not just excessive, but also unpredictable, and the amounts of fines imposed on the applicant organisations and their directors had varied greatly. The legislation did not provide any indication as to what would constitute a less serious or more serious offence entailing less and more serious sanctions.

175. The Government claimed that the sanctions for the violations of the Foreign Agents Act had been proportionate to the gravity of the offences. The provisions of the Act were accessible and foreseeable, and also clearly formulated without ambiguities or contradictions. Since the 2014 judgment of the Constitutional Court, it had been possible to reduce the amount of an administrative fine for “foreign-agent” offences under Article 19.34 of the CAO below the lower limit provided for by that Article, and the domestic courts had applied lower fines in several cases. If the courts had not considered the potential impact of the relevant fines on the sustainability of the applicants’ work, this was due to the applicant organisations’ failure to plead financial difficulty and provide documentation concerning their financial situation. All sanctions imposed to date had been administrative in nature; the criminal liability provisions under Article 330.1 of the Criminal Code had not yet been applied. The Government also claimed that the legislation of other States provided for the imposition of sanctions

comparable to those provided for by the Foreign Agents Act for similar offences.

176. The Commissioner submitted that it was unclear what criteria were used by the Ministry of Justice when assessing the necessity of the application of administrative sanctions as opposed to other, less intrusive, measures. Bearing in mind that non-commercial organisations, by their very nature, were not engaged in profit-making activities, fines represented a major burden to many small Russian non-commercial organisations, and a significant portion of their annual budget. The imposition of administrative fines on individual managers was a reason for serious concern. In the case of the Partnership for Development, its former director Ms Pitsunova had been deprived of half of her pension and disability payments in 2015 owing to her inability to pay an initial administrative fine of RUB 100,000 on time in 2014.

177. The Special Rapporteur submitted that provisions on sanctions should provide for adequate warning and an opportunity to remedy violations, and that States should not criminalise or delegitimise activities in defence of human rights on account of the origin of funding.

178. The ICJ, Amnesty International, and the Media Legal Defence Initiative stated that harsh punitive measures, including criminal sanctions, provided for by the Foreign Agents Act were bound to have a chilling effect on NGOs. They hardly constituted the least intrusive measures available to achieve the protection of the interests at stake, and were therefore likely to be disproportionate.

(β) The Court's assessment

179. The Court reiterates that the nature and severity of the penalties imposed are important factors to be considered when assessing the proportionality of an interference (see *Bédat v. Switzerland* [GC], no. 56925/08, § 79, 29 March 2016, and *Tebieti Mühafize Cemiyeti and Israfilov*, cited above, § 82). The Court must be satisfied that the penalty does not amount to a form of censorship intended to discourage the applicants from expressing criticism or undermine civil society's important contribution to the administration of public affairs. By the same token, the penalty should not be such as to be liable to hamper NGOs in performing their task as independent monitors and "public watchdogs" (see *Társaság a Szabadságjogokért v. Hungary*, no. 37374/05, § 27, 14 April 2009, and *Magyar Helsinki Bizottság*, cited above, § 159).

180. The Foreign Agents Act introduced fines of between RUB 100,000 and RUB 500,000 for continuing the activities of an organisation without registering as a "foreign agent", failing to comply with additional accounting or reporting requirements, and failing to label publications as originating from a "foreign-agent" organisation (see paragraph 24 above). It also introduced criminal liability for individuals who deliberately omitted to provide documents for registration of an organisation as a "foreign agent"



(see paragraph 23 above). Even in those cases where, further to the Constitutional Court's judgment, the applicant organisations were sentenced to fines below the lower limit provided for by the CAO, the minimum amount was set at RUB 150,000 for a violation of Article 19.34 of the CAO, since, in accordance with the law, the amount of the fine could not be less than half of the amount constituting the lower limit of the sanction.

181. In order to put the financial impact of sanctions into perspective, the Court has previously considered it appropriate to use, as a relevant comparator, the monthly minimum salary, which is set and regularly reviewed by the Federal Assembly (see *Tolmachev v. Russia*, no. 42182/11, § 54, 2 June 2020). Between 2013 and 2019 the monthly minimum salary went up from RUB 5,205 to RUB 11,280 (from EUR 129 to EUR 142 at the 1 January exchange rate). It follows that even the minimum amount of the relevant fine was set at a level exceeding the monthly minimum salary by a factor of between thirty (in 2013) and thirteen (in 2019) or, in other words, it was approximately equivalent to one to three years' subsistence income. Using the sanctions for other types of administrative offences as another relevant comparator, the Court notes that the sanctions applicable to "foreign-agent" organisations were many times higher than the sanctions for analogous offences committed by non-commercial organisations which did not have the status of a "foreign agent" (see paragraph 154 above).

182. The Court reiterates that sanctions of that magnitude will trigger heightened scrutiny of their proportionality (see *Pakdemirli v. Turkey*, no. 35839/97, § 59, 22 February 2005). In order to be proportionate, the interference should correspond to the severity of the infringement, and the sanction to the gravity of the offence it is designed to punish (see *Independent News and Media and Independent Newspapers Ireland Limited v. Ireland*, no. 55120/00, § 110-13, ECHR 2005-V (extracts), and *Gyrlyan v. Russia*, no. 35943/15, § 28, 9 October 2018). The Government did not put forward any relevant and sufficient reasons for setting the fines for what were essentially regulatory offences at such a high level. They did not advance arguments as to why such punishment was not excessive or liable to turn the fines into an instrument for suppressing dissent. Taking into account that the amount of the fine cannot be reduced below half of the minimum amount of the fine under the CAO, and that some of the applicant organisations were fined multiple times, the fines were unaffordable for many of them. Some had to significantly scale down their activities or be wound up, as they were unable to pay the fines which had already been imposed or face further fines. Thus, as it was unable to pay fines totalling RUB 600,000 for a failure to label banners and several Internet publications, the Committee against Torture was driven into voluntary dissolution.

183. The domestic courts failed to provide "relevant and sufficient reasons" for their choice of sanctions. They did not consider the proportionality of a fine in particular in relation to its impact on the

organisation's ability to continue its work. For example, Yekaterinburg Memorial was fined three times for violations of the Foreign Agents Act – once for failing to register as a “foreign agent”, and twice for failing to label publications published on the organisation's website. The amount of each fine was RUB 300,000. The domestic courts gave no consideration to the fact that Yekaterinburg Memorial did not have any financial resources or property of its own. In another example, the publishing house Gagarin Park was fined RUB 300,000 for receiving cash funds in the amount of RUB 100,000 for the implementation of a project.

184. The domestic case-law presented to the Court seems to indicate that the sanctions were also unpredictable. The Foreign Agents Act did not provide for any guidance as to what would amount to a more serious offence or a less serious one, or list relevant factors and criteria for judicial assessment. Nor did it determine with any degree of precision the circumstances in which a particular punishment bracket applied. For example, Man and Law was fined RUB 150,000 for a blog publication by a staff member published on the website of a popular regional periodical, while the Sakharov Centre was fined RUB 400,000 for publishing information on its own website, which had considerably fewer visitors. In some cases, like the case of Public Verdict, the applicant organisation was ordered to pay a single fine for several publications, while others, like MASHR, were fined separately for each unlabelled publication. The latter approach also resulted in excessive and burdensome fines, as illustrated by the case of the Golos Association, which paid three fines totalling RUB 1,200,000. In the absence of any other factors which may explain the great variations in the fines imposed, the Court finds that the provisions governing the amounts of the fines left room for arbitrariness (compare *Camilleri v. Malta*, no. 42931/10, §§ 42-43, 22 January 2013).

185. Taking into account the essentially regulatory nature of the offences, the substantial amounts of the administrative fines imposed and their frequent accumulation, and the fact that the applicants were not-for-profit civil society organisations which suffered a reduction in their budgets due to restrictions on foreign funding, the Court holds that the fines provided for by the Foreign Agents Act cannot be regarded as being proportionate to the legitimate aim pursued. This finding would be applicable *a fortiori* to criminal sanctions, since a failure to comply with formal requirements relating to the re-registration of an NGO can hardly warrant a criminal conviction and is disproportionate to the legitimate aim pursued.

(vi) *Conclusion on the necessity requirement*

186. The Court has found above that the Government have not shown relevant and sufficient reasons for creating a special status of “foreign agents”, imposing additional reporting and accounting requirements on organisations registered as “foreign agents”, restricting their access to

funding options, and punishing any breaches of the Foreign Agents Act in an unforeseeable and disproportionately severe manner. The cumulative effect of these restrictions – whether by design or effect – is a legal regime that places a significant “chilling effect” on the choice to seek or accept any amount of foreign funding, however insignificant, in a context where opportunities for domestic funding are rather limited, especially in respect of politically or socially sensitive topics or domestically unpopular causes. The measures accordingly cannot be considered “necessary in a democratic society”.

**(e) Overall conclusion**

187. Having regard to the foregoing, the Court concludes that the interference was neither prescribed by law nor necessary in a democratic society. Therefore, there has been a violation of Article 11 of the Convention interpreted in the light of Article 10.

**III. ALLEGED VIOLATIONS OF ARTICLES 14 AND 18 TAKEN IN CONJUNCTION WITH ARTICLES 10 AND 11 OF THE CONVENTION**

188. Some applicants also complained that they had been subjected to discrimination on account of their political position, and that their freedom of expression and association had been restricted for purposes other than those prescribed by the Convention. They relied on Articles 14 and 18 taken in conjunction with Articles 10 and 11 of the Convention.

189. The Court considers that these complaints must be declared admissible. However, since it has already considered the claim that the applicant organisations were put into a separate category and singled out for a differential treatment on the basis of the source of their funding, it does not need to examine whether, in this case, there has been a violation of Article 14 or 18.

**IV. COMPLIANCE WITH ARTICLE 34 OF THE CONVENTION**

190. As regards compliance with Article 34 of the Convention, the Court will examine whether the enforcement of the dissolution order against the International Memorial (see paragraph 14 above) disclosed a failure to comply with the interim measure indicated by the Court under Rule 39 and violated its right of individual application. Article 34 of the Convention reads as follows:

“The Court may receive applications from any person, non-governmental organisation or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in the Convention or the Protocols

thereto. The High Contracting Parties undertake not to hinder in any way the effective exercise of this right.”

191. The Government did not reply to the Court’s request for comments.

192. The Court reiterates that, by virtue of Article 34 of the Convention, Contracting States undertake to refrain from any act or omission that may hinder the effective exercise of the right of individual application, which has been consistently reaffirmed as a cornerstone of the Convention system. According to the Court’s established case-law, a respondent State’s failure to comply with an interim measure entails a violation of that right (see *Mamatkulov and Askarov v. Turkey* [GC], nos. 46827/99 and 46951/99, §§ 102 and 125, ECHR 2005-I, and *Savriddin Dzhurayev v. Russia*, no. 71386/10, §§ 211-13, ECHR 2013 (extracts)).

193. After the dissolution order against the International Memorial was issued at first instance, on 29 December 2021 the Court, having regard to the close connection of the grounds of dissolution and the subject matter of the present case, indicated an interim measure under Rule 39 of the Rules of Court. It held that, in the interests of the parties and the proper conduct of the proceedings before it, the enforcement of the order should be suspended for a period that would be necessary for the Court to consider the present case. After the order became final and enforceable on 28 February 2022 (see paragraph 12 above), the International Memorial asked the Supreme Court for a stay of execution by reference to the Court’s indication of an interim measure. Its application was declined. On 5 April 2022 the International Memorial was liquidated, while the Court’s interim measure was still in force.

194. In view of the vital role played by interim measures in the Convention system, they must be strictly complied with by the State concerned (see *Savriddin Dzhurayev*, cited above, § 217). By allowing the dissolution of the International Memorial to proceed, the State frustrated the purpose of the interim measure which sought to maintain the status quo pending the Court’s examination of the application. Since there is no procedure in Russian law for reinstating the legal-entity status of an organisation following its removal from the State Register of Legal Entities, the Court was prevented from securing the International Memorial’s enjoyment of the rights to freedom of expression and association under Articles 10 and 11 of the Convention.

195. Consequently, the Court concludes that the Russian authorities disregarded the interim measure indicated by the Court under Rule 39 of the Rules of Court, in violation of their obligation under Article 34 of the Convention.

V. APPLICATION OF ARTICLE 41 OF THE CONVENTION

196. Article 41 of the Convention provides:

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

197. The applicants claimed various amounts in respect of pecuniary and non-pecuniary damage, and also costs and expenses. The particulars of their claims are set out in the Appendix. The Government submitted that the applicants’ claims were excessive or unsubstantiated. Regard being had to the documents in its possession and to its case-law, the Court awards the applicants the amounts set out in the Appendix, plus any tax that may be chargeable to them.

198. In the cases where the applicant organisations ceased to exist, the awards shall be payable into the bank accounts of their successors in the proceedings before the Court.

199. The Court considers it appropriate that the default interest rate should be based on the marginal lending rate of the European Central Bank, to which should be added three percentage points.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to join the applications;
2. *Decides* that the former presidents, founders, directors and members of applicant associations have standing to pursue the proceedings initiated by the applicant organisations that ceased to exist;
3. *Joins* the Government’s objection *ratione personae* to the merits of the case and *declares* the case admissible;
4. *Holds* that there has been a violation of Article 11 of the Convention in respect of each applicant and *rejects* the Government’s objection;
5. *Holds* that there is no need to examine the complaints under Articles 14 and 18 of the Convention, taken in conjunction with Articles 10 and 11;
6. *Holds* that there has been a violation of Article 34 of the Convention on account of the respondent State’s failure to comply with the interim measure indicated by the Court;

7. *Holds*

- (a) that the respondent State is to pay the applicants or, as the case may be, their procedural successors, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the amounts indicated in the Appendix, to be converted into the currency of the respondent State at the rate applicable at the date of settlement, plus any tax that may be chargeable to them;
- (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;

8. *Dismisses* the remainder of the applicants' claims for just satisfaction.

Done in English, and notified in writing on 14 June 2022, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Milan Blaško  
Registrar

Georges Ravarani  
President

## APPENDIX

### Facts of individual cases and claims for just satisfaction

#### A1. ADC Memorial

(*ADC Memorial v. Russia*, no. 48431/14, lodged on 30 June 2014)

##### 1. Facts

200. The applicant organisation is ADC Memorial (*Благотворительное частное учреждение защиты прав лиц, подвергающихся дискриминации, "Антидискриминационный центр "Мемориал"*), a Russian non-commercial organisation founded in St Petersburg. It was represented before the Court by O. Tseytlina. Following its liquidation, Ms Stefania Kulayeva and Ms Olga Abramenko, employees of the applicant organisation who continued working on the projects it had previously implemented, expressed a wish to pursue the proceedings in its stead.

201. The mission of the applicant organisation: protecting the victims of discrimination and vulnerable groups.

202. An inspection of the applicant organisation was carried out by the prosecutor's office of the Admiralteyskiy District of St Petersburg in March 2013. It was established that the applicant organisation was funded by the Open Society Institute Assistance Foundation (OSIAF), Oak Foundation Ltd, CCFD, Rädde Barnens Riksförbund, the Roma Education Fund, and SIDA, and had engaged in the following actions which were taken to constitute "political activities": publishing a report on police abuse of Roma and migrants in 2012 and submitting that report to the UN Committee Against Torture.

203. The following judicial decision was adopted: 12 December 2013, Leninskiy District Court of St Petersburg (upheld on appeal on 8 April 2014), forced registration as a "foreign agent". It was established that the applicant had engaged in "political activity" by campaigning for the protection of migrants, preparing a human rights report, and lobbying for amendments to legislation.

##### 2. Claims and awards under Article 41 of the Convention

204. The applicant organisation claimed 10,000 euros (EUR) in respect of non-pecuniary damage. The claim in respect of costs and expenses amounted to EUR 4,900 for legal costs.

205. The Court awards the applicant organisation EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 3,500 (three thousand five hundred euros) in respect of costs and expenses, plus any tax that may be chargeable.

**A2. Agora Association**

(*Agora Association v. Russia*, no. 24773/15, lodged on 18 May 2015)

*1. Facts*

206. The applicant organisation is the Agora Association (*Межрегиональная Ассоциация правозащитных общественных организаций "Правозащитная ассоциация"*), a Russian non-commercial organisation founded in Kazan. It was represented before the Court by I. Khrunova. Following its liquidation, Mr Igor Nikolayevich Sholokhov, president of the Kazan Human Rights Centre which was a founder of the applicant association expressed a wish to continue the proceedings in its stead.

207. The mission of the applicant organisation: providing free legal assistance to organisations and individuals.

208. An inspection of the applicant organisation was carried out by: (1) the prosecutor's office of the Vakhitovskiy District of Kazan in March-June 2014; (2) the Tatarstan Justice Department in October 2015. It was established that the applicant organisation was funded by the British embassy, the National Endowment for Democracy (NED), and the Internews Network, and had engaged in the following actions which were taken to constitute "political activities": contributing to the development of an Internet without censorship and to changing State Internet policy; monitoring freedom of expression online; publishing reports on human rights violations on the Internet, and reports on social control in detention facilities; contributing to the protection of Internet activists and NGOs; the education of human rights lawyers; making suggestions that Russian law-enforcement authorities be restructured; and the applicant organisation's director participating in the work of the Russian President's Human Rights Council, which pursued political goals. The Agora Association had also been involved in an anti-corruption review of proposed legislation.

209. On 21 July 2014 the applicant organisation was included on the Ministry of Justice's register of foreign agents. On an unspecified date it was removed from the register because it had been liquidated.

210. The following judicial decisions were adopted: (1) 30 September 2014, Vakhitovskiy District Court of Kazan held that the prosecutor's actions were lawful; (2) 11 November 2015 (two judgments) and 14 December 2015 (three judgments), Vakhitovskiy District Court of Kazan, fines for failures to label publications; 30 June 2016, the Deputy President of the Supreme Court of Tatarstan held that the publications had not been posted on the Internet on the applicant's behalf, and quashed the judgments of 14 December 2015; (3) 10 February 2016, Supreme Court of Tatarstan, liquidation at the Ministry of Justice's request for multiple failures to comply with the Foreign Agents Act, including a violation of the labelling requirement. In the proceedings



concerning the violation of the labelling requirement, the court held that a “foreign-agent” organisation was required to label a publication, regardless of whether it had been posted on their own website or someone else’s.

*2. Claims and awards under Article 41 of the Convention*

211. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 9,970 in respect of pecuniary damage sustained as a result of paying for the fines and the audit. The claim in respect of costs and expenses amounted to EUR 1,050 for legal costs.

212. The Court awards the applicant organisation EUR 9,970 (nine thousand nine hundred and seventy euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,050 (one thousand and fifty euros) in respect of costs and expenses, plus any tax that may be chargeable.

**A3. Baikal Wave**

*(Rikhvanova and Others v. Russia*, no. 61699/16, lodged on 13 October 2016)

*1. Facts*

213. The applicants are members of the board of Baikal Wave (*Иркутская региональная общественная организация "Байкальская Экологическая Волна"*), a Russian non-commercial organisation founded in Irkutsk. They are Marina Petrovna Rikhvanova, Vitaliy Valentinovich Ryabtsev and Maksim Viktorovich Vorontsov. They were represented before the Court by E. Mezak and S. Khromenkov.

214. The mission of the applicant organisation: promoting the protection of the environment and sustainable development; informing the public of environmental challenges; and supporting environmental initiatives.

215. An inspection of the applicant organisation was carried out by the Justice Department of the Irkutsk Region in October 2015. It was established that the applicant organisation was funded by Global Greengrants, Pacific Environment, the Eurasia Foundation, and Norges Naturvernforbund, and had engaged in the following actions which were taken to constitute “political activities”: protesting against the Baikal paper mill by posting a publication on a blog and asking the Government to close the mill and Parliament to adopt laws protecting the environment in the Baikal area; organising a conference on the negative impact of hydraulic structures on rivers, on the protection of rivers, on the development of ecotourism, and on environmental education; issuing recommendations relating to the fight against poaching and corruption; participating in public consultations on an environmental impact

assessment in respect of a solid waste dump; posting comments about the Foreign Agents Act made by one of Baikal Wave's directors on a journalist's personal blog; discussing the possibility of founding a drop-off depot for radioactive metallic waste; Baikal Wave's director making a request to ban agricultural burning and submitting it to the State authorities; and publishing an article on wildfire in the summer of 2015 which was critical of the authorities' failure to act.

216. On 10 November 2015 the applicant organisation was included on the Ministry of Justice's register of foreign agents. On 1 August 2016 it was removed from the register because it had been liquidated.

217. The following judicial decisions were adopted: 29 January 2016, Sverdlovskiy District Court of Irkutsk, fine for failure to register as a "foreign agent" (individual judgments in respect of Baikal Wave, Ms Rikhvanova, Mr Vorontsov and Mr Ryabtsev).

## *2. Claims and awards under Article 41 of the Convention*

218. The applicants claimed EUR 18,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 4,350 in respect of pecuniary damage sustained as a result of paying the fines. The claim in respect of costs and expenses amounted to EUR 800 for legal costs.

219. The Court awards the applicants EUR 4,350 (four thousand three hundred and fifty euros) jointly in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 800 (eight hundred euros) in respect of costs and expenses, plus any tax that may be chargeable.

## **A4. Centre for Social and Labour Rights**

*(Centre for Social and Labour Rights v. Russia*, no. 61111/17, lodged on 24 July 2017)

### *1. Facts*

220. The applicant organisation is the Centre for Social and Labour Rights (*Автономная некоммерческая организация "Центр социально-трудовых прав"*), a Russian non-commercial organisation founded in Moscow. It was represented before the Court by Y. Ostrovskaya.

221. The mission of the applicant organisation: the promotion of fair and balanced labour relations, decent work principles, and respect for freedom, equality and human dignity.

222. An inspection of the applicant organisation was carried out by the Moscow Justice Department in February 2016 and in May-June 2017. It was established that the applicant organisation was funded by NED, the Charities Aid Foundation (CAF), OSIAF, and the European Instrument for Democracy

and Human Rights (European Commission), and had engaged in the following actions which were taken to constitute “political activities”: promoting labour rights; organising a round-table discussion on stopping full-day groups in nursery schools and making recommendations to State authorities; organising a conference on the protection of labour rights and making recommendations to State authorities; suggesting amendments to labour laws in a book; and creating websites on labour rights.

223. On 21 March 2016 the applicant organisation was included on the Ministry of Justice’s register of foreign agents. On 29 June 2017 it was removed from the register because it was no longer considered a “foreign agent”.

224. The following judicial decisions were adopted: (1) 28 June 2016, Tverskoy District Court of Moscow (upheld on appeal on 24 January 2017), fine for failure to register as a “foreign agent”; (2) 18 October 2016, Zamoskvoretsky District Court of Moscow (upheld on appeal on 24 February 2017), challenging forced registration as a “foreign agent”.

## *2. Claims and awards under Article 41 of the Convention*

225. The applicant organisation claimed EUR 20,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 5,000 in respect of pecuniary damage sustained as a result of paying for the fines and the audit. The claim in respect of costs and expenses amounted to EUR 154 for postal expenses and court fees.

226. The Court awards the applicant organisation EUR 5,000 (five thousand euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 154 (one hundred and fifty-four euros) in respect of costs and expenses, plus any tax that may be chargeable.

## **A5. Centre for Social Studies**

(*Centre for Social Studies v. Russia*, no. 10028/16, lodged on 11 February 2016)

### *1. Facts*

227. The applicant organisation is the Centre for Social Studies (*Автономная некоммерческая организация "Центр независимых социологических исследований"*), a Russian non-commercial organisation founded in St Petersburg. It was represented before the Court by D. Bartenev.

228. The mission of the applicant organisation: conducting sociological research; disseminating information on social issues; and training sociologists and drafting manuals and scientific material in the fields of sociology, economy, politics and ecology.

229. An inspection of the applicant organisation was carried out by the St Petersburg Justice Department in February-March 2015. It was established that the applicant organisation was funded by the Consulate of the Netherlands and JSDF, and had engaged in the following actions which were taken to constitute “political activities”: printing books on independence, training and support for justices of the peace, and the Russian human rights movements in 2011-2013; promoting indigent defendants’ access to justice; and posting a video on Russian trade unions and their influence on State policy on the Internet.

230. On 22 June 2015 the applicant organisation was included on the Ministry of Justice’s register of foreign agents.

231. The following judicial decisions were adopted: (1) 5 June 2015, Justice of the Peace of Court Circuit no. 206, fine for failure to register as a “foreign agent” (quashed on 11 April 2016 by Supreme Court of Russia because the limitation period had expired); (2) 9 June 2015, Justice of the Peace of Court Circuit no. 206, fine for failure to comply with the St Petersburg Justice Department’s order to register as a “foreign agent”; (3) 7 December 2015, Zamoskvoretskiy District Court of Moscow, rejected a challenge to the decision on forced registration.

## *2. Claims and awards under Article 41 of the Convention*

232. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 3,640 in respect of pecuniary damage sustained as a result of paying for the fine and the audit. The claim in respect of costs and expenses amounted to EUR 3,430 for court fees and legal costs.

233. The Court awards the applicant organisation EUR 3,640 (three thousand six hundred and forty euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 3,000 (three thousand euros) in respect of costs and expenses, plus any tax that may be chargeable.

## **A6. Chapayevsk Medical Association**

*(Chapayevsk Medical Association v. Russia and Sergeyev v. Russia, nos. 60569/17 and 64181/17, lodged on 6 and 21 August 2017)*

### *1. Facts*

234. The applicants are the Chapayevsk Medical Association (*Чапаевская городская общественная организация "Ассоциация медицинских работников города Чапаевска"*), a Russian non-commercial organisation founded in Chapayevsk, and its director, Oleg Vladimirovich

Sergeyev. They were represented before the Court by E. Pershakova and I. Biryukova.

235. The mission of the applicant organisation: research and projects in the field of medical care; and improving the quality of life in Chapayevsk.

236. An inspection of the applicant organisation was carried out by the Samara Regional Justice Department in September-October 2016. It was established that the applicant organisation was funded by the Harvard T.H. Chan School of Public Health, USA; the US embassy; the National Institutes of Health; the Global Fund to Fight AIDS, Tuberculosis and Malaria; and the European Commission, and had engaged in the following actions which were taken to constitute “political activities”: the applicant organisation’s director and executive secretary participating in work relating to the promotion of a healthy way of living, sports and social services as part of the NGO Board of the Samara regional legislature; taking part in a discussion on a regional anti-tobacco initiative, and making recommendations to the Samara legislature in relation to a centre for sports medicine, funeral services and assistance for homeless people; discussing amendments to the Federal Healthcare Law; and participating in HIV prevention efforts and the distribution of free condoms and syringes.

237. On 21 October 2016 the applicant organisation was included on the Ministry of Justice’s register of foreign agents. On 25 July 2019 it was removed from the register because it was no longer considered a “foreign agent”.

238. The following judicial decisions were adopted: (1) 8 November 2016, Chapayevsk Town Court (upheld on appeal on 6 February 2017), fine for failure to register as a “foreign agent” imposed on the applicant organisation; (2) 22 November 2016, Chapayevsk Town Court (upheld on appeal on 21 February 2017), fine for failure to register as a “foreign agent” imposed on the director. The courts held that the organisation had been involved in projects contrary to the interests of the Russian State, and its activities were contrary to State policy in the field of HIV prevention.

## *2. Claims and awards under Article 41 of the Convention*

239. The applicants claimed EUR 30,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 6,500 in respect of pecuniary damage sustained as a result of paying for the fines and the audit. The claim in respect of costs and expenses amounted to EUR 9,958 for legal costs.

240. The Court awards the applicants jointly EUR 6,500 (six thousand five hundred euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 3,000 (three thousand euros) in respect of costs and expenses, plus any tax that may be chargeable.

## A7. Citizens' Watch

(*Ecodefence and Others v. Russia*, no. 9988/13, lodged on 6 February 2013)

### 1. Facts

241. The applicant organisation is Citizens' Watch (*Санкт-Петербургская общественная правозащитная организация "Гражданский контроль"*), a Russian non-commercial organisation founded in St Petersburg. It was represented before the Court by P. Leach.

242. The mission of the applicant organisation: protecting human rights, advancing the transparency of justice, access to justice, and the fight against xenophobia and racial intolerance.

243. An inspection of the applicant organisation was carried out by the Tsentralnyy district prosecutor in St Petersburg in March 2013. It was established that the applicant organisation was funded by the MacArthur Foundation, OSIAF, the Ministry for International Affairs of Denmark, the Norwegian Helsinki Committee, the Fritt Ord Foundation, the British embassy, and the General Consulate of the Netherlands in St Petersburg, and had engaged in the following actions which were taken to constitute "political activities": disseminating a publication on court mediation which was critical of Russian laws; organising a training session on probation taught by foreign professors, and a seminar on a transparent judicial system; and discussing and independently interpreting Russian laws and the implementation of rules on probation.

244. On 30 December 2014 the applicant organisation was included on the Ministry of Justice's register of foreign agents.

245. The following judicial decision was adopted: 13 April 2015, Smolninskiy District Court in St Petersburg, rejected a challenge to the decision on registration as a "foreign agent". The court rejected Citizens' Watch's argument that its publications presented research findings rather than opinions on political issues, and emphasised that the publications contained a negative assessment of Russian laws which aimed to shape public opinion and authorities' decisions. In the court's view, the assessment and interpretation of laws, and critical remarks about the effectiveness of the authorities' actions, did not fall within the notion of research. The court also rejected an argument that the criticism expressed by different speakers at a meeting was not that of the applicant organisation, but the speakers themselves.

### 2. Claims and awards under Article 41 of the Convention

246. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of

EUR 153,000 in respect of pecuniary damage sustained as a result of paying for the audit and security costs, and also for the loss of earnings. The claim in respect of costs and expenses amounted to EUR 3,430 for legal costs.

247. The Court awards the applicant organisation EUR 4,180 (four thousand one hundred and eighty euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 3,430 (three thousand four hundred and thirty euros) in respect of costs and expenses, plus any tax that may be chargeable.

#### **A8. Civic Assistance Committee**

*(Ecodefence and Others v. Russia*, no. 9988/13, lodged on 6 February 2013)

##### *1. Facts*

248. The applicant organisation is the Civic Assistance Committee (*Региональная общественная благотворительная организация помощи беженцам и вынужденным переселенцам "Гражданское содействие"*), a Russian non-commercial organisation founded in Moscow. It was represented before the Court by P. Leach.

249. The mission of the applicant organisation: providing assistance for refugees and displaced persons.

250. An inspection of the applicant organisation was carried out by the Meshchanskiy district prosecutor in Moscow in March 2015. It was established that the applicant organisation was funded by the European Commission, the United Nations High Commissioner for Refugees, the Swedish Fund for Amnesty International, the Norwegian Helsinki Committee, and NED, and had engaged in the following actions which were taken to constitute “political activities”: organising events in Grozny, Nalchik, Fiagdon and Magas; organising seminars on the rehabilitation of former prisoners and on the detention of Muslims; organising protests against anti-immigration campaigns; supporting prisoners of conscience; and conducting research into corruption.

251. On 20 April 2015 the applicant organisation was included on the Ministry of Justice’s register of foreign agents.

252. The following judicial decision was adopted: 22 July 2014, Meshchanskiy District Court of Moscow rejected the applicant’s challenge to the prosecutor’s findings.

##### *2. Claims and awards under Article 41 of the Convention*

253. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage.

254. The Court awards the applicant organisation EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, plus any tax that may be chargeable.

#### **A9. Civil Education Centre**

(*Civil Education Centre v. Russia*, no. 76854/16, lodged on 1 December 2016)

##### *1. Facts*

255. The applicant organisation is the Civil Education Centre (*Межрегиональная общественная организация "Центр гражданского образования и прав человека"*), a Russian non-commercial organisation founded in Perm. It was represented before the Court by K. Koroteyev.

256. The mission of the applicant organisation: education about human rights and political repression; developing a non-State system of civic education; involving young people in charitable activities; contributing to research by young scholars; and cooperating with authorities and NGOs on education issues.

257. An inspection of the applicant organisation was carried out by the Justice Department of the Perm Region in January-February 2016. It was established that the applicant organisation was funded by OSIAF, NED, the European Union, the Transatlantic Foundation, Anker Hotel Storgata in Oslo, and BST, and had engaged in the following actions which were taken to constitute "political activities": organising seminars on education about human rights and political repression; organising visits to Geneva and Strasbourg to study the work of international mechanisms for human rights protection; promoting democratic values in a changing educational environment; teaching human rights in schools and universities; posting guides on participation in protest actions on the Internet; the Civic Education Centre's director participating in round-table discussions on freedom of assembly; preparing a presentation on human rights education in Russia, with the participation of the applicant organisation's director, at the OSCE Human Dimension Implementation Meeting; organising a seminar on prisoners of conscience and human rights; participating in the EU-Russia Civil Society Forum, a network of thematically diverse NGOs from Russia and the European Union; monitoring human rights in educational institutions of the Perm Region and drafting recommendations for State authorities; the applicant organisation's director participating in the work of the Committee for Education of the State Duma; and organising presentations and distributing material on freedom of assembly.

258. On 3 March 2016 the applicant organisation was included on the Ministry of Justice's register of foreign agents.



259. The following judicial decisions were adopted: (1) 29 April 2016, Motovilikhinskiy District Court of Perm, fine for failure to register as a “foreign agent”; (2) 10 August 2016, Leninskiy District Court of Perm held that the inspection was lawful. The court rejected the argument that Anker Hotel had refunded the overpayment for its services and therefore could not be considered a “foreign source”.

*2. Claims and awards under Article 41 of the Convention*

260. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of EUR 5,650 in respect of pecuniary damage sustained as a result of paying for the fine, the audit and the electronic signature. The claim in respect of costs and expenses amounted to EUR 190 for court fees and postal expenses.

261. The Court awards the applicant organisation EUR 5,650 (five thousand six hundred and fifty euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 190 (one hundred and ninety euros) in respect of costs and expenses, plus any tax that may be chargeable.

**A10. Coming Out**

*(Coming Out v. Russia, no. 4798/15, lodged on 20 January 2015)*

*1. Facts*

262. The applicant organisation is Coming Out (*Автономная некоммерческая организация социально-правовых услуг "ЛГБТ организация Выход"*), a Russian non-commercial organisation founded in St Petersburg. It was represented before the Court by D. Bartenev. Following its liquidation, Ms Anna Anisimova, director of the applicant organisation, expressed a wish to continue the proceedings in its stead.

263. The mission of the applicant organisation: fighting for the universal recognition of human dignity and equal rights for all, regardless of sexual orientation or gender identity.

264. An inspection of the applicant organisation was carried out by the prosecutor’s office of the Tsentralnyy District of St Petersburg in October 2013. It was established that the applicant organisation was funded by the embassies of the Netherlands and Norway, and had engaged in the following actions which were taken to constitute “political activities”: protesting against the administrative offence of promoting homosexuality to minors; publishing guidelines on fighting against LGBT discrimination; and staging a protest against politicians who did not support the values of love, family and human dignity.

265. The following judicial decisions were adopted: 21 July 2014, Vasileostrovskiy District Court of St Petersburg granted the prosecutor's claim for forced registration. The court held that the restrictions prescribed by the Foreign Agents Act did not breach the Convention, and that the guidelines on LGBT discrimination did not contain any direct appeal to influence State authorities' decisions and change the political line. However, they aimed to shape public opinion. The court further held that there was no need to prove that the organisation had actually influenced State authorities' decisions, as the mere assumption of potential influence was sufficient.

*2. Claims and awards under Article 41 of the Convention*

266. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage. The claim in respect of costs and expenses amounted to EUR 2,100 for legal costs.

267. The Court awards the applicant organisation EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 2,000 (two thousand euros) in respect of costs and expenses, plus any tax that may be chargeable.

**A11. Committee against Torture**

*(Ecodefence and Others v. Russia, no. 9988/13, lodged on 6 February 2013)*

*1. Facts*

268. The applicant organisation is the Committee against Torture (*Межрегиональная общественная организация "Комитет против пыток"*), a Russian non-commercial organisation founded in Nizhny Novgorod. It was represented before the Court by P. Leach. Following its liquidation, Mr Igor Aleksandrovich Kalyapin, chairman of the applicant organisation, expressed a wish to continue the proceedings in its stead.

269. The mission of the applicant organisation: fighting against torture and ill-treatment perpetrated by law-enforcement officers in Russia; providing legal, medical and social assistance to survivors of torture; monitoring torture; and raising awareness.

270. An inspection of the applicant organisation was carried out by the prosecutor's office of the Nizhegorodskiy District of Nizhniy Novgorod in April 2013. It was established that the applicant organisation was funded by the United Nations Voluntary Fund for Victims of Torture, the Sigrid Rausing Trust, DEMAS, the MacArthur Foundation, and Civil Rights Defenders, and had engaged in the following actions which were taken to constitute "political activities": preparing pamphlets on torture and legal issues relating to torture in Russia; cooperating with regional and federal State bodies on human rights

issues; participating in the EU-Russia Forum; publishing information about torture in police custody and ineffective investigations into torture; the organisation's director being appointed a member of the Russian President's Human Rights Council, and criticising the work of law-enforcement bodies; organising protests against the inaction of the Investigative Committee; making legislative proposals; calling for the punishment of police officers for abuses and for conducting effective investigations; and the organisation's director making comments about the presence of Russian troops in Ukraine and the annexation of Crimea.

271. On 16 January 2015 the applicant organisation was included on the Ministry of Justice's register of foreign agents. On 13 September 2016 it was removed from the register because it had been liquidated.

272. The following judicial decisions were adopted: (1) 3 April 2015, Sovetskiy District Court of Nizhniy Novgorod dismissed a challenge to the prosecutor's findings; (2) 6 August, 11 and 25 September 2015, Justice of the Peace of the Nizhegorodskiy District of Nizhniy Novgorod, fine for a breach of labeling requirements. The Sovetskiy District Court held that the applicant had been specifically chosen by foreign providers of funds to promote their interests. Its articles of association made clear its intention to engage in political activity. It had used the Internet, and Russian and foreign media, to shape public opinion in a certain way in order to influence the Russian President, law-enforcement officers, and the political, social and religious establishment. It had accepted grants for political reasons, supported liberal ideas and promoted European values and political culture.

## *2. Claims and awards under Article 41 of the Convention*

273. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of EUR 12,860 in respect of pecuniary damage sustained as a result of paying the fines.

274. The Court awards the applicant organisation EUR 12,860 (twelve thousand eight hundred and sixty euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, plus any tax that may be chargeable.

## **A12. Democratic Centre**

*(Democratic Centre and Boldyrev v. Russia, no. 45973/14, lodged on 3 June 2014)*

### *1. Facts*

275. The applicants are the Democratic Centre (*Воронежская областная общественная организация "Демократический центр"*), a

Russian non-commercial organisation founded in Voronezh, and its director, Aleksandr Yevgenyevich Boldyrev. They were represented before the Court by I. Sivoldayev. Following the liquidation of the applicant organisation, Mr Aleksandr Yevgenyevich Boldyrev, the second applicant and its director, expressed a wish to continue the proceedings in its stead.

276. The mission of the applicant organisation: promoting human rights and personal security; and supporting democratic reforms and civil society.

277. An inspection of the applicant organisation was carried out by the prosecutor's office of the Voronezh Region in April 2013. It was established that the applicant organisation was funded by Management Systems International, Inc., and had engaged in the following actions which were taken to constitute "political activities": promoting human rights and personal security; supporting democratic reforms and civil society; supporting peace and social stability; providing political support for persons advocating market-oriented reforms; and monitoring elections to the State Duma in December 2011.

278. The following judicial decision was adopted: 19 July 2013, Leninskiy District Court of Voronezh held that the prosecutor's determination had been lawful. The court held that the organisation's articles of association required it to take part in political life and to interfere with State affairs, and that by providing political support the organisation could shape public opinion. The judgment was upheld on appeal on 3 December 2013.

## *2. Claims and awards under Article 41 of the Convention*

279. The applicants asked the Court to determine the award in respect of non-pecuniary damage.

280. The Court awards the applicants EUR 10,000 (ten thousand euros) jointly in respect of non-pecuniary damage, plus any tax that may be chargeable.

## **A13. Dront Centre**

*(Dront Centre v. Russia, no. 57310/15, lodged on 13 November 2015)*

### *1. Facts*

281. The applicant organisation is the Dront Centre (*Нижегородская региональная общественная организация "Экологический центр "Дронт"*), a Russian non-commercial organisation founded in Nizhniy Novgorod. It was represented before the Court by I. Khrunova. Following its liquidation, Mr Askhat Abdurakhmanovich Kayumov, chairman of the applicant organisation, expressed a wish to continue the proceedings in its stead.

282. The mission of the applicant organisation: resolving environmental and social issues; and coordinating the activities of environmental NGOs.

283. An inspection of the applicant organisation was carried out by the Nizhniy Novgorod Justice Department in April-May 2015. It was established that the applicant organisation was funded by Foundation for Sustainable Development, USAID, International Fund for Animal Welfare and World Wide Life for Nature, and had engaged in the following actions which were taken to constitute “political activities”: supporting a referendum initiative in support of the direct election of town mayors; advocating for the release of a Russian environmental activist and a member of the political opposition, and organising a protest to support him; issuing publications about State policy and statements by the organisation’s directors about local authorities’ decisions and environmental principles of State governance; criticising State authorities and Russian laws in a newspaper publication; recommending the ratification of environmental treaties such as the Aarhus Convention on Access to Information, Public Participation in Decision-Making, and Access to Justice in Environmental Matters, in addition to the amendment of existing environmental laws, the adoption of a new law on environmental control, and the establishment of an effective system of environmental control; and participating in an impact assessment of a law amending the local Code of Administrative Offences.

284. On 22 May 2015 the applicant organisation was included on the Ministry of Justice’s register of foreign agents. On 23 August 2017 it was liquidated by decision of State authorities.

285. The following judicial decisions were adopted: (1) 22 June 2015, Justice of the Peace of the Nizhegorodskiy Court Circuit in Nizhniy Novgorod, fine for failure to register as a “foreign agent”; (2) 23 October 2015, Justice of the Peace of the Nizhegorodskiy Court Circuit, fine for failure to label publications; (3) 9 December 2016, fine for the organisation’s director for failure to liquidate the organisation; (4) 23 August 2017, Nizhniy Novgorod Regional Court, forced liquidation at the Ministry of Justice’s request.

## *2. Claims and awards under Article 41 of the Convention*

286. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 2,140 in respect of pecuniary damage sustained as a result of paying the fine. The claim in respect of costs and expenses amounted to EUR 1,050 for legal costs.

287. The Court awards the applicant organisation EUR 2,140 (two thousand one hundred and forty euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,050 (one thousand and fifty euros) in respect of costs and expenses, plus any tax that may be chargeable.

#### **A14. Ecodefence**

(*Ecodefence and Others v. Russia*, no. 9988/13, lodged on 6 February 2013)

##### *1. Facts*

288. The applicant organisation is Ecodefence (*Калининградская региональная общественная организация "Экозащита!-Женсовет"*), a Russian non-commercial organisation founded in Kaliningrad. It was represented before the Court by P. Leach.

289. The mission of the applicant organisation: raising awareness of environmental issues.

290. An inspection of the applicant organisation was carried out by the Justice Department of the Kaliningrad Region in June 2014. It was established that the applicant organisation was funded by Ecoinitiative, the Heinrich Böll Foundation, and the Nordic Council of Ministers, and had engaged in the following actions which were taken to constitute “political activities”: participating in protests against the construction of the Baltic Nuclear Power Station; advocating Russia’s accession to the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, and the Espoo Convention on Environmental Impact Assessment in a Transboundary Context; and contributing to the development of education and initiatives in the environmental field.

291. On 21 July 2014 the applicant organisation was included on the Ministry of Justice’s register of foreign agents.

292. The following judicial decisions were adopted: (1) 8 September 2014, Justice of the Peace of the Moskovskiy District, fine for failure to register as a “foreign agent”; (2) 3 July 2015, Justice of the Peace of the Moskovskiy District, fines for the organisation and its director for failure to provide accounting documents; (3) 14 April, 12 July and 14 October 2016, 18 January, 17 April, 13 July and 12 October 2017, Justice of the Peace of the Moskovskiy District, warnings and fines for failures to provide accounting documents; (4) 19 January, 2 September and 26 December 2016, 7 June and 22 November 2017, fines for failures to provide accounting documents; (5) 13 and 14 July 2017, fines for failures to provide information to the Justice Department of the Kaliningrad Region.

##### *2. Claims and awards under Article 41 of the Convention*

293. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of EUR 140 in respect of pecuniary damage sustained as a result of paying the fine. The

claim in respect of costs and expenses amounted to EUR 4,280 for court fees, travel expenses and legal costs.

294. The Court awards the applicant organisation EUR 140 (one hundred and forty euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 4,280 (four thousand two hundred and eighty euros) in respect of costs and expenses, plus any tax that may be chargeable.

### **A15. Ecology and Security Centre**

(*Ecology and Security Centre v. Russia*, no. 42351/15, lodged on 18 August 2015)

#### *1. Facts*

295. The applicant organisation is the Ecology and Security Centre (*Частное учреждение дополнительного профессионального образования "Учебный центр экологии и безопасности"*), a Russian non-commercial organisation founded in Samara. It was represented before the Court by I. Khrunova.

296. The mission of the applicant organisation: protecting the environment and educating young people about nature protection; and promoting a healthy lifestyle.

297. An inspection of the applicant organisation was carried out by the Justice Department of the Samara Region in January 2015. It was established that the applicant organisation was funded by unidentified foreign funders, and had engaged in the following actions which were taken to constitute “political activities”: promoting the sustainable management of water resources; suggesting amendments to existing laws, initiatives and measures in relation to water consumers, and environmental actions; presenting the results of a sociological survey at a round-table discussion with a State official on water consumption laws.

298. On 20 March 2015 the applicant organisation was included on the Ministry of Justice’s register of foreign agents. On 8 October 2015 it was removed from the register because it was no longer considered a “foreign agent”.

299. The following judicial decision was adopted: 10 April 2015, Justice of the Peace of the Oktyabrskiy Court Circuit, fine for failure to register as a “foreign agent”.

#### *2. Claims and awards under Article 41 of the Convention*

300. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 2,140 in respect of

pecuniary damage sustained as a result of paying the fine. The claim in respect of costs and expenses amounted to EUR 1,050 for legal costs.

301. The Court awards the applicant organisation EUR 2,140 (two thousand one hundred and forty euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,050 (one thousand and fifty euros) in respect of costs and expenses, plus any tax that may be chargeable.

#### **A16. Far East Centre**

*(Far East Centre v. Russia, no. 53429/16, lodged on 11 October 2016)*

##### *1. Facts*

302. The applicant organisation is the Far East Centre (*Автономная некоммерческая организация "Дальневосточный центр развития гражданских инициатив и социального партнерства"*), a Russian non-commercial organisation founded in Vladivostok. It was represented before the Court by M. Olenichev.

303. The mission of the applicant organisation: psychological and legal assistance for workers; improving legal awareness and knowledge; the rehabilitation of disabled, unemployed and vulnerable people; the promotion of tolerance; the fight against xenophobia, racism and discrimination.

304. An inspection of the applicant organisation was carried out by the Justice Department of the Primorskiy Region in October 2015. It was established that the applicant organisation was funded by the International Business Leaders Forum (IBLF Global), Oxfam, and the US Russia Foundation for Economic Advancement and the Rule of Law (USRF), and had engaged in the following actions which were taken to constitute "political activities": criticising the programme of social and economic development in the Primorskiy Region; making comments on draft laws relating to State officials' pay, the "basket of consumer goods", and the living wage and social assistance in the Primorskiy Region; making comments on draft guidelines for financial support for NGOs; supporting a petition submitted to the Governor of the Primorskiy Region regarding the regional disability programme; criticising the work of State authorities in the field of business support, including the Ministry of Economic Development; and participating in a conference on social entrepreneurship.

305. On 13 October 2015 the applicant organisation was included on the Ministry of Justice's register of foreign agents.

306. The following judicial decisions were adopted: (1) 25 December 2015, Leninskiy District Court of Vladivostok, fine for failure to register as a "foreign agent"; (2) 6 June 2016, Leninskiy District Court rejected a challenge to the findings of the inspection.



*2. Claims and awards under Article 41 of the Convention*

307. The applicant organisation claimed EUR 35,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 3,970 in respect of pecuniary damage sustained as a result of paying for the fine and the audit. The claim in respect of costs and expenses amounted to EUR 19,090 for court fees and legal costs.

308. The Court awards the applicant organisation EUR 3,970 (three thousand nine hundred and seventy euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 2,000 (two thousand euros) in respect of costs and expenses, plus any tax that may be chargeable.

**A17. Foundation For Nature**

*(Foundation and Movement 'For Nature' v. Russia, no. 3085/16, lodged on 21 December 2015)*

*1. Facts*

309. The applicant organisation is the Foundation For Nature (*Челябинский региональный благотворительный общественный фонд "За природу"*), a Russian non-commercial organisation founded in Chelyabinsk. It was represented before the Court by I. Khrunova. Following its liquidation, Mr Andrey Aleksandrovich Talevlin, chairman of the applicant organisation, expressed a wish to continue the proceedings in its stead.

310. The mission of the applicant organisation: the protection of the environment.

311. An inspection of the applicant organisation was carried out by the Justice Department of the Chelyabinsk Region in January-February 2015. It was established that the applicant organisation was funded by Norges Naturvernforbund and had engaged in the following actions which were taken to constitute "political activities": promoting the protection of environmental human rights, and activities relating to the protection of the environment and public control over the environment; promoting environment-friendly values, alternative energy sources, environmental education, and so on; organising events to discuss the safe use of nuclear energy; organising volunteers to clean up riverbanks; contributing to the restoration of forests; publishing articles on environmental issues; and analysing ecological situations and posting findings on a website.

312. On 6 March 2015 the applicant organisation was included on the Ministry of Justice's register of foreign agents. On an unspecified date it was removed from the register owing to its liquidation for violations of the Foreign Agents Act.

313. The following judicial decisions were adopted: (1) 25 December 2014, fine for failure to provide documents for inspection; (2) 13 May 2015, Justice of the Peace of the Tsentralnyy District, fine for failure to register as a “foreign agent”; (3) 15 July 2016, Justice of the Peace of the Tsentralnyy District, fine for failure to provide accounting documents; (4) 13 December 2016, Chelyabinsk Regional Court, forced liquidation owing to multiple violations of the Foreign Agents Act.

*2. Claims and awards under Article 41 of the Convention*

314. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 1,570 in respect of pecuniary damage sustained as a result of paying the fines. The claim in respect of costs and expenses amounted to EUR 1,050 for legal costs.

315. The Court awards the applicant organisation EUR 1,570 (one thousand five hundred and seventy euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,050 (one thousand and fifty euros) in respect of costs and expenses, plus any tax that may be chargeable.

**A18. Freedom of Information Fund**

*(Freedom of Information Fund v. Russia*, no. 25934/15, lodged on 26 May 2015)

*1. Facts*

316. The applicant organisation is the Freedom of Information Fund (*Фонд "Институт Развития Свободы Информации"*), a Russian non-commercial organisation founded in St Petersburg. It was represented before the Court by I. Khrunova.

317. The mission of the applicant organisation: promoting freedom of information and the right to seek and receive information; and contributing to transparency in State governance.

318. An inspection of the applicant organisation was carried out by the prosecutor’s office of the Tsentralnyy District of St Petersburg in July 2013 and January 2014. It was established that the applicant organisation was funded by NED and had engaged in the following actions which were taken to constitute “political activities”: having a discussion with the US President about the political and social situation in Russia, the activities of the Open Governments Partnership (a multilateral initiative promoting government transparency), Russian laws on extremism, harmful information, children’s rights and the protection of intellectual property; making information on the discussion available to the general public; posting a publication on its website on amendments to Russian laws on personal data, access to classified

information and prosecutors' powers, comparing these laws with international standards and giving a negative assessment of the laws; organising voting to determine those who had contributed to freedom of information and those who had impeded transparency, and convincing the public that the State authorities were ineffective in this field; participating in a summit of the Open Governments Partnership and providing misleading information on State authorities to the partnership's members; and monitoring the State authorities' websites and making findings available to the public.

319. On 28 August 2014 the applicant organisation was included on the Ministry of Justice's register of foreign agents.

320. The following judicial decision was adopted: 5 September 2014, Moskovskiy District Court of St Petersburg held that the prosecutor's actions were lawful (upheld on appeal on 21 January 2015).

## *2. Claims and awards under Article 41 of the Convention*

321. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage. The claim in respect of costs and expenses amounted to EUR 1,050 for legal costs.

322. The Court awards the applicant organisation EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,050 (one thousand and fifty euros) in respect of costs and expenses, plus any tax that may be chargeable.

## **A19. Freeinform**

*(Freeinform v. Russia, no. 55272/15, lodged on 3 November 2015)*

### *1. Facts*

323. The applicant organisation is Freeinform (*Автономная некоммерческая организация "Центр информации "ФРИИНФОРМ"*), a Russian non-commercial organisation founded in Moscow. It was represented before the Court by I. Sharapov. Following its liquidation, Ms Yuliya Yevgenyevna Galyamina, director of the applicant organisation, expressed a wish to continue the proceedings in its stead.

324. The mission of the applicant organisation: supporting educational initiatives and providing information support.

325. An inspection of the applicant organisation was carried out by the Moscow Justice Department in April-May 2015. It was established that the applicant organisation was funded by NED and had engaged in the following actions which were taken to constitute "political activities": raising awareness about the terrorist attack in Beslan; and maintaining a web aggregator which enabled human rights defenders and other activists to publish their blogs.

326. On 22 June 2015 the applicant organisation was included on the Ministry of Justice’s register of foreign agents. On 21 June 2016 it was removed from the register because it had been liquidated owing to its inability to pay the fine.

327. The following judicial decision was adopted: 29 June 2015, Justice of the Peace of the Zamoskvorechye District, fine for failure to register as a “foreign agent”.

*2. Claims and awards under Article 41 of the Convention*

328. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage. The claim in respect of costs and expenses amounted to EUR 1,050 for legal costs.

329. The Court awards the applicant organisation EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,050 (one thousand and fifty euros) in respect of costs and expenses, plus any tax that may be chargeable.

**A20. Fund 19/29**

(*Pasko and Fund 19/29 v. Russia*, no. 55280/15, lodged on 3 November 2015)

*1. Facts*

330. The applicants are Fund 19/29 (*Фонд поддержки расследовательской журналистики - Фонд 19/29*), a Russian non-commercial organisation founded in Moscow, and its director, Grigoriy Mikhaylovich Pasko. They were represented before the Court by I. Sharapov. Following the liquidation of the applicant organisation, Mr Pasko, the second applicant and its director, expressed a wish to continue the proceedings in its stead.

331. The mission of the applicant organisation: the protection of journalists’ right to freedom of expression and right to receive information; and the development of civil society in Russia.

332. An inspection of the applicant organisation was carried out by the Moscow Justice Department in April 2015. It was established that the applicant organisation was funded by NED and had engaged in the following actions which were taken to constitute “political activities”: contributing to the education of bloggers on their rights, ethics, language and methods of investigative journalism; providing training on journalistic investigations and policies relating to blogging, ethics and blogging culture, and on relations with the authorities and the opposition; publishing training material on a website; criticising State authorities and the Russian President’s policy; publishing information on journalistic investigations on its website; and also

posting on the Internet the blogs of well-known opposition activists critical of the Russian political system, the situation in Ukraine, and relations between the authorities and journalists.

333. On 24 April 2015 the applicant organisation was included on the Ministry of Justice's register of foreign agents.

334. The following judicial decision was adopted: 8 June 2015, Justice of the Peace of the Presnenskiy District of Moscow, fine for failure to register as a "foreign agent". It was established that the term "foreign funding" included any funds received by an NGO from a "foreign source", irrespective of their classification under civil or tax law, and that, although Fund 19/29's employees had not publicly expressed their political views, by disseminating the views of various politicians among the general public, Fund 19/29 had influenced public opinion.

## *2. Claims and awards under Article 41 of the Convention*

335. The applicants claimed EUR 10,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 4,290 in respect of pecuniary damage sustained as a result of paying the fine. The claim in respect of costs and expenses amounted to EUR 1,050 for legal costs.

336. The Court awards the applicants EUR 4,290 (four thousand two hundred and ninety euros) jointly in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,050 (one thousand and fifty euros) in respect of costs and expenses, plus any tax that may be chargeable.

## **A21. Gagarin Park**

*(Gagarin Park v. Russia, no. 9076/17, lodged on 17 January 2017)*

### *1. Facts*

337. The applicant organisation is Gagarin Park (*Автономная некоммерческая организация "Издательство "Парк Гагарина"*), a Russian non-commercial organisation founded in Samara. It was represented before the Court by I. Khrunova.

338. The mission of the applicant organisation: publishing books; protecting the right to information, freedom of conscience and expression; contributing to cooperation between various social groups; promoting common human values and education to fight against nationalism and racism; and providing targeted assistance through mass media.

339. An inspection of the applicant organisation was carried out by the Justice Department of the Samara Region in August 2016. It was established that the applicant organisation was funded by Charity Foundation Samarskaya Guberniya, a Russian organisation financed by the Charities Aid

Foundation, the Alcoa Foundation, and the Institute of International Education Inc., and had engaged in the following actions which were taken to constitute “political activities”: issuing online publications criticising police who had failed to conduct a rape investigation efficiently, the ban on the adoption of Russian orphans by US nationals, a municipal official who had withheld approval for a vigil, a judge who had fallen asleep during a hearing, a sentence by a local court, international sanctions against Russia, a proposal to abolish a benefit paid to people with multiple children, the prohibition on using drinking water for watering gardens, the Russian elections and small businesses.

340. On 31 August 2016 the applicant organisation was included on the Ministry of Justice’s register of foreign agents.

341. The following judicial decisions were adopted: (1) 23 September 2016, Oktyabrskiy District Court of Samara, a fine for failure to register as a “foreign agent”; (2) 14 July 2017, Justice of the Peace of the Oktyabrskiy Circuit of Samara, warning for failure to provide accounting documents on time.

## *2. Claims and awards under Article 41 of the Convention*

342. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage. The claim in respect of costs and expenses amounted to EUR 1,050 for legal costs.

343. The Court awards the applicant organisation EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,050 (one thousand and fifty euros) in respect of costs and expenses, plus any tax that may be chargeable.

## **A22. Glasnost Defence Foundation**

*(Glasnost Defence Foundation v. Russia, no. 69826/16, lodged on 22 November 2016)*

### *1. Facts*

344. The applicant organisation is the Glasnost Defence Foundation (*Некоммерческая организация "Фонд защиты гласности"*), a Russian non-commercial organisation founded in Moscow. It was represented before the Court by T. Misakyan.

345. The mission of the applicant organisation: promoting democratic values and respect for the diversity of views; promoting the right to seek, receive, process, transfer and disseminate information; searching for ways to guarantee freedom of thought and expression in Russia; and disseminating information on freedom of expression in Russia.

346. An inspection of the applicant organisation was carried out by the Moscow Justice Department in October-November 2015. It was established that the applicant organisation was funded by the embassy of the Netherlands, the MacArthur Foundation, the European Union, the Norwegian Helsinki Committee, and Freedom House, and had engaged in the following actions which were taken to constitute “political activities”: establishing “the Blogger’s School” to promote independent investigative journalism, and appointing famous Russian opposition leaders as its lecturers; organising a training session on journalistic investigations and blogging in Yaroslavl, where a lecturer had criticised the Russian President’s political line and the Russian elections system, and publishing a video on this subject on a website; distributing and publishing on the applicant’s website newsletters with articles on journalists’ investigations in various Russian regions, including an article criticising the Minister of the Economy and the situation with Ukrainian refugees.

347. On 19 November 2015 the applicant organisation was included on the Ministry of Justice’s register of foreign agents.

348. The following judicial decisions were adopted: (1) 21 March 2016, Khamovnicheskiy District Court of Moscow (upheld on appeal on 28 June 2016), fine for failure to register as a “foreign agent”; (2) 12 April 2016, Gagarinskiy District Court of Moscow held that the inspection was lawful (upheld on appeal on 22 February 2017).

## *2. Claims and awards under Article 41 of the Convention*

349. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 6,080 in respect of pecuniary damage sustained as a result of paying for the fine, the audit and the electronic signature. The claim in respect of costs and expenses amounted to EUR 890 for court fees and travel expenses.

350. The Court awards the applicant organisation EUR 6,080 (six thousand and eighty euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 890 (eight hundred and ninety euros) in respect of costs and expenses, plus any tax that may be chargeable.

### **A23. Golos Association**

*(Ecodefence and Others v. Russia*, no. 9988/13, lodged on 6 February 2013)

#### *1. Facts*

351. The applicants are the Golos Association (*Ассоциация некоммерческих организаций "В защиту прав избирателей "ГОЛОС"*), a

Russian non-commercial organisation founded in Moscow, and Ms Liliya Vasilyevna Shibanova, who was its director at the material time. They were represented before the Court by P. Leach. Following the liquidation of the applicant organisation, Ms Shibanova expressed a wish to continue the proceedings in its stead.

352. The mission of the applicant organisation: monitoring elections and promoting the protection of voters' rights.

353. An inspection of the applicant organisation was carried out by: (1) the Ministry of Justice in April 2013; (2) the Moscow prosecutor's office in April 2013; (3) the Moscow Justice Department in August 2015, and in January and April 2016. It was established that the applicant organisation was funded by the Norwegian Helsinki Committee, as the Andrey Sakharov Freedom Award had been awarded to the applicant organisation, even though the organisation had returned the award to the committee. The applicant organisation had engaged in the following actions which were taken to constitute "political activities": contributing to the adoption of a new elections code; the director of the Golos Association giving an interview in which she had stated her intention to change the situation with regard to elections; the director of the Golos Association participating in various debates on the elections code; organising public events to promote a draft elections code; contributing to debates on this code; and posting the code on its website.

354. On 5 June 2014 the applicant organisation was included on the Ministry of Justice's register of foreign agents. In March 2015 Ms Shibanova left her post as director. In 2016 the organisation was removed from the register owing to its forced liquidation.

355. The following judicial decisions were adopted.

(1) 29 April 2013, Justice of the Peace of the Presnenskiy District, fine for failure to register as a "foreign agent", quashed on 1 September 2014 by Moscow City Court which found no evidence that the applicant organisation had received any foreign funds.

(2) 29 April 2013, Justice of the Peace of the Presnenskiy District fined Ms Shibanova for failure to register the Golos Association as a "foreign agent".

(3) 24 June 2014, Zamoskvoretskiy District Court of Moscow held that the prosecutor's inspection of the applicant organisation had been justified. The court reiterated the findings of 29 April 2013 that the applicant organisation had received foreign financing. The fact that the Golos Association had returned the Andrey Sakharov Freedom Award had had no legal effect, as foreign financing was considered to have been completed once funds had been deposited in its account. On 12 September 2014, Moscow City Court held on appeal that, by choosing the full name "the Golos Association for the Protection of Voting Rights", and by preparing and distributing information on amendments to laws and views on State authorities' decisions and policy,



the Golos Association had engaged in political activities. Taking into account the way in which legislative initiatives had been described on the applicant organisation's website, and the objectives listed in its statutes, the court concluded that the applicant organisation had attempted to encourage Parliament to adopt laws governing State elections and elections to municipal bodies, and to influence policy as well as gain public prominence and raise the awareness of the State and civil society.

(4) 25 December 2015, Zamoskvoretskiy District Court, rejecting the challenge to the Ministry of Justice's refusal to remove the applicant organisation from the register of foreign agents. The court held that the applicant organisation could not be removed from the register of foreign agents, as it had received foreign funds from Mr U., its project coordinator and the executive director of the Regional Golos organisation. Mr U. was a Russian national, but he had received the funds from "foreign sources". Moreover, the applicant organisation had exercised "political activities" by publishing reports and statements on elections, via the Golos Movement, which was not a legal entity.

(5) 11 April 2016 (three decisions), Presnenskiy District Court, fines for failures to label publications.

(6) 26 May 2016, Presnenskiy District Court, fine for failure to label publications, quashed on 18 July 2016 due to the expiry of the statute of limitations.

(7) 29 July 2016, Presnenskiy District Court, forced liquidation owing to repeated violations of the Foreign Agents Act.

## *2. Claims and awards under Article 41 of the Convention*

356. The applicants asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of EUR 17,140 in respect of pecuniary damage sustained as a result of paying the fines.

357. The Court awards the applicants EUR 17,140 (seventeen thousand one hundred and forty euros) jointly in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, plus any tax that may be chargeable.

## **A24. Golos Fund**

*(Ecodefence and Others v. Russia*, no. 9988/13, lodged on 6 February 2013)

### *1. Facts*

358. The applicant organisation is the Golos Fund (*Фонд в поддержку демократии "ГОЛОС"*), a Russian non-commercial organisation founded in Moscow. It was represented before the Court by P. Leach. Following its

liquidation, Mr Grigoriy Arkadiyevich Melkonyants, founder of the applicant organisation, expressed a wish to continue the proceedings in its stead.

359. The mission of the applicant organisation: independent observation of elections and the protection of voters' rights.

360. An inspection of the applicant organisation was carried out by the Moscow prosecutor's office in April 2013. It was established that the applicant organisation was funded by Opona o.p.s. (Czech Republic), and had engaged in the following actions which were taken to constitute "political activities": monitoring elections.

361. On 4 September 2015 the applicant organisation was included on the Ministry of Justice's register of foreign agents. On 21 June 2016 it was removed from the register because it had been liquidated.

362. The following judicial decisions were adopted: (1) 9 July 2013, Basmany District Court of Moscow, fine for failure to cooperate with the prosecutor's office; (2) 6 April 2016, Basmany District Court, forced liquidation for reasons not related to the organisation's status as a "foreign agent" (articles of association not in line with the law).

## *2. Claims and awards under Article 41 of the Convention*

363. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage.

364. The Court awards the applicant organisation EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, plus any tax that may be chargeable.

## **A25. Golos-Povolzhye**

*(Golos-Povolzhye v. Russia, no. 32423/15, lodged on 24 June 2015)*

### *1. Facts*

365. The applicant organisation is Golos-Povolzhye (*Межрегиональный общественный фонд содействия развитию гражданского общества «ГОЛОС Поволжье»*), a Russian non-commercial organisation founded in Samara. It was represented before the Court by I. Khrunova. Following its liquidation, Ms Lyudmila Gavrilovna Kuzmina, founder and executive director of the applicant organisation, expressed a wish to continue the proceedings in its stead.

366. The mission of the applicant organisation: the promotion of civil society; the protection of human rights; and the dissemination of legal knowledge.

367. An inspection of the applicant organisation was carried out by the Justice Department of the Samara Region in December 2014. It was established that the applicant organisation was funded by the Golos Fund,

which was financed by USAID, and had engaged in the following actions which were taken to constitute “political activities”: informing the public about legislation and the protection of human rights and freedoms; monitoring elections; working on proposals and recommendations on human rights and the protection of voting rights; specifying in its statutes that one of its goals was the development of legislation on human rights and free elections; criticising State authorities in interviews and making statements about elections and the work of human rights activists; and publishing this information on the Internet and making books on free elections in Russia and ways to fight corruption available to the public.

368. On 6 February 2015 the applicant organisation was included on the Ministry of Justice’s register of foreign agents. On 9 April 2019 it was liquidated.

369. The following judicial decision was adopted: 16 February 2015, Justice of the Peace of the Samarskiy Court District, fine for failure to register as a “foreign agent”.

## *2. Claims and awards under Article 41 of the Convention*

370. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 31,750 in respect of pecuniary damage sustained as a result of paying the tax debt. The claim in respect of costs and expenses amounted to EUR 1,050 for legal costs.

371. The Court awards the applicant organisation EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,050 (one thousand and fifty euros) in respect of costs and expenses, plus any tax that may be chargeable.

## **A26. Green World**

*(Green World v. Russia, no. 60400/15, lodged on 1 December 2015)*

### *1. Facts*

372. The applicant organisation is Green World (*Нижегородская областная социально-экологическая общественная организация "Зеленый мир"*), a Russian non-commercial organisation founded in Nizhniy Novgorod. It was represented before the Court by I. Khrunova.

373. The mission of the applicant organisation: protecting the environment and cultural heritage sites.

374. An inspection of the applicant organisation was carried out by the Justice Department of Nizhniy Novgorod in April and July 2015. It was established that the applicant organisation was funded by NED and had engaged in the following actions which were taken to constitute “political activities”: publishing material on the protection of cultural heritage in the

mass media, and a newspaper, *Bereginya*, containing analysis of State policy, criticism of State authorities' actions with regard to "foreign agents", statements of the opposition party Yabloko and suggestions as to amendments of existing laws and specific decisions; drafting action plans relating to the protection of specific cultural items; submitting petitions to the local parliament; preparing expert opinions on buildings forming part of the cultural heritage; collecting information on threats to items of cultural heritage and submitting this information to State authorities; initiating judicial proceedings and cooperating with State authorities on the issue of cultural heritage protection; encouraging locals to support its activities in relation to the protection of items of cultural heritage; participating in a forum on interaction between NGOs and civil society; and organising its director's participation in a protest against the annexation of Crimea by Russia.

375. On 29 July 2015 the applicant organisation was included on the Ministry of Justice's register of foreign agents. On 12 October 2016 it was removed from the register.

376. The following judicial decisions were adopted: 2 October 2015, Justice of the Peace of the Moscow Court District of Nizhniy Novgorod, fine for failure to register as a "foreign agent". The appeal court stated that Green World's activities had affected public interests and the rights and freedoms of all, rather than just its own interests.

## *2. Claims and awards under Article 41 of the Convention*

377. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage. The claim in respect of costs and expenses amounted to EUR 1,050 for legal costs.

378. The Court awards the applicant organisation EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,050 (one thousand and fifty euros) in respect of costs and expenses, plus any tax that may be chargeable.

### **A27. Green World Local**

*(Green World Local v. Russia, no. 33734/16, lodged on 2 June 2016)*

#### *1. Facts*

379. The applicant organisation is Green World Local (*Местная общественная благотворительная экологическая организация Зеленый Мир*), a Russian non-commercial organisation founded in Sosnovy Bor. It was represented before the Court by I. Khrunova. Following its liquidation, Mr Oleg Viktorovich Bodrov, chairman of the applicant organisation, expressed a wish to continue the proceedings in its stead.

380. The mission of the applicant organisation: informing the public about the state of the environment; promoting public control over the environment and public health; and providing assistance to the victims of environmental disasters.

381. An inspection of the applicant organisation was carried out by the Justice Department of the Leningrad Region in October 2015. It was established that the applicant organisation was funded by Norges Naturvernforbund, Global Greengrants Fund, and CCB, and had engaged in the following actions which were taken to constitute “political activities”: developing nuclear safety programmes; protesting against the construction of a nuclear power plant; drafting laws on nuclear waste; sending petitions on the use of nuclear power and public environmental monitoring to State authorities, including the President of Russia; criticising State nuclear policy; participating in events relating to the use of nuclear power and nuclear waste disposal, posting information on a website and distributing publications; posting drawings on the subject of dumping nuclear waste on a website; organising cycling events to promote environmental values; organising a protest for the promotion of human rights and environmental safety; collecting signatures protesting against the construction of an aluminium plant; travelling abroad to exchange experiences concerning nuclear waste disposal; organising a round-table discussion on the regional approach to the installation of hazardous facilities; and cooperating with an environmental organisation on the register of foreign agents, political parties and State authorities.

382. On 2 December 2015 the applicant organisation was included on the Ministry of Justice’s register of foreign agents. On 26 October 2016 it was liquidated.

383. The following judicial decisions were adopted: (1) 4 February 2016, Sosnovyy Bor Town Court of the Leningrad Region, fine for failure to register as a “foreign agent”; (2) 15 April 2016, Justice Department of the Leningrad Region, fine for failure to provide accounting documents; (3) 14 October 2016, Justice of the Peace of Sosnovyy Bor, warning for failure to provide accounting documents, quashed on 17 November 2016.

## *2. Claims and awards under Article 41 of the Convention*

384. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 5,710 in respect of pecuniary damage sustained as a result of paying the fines. The claim in respect of costs and expenses amounted to EUR 1,050 for legal costs.

385. The Court awards the applicant organisation EUR 5,710 (five thousand seven hundred and ten euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,050 (one thousand and fifty euros) in respect of costs and expenses, plus any tax that may be chargeable.

**A28. Human Rights Academy**

*(Human Rights Academy v. Russia, no. 34499/17, lodged on 2 May 2017)*

*1. Facts*

386. The applicant organisation is the Human Rights Academy (*Негосударственное образовательное учреждение дополнительного профессионального образования (повышение квалификации) специалистов "АКАДЕМИЯ ПО ПРАВАМ ЧЕЛОВЕКА"*), a Russian non-commercial organisation founded in Yekaterinburg. It was represented before the Court by its director, Mr S. Belyaev, who has been granted leave to represent the applicant organisation in accordance with Rule 36 § 2 of the Rules of Court.

387. The mission of the applicant organisation: providing human rights training sessions for young lawyers and NGO activists; the legal education of students; increasing public awareness of human rights; and developing a better understanding of law through education.

388. An inspection of the applicant organisation was carried out by the Justice Department of the Sverdlovsk Region in April 2015. It was established that the applicant organisation was funded by the embassy of the Netherlands, and had engaged in the following actions which were taken to constitute “political activities”: organising human rights training sessions; a round-table discussion with the participation of a judge of the Constitutional Court; a lecture on the Constitutional Court; and an international conference on human rights education in Russia and Europe.

389. On 15 May 2015 the applicant organisation was included on the Ministry of Justice’s register of foreign agents.

390. The following judicial decision was adopted: 23 September 2015, Zamoskvoretskiy District Court of Moscow (upheld on appeal on 18 November 2016), rejecting the complaint about forced registration as a foreign agent.

*2. Claims and awards under Article 41 of the Convention*

391. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of EUR 590 in respect of pecuniary damage sustained as a result of paying for the audit. The claim in respect of costs and expenses amounted to EUR 17,190 for court fees and legal costs.

392. The Court awards the applicant organisation EUR 590 (five hundred and ninety euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,500 (one thousand five hundred euros) in respect of costs and expenses, plus any tax that may be chargeable.

**A29. Memorial Human Rights Centre**

(*Ecodefence and Others v. Russia*, no. 9988/13, lodged on 6 February 2013)

*1. Facts*

393. The applicant organisation is the Memorial Human Rights Centre (*Межрегиональная общественная организация Правозащитный Центр "Мемориал"*), a Russian non-commercial organisation founded in Moscow. It was represented before the Court by P. Leach. Following the decision on its liquidation (see paragraph 10-12 above), Ms Anna Dobrovolskaya and Mr Aleksandr Cherkasov who were respectively the executive director and the chairman of the board of the applicant organisation, expressed a wish to pursue the proceedings in its stead.

394. The mission of the applicant organisation: working on various projects in the field of human rights, in particular, litigation at the European Court of Human Rights; monitoring violations in the North Caucasus and Central Asia, and breaches of criminal procedure; and providing protection for the victims of political persecution, legal assistance for migrants, and protection for minorities.

395. An inspection of the applicant organisation was carried out by: (1) the Moscow prosecutor's office in March-April 2013; (2) the Moscow Justice Department in October 2015. It was established that the applicant organisation was funded by NED, and had engaged in the following actions which were taken to constitute "political activities": organising events aimed at promoting human rights, the rule of law and democratic values; and posting a database on politically motivated arrests in Russia on a website.

396. On 21 July 2014 the applicant organisation was included on the Ministry of Justice's register of foreign agents.

397. The following judicial decisions were adopted: (1) 24 May 2013, Zamoskvoretskiy District Court of Moscow held that the inspection had been justified because, according to its statutes, the Memorial Human Rights Centre had been financed from abroad and had pursued political goals, such as the dissemination of information on human rights violations and the crimes of totalitarian States; (2) 23 May 2014, Zamoskvoretskiy District Court found that the prosecutor's application to remedy the violations had been lawful; (3) 11 March 2015, Tverskoy District Court of Moscow upheld the Ministry of Justice's decision to put the applicant on the register of foreign agents as lawful; (4) 7 September 2015, Justice of the Peace of the Tverskoy District in Moscow, fine for failure to label publications; (5) 14 and 27 December 2016, Tverskoy District Court of Moscow, fines for failures to label publications.

*2. Claims and awards under Article 41 of the Convention*

398. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of EUR 17,140 in respect of pecuniary damage sustained as a result of paying the fines. The claim in respect of costs and expenses amounted to EUR 80,050 for legal costs and postal, translation and administrative expenses.

399. The Court awards the applicant organisation EUR 17,140 (seventeen thousand one hundred and forty euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 11,250 (eleven thousand two hundred and fifty euros) in respect of costs and expenses, plus any tax that may be chargeable.

**A30. Humanist Youth Movement**

*(Humanist Youth Movement v. Russia, no. 37043/15, lodged on 13 July 2015)*

*1. Facts*

400. The applicant organisation is the Humanist Youth Movement (*Мурманская региональная молодежная общественная организация "Гуманистическое движение молодежи"*), a Russian non-commercial organisation founded in Murmansk. It was represented before the Court by A. Peredruk. Following its liquidation, Ms Tatyana Nikolaevna Kulbakina, deputy president of the applicant organisation, expressed a wish to continue the proceedings in its stead.

401. The mission of the applicant organisation: promoting humanist values and social responsibility among young people, legal education, and communication between young people from various countries.

402. An inspection of the applicant organisation was carried out by the prosecutor's office of the Pervomayskiy Administrative District of Murmansk in March-April 2014. It was established that the applicant organisation was funded by the Rosa Luxemburg Foundation and the General Consulate of the Netherlands in St Petersburg, and had engaged in the following actions which were taken to constitute "political activities": publishing a newspaper on the protection of human rights, extremist material, and material containing appeals for the State to change its political line; and explicit condemnation of the incumbent political party and the "totalitarian" manner of governance in Russia.

403. On 13 March 2015 the applicant organisation was included on the Ministry of Justice's register of foreign agents. On 25 August 2015 it was removed from the register because it had been liquidated.



404. The following judicial decisions were adopted: 12 November 2014, Pervomyaskiy District Court of Murmansk, allowing the prosecutor's application for forced registration. The courts established that in the newspaper it had published, the Humanist Youth Movement had tried to convince people of the necessity to change State policy, negatively evaluated the existing political system and top public officials, and induced readers to undertake certain actions.

*2. Claims and awards under Article 41 of the Convention*

405. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage.

406. The Court awards the applicant organisation EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, plus any tax that may be chargeable.

**A31. IEC Memorial**

*(IEC Memorial v. Russia, no. 52257/15, lodged on 13 October 2015)*

*1. Facts*

407. The applicant organisation is IEC Memorial (*Межрегиональная общественная организация Информационно-просветительский центр "Мемориал"*), a Russian non-commercial organisation founded in Yekaterinburg. It was represented before the Court by T. Glushkova.

408. The mission of the applicant organisation: promoting democracy, human rights, legal education, and the condemnation of totalitarianism.

409. An inspection of the applicant organisation was carried out by the Justice Department of the Sverdlovsk Region in December 2014. It was established that the applicant organisation was funded by NED, and had engaged in the following actions which were taken to constitute "political activities": contributing to the creation of a human rights information centre, where people could get information on human rights and the social and political situation in Russia; organising discussions regarding the Russian political line towards Ukraine; participating in discussions on the status of foreign agents; organising an event to remember the victims of political repression (placing posters on Stalinism near the main stage at the event and reading out information about the victims of repression and the State bodies which had convicted them); and holding individual protests to distribute flyers, saying that it was common practice for the State to consider a human being a means to an end, and suggesting that some questions should be answered about the Constitution and its importance.

410. On 16 January 2015 the applicant organisation was included on the Ministry of Justice's register of foreign agents.

411. The following judicial decisions were adopted: (1) 27 March 2015, Kirovskiy District Court of Yekaterinburg held that the Justice Department's actions had been lawful; (2) 5 March 2015, Justice of the Peace of the Kirovskiy Court District of Yekaterinburg, fine for failure to register as a "foreign agent"; (3) 27 May 2015, Zamoskvoretskiy District Court of Moscow held that the decision to put the applicant on the register of foreign agents was lawful.

## *2. Claims and awards under Article 41 of the Convention*

412. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of EUR 1,430 in respect of pecuniary damage sustained as a result of paying the fine. The claim in respect of costs and expenses amounted to EUR 710 for court fees and travel expenses.

413. The Court awards the applicant organisation EUR 1,430 (one thousand four hundred and thirty euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 710 (seven hundred and ten euros) in respect of costs and expenses, plus any tax that may be chargeable.

## **A32. Indigenous Peoples' Centre**

*(Indigenous Peoples' Centre v. Russia*, no. 59985/16, lodged on 5 October 2016)

### *1. Facts*

414. The applicant organisation is the Indigenous Peoples' Centre (*Межрегиональная общественная организация "Центр содействия коренным малочисленным народам Севера"*), a Russian non-commercial organisation founded in Moscow. It was represented before the Court by I. Sharapov. Following its liquidation, Mr Rodion Vasilievich Sulandziga, chairman of the applicant organisation, expressed a wish to continue the proceedings in its stead.

415. The mission of the applicant organisation: assisting the indigenous peoples of the North in Russia.

416. An inspection of the applicant organisation was carried out by the Moscow Justice Department in October 2015. It was established that the applicant organisation was funded by UNDEF, the World Bank, and the International Work Group for Indigenous Affairs (IWGIA), and had engaged in the following actions which were taken to constitute "political activities": supporting democratic initiatives of the indigenous peoples of the North, Siberia and the Far East of Russia, and organising discussions on mining operations on indigenous peoples' land; advising indigenous peoples on how

to combat the negative impact of climate change; organising round-table discussions on climate change and its impact on indigenous peoples' traditional way of life; organising the 7th Indigenous Peoples' Congress with the participation of the UN, UNESCO, the World Bank, and so on; preparing an analysis of and amendments to Russian law relating to indigenous peoples; publishing a magazine on indigenous peoples in the Arctic; preparing seminars on the management of natural resources; interaction with industrial companies; business trips to regions where indigenous peoples lived; discussing the issue of indigenous peoples' rights and their sustainable development; and preparing recommendations for Russian authorities and the international community.

417. On 27 November 2015 the applicant organisation was included on the Ministry of Justice's register of foreign agents. On 3 March 2020 it was liquidated.

418. The following judicial decision was adopted: 21 January 2016, Nikulinskiy District Court of Moscow, fine for failure to register as a "foreign agent" (upheld on appeal on 12 July 2016).

## *2. Claims and awards under Article 41 of the Convention*

419. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 4,290 in respect of pecuniary damage sustained as a result of paying the fine. The claim in respect of costs and expenses amounted to EUR 1,050 for legal costs.

420. The Court awards the applicant organisation EUR 4,290 (four thousand two hundred and ninety euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,050 (one thousand and fifty euros) in respect of costs and expenses, plus any tax that may be chargeable.

### **A33. International Memorial**

(*Ecodefence and Others v. Russia*, no. 9988/13, lodged on 6 February 2013)

#### *1. Facts*

421. The applicant organisation is International Memorial (*Международная общественная организация "Международное историко-просветительское, благотворительное и правозащитное общество "Мемориал"*), a Russian non-commercial organisation founded in Moscow. It was represented before the Court by P. Leach. Following its liquidation (see paragraphs 12-14 above), Ms Yelena Zhemkova and Mr Yan Rachinskiy who were respectively the executive director and the chairman of

the board of the International Memorial, expressed a wish to pursue the proceedings in its stead.

422. The mission of the applicant organisation: contributing to the development of the rule of law, democracy and human rights; carrying out activities in the field of history and education, including providing assistance to the victims of political repression; researching and analysing totalitarian regimes, and human rights work.

423. An inspection of the applicant organisation was carried out by: (1) the Moscow prosecutor's office in March 2013; (2) the Moscow Justice Department in September 2016. It was established that the applicant organisation was funded by USAID, the Open Society Institute Assistance Foundation (OSIAF), and the "Remembrance, Responsibility and Future" Foundation, and had engaged in the following actions which were taken to constitute "political activities": contributing to the development of civil society and a democratic State; shaping public opinion in the light of values, democracy and law; fighting against totalitarian stereotypes; restoring historical truth; and remembering the victims of political repression.

424. On 4 October 2016 the applicant organisation was included on the Ministry of Justice's register of foreign agents.

425. The following judicial decisions were adopted: (1) 24 May 2013, Zamoskvoretskiy District Court of Moscow held that the decision to carry out the inspection had been justified; (2) 16 December 2016, Zamoskvoretskiy District Court, rejecting the challenge to the Ministry of Justice's decision on registration as a "foreign agent"; (3) 7 December 2016, Tverskoy District Court, fine for failure to register as a "foreign agent".

## *2. Claims and awards under Article 41 of the Convention*

426. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of EUR 4,290 in respect of pecuniary damage sustained as a result of paying the fine.

427. The Court awards the applicant organisation EUR 4,290 (four thousand two hundred and ninety euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, plus any tax that may be chargeable.

### **A34. KPK Memorial**

*(KPK Memorial v. Russia, no. 15098/16, lodged on 8 March 2016)*

#### *1. Facts*

428. The applicant organisation is KPK Memorial (*Коми региональная общественная организация "Комиссия по защите прав человека "Мемориал"*), a Russian non-commercial organisation founded in Syktyvkar.

It was represented before the Court by E. Mezak. Following its liquidation, Mr Igor Valentinovich Sazhin, chairman of the applicant organisation, expressed a wish to continue the proceedings in its stead.

429. The mission of the applicant organisation: protecting human rights.

430. An inspection of the applicant organisation was carried out by the Komi Justice Department in May-June 2015. It was established that the applicant organisation was funded by NED and OSIAF, and had engaged in the following actions which were taken to constitute “political activities”: posting information on the Internet about political issues, the initiatives of opposition politician Mr Navalnyy, the public’s opinion of the applicant organisation, and unauthorised protests in Syktyvkar.

431. On 21 July 2015 the applicant organisation was included on the Ministry of Justice’s register of foreign agents.

432. The following judicial decisions were adopted: (1) 8 July 2015, Justice of the Peace of the Krasnozatskiy Court Circuit, fine for failure to register as a “foreign agent”; (2) 2 February 2016, Syktyvkar Town Court of the Komi Republic, rejecting the challenge to the decision to put the applicant on the register of foreign agents; (3) 8 April, 20 June and 6 October 2016, 12 January, 4 April, 13 July and 4 October 2017, and 11 January 2018, Justice of the Peace of the Krasnozatskiy and Pushkinskiy Court Circuits, warnings for failures to provide accounting documents; (4) 15 July and 16 December 2016, 11 April, 19 May and 27 October 2017, Justice of the Peace of the Pushkinskiy Court Circuit, warnings for failures to provide accounting documents.

## *2. Claims and awards under Article 41 of the Convention*

433. The applicant organisation claimed EUR 35,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 4,290 in respect of pecuniary damage sustained as a result of paying the fine. The claim in respect of costs and expenses amounted to EUR 2,000 for legal costs.

434. The Court awards the applicant organisation EUR 4,290 (four thousand two hundred and ninety euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 2,000 (two thousand euros) in respect of costs and expenses, plus any tax that may be chargeable.

### **A35. Krasnodar Organisation of University Graduates**

*(Krasnodar Organisation of University Graduates v. Russia, no. 48049/16, lodged on 9 August 2016)*

*1. Facts*

435. The applicant organisation is the Krasnodar Organisation of University Graduates (*Краснодарская краевая общественная организация выпускников вузов*), a Russian non-commercial organisation founded in Krasnodar. It was represented before the Court by D. Pigoleva.

436. The mission of the applicant organisation: the coordination of activities relating to the protection of the civil, economic, intellectual and property rights of graduates.

437. An inspection of the applicant organisation was carried out by the Justice Department of the Krasnodar Region, and a representative of that department had taken part in a G20 summit which had been organised by the applicant organisation. It was established that the applicant organisation was funded by Oxfam and had engaged in the following actions which were taken to constitute “political activities”: organising a conference on the G20 summit; attending a conference on the regional approach to public control of human rights, and publishing a presentation on respect for human rights in detention facilities; and making proposals about the regional budget.

438. On 25 December 2014 the applicant organisation was included on the Ministry of Justice’s register of foreign agents. On 22 April 2016 it was removed from the register because it was no longer considered a “foreign agent”.

439. The following judicial decisions were adopted.

(1) 27 April 2015, Oktyabrskiy District Court of Krasnodar, rejecting the applicant’s claim regarding forced registration.

(2) 20 February 2015, Justice of the Peace of Court Circuit no. 55 of Krasnodar, discontinuing administrative proceedings for failure to register as a “foreign agent”.

(3) 27 July 2016, Oktyabrskiy District Court of Krasnodar, fine for failure to label publications in respect of the applicant’s director.

(4) 6 April 2017, Justice of the Peace of Court Circuit no. 55 of Krasnodar, providing accounting documents with no information on foreign donors, proceedings discontinued owing to the expiry of the limitation period for instituting administrative proceedings.

*2. Claims and awards under Article 41 of the Convention*

440. The applicant organisation claimed EUR 16,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 710 in respect of pecuniary damage sustained as a result of paying for the audit and postal expenses. The claim in respect of costs and expenses amounted to EUR 17,100 for court fees, legal costs, postal and travel expenses.

441. The Court awards the applicant organisation EUR 710 (seven hundred and ten euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 2,000 (two

thousand euros) in respect of costs and expenses, plus any tax that may be chargeable.

### **A36. Legal Mission**

*(Legal Mission v. Russia, no. 62848/17, lodged on 1 August 2017)*

#### *1. Facts*

442. The applicant organisation is Legal Mission (*Фонд поддержки гражданских свобод "Правовая миссия"*), a Russian non-commercial organisation founded in Chelyabinsk. It was represented before the Court by M. Olenichev. The organisation is now in the process of dissolution. Mr Aleksey Viktorovich Tabalov, the head of the liquidation committee, expressed a wish to continue the proceedings in its stead, should the organisation cease to exist before delivery of the Court's judgment.

443. The mission of the applicant organisation: promoting the rule of law in the Chelyabinsk Region.

444. An inspection of the applicant organisation was carried out by the Justice Department of the Chelyabinsk Region in July-August 2016. It was established that the applicant organisation was funded by NED and had engaged in the following actions which were taken to constitute "political activities": running "the School of the Conscript" programme, educating military conscripts on their rights and representing them in court, and issuing publications on their rights; and statements by the applicant organisation's director relating to a draft law requiring draftees to receive a draft card in person at a recruiting station.

445. On 21 September 2016 the applicant organisation was included on the Ministry of Justice's register of foreign agents. On 11 January 2017 it was removed from the register because it was no longer considered a "foreign agent".

446. The following judicial decision was adopted: 24 November 2016, Sovetsky District Court of Chelyabinsk, fine for failure to seek registration as a "foreign agent" (upheld on appeal on 1 February 2017).

#### *2. Claims and awards under Article 41 of the Convention*

447. The applicant organisation claimed EUR 20,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 5,810 in respect of pecuniary damage sustained as a result of paying for the fine and the audit. The claim in respect of costs and expenses amounted to EUR 9,750 for postal and legal costs.

448. The Court awards the applicant organisation EUR 5,810 (five thousand eight hundred and ten euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and

EUR 3,000 (three thousand euros) in respect of costs and expenses, plus any tax that may be chargeable.

**A37. Levada Centre**

*(Levada Centre v. Russia, no. 16094/17, lodged on 21 February 2017)*

*1. Facts*

449. The applicant organisation is the Levada Centre (*Автономная Некоммерческая Организация "Аналитический Центр Юрия Левады"*), a Russian non-commercial organisation founded in Moscow. It was represented before the Court by I. Sharapov.

450. The mission of the applicant organisation: social studies, opinion polls, and marketing research.

451. An inspection of the applicant organisation was carried out by the Moscow Justice Department in August 2016. It was established that the applicant organisation was funded by Jones Day, the University of Colorado, Columbia University, the University of Wisconsin–Madison, George Washington University, Ipsos MORI, FAFO AIS, Fernland Holdings Ltd, Deutsche Gesellschaft für Technische Zusammenarbeit GmbH, Gallup Inc., and Viešoji įstaiga, and had engaged in the following actions which were taken to constitute “political activities”: monitoring social and economic developments; organising focus groups for discussions on housing, social and political issues, the United States, the conflict with Ukraine, the conflict in Syria, relations with Turkey, and the situation in Russia; research on laypersons’ understanding of democracy; describing Russian authorities as authoritarian and immoral in a report; criticising the Foreign Agents Act; statements by the applicant organisation’s director on the political situation and corruption in Russia, and the status of Crimea; and statements by the head of a Levada Centre department on authorities’ decisions in Russia.

452. On 5 September 2016 the applicant organisation was included on the Ministry of Justice’s register of foreign agents.

453. The following judicial decisions were adopted: 26 October 2016, Tverskoy District Court of Moscow, fine for failure to register as a “foreign agent”. It was established that the statements about the Russian political regime made by the Levada Centre’s director and the head of a department in a lecture, and in interviews and articles on websites, originated from the organisation itself, and therefore constituted “political activity”.

*2. Claims and awards under Article 41 of the Convention*

454. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of EUR 4,290



in respect of pecuniary damage sustained as a result of paying the fine. The claim in respect of costs and expenses amounted to EUR 6,200 for legal costs.

455. The Court awards the applicant organisation EUR 4,290 (four thousand two hundred and ninety euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 3,000 (three thousand euros) in respect of costs and expenses, plus any tax that may be chargeable.

### **A38. Man and Law**

(*Man and Law v. Russia*, no. 13474/15, lodged on 28 February 2015)

#### *1. Facts*

456. The applicant organisation is Man and Law (*Межрегиональная общественная организация "Человек и Закон"*), a Russian non-commercial organisation founded in Yoshkar-Ola. It was represented before the Court by I. Khrunova.

457. The mission of the applicant organisation: the protection of individuals' human rights in their relations with State authorities.

458. An inspection of the applicant organisation was carried out by the Mari-El Justice Department in November-December 2014. It was established that the applicant organisation was funded by the MacArthur Foundation, OSIAF, the embassy of the Netherlands, the United Nations High Commissioner for Human Rights, the Danish Institute for Human Rights, and the Council of Europe, and had engaged in the following actions which were taken to constitute "political activities": organising a conference on the protection of human rights and preparing recommendations on human rights for State officials and seminars on human rights in Russia; sharing online an assessment of State authorities' decisions, including those which were critical of the local police; educating State officials on the dialogue between the State and civil society; encouraging members of the applicant organisation to take part in the work of prison monitoring boards; and contributing to the development of NGOs and public monitoring boards.

459. On 30 December 2014 the applicant organisation was included on the Ministry of Justice's register of foreign agents.

460. The following judicial decision was adopted: 30 December 2014, Justice of the Peace of Yoshkar-Olinskiy Court District, fine for failure to register as a "foreign agent".

#### *2. Claims and awards under Article 41 of the Convention*

461. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 4,290 in respect of

pecuniary damage sustained as a result of paying the fines. The claim in respect of costs and expenses amounted to EUR 1,050 for legal costs.

462. The Court awards the applicant organisation EUR 4,290 (four thousand two hundred and ninety euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,050 (one thousand and fifty euros) in respect of costs and expenses, plus any tax that may be chargeable.

### **A39. MASHR**

(*Ecodefence and Others v. Russia*, no. 9988/13, lodged on 6 February 2013)

#### *1. Facts*

463. The applicant organisation is MASHR (*Автономная некоммерческая организация "Правозащитная организация "МАШР"*), a Russian non-commercial organisation founded in Karabulak. It was represented before the Court by P. Leach.

464. The mission of the applicant organisation: monitoring cases of forced disappearances in Ingushetia and adjacent regions.

465. An inspection of the applicant organisation was carried out by the Ingushetia Justice Department in August-September 2015. It was established that the applicant organisation was funded by NED and the Norwegian Helsinki Committee, and had engaged in the following actions which were taken to constitute “political activities”: posting publications on foreign-agent status and public control on a website; posting criticism of the actions of the federal and Ingush authorities on a website, and disclosing information about their inaction; participating in State and local authority decision-making; launching social initiatives ; and submitting proposals to State authorities.

466. On 8 December 2015 the applicant organisation was included on the Ministry of Justice’s register of foreign agents. On 7 April 2017 it was removed from the register because it was no longer considered a “foreign agent”.

467. The following judicial decisions were adopted.

(1) 13 November 2015, Magasskiy District Court of the Republic of Ingushetia, rejecting the challenge to the inspection. The court annulled the Justice Department’s decision and established that the applicant had not been notified of the inspection in advance. However, the court considered that MASHR had engaged in “political activity” without registering with the Ministry of Justice, and held that the Justice Department should prevent it from violating the Foreign Agents Act.

(2) 7 August 2017, Zamoskvoretskiy District Court of Moscow found that the Ministry of Justice’s decision to put the applicant on the register of foreign agents was lawful.

(3) 30 August 2016, Karabulakskiy District Court, two fines (two judgments) for failures to label a publication on MASHR’s activities and a notification on a competition for human rights defenders posted by its director on a third party’s website.

(4) 1 December 2016, Karabulakskiy District Court, three fines for failures to label publications on MASHR’s activities posted by its director on a third party’s website.

*2. Claims and awards under Article 41 of the Convention*

468. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of EUR 21,430 in respect of pecuniary damage sustained as a result of paying the fines.

469. The Court awards the applicant organisation EUR 21,430 (twenty-one thousand four hundred and thirty euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, plus any tax that may be chargeable.

**A40. Mass Media Defence Centre**

*(Mass Media Defence Centre v. Russia, no. 26169/16, lodged on 29 April 2016)*

*1. Facts*

470. The applicant organisation is the Mass Media Defence Centre (*Региональный Фонд "Центр Защиты Прав Средств Массовой Информации"*), a Russian non-commercial organisation founded in Voronezh. It was represented before the Court by G. Arapova.

471. The mission of the applicant organisation: the protection of human rights, freedom of expression and the rights of the mass media.

472. An inspection of the applicant organisation was carried out by the Justice Department of the Voronezh Region in February 2015. It was established that the applicant organisation was funded by the Free Word Centre, the European Union, the MacArthur Foundation and the Sigrid Rausing Trust, and had engaged in the following actions which were taken to constitute “political activities”: publishing a book on extremist legislation in which legal provisions were analysed; the applicant’s director giving an interview for a documentary film on the persecution of journalists, and congratulating the Office of the OSCE Representative on Freedom of the Media on the fifteenth anniversary of its establishment; the applicant’s director being the Chair of the Social Council at the Internal Affairs Department of the Voronezh Region; making critical statements in public; criticising amendments to existing mass media laws, the quality of

parliamentarians' work, the domestic judicial system, and legal provisions on copyright; interacting with State authorities; monitoring violations of freedom of expression; organising the education of journalists, judges and lawyers; translating and analysing the judgments of the Court; providing legal assistance to publishing houses and journalists; collecting Russian case-law on data protection law; and participating in discussions on access to information and personal data, copyright, the security of journalists, freedom of expression in Russia, ethics in journalism and legal standards, and sharing information online.

473. On 26 February 2015 the applicant organisation was included on the Ministry of Justice's register of foreign agents.

474. The following judicial decisions were adopted: (1) 15 April 2015, Justice of the Peace of the Tsentralnyy Court District, fine for failure to register as a "foreign agent"; (2) 30 November 2015, Leniskiy District Court of Voronezh, rejecting the applicant's claim regarding forced registration.

## *2. Claims and awards under Article 41 of the Convention*

475. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 4,290 in respect of pecuniary damage sustained as a result of paying the fine. The claim in respect of costs and expenses amounted to EUR 4,460 for court fees, legal costs, taxes and charges, travel expenses, expert fees and political research.

476. The Court awards the applicant organisation EUR 4,290 (four thousand two hundred and ninety euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 3,000 (three thousand euros) in respect of costs and expenses, plus any tax that may be chargeable.

### **A41. Maximum Centre**

*(Maximum Centre v. Russia, no. 49258/15, lodged on 30 September 2015)*

#### *1. Facts*

477. The applicant organisation is the Maximum Centre (*Мурманская региональная общественная организация "Центр социально-психологической помощи и правовой поддержки жертв дискриминации и гомофобии "Максимум"*), a Russian non-commercial organisation founded in Murmansk. It was represented before the Court by I. Khrunova. Following its liquidation, Mr Sergey Anatolyevich Alekseyenko, director of the applicant organisation, expressed a wish to continue the proceedings in its stead.

478. The mission of the applicant organisation: protecting and rehabilitating LGBT persons and protecting their rights; providing legal

assistance; and contributing to the elimination of discrimination and homophobia.

479. An inspection of the applicant organisation was carried out by: (1) the Justice Department of the Murmansk Region in December 2014-January 2015; (2) the Ministry of Justice in June 2015 (monitoring compliance with labelling requirements). It was established that the applicant organisation was funded by Civil Rights Defenders, the General Consulate of the Netherlands, and the Arcus Operating Foundation, and had engaged in the following actions which were taken to constitute “political activities”: organising a protest against xenophobia, violence and discrimination, and “the Rainbow flash mob” on the International Day against Homophobia; supporting school teachers who had been dismissed because of their sexual orientation; lodging applications with State authorities to have protests against xenophobia and discrimination; cooperating with other LGBT organisations; inviting minors to an LGBT centre where material on being LGBT was available; participating in events organised by the Russian LGBT network; publishing statements criticising Russian laws; and cooperating with the Regional Youth Human Rights Council.

480. On 4 February 2015 the applicant organisation was included on the Ministry of Justice’s register of foreign agents. On 28 October 2015 it was removed from the register because it had been liquidated by its members to avoid the restrictions of the Foreign Agents Act.

481. The following judicial decision was adopted: 10 March 2015, Justice of the Peace of the Leninskiy Court District of Murmansk, fine for failure to register as a “foreign agent”.

## *2. Claims and awards under Article 41 of the Convention*

482. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 4,290 in respect of pecuniary damage sustained as a result of paying the fine. The claim in respect of costs and expenses amounted to EUR 1,050 for legal costs.

483. The Court awards the applicant organisation EUR 4,290 (four thousand two hundred and ninety euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,050 (one thousand and fifty euros) in respect of costs and expenses, plus any tax that may be chargeable.

### **A42. Memo.ru**

*(Memo.ru v. Russia, no. 61732/16, lodged on 21 October 2016)*

*1. Facts*

484. The applicant organisation is Memo.ru (*Частное учреждение "Информационное агентство МЕМО. РУ"*), a Russian non-commercial organisation founded in Moscow. It was represented before the Court by K. Koroteyev.

485. The mission of the applicant organisation: analysing and distributing information; contributing to the development of civil society, a democratic State and democratic values; educating and shaping public conscience; fighting totalitarian stereotypes; resolving conflict peacefully; establishing the independent mass media; posting information on NGOs on its website; and creating databases.

486. An inspection of the applicant organisation was carried out by the Moscow Justice Department in October-November 2014. It was established that the applicant organisation was funded by OSIA, the Norwegian Helsinki Committee, NED, the Charles Stewart Mott Foundation, Human Rights Defenders, ICCD, Human Rights House, SIDA, the Oak Foundation, the Ford Foundation, the Internews Network, and the embassies of Germany, the United Kingdom and the Netherlands in Russia, and had engaged in the following actions which were taken to constitute “political activities”: the “Caucasian Node” project, which had distributed information on events in the North Caucasus, including violations of human rights; organising broadcasting on mayoral elections on Twitter, and a meeting to protest against the transfer of a part of the territory of Dagestan to Azerbaijan; posting on a website publications on actions to support Mr Navalnyy, and publications on political opposition meetings, violations of electoral procedure, terrorist attacks in Russia, and illegal migration; and posting the results of a research project on Russian citizens’ expectations regarding the situation in the Caucasus region on a website.

487. On 20 November 2014 the applicant organisation was included on the Ministry of Justice’s register of foreign agents.

488. The following judicial decisions were adopted: (1) 10 December 2014, Justice of the Peace of the Tverskoy District in Moscow, fine for failure to register as a “foreign agent”; (2) 18 May 2015, Gagarinskiy District Court of Moscow held that the inspection and the Ministry of Justice’s decision to put the applicant on the register of foreign agents were lawful; (3) 29 March and 29 June 2016, Tverskoy District Court of Moscow, two fines for failures to label several publications, including short news digests about events in Russian regions. The court rejected the applicant organisation’s argument that the publications had originated from OOO Memo, to which publishing functions had been transferred in 2014. It held that the activities of Memo.ru and OOO Memo were based on a “common interest”, and both organisations were headed by the same director. Therefore, all publications made by OOO Memo had to be labelled as if they originated directly from Memo.ru.

*2. Claims and awards under Article 41 of the Convention*

489. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of EUR 18,570 in respect of pecuniary damage sustained as a result of paying the fines.

490. The Court awards the applicant organisation EUR 18,570 (eighteen thousand five hundred and seventy euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, plus any tax that may be chargeable.

**A43. Migration XXI Century**

(*Migration XXI Century v. Russia*, no. 1786/16, lodged on 23 December 2015)

*1. Facts*

491. The applicant organisation is Migration XXI Century (*Фонд поддержки социальных проектов "Миграция XXI век"*), a Russian non-commercial organisation founded in Moscow. It was represented before the Court by I. Sharapov.

492. The mission of the applicant organisation: promoting tolerance towards migrants and protecting their labour rights.

493. An inspection of the applicant organisation was carried out by the Moscow Justice Department in January-February 2015. It was established that the applicant organisation was funded by FDFA and the World Bank, and had engaged in the following actions which were taken to constitute “political activities”: exercising functions of the secretariat of the Migration and Remittances Peer-Assisted Learning Network (MIRPAL), a community of migration experts developing recommendations on migration; launching an initiative on a migration amnesty, and organising discussions with authority representatives on a migration amnesty in Russia, nationality, labour migration, interethnic relations and local authorities’ possible contribution to the resolution of existing issues, the integration of migrants into Russian society, the legal status of migrant workers working on the black market, and foreign labour; preparing a petition to the Federal Parliament on an amnesty for nationals of the former USSR; publishing articles on illegal migration and other reports on a migration amnesty, and the newspaper *Migration XXI Century*; criticising State migration policy; developing the migration experts’ network for Europe and Central Asia; monitoring migration laws and producing analytical material on migration; establishing a database on experts; suggesting that a migration amnesty should be proclaimed, and that federal and local authority powers should be redistributed; lodging

applications with State authorities; and distributing material evaluating State authorities' decisions and migration policy.

494. On 27 March 2015 the applicant organisation was included on the Ministry of Justice's register of foreign agents. On 26 November 2016 it was removed from the register because it was no longer considered a "foreign agent".

495. The following judicial decision was adopted: 27 April 2015, Justice of the Peace of Court Circuit no. 299 of Moscow, fine for failure to register as a "foreign agent". It was established that the members of Migration XXI Century had not shared their own vision of political events but contributed to the dissemination of politicians' views among the public and had influenced public opinion.

### *2. Claims and awards under Article 41 of the Convention*

496. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 4,290 in respect of pecuniary damage sustained as a result of paying the fine. The claim in respect of costs and expenses amounted to EUR 1,050 for legal costs.

497. The Court awards the applicant organisation EUR 4,290 (four thousand two hundred and ninety euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,050 (one thousand and fifty euros) in respect of costs and expenses, plus any tax that may be chargeable.

## **A44. Moscow Helsinki Group**

*(Ecodefence and Others v. Russia, no. 9988/13, lodged on 6 February 2013)*

### *1. Facts*

498. The applicant organisation is the Moscow Helsinki Group (*Региональная общественная организация «Московская группа содействия Хельсинским соглашениям»*), a Russian non-commercial organisation founded in Moscow. It was represented before the Court by P. Leach.

499. The mission of the applicant organisation: protecting human rights in various areas; monitoring violations of human rights; providing human rights education; and supporting human rights initiatives.

500. On 13 February 2013 the Moscow Helsinki Group received funds from a foreign organisation. On 28 March 2013 the Moscow prosecutor's office asked the applicant organisation to produce documents for inspection. The applicant organisation complied with that request. Fearing prosecution,



the Moscow Helsinki Group repaid the donation and declined any other foreign donations, to avoid the application of the Foreign Agents Act.

*2. Claims and awards under Article 41 of the Convention*

501. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage.

502. The Court awards the applicant organisation EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, plus any tax that may be chargeable.

**A45. Moscow School of Civil Education**

*(Moscow School of Civil Education v. Russia, no. 27654/15, lodged on 3 June 2015)*

*1. Facts*

503. The applicant organisation is the Moscow School of Civil Education (*Автономная некоммерческая организация "Московская школа гражданского просвещения"*), a Russian non-commercial organisation founded in Moscow. It was represented before the Court by I. Khrunova. Following its liquidation, Ms Marina Alekseyevna Yefremova, executive director of the applicant organisation, expressed a wish to continue the proceedings in its stead.

504. The mission of the applicant organisation: promoting democratic values, the rule of law, civil society, and dialogue between international experts, young political leaders and State officials.

505. An inspection of the applicant organisation was carried out by the Moscow Justice Department in July-August 2014. It was established that the applicant organisation was funded by the Charles Stewart Mott Foundation, EWC, OSIAF, the Council of Europe, the embassies of the Netherlands and Finland, the MacArthur Foundation, NUPI, the German-Russian Forum, and SITE, and had engaged in the following actions which were taken to constitute “political activities”: live broadcasting of online discussions with famous Russian and foreign experts on law, society, politics, economics, the mass media and culture; organising discussions, seminars and lectures on elections in Russia, relations between Russia and Ukraine, Russian external policy, the political regime in Russia, Russian legislative procedure, and Russian policy after the USSR; and inviting experts to speak who had made statements criticising Russian laws and giving their personal assessment of the political situation in Russia, describing it as an “authoritarian regime” and “a complete outrage”.

506. On 9 December 2014 the applicant organisation was included on the Ministry of Justice’s register of foreign agents. On 25 February 2021 it was liquidated.

507. The following judicial decision was adopted: 23 December 2014, Justice of the Peace of the Tverskoy District of Moscow, fine for failure to register as a “foreign agent”. It was held that the applicant organisation’s employees had not publicly expressed their political views, however, by disseminating the views of various politicians among the general public, the organisation had influenced public opinion (upheld on appeal on 12 March 2015).

## *2. Claims and awards under Article 41 of the Convention*

508. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 4,290 in respect of pecuniary damage sustained as a result of paying the fine. The claim in respect of costs and expenses amounted to EUR 1,050 for legal costs.

509. The Court awards the applicant organisation EUR 4,290 (four thousand two hundred and ninety euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,050 (one thousand and fifty euros) in respect of costs and expenses, plus any tax that may be chargeable.

## **A46. Movement For Human Rights**

*(Ecodefence and Others v. Russia, no. 9988/13, lodged on 6 February 2013)*

### *1. Facts*

510. The applicant organisation is the Movement For Human Rights (*Общероссийское общественное движение защиты прав человека "За права человека"*), a Russian non-commercial organisation founded in Moscow. It was represented before the Court by P. Leach. Following its liquidation, Mr Lev Aleksandrovich Ponomarev, chairman of the applicant organisation, expressed a wish to continue the proceedings in its stead.

511. The mission of the applicant organisation: protection against unlawful conduct on the part of law-enforcement authorities; discussing social security issues; promoting children’s rights; assisting with the compulsory registration of a place of residence; and the advancement of civil society.

512. An inspection of the applicant organisation was carried out by: (1) the Moscow prosecutor’s office in March 2013; (2) the Ministry of Justice in December 2014. It was established that the applicant organisation was funded by Freedom House, Mme Caroline Bourget, and Mme Delphine

Nougayrede, and had engaged in the following actions which were taken to constitute “political activities”: the publication of brochures on housing, drug control and policy, torture, prisoners’ rights, labour in colonies and penal issues; and statements critical of the Foreign Agents Act made by the director of the organisation at a press conference.

513. On 22 December 2014 the applicant organisation was included on the Ministry of Justice’s register of foreign agents. On 30 December 2015 it was removed from the register but put back on it on 12 February 2019. By final judgment of 26 December 2019, it was liquidated.

514. The following judicial decisions were adopted: (1) 18 April 2013, Justice of the Peace of the Presnenskiy District fined the applicant organisation’s director for failure to cooperate with the prosecutor; (2) 16 March 2015, Zamoskvoretskiy District Court of Moscow held that the inspection and the Ministry of Justice’s decision to put the applicant organisation on the register of foreign agents were lawful; (3) 18 March 2015, Justice of the Peace of the Krasnoselskiy District of Moscow, fine for failure to register as a “foreign agent”; (4) 28 April 2016, Meshchanskiy District Court, three fines for failures to label publications.

## *2. Claims and awards under Article 41 of the Convention*

515. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of EUR 12,860 in respect of pecuniary damage sustained as a result of paying the fines.

516. The Court awards the applicant organisation EUR 12,860 (twelve thousand eight hundred and sixty euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, plus any tax that may be chargeable.

## **A47. Movement For Nature**

*(Foundation and Movement For Nature v. Russia, no. 3085/16, lodged on 21 December 2015)*

### *1. Facts*

517. The applicant organisation is the Movement For Nature (*Челябинское региональное экологическое общественное движение "За природу"*), a Russian non-commercial organisation founded in Chelyabinsk. It was represented before the Court by I. Khrunova. Following its liquidation, Mr Andrey Aleksandrovich Talevlin, chairman of the applicant organisation, expressed a wish to continue the proceedings in its stead.

518. The mission of the applicant organisation: the protection of the environment.

519. An inspection of the applicant organisation was carried out by the Justice Department of the Chelyabinsk Region in January-February 2015. It was established that the applicant organisation was funded by the “For Nature” Foundation and had engaged in the following actions which were taken to constitute “political activities”: promoting environmental values; arranging for the cleaning of local riverbanks; being involved in a forest conservation campaign; cooperating with State authorities on environmental issues; protesting against the construction of a mining plant; and informing the public about the state of the environment via the mass media and its website.

520. On 6 March 2015 the applicant organisation was included on the Ministry of Justice’s register of foreign agents. On 14 December 2016 it was liquidated for violations of the law, including the Foreign Agents Act.

521. The following judicial decisions were adopted: (1) 12 May 2015, Justice of the Peace of the Tsentralnyy District, establishing that the applicant organisation had not received any funds from foreign organisations and discontinuing the proceedings; (2) 6 August 2015, Tsentralnyy District Court of Chelyabinsk, quashing that decision and dismissing the case owing to the expiry of the limitation period; (3) 14 December 2016, Chelyabinsk Regional Court, forced liquidation due to multiple violations of the law, including the Foreign Agents Act.

## *2. Claims and awards under Article 41 of the Convention*

522. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage. The claim in respect of costs and expenses amounted to EUR 1,050 for legal costs.

523. The Court awards the applicant organisation EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,050 (one thousand and fifty euros) in respect of costs and expenses, plus any tax that may be chargeable.

### **A48. OO Sutyazhnik**

*(OO Sutyazhnik v. Russia, no. 14823/17, lodged on 30 January 2017)*

#### *1. Facts*

524. The applicant organisation is OO Sutyazhnik (*Свердловская региональная общественная организация “Сутяжник”*), a Russian non-commercial organisation founded in Yekaterinburg. It was represented before the Court by its director, Mr S. Belyaev, who has been granted leave to represent the applicant organisation in accordance with Rule 36 § 2 of the Rules of Court.

525. The mission of the applicant organisation: the protection of human rights, legal education, and the provision of free legal assistance.

526. An inspection of the applicant organisation was carried out by the Justice Department of the Sverdlovsk Region in April 2015 (there was no formal inspection, but an assessment of documentation submitted by the applicant organisation). It was established that the applicant organisation was funded by the British embassy and had engaged in the following actions which were taken to constitute “political activities”: organising a training session and a video presentation on strategic litigation in the USA, Europe and Russia; organising a round-table discussion on the rule of law and democracy in Russia, and posting publications on this issue online; organising a press conference on the interaction between bloggers and officials; and sharing information on the organisation’s website.

527. On 15 May 2015 the applicant organisation was included on the Ministry of Justice’s register of foreign agents.

528. The following judicial decisions were adopted: 29 September 2015, Zamoskvoretskiy District Court of Moscow, rejecting the complaint about the forced registration as a foreign agent (upheld on appeal on 14 November 2016).

## *2. Claims and awards under Article 41 of the Convention*

529. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of EUR 4,430 in respect of pecuniary damage sustained as a result of paying for the fine and the audit. The claim in respect of costs and expenses amounted to EUR 16,360 for court fees and legal costs.

530. The Court awards the applicant organisation EUR 4,430 (four thousand four hundred and thirty euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,500 (one thousand five hundred euros) in respect of costs and expenses, plus any tax that may be chargeable.

## **A49. Partnership for Development**

*(Pitsunova and Partnership for Development v. Russia, no. 14070/15, lodged on 3 March 2015)*

### *1. Facts*

531. The applicants are the Partnership for Development (*Ассоциация "Партнерство для развития" (Саратовская региональная общественная благотворительная организация)*), a Russian non-commercial organisation founded in Saratov, and its director, Olga Nikolayevna Pitsunova. They were represented before the Court by

I. Khrunova. Following the liquidation of the applicant organisation, Ms Pitsunova expressed a wish to continue the proceedings in its stead.

532. The mission of the applicant organisation: the protection of public interests (primarily in the field of ecology); the resolution of urgent issues affecting Saratov and the Saratov Region; and contribution to charities and policy-making.

533. An inspection of the applicant organisation was carried out by the Justice Department of the Sverdlovsk Region in April 2015 (there was no formal inspection, but an assessment of documentation submitted by the applicant organisation). It was established that the applicant organisation was funded by the US Government and the US embassy, and had engaged in the following actions which were taken to constitute “political activities”: issuing online publications on environmental issues in the Saratov Region; creating a website for monitoring the authorities’ actions; promoting ideas about civic involvement in State affairs; and encouraging protests in the pre-election period.

534. On 2 October 2014 the applicant organisation was included on the Ministry of Justice’s register of foreign agents. On 6 November 2015 it was removed from the register because it had been liquidated by its members owing to its inability to pay the fine.

535. The following judicial decisions were adopted: (1) 24 September 2014, Kirovskiy District Court of Saratov granted the prosecutor’s claim for forced registration; (2) 6 and 11 August 2014, Justice of the Peace of the Kirovskiy District, fines for failures to register as a “foreign agent” by reference to online publications which had been critical of the authorities in the area of environmental protection, and Ms Pitsunova’s negative assessment of existing State policy.

## *2. Claims and awards under Article 41 of the Convention*

536. The applicants claimed EUR 10,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 1,430 in respect of pecuniary damage sustained as a result of paying the fine. The claim in respect of costs and expenses amounted to EUR 1,050 for legal costs.

537. The Court awards the applicants EUR 1,430 (one thousand four hundred and thirty euros) jointly in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,050 (one thousand and fifty euros) in respect of costs and expenses, plus any tax that may be chargeable.

## **A50. Perm Human Rights Centre**

*(Perm Human Rights Centre v. Russia, no. 35816/16, lodged on 8 June 2016)*

*1. Facts*

538. The applicant organisation is the Perm Human Rights Centre (*Общественная организация "Пермский региональный правозащитный центр"*), a Russian non-commercial organisation founded in Perm. It was represented before the Court by M. Olenichev and M. Kanevskaya. Following its liquidation, Ms Yelena Pershakova, as the liquidator of the applicant organisation, expressed a wish to continue the proceedings in its stead.

539. The mission of the applicant organisation: protecting human rights, particularly those of prisoners and the victims of crimes committed by law-enforcement officers.

540. An inspection of the applicant organisation was carried out by the Justice Department of the Perm Region in June-July 2015. It was established that the applicant organisation was funded by the United Nations Democracy Fund (UNDEF), the Macarthur Foundation, and the European Union, and had engaged in the following actions which were taken to constitute “political activities”: publications on and participation in discussions on respect for human rights in Perm prisons, a reform of the law-enforcement authorities, the recruitment of staff for human rights organisations, the protection of areas of cultural heritage, the equality of convicted persons, the prison officers’ ethics code, public monitoring committees, gender education, human rights, security and dignity in detention facilities, *pro bono* legal assistance in Russia, political competition, the interaction between human rights activists, defenders and the LGBT community, civil investigations, public control, amendments to defamation law, the right to work in detention facilities, access to information at police stations and courts, human rights and the work of psychologists in the penal system, the support of juvenile offenders, migrants’ human rights, international cooperation between NGOs, freedom of assembly, the law protecting children from harmful information, the prevention of offences in detention facilities, correctional labour, conditions of detention, and xenophobia; monitoring the right to information and work, children’s rights in Perm detention facilities, the issue of migrants and the Perm labour market, and State authorities’ measures on the prevention of crimes and the rehabilitation of criminals; preparing recommendations for the authorities; inviting representatives of State authorities to some of the above events; and the conviction of a board member of the applicant organisation, Mr Yushkov, for incitement to extremist actions, and the publication by a founder, Mr Averkiyev, of an article on Russian nationalism, liberalism and sexism on his website.

541. On 3 September 2015 the applicant organisation was included on the Ministry of Justice’s register of foreign agents. On 24 October 2021 it took the decision on voluntary liquidation.

542. The following judicial decision was adopted: 13 October 2015, Justice of the Peace of the Leninskiy Court District, fine for failure to register as a “foreign agent” (upheld on appeal on 14 December 2015).

## 2. Claims and awards under Article 41 of the Convention

543. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of EUR 4,140 in respect of pecuniary damage sustained as a result of paying for the fine and the audit. The claim in respect of costs and expenses amounted to EUR 17,290 for court fees and legal costs.

544. The Court awards the applicant organisation EUR 4,140 (four thousand one hundred and forty euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 3,000 (three thousand euros) in respect of costs and expenses, plus any tax that may be chargeable.

### A51. Perm-36

(*Kursina and Perm-36 v. Russia*, no. 19719/16, lodged on 16 March 2016)

#### 1. Facts

545. The applicants are Perm-36 (*Автономная некоммерческая организация "Мемориальный центр истории политических репрессий "Пермь-36"*), a Russian non-commercial organisation founded in Perm, and its director, Tatyana Georgiyevna Kursina. They were initially represented before the Court by E. Mezak and later also by Ye. Pershakova. Following its liquidation, Ms Kursina, executive director of the applicant organisation, expressed a wish to continue the proceedings in its stead.

546. The mission of the applicant organisation: preserving the history of political repression in the Soviet Union.

547. An inspection of the applicant organisation was carried out by the Justice Department of the Perm Region in February-April 2015. It was established that the applicant organisation was funded by the International Coalition of Historic Site Museums of Conscience, and NED, and had engaged in the following actions which were taken to constitute “political activities”: promoting the development of museums of conscience and educational projects for improving the quality of education on political repression; organising mobile exhibitions on Stalin’s labour camps and forums on pressing social issues, including national policy, the creation of a tolerant civil society, and the importance of the mass media; posting on its website a publication on the conflict between Perm-36 and the authorities, and the suspension of its management of the Memorial Museum of the History of Political Repression; and addressing the Governor of the Perm Region with regard to the creation of a State museum of conscience.

548. On 29 April 2015 the applicant organisation was included on the Ministry of Justice’s register of foreign agents. On 18 August 2016 it was



removed from the register because it had been liquidated owing to its inability to pay the fine.

549. The following judicial decisions were adopted: (1) 20 July 2015, Justice of the Peace of the Motovilikhinskiy Court District, fine for failure to register as a “foreign agent”; (2) 25 September 2015, Leninskiy District Court of Perm, rejecting the challenge to the results of inspections; (3) 14 October 2016, Justice of the Peace of the Motovilikhinskiy Court District, verbal warning for failure to provide accounting documents, proceedings discontinued, as the offence was not serious.

## *2. Claims and awards under Article 41 of the Convention*

550. The applicants claimed EUR 60,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 6,430 in respect of pecuniary damage sustained as a result of paying for the fines and the audit. The claim in respect of costs and expenses amounted to EUR 22,620 for court fees and legal costs.

551. The Court awards the applicants EUR 5,000 (five thousand euros) jointly in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 2,000 (two thousand euros) in respect of costs and expenses, plus any tax that may be chargeable.

## **A52. Planet of Hope**

*(Planet of Hope v. Russia, no. 47695/15, lodged on 22 September 2015)*

### *1. Facts*

552. The applicant organisation is Planet of Hope (*Озерская городская социально-экологическая общественная организация "Планета надежд"*), a Russian non-commercial organisation founded in Ozersk. It was represented before the Court by I. Khrunova. Following its liquidation, Ms Nadezhna Lvovna Kutepova, chairwoman of the applicant organisation, expressed a wish to continue the proceedings in its stead.

553. The mission of the applicant organisation: fighting against female unemployment; contributing to the protection of the rights of women and children, and to the conservation of the environment; and promoting family values.

554. An inspection of the applicant organisation was carried out by the Justice Department of the Chelyabinsk Region in March-April 2015. It was established that the applicant organisation was funded by NED, the Heinrich Böll Foundation, and Women in Europe for a Common Future (WECF), and had engaged in the following actions which were taken to constitute “political activities”: promoting the use of clean energy, particularly solar energy, in Eastern Europe and the Caucasus, and publishing material on this subject in

the mass media; promoting freedom of movement and protecting the freedom of people living in restricted areas; posting on a website statements by the applicant's director about the right to a safe environment, the right to receive information on the environment, and the rights of people living in areas contaminated by radiation to recover damages, in addition to her suggestions on amendments to the laws on restricted areas and the social protection of people exposed to radiation; and engaging in housing-related judicial proceedings.

555. On 15 April 2015 the applicant organisation was included on the Ministry of Justice's register of foreign agents. On 27 September 2018 it was liquidated.

556. The following judicial decisions were adopted: (1) 26 May 2015, Justice of the Peace of Ozersk, fine for failure to register as a "foreign agent"; (2) 23 February and 27 July 2016, and 1, 3 March and 14 April 2017, Justice of the Peace of Ozersk, fines for non-compliance with the Foreign Agents Act and for failure to pay the fines.

## *2. Claims and awards under Article 41 of the Convention*

557. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage. The claim in respect of costs and expenses amounted to EUR 1,050 for legal costs.

558. The Court awards the applicant organisation EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,050 (one thousand and fifty euros) in respect of costs and expenses, plus any tax that may be chargeable.

## **A53. Public Initiatives Support Centre**

*(Zamaryanov and Public Initiatives Support Centre v. Russia, no. 14338/14, lodged on 12 February 2014)*

### *1. Facts*

559. The applicants are the Public Initiatives Support Centre (*Некоммерческая организация Фонд "Костромской центр поддержки общественных инициатив"*), a Russian non-commercial organisation founded in Kostroma, and its director, Aleksandr Pavlovich Zamaryanov. They were represented before the Court by D. Gaynutdinov.

560. The mission of the applicant organisation: supporting charitable causes and various initiatives in the non-profit sector.

561. An inspection of the applicant organisation was carried out by the Kostroma prosecutor's office in April 2013. It was established that the applicant organisation was funded by the US Department of State, the US embassy, and the International Republican Institute, and had engaged in

the following actions which were taken to constitute “political activities”: organising a round-table discussion on relations between the United States and Russia; and observing the elections in March 2013, and making information on these and other events available to the public.

562. On 5 June 2014 the applicant organisation was included on the Ministry of Justice’s register of foreign agents. On 19 June 2015 it was removed from the register because it was no longer considered a “foreign agent”.

563. The following judicial decision was adopted: 29 May 2013, Justice of the Peace of the First Court Circuit of Kostroma, fines for failures to register as a “foreign agent”.

## *2. Claims and awards under Article 41 of the Convention*

564. The applicants claimed EUR 10,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 1,430 in respect of pecuniary damage sustained as a result of paying the fine. The claim in respect of costs and expenses amounted to EUR 1,050 for legal costs.

565. The Court awards the applicants EUR 1,430 (one thousand four hundred and thirty euros) jointly in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,050 (one thousand and fifty euros) in respect of costs and expenses, plus any tax that may be chargeable.

## **A54. Public Verdict**

*(Ecodefence and Others v. Russia, no. 9988/13, lodged on 6 February 2013)*

### *1. Facts*

566. The applicant organisation is Public Verdict (*Фонд содействия защите прав и свобод граждан "Общественный вердикт"*), a Russian non-commercial organisation founded in Moscow. It was represented before the Court by P. Leach.

567. The mission of the applicant organisation: helping the victims of law-enforcement agencies’ abuses.

568. An inspection of the applicant organisation was carried out by: (1) the Moscow prosecutor’s office in March-May 2013; (2) the Moscow Justice Department in December 2015. It was established that the applicant organisation was funded by the Oak Foundation, OSIAF, the Norwegian Helsinki Committee, NED, and the MacArthur Foundation, and had engaged in the following actions which were taken to constitute “political activities”: making recommendations on the legislation relating to associations, meetings and demonstrations, and the reform of the Ministry of Internal Affairs;

assisting protesters on the Bolotnaya Square in Moscow; drafting a report on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in Russia; making comments on federal laws; providing legal support for human rights NGOs and activists; participating in a book exhibition; promoting human rights in the sphere of law enforcement; publishing brochures on legal advice; contributing to the punishment of those responsible for torture in prisons, and to the implementation of international justice standards in Russia; and contributing to the activities of Russian regional NGOs fighting against law-enforcement bodies' unlawful conduct.

569. On 21 July 2014 the applicant organisation was included on the Ministry of Justice's register of foreign agents.

570. The following judicial decisions were adopted: (1) 27 June 2014, Zamoskvoretskiy District Court of Moscow upheld the prosecutor's findings; (2) 2 December 2014, Zamoskvoretskiy District Court, rejecting the challenge to the Ministry of Justice's decision on registration as a "foreign agent"; (3) 17 March 2016, Tverskoy District Court, fine for failure to label publications as originating from a "foreign agent", quashed on 26 September 2017 due to the expiry of the limitation period.

## *2. Claims and awards under Article 41 of the Convention*

571. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of EUR 60 in respect of pecuniary damage sustained as a result of paying for the electronic signature. The claim in respect of costs and expenses amounted to EUR 20,910 for court fees, certification of documents, and legal costs.

572. The Court awards the applicant organisation EUR 60 (sixty euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 6,500 (six thousand five hundred euros) in respect of costs and expenses, plus any tax that may be chargeable.

### **A55. Rakurs**

*(Rakurs v. Russia, no. 44403/15, lodged on 4 September 2015)*

#### *1. Facts*

573. The applicant organisation is Rakurs (*Архангельская региональная общественная организация социально-психологической и правовой помощи лесбиянкам, геем, бисексуалам и трансгендерам (ЛГБТ) "Ракурс"*), a Russian non-commercial organisation founded in Arkhangelsk. It was represented before the Court by I. Khrunova. Following its liquidation, Ms Tatyana Viktorovna Vinnichenko, chairwoman of the applicant organisation, expressed a wish to continue the proceedings in its stead.

574. The mission of the applicant organisation: protecting the human dignity, rights and interests of the victims of homophobia and discrimination; and the support and rehabilitation of LGBT persons.

575. An inspection of the applicant organisation was carried out by the Justice Department of the Arkhangelsk and Nenetskiy Region in November-December 2014. It was established that the applicant organisation was funded by the Nordic Council of Ministers, Oslo Universitetssykehus HF, Civil Rights Defenders, OSIAF, Purpose Action Ins., Stichting Internationaal Onderwijs, Front Line Defenders, NED, the Arcus Operating Foundation, and the embassy of the Netherlands, and had engaged in the following actions which were taken to constitute “political activities”: organising a seminar on communication between homosexuals and physicians, a round-table discussion on facts and myths relating to homosexuals and bisexuals; fighting against discrimination on the grounds of sexual orientation; holding a training session for doctors on the prevention of HIV and sexually transmitted diseases in the homosexual community; psychological assistance for LGBT persons’ family members; organising seminars on transgender issues, legal formalities in the event of gender reassignment, and “coming out” initiatives; protesting against the law on propaganda promoting homosexuality, and advocating for the protection of transgender people’s rights; a meeting with representatives of Yabloko, the Russian opposition party; organising a round-table discussion on xenophobia and stigma, and posting a publication on this issue on a website; assisting MSM (men who have sex with men); discussing laws relating to the LGBT community; participating in seminars on HIV prevention and on the LGBT movement; organising flash mobs against discrimination against LGBT persons; organising training on how to engage more volunteers to assist LGBT persons; organising discussions on the issues of gender and gender equality; organising training sessions on the health issues of LGBT persons, and posting information on such training on the Internet; organising training on security issues and the rights of LGBT persons in Russia; promoting amendments to Russian law to protect the LGBT community; distributing material on discrimination on the grounds of sexual orientation, and submitting that material to a library; collecting material on same-sex families, the status of LGBT persons, discrimination on the grounds of sexual orientation, and a flyer describing a “homophobic law” adopted by the St Petersburg Parliament; a meeting with representatives of the US Congress; and making statements on discrimination against LGBT persons in Russia on CNN, a US television channel.

576. On 15 December 2014 the applicant organisation was included on the Ministry of Justice’s register of foreign agents. On 16 August 2019 it was liquidated.

577. The following judicial decisions were adopted: (1) 12 February 2015, Justice of the Peace of the Solombalskiy Court District, fine for failure to register as a “foreign agent”; (2) 14 May and 23 November 2015, Justice

of the Peace of the Solombalskiy Court District, fines for failures to comply with the requirement to provide the Ministry of Justice with accounting documents and publish those documents.

*2. Claims and awards under Article 41 of the Convention*

578. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 4,290 in respect of pecuniary damage sustained as a result of paying the fine. The claim in respect of costs and expenses amounted to EUR 1,050 for legal costs.

579. The Court awards the applicant organisation EUR 4,290 (four thousand two hundred and ninety euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,050 (one thousand and fifty euros) in respect of costs and expenses, plus any tax that may be chargeable.

**A56. Regional Golos Organisation**

*(Ecodefence and Others v. Russia, no. 9988/13, lodged on 6 February 2013)*

*1. Facts*

580. The applicant organisation is the Regional Golos Organisation (*Региональная общественная организация в защиту демократических прав и свобод "ГОЛОС"*), a Russian non-commercial organisation founded in Moscow. It was represented before the Court by P. Leach. Following its liquidation, Mr Grigoriy Arkadiyevich Melkonyants, founder of the applicant organisation, expressed a wish to continue the proceedings in its stead.

581. The mission of the applicant organisation: the protection of voters' rights and free elections; and interaction between individuals and local authorities.

582. An inspection of the applicant organisation was carried out by the Moscow prosecutor's office in April 2013. It was established that the applicant organisation was funded by NED, the European Commission, and the Norwegian Helsinki Committee, and had engaged in the following actions which were taken to constitute "political activities": contributing to discussions on municipal governance; drafting amendments to Acts on constitutional rights and the protection of public interests; providing information on how to protect constitutional rights and public interests; interacting with authorities; pursuing a political agenda by influencing the opinion of persons professionally engaged or interested in politics, including State agents and journalists, with regard to State policy in Russia; promoting a draft elections code; and interviews with Ms Shibanova, Chair of the Board

of the applicant organisation, in which she had expressed her opinion on new election laws.

583. On 5 June 2014 the applicant organisation was included on the Ministry of Justice's register of foreign agents.

584. The following judicial decisions were adopted: (1) 10 July 2013, Zamoskvoretskiy District Court of Moscow held that the prosecutor's actions had been lawful; (2) 6 June 2013, Justice of the Peace of the Basmanny District of Moscow, fine for failure to register as a "foreign agent".

## *2. Claims and awards under Article 41 of the Convention*

585. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of EUR 4,290 in respect of pecuniary damage sustained as a result of paying the fine.

586. The Court awards the applicant organisation EUR 4,290 (four thousand two hundred and ninety euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, plus any tax that may be chargeable.

## **A57. Regional Press Institute**

*(Regional Press Institute v. Russia, no. 32412/15, lodged on 24 June 2015)*

### *1. Facts*

587. The applicant organisation is the Regional Press Institute (*Некоммерческое партнерство "Институт региональной прессы"*), a Russian non-commercial organisation founded in St Petersburg. It was represented before the Court by I. Khrunova.

588. The mission of the applicant organisation: organising seminars and conferences related to the mass media; providing legal assistance; and implementing educational programmes and projects in the field of mass communication.

589. An inspection of the applicant organisation was carried out by the St Petersburg Justice Department in September-October 2014. It was established that the applicant organisation was funded by OSIAF, International Media Support, the Danish School of Media and Journalism, the Nordic Council of Ministers, the New Eurasia Foundation, and the Nordic Journalist Centre, and had engaged in the following actions which were taken to constitute "political activities": posting publications on a website criticising the existing laws on municipal governance; organising a seminar on local democracy and governance; and presenting a book on revolution.

590. On 20 November 2014 the applicant organisation was included on the Ministry of Justice's register of foreign agents.

591. The following judicial decisions were adopted: 9 December 2014, Justice of the Peace of Court Circuit no. 206, fine for failure to register as a “foreign agent”, quashed by the Supreme Court of Russia on 16 November 2015 because the applicant had not been informed of administrative proceedings, proceedings discontinued due to the expiry of the limitation period.

*2. Claims and awards under Article 41 of the Convention*

592. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage. The claim in respect of costs and expenses amounted to EUR 1,050 for legal costs.

593. The Court awards the applicant organisation EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,050 (one thousand and fifty euros) in respect of costs and expenses, plus any tax that may be chargeable.

**A58. Renaissance Centre**

*(Renaissance Centre v. Russia, no. 37256/16, lodged on 19 June 2016)*

*1. Facts*

594. The applicant organisation is the Renaissance Centre (*Автономная некоммерческая организация "Центр социального проектирования "Возрождение"*), a Russian non-commercial organisation founded in Pskov. It was represented before the Court by M. Olenichev. Following its liquidation, Mr Maksim Anatolyevich Kopylov, director of the applicant organisation, expressed a wish to continue the proceedings in its stead.

595. The mission of the applicant organisation: contributing to the development of civil society.

596. An inspection of the applicant organisation was carried out by the prosecutor’s office of the Pskov Region in December 2014. It was established that the applicant organisation was funded by NED and had engaged in the following actions which were taken to constitute “political activities”: arranging for its founder and director (up until 2015), Mr Shlosberg, a member of the regional parliament, to participate in a discussion on the international adoption of children and the law prohibiting the adoption of Russian children by US families.

597. On 30 December 2014 the applicant organisation was included on the Ministry of Justice’s register of foreign agents. On 7 March 2017 it was liquidated.

598. The following judicial decisions were adopted: (1) 29 September 2015, Zamoskvoretskiy District Court of Moscow, rejecting the challenge to the Ministry of Justice’s decision on registration as a “foreign agent”; the



court ignored the applicant organisation's argument that Mr Shlosberg had participated in the above discussion as a member of parliament, rather than as its representative; (2) 31 January 2017, Pskov Town Court, forced liquidation for multiple violations of the law, in particular, failure to provide accounting documents under the Foreign Agents Act.

*2. Claims and awards under Article 41 of the Convention*

599. The applicant organisation claimed EUR 35,000 in respect of non-pecuniary damage. The claim in respect of costs and expenses amounted to EUR 16,370 for legal costs, court fees and postal expenses.

600. The Court awards the applicant organisation EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 2,000 (two thousand euros) in respect of costs and expenses, plus any tax that may be chargeable.

**A59. Ryazan Memorial**

*(Ryazan Memorial v. Russia, no. 15813/18, lodged on 29 March 2018)*

*1. Facts*

601. The applicant organisation is Ryazan Memorial (*Городская общественная организация "Рязанское историко-просветительское и правозащитное общество "Мемориал" (Рязанский Мемориал)*), a Russian non-commercial organisation founded in Ryazan. It was represented before the Court by K. Moskalenko and O. Preobrazhenskaya.

602. The mission of the applicant organisation: remembering the victims of political repression and restoring historical truth; and protecting human rights.

603. An inspection of the applicant organisation was carried out by the Justice Department of the Ryazan Region in December 2015-January 2016. It was established that the applicant organisation was funded by the Norwegian the Helsinki Committee, the European Commission, the Ford Foundation, the MacArthur Foundation, OSIAF, and the Prague Civil Society Centre, and had engaged in the following actions which were taken to constitute "political activities": posting publications on the Foreign Agents Act, a prisoner of conscience, and human rights in Crimea on the Internet; and Mr Blinushov, the director of the applicant organisation, posting photos of a meeting for peace between Russia and Ukraine on his social media account.

604. On 1 February 2016 the applicant organisation was included on the Ministry of Justice's register of foreign agents.

605. The following judicial decision was adopted: 2 February 2017, Sovetskiy District Court of Ryazan, rejecting the challenge to the Ministry of

Justice's decision on registration as a "foreign agent" (upheld on appeal on 8 December 2017).

*2. Claims and awards under Article 41 of the Convention*

606. The applicant organisation claimed EUR 20,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 2,200 in respect of pecuniary damage sustained as a result of paying for the audit and an expert opinion. The claim in respect of costs and expenses amounted to EUR 9,600 for court fees and legal costs.

607. The Court awards the applicant organisation EUR 2,200 (two thousand two hundred euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 3,000 (three thousand euros) in respect of costs and expenses, plus any tax that may be chargeable.

**A60. Sakhalin Environment Watch**

(*Sakhalin Environment Watch v. Russia*, no. 29482/17, lodged on 23 March 2017)

*1. Facts*

608. The applicant organisation is Sakhalin Environment Watch (*Региональная общественная организация "Экологическая вахта Сахалина"*), a Russian non-commercial organisation founded in Yuzhno-Sakhalinsk. It was represented before the Court by M. Olenichev.

609. The mission of the applicant organisation: monitoring compliance with environmental law relating to Sakhalin and the Kuril Islands, the protection of environmental rights, and campaigns and projects concerning public participation in environmental decision-making.

610. An inspection of the applicant organisation was carried out by the Justice Department of the Sakhalin Region in August-September 2015 and February-March 2016. It was established that the applicant organisation was funded by the Charles Stuart Mott Foundation, the Wild Salmon Centre, the Global Greengrants Fund, and the California Community Foundation (at the request of the Leonardo DiCaprio Foundation), and had engaged in the following actions which were taken to constitute "political activities": the applicant organisation's director signing a petition in support of Ukrainian environmental organisations; publishing a call to suspend all development of oil and gas projects in the Arctic Region; issuing publications about the environmental situation in Yuzhno-Sakhalinsk; and calling the attention of State authorities to the situation of indigenous peoples.

611. On 18 September 2015 the applicant organisation was included on the Ministry of Justice's register of foreign agents. On 15 March 2017 it was

removed from the register because it was no longer considered a foreign agent.

612. The following judicial decisions were adopted: (1) 28 October 2015, Justice of the Peace of Court Circuit no. 26 of Yuzhno-Sakhalinsk, fine for failure to register as a “foreign agent” (quashed on 10 February 2016, proceedings terminated owing to lack of evidence); (2) 8 February 2016, Yuzhno-Sakhalinsk Town Court, rejecting the claim regarding forced registration as a foreign agent; the court held that the publications on gas projects and the environmental situation in Yuzhno-Sakhalinsk, as well as the complaints to the State authorities regarding the protection of indigenous peoples’ rights, did not constitute “political activity”, but that the petition signed by the applicant organisation’s director in support of Ukrainian environmental organisations did constitute “political activity”; (3) 10 June 2016, Yuzhno-Sakhalinsk Town Court, rejecting the claim to remove the applicant organisation from the register of foreign agents because it had not repaid all of the foreign funding it had received in previous years.

## *2. Claims and awards under Article 41 of the Convention*

613. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of EUR 180,910 in respect of pecuniary damage sustained as a result of repaying the funds to donors and paying for the audit. The claim in respect of costs and expenses amounted to EUR 28,388 for court fees and legal costs.

614. The Court awards the applicant organisation EUR 760 (seven hundred and sixty euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 2,000 (two thousand euros) in respect of costs and expenses, plus any tax that may be chargeable.

### **A61. Sakharov Centre**

*(Sakharov Centre v. Russia, no. 5941/16, lodged on 13 January 2016)*

#### *1. Facts*

615. The applicant organisation is the Sakharov Centre (*Региональная общественная организация "Общественная комиссия по сохранению наследия академика Сахарова"*), a Russian non-commercial organisation founded in Moscow. It was represented before the Court by E. Mezak.

616. The mission of the applicant organisation: promoting democratic values and drawing public attention to the victims of political repression.

617. An inspection of the applicant organisation was carried out by the Moscow Justice Department in December 2014. It was established that the applicant organisation was funded by the Heinrich Böll Foundation’s office

in Russia, the British embassy in Russia, the embassy of the Netherlands in Moscow, the Charles Stewart Mott Foundation, OSIAF, NED, the Sakharov Foundation, the Goethe-Institut German Cultural Centre at the embassy of Germany in Russia, and European Com, and had engaged in the following actions which were taken to constitute “political activities”: discussions, lectures and Internet publications on political issues such as criticism of the judicial system, military action in Ukraine, the boycotting of the Olympic Games, the conviction of Mr Navalnyy, and the Moscow mayoral elections.

618. On 25 December 2014 the applicant organisation was included on the Ministry of Justice’s register of foreign agents.

619. The following judicial decisions were adopted: (1) 23 March 2015, Justice of the Peace of the Taganskiy District of Moscow (upheld on appeal on 13 July 2015), fine for failure to register as a “foreign agent”; the court held that, by disseminating the views of various politicians to the general public, the Sakharov Centre had shaped public opinion and tried to influence State policy. The court also rejected the Sakharov Centre’s argument that the provisions of the Foreign Agents Act violated Article 11 of the Convention, stating that this Article did not apply to the relations between legal entities and the State, and that the purpose of registration as a “foreign agent” was to promote the transparency of the NGOs; (2) 30 September 2015, Justice of the Peace of the Taganskiy District, fine for failure to label a publication (upheld on appeal on 18 November 2015).

## *2. Claims and awards under Article 41 of the Convention*

620. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of EUR 10,000 in respect of pecuniary damage sustained as a result of paying the fines.

621. The Court awards the applicant organisation EUR 10,000 (ten thousand euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, plus any tax that may be chargeable.

## **A62. School of the Conscript**

*(School of the Conscript v. Russia, no. 69157/17, lodged on 15 August 2017)*

### *1. Facts*

622. The applicant organisation is the School of the Conscript (*Автономная некоммерческая правозащитная организация "Школа призывника"*), a Russian non-commercial organisation founded in Chelyabinsk. It was represented before the Court by M. Kanevskaya.

623. The mission of the applicant organisation: the protection of conscripts' rights in the Chelyabinsk Region.

624. An inspection of the applicant organisation was carried out by the Justice Department of the Chelyabinsk Region in July-August 2016. It was established that the applicant organisation was funded by Legal Mission, a "foreign-agent" organisation which paid for the applicant organisation's website and office, and had engaged in the following actions which were taken to constitute "political activities": organising conferences on the rights of conscripts; educating conscripts on their rights and representing them in courts; issuing publications on their rights and various issues relating to military service; issuing publications on a website about the applicant organisation's director, who had dispensed advice to a conscript on how to avoid being conscripted; and the director's remarks characterising Russian authorities as "irresponsible".

625. On 21 September 2016 the applicant organisation was included on the Ministry of Justice's register of foreign agents. On 11 January 2017 it was removed from the register because it was no longer considered a foreign agent.

626. The following judicial decisions were adopted: (1) 30 November 2016, Sovetsky District Court of Chelyabinsk, fine for failure to register as a "foreign agent"; (2) 26 December 2014, Chelyabinsk Region Federal Security Service, inquiry into the applicant organisation's director in relation to his possible involvement in the creation of a "foreign-agent" organisation violating human rights.

## *2. Claims and awards under Article 41 of the Convention*

627. The applicant organisation claimed EUR 20,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 4,290 in respect of pecuniary damage sustained as a result of paying the fine. The claim in respect of costs and expenses amounted to EUR 8,750 for legal costs.

628. The Court awards the applicant organisation EUR 4,290 (four thousand two hundred and ninety euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 3,000 (three thousand euros) in respect of costs and expenses, plus any tax that may be chargeable.

### **A63. Siberian Environmental Centre**

*(Siberian Environmental Centre v. Russia, no. 57931/15, lodged on 5 November 2015)*

### 1. Facts

629. The applicant organisation is the Siberian Environmental Centre (*Межрегиональная благотворительная общественная организация "Сибирский экологический центр"*), a Russian non-commercial organisation founded in Novosibirsk. It was represented before the Court by I. Khrunova. Following its liquidation, Mr Ilya Eduardovich Smelyanskiy, member of the board of the applicant organisation, expressed a wish to continue the proceedings in its stead.

630. The mission of the applicant organisation: contributing to the development of protected natural areas and environmental laws; environmental education; public control over respect for environmental laws; and organising events to support the protection of the environment.

631. An inspection of the applicant organisation was carried out by the Novosibirsk Justice Department in January 2015. It was established that the applicant organisation was funded by the embassy of the Netherlands, the Global Greengrants Fund, the Earth Island Institute, the United Nations Development Programme (UNDP), and the International Union for Conservation of Nature (IUCN), and had engaged in the following actions which were taken to constitute “political activities”: an initiative to support Greenpeace members who had attacked the Prirazlomnaya oil rig and been criminally prosecuted; a petition addressed to the President asking for the release of the crew of the ship Arctic Sunrise; and a publication criticising the Parliament’s decision to provide tax benefits to oil companies.

632. On 12 February 2015 the applicant organisation was included on the Ministry of Justice’s register of foreign agents. After a court decision ordering it to pay a fine, the applicant organisation’s members decided to suspend its activities. On 14 November 2017 it was removed from the register because it had been liquidated.

633. The following judicial decisions were adopted: (1) 14 April 2015, Justice of the Peace of the Sovetskiy District in Novosibirsk, fine for failure to register as a “foreign agent”; (2) 10 July 2017, Sovetskiy District Court of Novosibirsk, fine in respect of the applicant’s director for failure to label publications; (3) 14 November 2017, Novosibirsk Regional Court, forced liquidation for failure to provide the Ministry of Justice with accounting documents.

### 2. Claims and awards under Article 41 of the Convention

634. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage. The claim in respect of costs and expenses amounted to EUR 1,050 for legal costs.

635. The Court awards the applicant organisation EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 1,050 (one

thousand and fifty euros) in respect of costs and expenses, plus any tax that may be chargeable.

#### **A64. Social Policy and Gender Studies Centre**

(*Social Policy and Gender Studies Centre v. Russia*, no. 59787/14, lodged on 15 August 2014)

##### *1. Facts*

636. The applicant organisation is the Social Policy and Gender Studies Centre (*Автономная некоммерческая научно-исследовательская организация "Центр социальной политики и гендерных исследований"*), a Russian non-commercial organisation founded in Saratov. It was represented before the Court by D. Bartenev and Dr M. Kanevskaya. Following its liquidation, Ms Yelena Rostislavovna Yarskaya-Smirnova, founder of the applicant organisation, expressed a wish to continue the proceedings in its stead.

637. The mission of the applicant organisation: research in the field of social and gender policy.

638. An inspection of the applicant organisation was carried out by the prosecutor's office of the Oktyabrskiy District of Saratov in September 2013. It was established that the applicant organisation was funded by the MacArthur Foundation and OSIAF, and had engaged in the following actions which were taken to constitute "political activities": organising an event to discuss social policy in the post-Soviet era; posting a letter from Dutch NGOs and other publications in support of the organisation on a website; and informing the public about the organisation's aims.

639. On 5 June 2014 the applicant organisation was included on the Ministry of Justice's register of foreign agents. On 22 May 2015 it was removed from the register because it had been liquidated by its members to avoid the application of the Foreign Agents Act.

640. The following judicial decision was adopted: 27 November 2013, Kirovskiy District Court of Saratov, allowing the prosecutor's claim for forced registration.

##### *2. Claims and awards under Article 41 of the Convention*

641. The applicant organisation claimed EUR 10,000 in respect of non-pecuniary damage. The claim in respect of costs and expenses amounted to EUR 3,300 for legal costs.

642. The Court awards the applicant organisation EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 3,000 (three thousand euros) in respect of costs and expenses, plus any tax that may be chargeable.

**A65. Soldiers' Mothers of St Petersburg**

(*Soldiers' Mothers of St Petersburg v. Russia*, no. 26303/16, lodged on 21 April 2016)

*1. Facts*

643. The applicant organisation is the Soldiers' Mothers of St Petersburg (*Санкт-Петербургская региональная общественная правозащитная организация "Солдатские матери Санкт-Петербурга"*), a Russian non-commercial organisation founded in St Petersburg. It was represented before the Court by A. Peredruk.

644. The mission of the applicant organisation: protecting the rights of conscripts, military personnel and their families.

645. An inspection of the applicant organisation was carried out by the St Petersburg prosecutor's office in April-July 2014. It was established that the applicant organisation was funded by NED, the United Nations and the European Union, and had engaged in the following actions which were taken to constitute "political activities": issuing online publications about military intervention in Crimea, inhuman treatment and torture in the Russian military, and the human rights of military and civilian staff – publications which were later included in the annual human rights report of the St Petersburg Ombudsman.

646. On 28 August 2014 the applicant organisation was included on the Ministry of Justice's register of foreign agents. On 23 October 2015 it was removed from the register because it was no longer considered a "foreign agent".

647. The following judicial decisions were adopted: (1) 26 February 2015, Oktyabrskiy District Court of St Petersburg held that the prosecutor's actions were lawful; (2) 26 January 2015, Oktyabrskiy District Court of St Petersburg rejected the applicant's claim to annul the forced registration. It was established that in May 2014 the applicant organisation had decided to stop accepting funding from foreign sources. However, that decision had not affected the validity of the prosecutor's findings in respect of the period prior to that. Even though the publication about military intervention in Crimea had been taken down, it had been replaced with a statement of a political nature on the situation in Ukraine, made by the President's Council for Civil Society and Human Rights. The courts concluded that publications which were accessible to the public and related to public life, State governance, and State policy and decisions aimed to shape public opinion. The courts categorised a religious event organised by the applicant organisation as a political act.



*2. Claims and awards under Article 41 of the Convention*

648. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of EUR 790 in respect of pecuniary damage sustained as a result of paying for the audit. The claim in respect of costs and expenses amounted to EUR 9,910 for court fees and legal costs.

649. The Court awards the applicant organisation EUR 790 (seven hundred and ninety euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 3,000 (three thousand euros) in respect of costs and expenses, plus any tax that may be chargeable.

**A66. Southern Human Rights Centre**

*(Southern Human Rights Centre v. Russia, no. 53490/17, lodged on 19 July 2017)*

*1. Facts*

650. The applicant organisation is the Southern Human Rights Centre (*Краснодарская региональная благотворительная общественная организация "Южный правозащитный центр"*), a Russian non-commercial organisation founded in Sochi. It was represented before the Court by I. Khrunova.

651. The mission of the applicant organisation: the protection of human rights and freedoms.

652. An inspection of the applicant organisation was carried out by the Justice Department of the Krasnodar Region in November-December 2016. It was established that its director, who also owned a separate company, had received bank transfers from Citizens' Watch to pay for the organisation's website, and also transfers from the United Kingdom, Hungary and Sweden and from the Goethe-Institut German Cultural Centre at the embassy of Germany in Russia for his airline tickets for a trip to a seminar. It was also established that the applicant organisation had engaged in the following actions which were taken to constitute "political activities": publishing a report on the status of stateless persons; monitoring and publishing reports on the work of police stations; and organising human rights seminars and Human Rights Day.

653. On 27 December 2016 the applicant organisation was included on the Ministry of Justice's register of foreign agents. On 12 December 2017 it was removed from the register because it was no longer considered a foreign agent.

654. The following judicial decisions were adopted: (1) 14 February 2017, Khostinskiy District Court of Sochi, fine for failure to register as a

“foreign agent”; the court endorsed the Justice Department’s finding that the director of the applicant organisation had received “foreign funding”, including funds from Citizen’s Watch, a Russian “foreign-agent” organisation, and had used them to finance the organisation’s activities; (2) 15 March 2018, Khostinskiy District Court, fine imposed on the director for non-compliance with bailiff’s request; (3) 6 September 2018, Justice of the Peace of the Tsentralnyy District, fine imposed on the director for failure to comply with the decision of 15 March 2018.

## *2. Claims and awards under Article 41 of the Convention*

655. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of EUR 4,710 in respect of pecuniary damage sustained as a result of paying the fines. The claim in respect of costs and expenses amounted to EUR 2,000 for legal costs.

656. The Court awards the applicant organisation EUR 4,710 (four thousand seven hundred and ten euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 2,000 (two thousand euros) in respect of costs and expenses, plus any tax that may be chargeable.

### **A67. Sova Centre**

*(Sova Centre v. Russia, no. 81751/17, lodged on 18 November 2017)*

#### *1. Facts*

657. The applicant organisation is the Sova Centre (*Региональная общественная организация содействия просвещению граждан "Информационно-аналитический центр "Сова"*), a Russian non-commercial organisation founded in Moscow. It was represented before the Court by E. Pershakova.

658. The mission of the applicant organisation: research and awareness-raising in the fields of nationalism and xenophobia, religion and society, political radicalism, liberal values and human rights in Russia.

659. An inspection of the applicant organisation was carried out by the Moscow Justice Department in November-December 2016. It was established that the applicant organisation was funded by the Norwegian Helsinki Committee, the European Instrument for Democracy and Human Rights (the European Commission), the Open Society Foundation, the OSI Assistance Foundation, NED, and International Partnership for Human Rights, and had engaged in the following actions which were taken to constitute “political activities”: monitoring, analysis and publications in relation to nationalism, xenophobia and restrictions on human rights in the fight against extremism; publishing a report on the unjustified application of

anti-extremist laws; making recommendations on abolishing the law on religious sensitivities; analysing Russian law and publishing recommendations in the framework of the Cleansing the Law project (<http://sanatsia.com/>), and the applicant organisation's director participating in this project; suggesting amendments to the laws on anti-extremism; fighting discrimination on account of religion and ethnicity; publishing an article on the integration of migrants; and making statements about "undesirable organisations" in Russia.

660. On 30 December 2016 the applicant organisation was included on the Ministry of Justice's register of foreign agents.

661. The following judicial decisions were adopted: (1) 3 May 2017, Zamoskvoretskiy District Court of Moscow, rejecting the challenge to the Ministry of Justice's decision on registration as a "foreign agent"; (2) 21 February 2017, Basmany District Court of Moscow, fine for failure to register as a "foreign agent".

## *2. Claims and awards under Article 41 of the Convention*

662. The applicant organisation claimed EUR 20,000 in respect of non-pecuniary damage, and sought the equivalent of EUR 8,210 in respect of pecuniary damage sustained as a result of paying for the fine and the audit. The claim in respect of costs and expenses amounted to EUR 6,000 for legal costs.

663. The Court awards the applicant organisation EUR 8,210 (eight thousand two hundred and ten euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 3,000 (three thousand euros) in respect of costs and expenses, plus any tax that may be chargeable.

## **A68. Tak-Tak-Tak**

(*Yukechev and Tak-Tak-Tak v. Russia*, no. 130/18, lodged on 11 December 2017)

### *1. Facts*

664. The applicants are Tak-Tak-Tak (*Фонд содействия развитию массовых коммуникаций и правовому просвещению "Так-Так-Так"*), a Russian non-commercial organisation founded in Novosibirsk, and its director, Viktor Pavlovich Yukechev. They were represented before the Court by I. Sharapov.

665. The mission of the applicant organisation: legal education; providing legal assistance; and promoting the right to social protection.

666. An inspection of the applicant organisation was carried out by the Justice Department of the Novosibirsk Region in January-February 2017. It

was established that the applicant organisation was funded by the French embassy in Moscow, the Institute of Law and Public Policy, which received funds from the European Union, and Mr Yukechev, who was also the director of the Press Institute-Siberia, a “foreign-agent” organisation, and had engaged in the following actions which were taken to constitute “political activities”: publishing online research into the situation of female prisoners and women with children in pre-trial detention; writing about current events, including educational staff’s perception of their duty of loyalty to the State, restrictions on online speech, and amendments to anti-terrorism legislation; and posting information about elections online.

667. On 20 February 2017 the applicant organisation was included on the Ministry of Justice’s register of foreign agents.

668. The following judicial decisions were adopted: (1) 24 April 2017, Leninskiy District Court of Novosibirsk, fine imposed on the organisation for failure to register as a “foreign agent” (upheld on appeal on 13 June 2017); (2) 5 May 2017, Leninskiy District Court of Novosibirsk, fine imposed on the director for failure to register as a foreign agent. In reply to the argument that the articles had not been drafted by staff of the applicant organisation, the court held that the applicant organisation had allowed third parties to issue publications on its website, and had thereby exercised a “political activity” by contributing to the wider dissemination of those publications. The court also held that there was no need to prove that a specific political activity had been financed under a specific agreement with a foreign donor (upheld on appeal on 29 June 2017).

## *2. Claims and awards under Article 41 of the Convention*

669. The applicants asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of EUR 3,570 in respect of pecuniary damage sustained as a result of paying the fine. The claim in respect of costs and expenses amounted to EUR 3,150 for legal costs.

670. The Court awards the applicants EUR 3,570 (three thousand five hundred and seventy euros) jointly in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 3,000 (three thousand euros) in respect of costs and expenses, plus any tax that may be chargeable.

### **A69. Women of the Don Union**

(*Union ‘Women of the Don’ v. Russia*, no. 7098/15, lodged on 28 January 2015)

*1. Facts*

671. The applicant organisation is the Women of the Don Union (*Региональная общественная правозащитная организация "Союз Женщины Дона"*), a Russian non-commercial organisation founded in Novocherkassk. It was represented before the Court by K. Koroteyev.

672. The mission of the applicant organisation: protecting human rights; protecting the civil, political, economic and social rights of women; promoting women's independence; engaging women in the State government; promoting family values; promoting peace and good relations in society, and the fight against nationalism and chauvinism; supporting traditions; protecting the rights of children and young people; promoting a market economy and entrepreneurship, and support for female entrepreneurs; and broadening cooperation with women's organisations.

673. An inspection of the applicant organisation was carried out by: (1) the Novocherkassk prosecutor's office in April 2014; (2) the Justice Department of the Rostov Region in April-May 2014. It was established that the applicant organisation was funded by the Rosa Luxemburg Foundation, the European Union, Freedom House, the MacArthur Foundation, OSIAF, the US embassy, the Heinrich Böll Foundation, and OWEN, and had engaged in the following actions which were taken to constitute "political activities": promoting police reform; suggesting amendments to laws, including the Criminal Code, and organising round-table discussions and posting information on this subject on a website; organising a seminar on the fight against repeat criminal offences in the Southern Federal District of Russia with representatives of the migration service and social service institutions, the regional ombudsman, and Russian and international experts; holding a seminar on human rights, the rights of the child and youth justice; asking the Russian President to release the director of an NGO and a public leader in the Krasnodar Region; and promoting penal system reform, visiting prisoners and asking them to support the applicant organisation's activities.

674. On 5 June 2014 the applicant organisation was included on the Ministry of Justice's register of foreign agents. On 29 February 2016 it was removed from the register because it was no longer considered a "foreign agent".

675. The following judicial decisions were adopted: (1) 14 May 2014, Novocherkassk Town Court, allowing the prosecutor's claim for forced registration as a "foreign agent"; (2) 11 July 2014, Justice of the Peace of the Novocherkasskiy Court District, fine for failure to register as a "foreign agent"; (3) 9 December 2014, Zamoskvoretskiy District Court of Moscow, rejecting the applicant's claim regarding forced registration.

*2. Claims and awards under Article 41 of the Convention*

676. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of EUR 4,290 in respect of pecuniary damage sustained as a result of paying the fine.

677. The Court awards the applicant organisation EUR 4,290 (four thousand two hundred and ninety euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, plus any tax that may be chargeable.

**A70. Woman’s World**

*(Woman’s World v. Russia*, no. 81560/17, lodged on 18 November 2017)

*1. Facts*

678. The applicant organisation is Woman’s World (*Калининградская региональная общественная организация содействия развитию женского сообщества "Мир женщины"*), a Russian non-commercial organisation founded in Kaliningrad. It was represented before the Court by M. Olenichev.

679. The mission of the applicant organisation: protecting women’s rights and promoting gender equality in the Kaliningrad Region.

680. An inspection of the applicant organisation was carried out by the Justice Department of the Kaliningrad Region in October-November 2015. It was established that the applicant organisation was funded by a Russian representative office of the Nordic Council of Ministers, and the Anna Crisis Centre (a “foreign-agent” Russian organisation), and had engaged in the following actions which were taken to constitute “political activities”: organising discussions on the domestic violence situation in the Kaliningrad Region and on the local elections.

681. On 11 December 2015 the applicant organisation was included on the Ministry of Justice’s register of foreign agents. On 14 July 2017 it was removed from the register because it was no longer considered a “foreign agent”.

682. The following judicial decisions were adopted: (1) 2 June 2016, Tsentralnyy District Court of Kaliningrad upheld the Ministry of Justice’s decision on registration as a “foreign agent” (upheld on appeal on 18 May 2017); (2) 13 April 2017, Justice of the Peace of the Tsentralnyy District, fine for failure to provide the Justice Department with accounting documents; (3) 21 August 2017, Justice of the Peace of the Tsentralnyy District, fine for failure to provide an audit report.

*2. Claims and awards under Article 41 of the Convention*

683. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of EUR 2,860 in respect of pecuniary damage sustained as a result of paying the fines. The claim in respect of costs and expenses amounted to EUR 19,504 for postal and legal costs.

684. The Court awards the applicant organisation EUR 2,860 (two thousand eight hundred and sixty euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 2,000 (two thousand euros) in respect of costs and expenses, plus any tax that may be chargeable.

**A71. Women of the Don**

*(Women of the Don v. Russia, no. 14980/16, lodged on 2 March 2016)*

*1. Facts*

685. The applicant organisation is the Women of the Don (*Фонд содействия развитию гражданского общества и правам человека "Женщины Дона"*), a Russian non-commercial organisation founded in Novocherkassk. It was represented before the Court by K. Moskalenko.

686. The mission of the applicant organisation: protecting the rights of the child and human rights; promoting family values, peace and good relations in society; and providing support to people in difficult situations.

687. An inspection of the applicant organisation was carried out by the Justice Department of the Rostov Region in September-October 2015 and May-June 2016. It was established that the applicant organisation was funded by the Heinrich Böll Foundation and had engaged in the following actions which were taken to constitute “political activities”: strengthening women’s organisations; contributing to the resolution of gender-sensitive issues, and peacebuilding with the participation of women; advising the victims of violence in the Chechen Republic; organising a journalism competition on women’s rights, and publishing the results on a website; supporting round-table discussions on young families, traditions and marriage in the Chechen Republic; organising seminars on women’s rights, and publishing information on these seminars in newspapers; supporting public leaders and social initiatives; promoting tolerance, responsibility, peace and gender equality, and organising events to discuss these issues in the North Caucasus; issuing Internet publications addressed to Russian authorities asking them to stop prosecuting the applicant organisation and its director, and calling on international organisations to condemn the Russian authorities’ policy with regard to NGOs; organising fundraising to pay the fine for the breach of the Foreign Agents Act; publishing statements alleging that the applicant had to

refuse foreign funding because of the Ministry of Justice's decisions; and publishing statements on unlawful decisions of the Ministry of Justice.

688. On 27 October 2015 the applicant organisation was included on the Ministry of Justice's register of foreign agents.

689. The following judicial decisions were adopted: (1) 27 November 2015, Justice of the Peace of Novochoerkasskiy Court District, fine for failure to register as a "foreign agent", quashed on 13 February 2017 by the Supreme Court of Russia on formal grounds, proceedings discontinued due to the expiry of the limitation period; (2) 7 April 2016, Leninskiy District Court of Rostov-on-Don, rejecting the challenge to the decision on registration as a "foreign agent"; it was emphasised that, by publishing recommendations and information on events in the mass media, and by allowing foreign NGOs to disseminate some information, the Women of the Don had tried to gain public resonance and attract attention to, *inter alia*, the problems of social leaders in the North Caucasus, the development of a mechanism for the exchange of experiences and democratic dialogue, and the promotion of tolerance, responsibility, peace and gender equality in the North Caucasus; (3) 21 December 2016, Zamoskvoretzkiy District Court of Moscow, request for removal from the register of foreign agents; the court held that the applicant organisation's director had participated in "political activity", in particular by organising fundraising to pay the fine and by giving interviews; (4) 16 August 2017, Leninskiy District Court of Rostov-on-Don ordered to reimburse the organisation for the money paid for the fine; (5) 22 June 2016, criminal proceedings initiated against the applicant's director for wilful non-compliance with the duty to provide documents for registration as a foreign agent, discontinued on 19 June 2017.

## 2. *Claims and awards under Article 41 of the Convention*

690. The applicant organisation claimed EUR 30,000 in respect of non-pecuniary damage. The claim in respect of costs and expenses amounted to EUR 3,580 for legal costs.

691. The Court awards the applicant organisation EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 3,000 (three thousand euros) in respect of costs and expenses, plus any tax that may be chargeable.

### **A72. Yekaterinburg Memorial**

(*Yekaterinburg Memorial v. Russia*, no. 61989/16, lodged on 19 October 2016)



### *1. Facts*

692. The applicant organisation is Yekaterinburg Memorial (*Городская общественная организация "Екатеринбургское общество "МЕМОРИАЛ"*), a Russian non-commercial organisation founded in Yekaterinburg. It was represented before the Court by K. Koroteyev.

693. The mission of the applicant organisation: education in the field of history and the fight against political repression; the protection of human rights; the rehabilitation of victims of political repression; and legal education.

694. An inspection of the applicant organisation was carried out by the Justice Department of the Sverdlovsk Region in September-October 2014. It was established that the applicant organisation was funded by NED and had engaged in the following actions which were taken to constitute “political activities”: participating in a protest in support of prisoners of conscience and Russian democrats; participating in a peace march against the wars in Ukraine and Syria; organising a discussion on the use of memes to influence public opinion; organising an event to commemorate the assassinated opposition leader Nemtsov; protecting the rights of conscientious objections; and preparing a petition to the French Consul.

695. On 30 December 2015 the applicant organisation was included on the Ministry of Justice’s register of foreign agents.

696. The following judicial decisions were adopted: (1) 24 February 2016, Kirovskiy District Court of Yekaterinburg, fine for failure to register as a “foreign agent” – the court established that in 2013-2014 International Memorial, registered as a “foreign agent”, had made payments for utility bills (including electricity and telephone bills) and insurance on behalf of Yekaterinburg Memorial, and held that the latter had received “foreign funding”, as International Memorial had been financed from abroad; (2) 14 June and 7 September 2016, Kirovskiy District Court, fine for failure to label publications. It was held that every single piece of “material” originating from a “foreign-agent” organisation had to feature the label “foreign agent”.

### *2. Claims and awards under Article 41 of the Convention*

697. The applicant organisation asked the Court to determine the award in respect of non-pecuniary damage, and sought the equivalent of EUR 12,860 in respect of pecuniary damage sustained as a result of paying the fines.

698. The Court awards the applicant organisation EUR 12,860 (twelve thousand eight hundred and sixty euros) in respect of pecuniary damage, EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, plus any tax that may be chargeable.

**A73. Youth Centre**

(*Youth Centre v. Russia*, no. 60098/15, lodged on 20 November 2015)

*1. Facts*

699. The applicant organisation is the Youth Centre (*Автономная некоммерческая правозащитная организация "Молодежный центр консультации и тренинга"*), a Russian non-commercial organisation founded in Volgograd. It was represented before the Court by M. Kanevskaya. Following its liquidation, Mr Temur Georgiyevich Kobaliya, founder of the applicant organisation, expressed a wish to continue the proceedings in its stead.

700. The mission of the applicant organisation: providing legal assistance and supporting the initiatives of young people and NGOs.

701. An inspection of the applicant organisation was carried out by the Justice Department of the Volgograd Region in December 2014. It was established that the applicant organisation was funded by NED, the Friedrich Ebert Foundation, the MacArthur Foundation, and the Black Sea Trust for Regional Cooperation, and had engaged in the following actions which were taken to constitute "political activities": supporting NGOs and human rights defenders in the Volgograd Region by organising training sessions and developing civil initiatives; publishing a book with recommendations for activists as to how to strengthen civil society, influence the decisions of State authorities, encourage pressure from the mass media, and engage the opposition; establishing a school for human rights defenders; distributing the above book, an expert opinion on the Foreign Agents Act, and a presentation on NGOs' involvement in social administration; posting publications on its website on the development of NGOs in Georgia; systematically criticising State authorities by trying to influence public opinion and authorities' decisions and political line, and by trying to gain public resonance; attempting to inform the public about the development of civil society in Russia, youth involvement in NGOs' work, and how NGOs could shape public opinion and influence decision-making; Mr Kobalya, the Youth Centre's director, participating in a forum on civil society and relations between Georgia and Russia which had been aimed at producing dialogue between Russian and Georgian NGOs; popularising Georgian NGOs' achievements among Russian citizens and the resolution of conflicts between the two countries; Mr Kobaliya participating in a discussion on cooperation with regional authorities; and covering Mr Kobaliya's activities in the media and provoking a negative reaction on the part of the public.

702. On 20 January 2015 the applicant organisation was included on the Ministry of Justice's register of foreign agents.

703. The following judicial decisions were adopted.

(1) 3 March 2015, Justice of the Peace of Court Circuit no. 99, fine for failure to register as a “foreign agent”.

(2) 23 July 2015, Justice of the Peace of Court Circuit no. 99, fine for failure to label an announcement about a seminar concerning NGOs and civil society organised by the Youth Centre which was posted on the applicant organisation’s director’s personal social-media account. The appellate court upheld that decision, stating that there was no need to establish who had posted the publication or where it had been posted; the mere fact that the event had been organised by the Youth Centre, a “foreign-agent” organisation, was sufficient to hold the organisation liable for a violation of the labelling requirements.

## *2. Claims and awards under Article 41 of the Convention*

704. The applicant organisation claimed EUR 41,000 in respect of non-pecuniary damage. The claim in respect of costs and expenses amounted to EUR 13,085 for legal costs.

705. The Court awards the applicant organisation EUR 10,000 (ten thousand euros) in respect of non-pecuniary damage, and EUR 3,000 (three thousand euros) in respect of costs and expenses, plus any tax that may be chargeable.