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## Law enforcement versus human rights defenders: how the Russian state persecutes human rights defenders

[Русская версия](#)

### INTRODUCTION

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**In Russia, you always keep waiting. You are always on alert with your devices; at home, there is a rule not to open the door to anyone, especially the police. You are constantly waiting. I even noticed that I learned to hear the building's front door open. When I hear the front door open early in the morning, I feel tension in my body. For a search, they always come in the morning. What about a lawyer? If they come to a lawyer with a search warrant, it means that criminal proceedings are initiated against the lawyer. Because all of us were politically active in 2022 and 2023, and considering the common court practices concerning fakes and discrediting, you clearly understand that you can become a target of a criminal investigation at any moment. If it is so, then you'll be in custody with a probability of 99%. If you are a lawyer, you cannot opt for house arrest; you cannot opt for any other measure of restraint. No chance.**

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This is the answer of a human rights activist, a respondent of OVD-Info, to the question, «Do you feel safe?» The pressure associated with human rights activism and its devastating effects have been noticed by the majority of respondents in Russia. In Russia and abroad, those who are involved in human rights activism, i.e., human rights activists working with vulnerable social groups, experts operating with conscientious objectors from military service, famous lawyers with an attorney licence, and anonymous activists helping to evacuate prosecuted activists, all of them face the risk of prosecution, deprivation of rights and obstruction of their work. Nonetheless, this pressure and its consequences are often not the focus of public and expert attention, even though safety and access to the efficient work of human rights activists affect human rights as a whole.

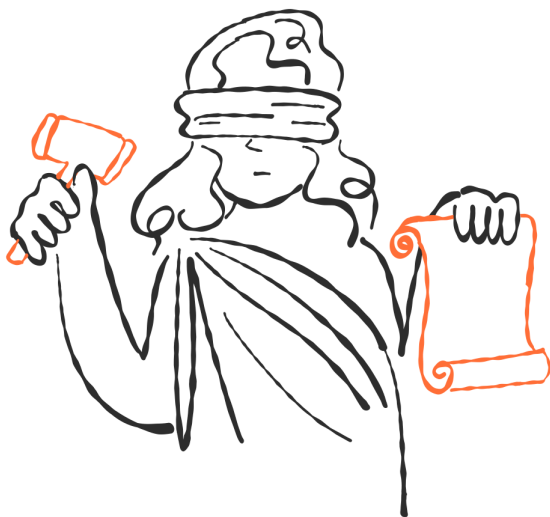
This report aims to fill the gap by demonstrating how the Russian state and other associated agents hamper human rights activism in Russia and what the consequences are.

Besides, we have attempted to answer the question of what can be done now or in the future at the stage of transitional justice to make human rights protection in Russia more efficient and safer. Therefore, we have conducted and analysed interviews with more than 50 respondents involved in human rights activism, analysed OVD-Info data on political prosecutions, carried out a participant observation during a series of online meetings of human rights activists and analysed the relevant articles of the legislation currently in force.

This report does not present a final conclusion on the pressure on human rights activism in 2024 and the final list of relevant recommendations, but is rather an invitation to discussion for experts, professionals, human rights activists and volunteers, those under their protection, and representatives of Russian and international civil society institutions able to provide the Russian human rights activist society with support so much needed today or give constructive criticism. As the text of this report demonstrates, one of the consequences of the government pressure is the fragmentation of the human rights activist society: its division into «political» and «non-political» activists, experts and laymen, those who left Russia and who stayed in Russia, as well as into the old and the new waves of human rights activism. However, we believe that differences can be seen not as issues to be resolved but as possibilities to distribute the work and risks and enrich the practices of human rights activism and civil solidarity.

To set up a framework for future dialogue, we propose considering four aspects of pressure on human rights activists: legislation, law enforcement, practice of extrajudicial pressure, and also its negative consequences. When describing such aspects, we attempted to use an inclusive and broad approach to identifying objects to study and the pressure imposed on them. Nonetheless, as we based our research on the community around OVD-

Info, we need to warn about a possible bias in the result toward initiatives and problems that are relevant to our project. In particular, along with the qualitative data collected using the «snowball» method with the initial limitation of the breadth of coverage, it is crucial to note that the quantitative data of our project concerning political prosecutions of human rights activists cannot still be considered complete due to such factors as uneven access to media in different regions, the «underground» work of the young human rights initiatives, and the working format of the project based on the idea of compulsory legal compliance, which makes the substantial discussion about the results of the report even more essential.



## **LEGISLATION IN THE AREA OF HUMAN RIGHTS ACTIVISM**

On 8 March 1999, the UN General Assembly adopted the Resolution A/RES/53/144, dedicated to the rights and duties of persons, groups, and public authorities providing protection and support of the universally recognized rights and fundamental freedoms. It was emphasised in the clarifications to the Declaration that the definition of a human rights activist (or, according to the text itself, a *human rights defender*) relevant to its spirit is based on the activities

of a person and the context but not on the attributes and status of the person. At the same time, one must take into account the impact of a stereotypical image of a Russian human rights activist and such terms as «human rights activism» and «human rights movement» adopted in the academic papers of Russian studies, where human rights protection is often used as a synonym of any pro-democratic political activities, on the international discourse of the Russian human rights activism.

In order to clarify this issue, the present chapter presents an empirical description of a human rights activist that is relevant to the Russian context in 2024 and based on the data of this study. As we will show below, the legal status of such persons, their occupations, and forms of organisation of their work in Russia are heterogeneous categories, albeit clearly defined. As a result, the rights, duties and oppressive actions that the state performs toward different categories of human rights activists also differ. To provide a more detailed description of violations of rights and forms of pressure on Russian human rights activists and their consequences, we will also describe national legal acts regulating the status of human rights protection and the corresponding activities in the Russian Federation.

## **Russian Human Rights Activists as a Community and as Subjects of Law**

The description of historical, political, social and cultural context and the chronology of development, intensification and decline of various spheres of human rights activism, as well as the description of the community of human rights defenders, its goals, methods and working culture are outside the scope of this report. Nonetheless, we shall briefly present a number of conclusions from the extended part of our study, setting the optics through which we will consider the legal

status of human rights activism in Russia and the forms of counteracting it by the state.

**Human rights activism in Russia is mainly a professional field.**

Traditionally, in Russia, risks of repressions for participation in political activities, ranging from establishing political parties or trade unions to public political discussions on social networks, have been high for decades, if not centuries. Legally established agents of civil society that cannot constitute, at least publicly, a direct political competition for the authorities and hence less often become the objects of state pressure are mostly able to survive in such conditions. The activities of such agents are mainly directed at advocating and establishing alternative civil institutions and, as a result, enhancing people's access to various rights.

It is well known that systemic human rights activism requires the involvement of professionals. On the other hand, historically, in Russia, people possessing cultural, intellectual and reputational resources, i.e., those most suitable as experts, have often been the persistently active elements of civil society. As a result, we see that most of the Russian civil society as a whole and human rights activists in particular are involved as professionals: lawyers, journalists, fundraisers, social science experts and people of supporting occupations.

For the description of the state pressure on human rights activism, it is crucial to remember that, consequently, the legal regulation of human rights activism in Russia is often intertwined with the regulation of professional activities in the fields mentioned above and various forms of their organisation. We cannot state that all human rights activists in Russia are only lawyers, journalists, NGO representatives and psychologists; it is likewise not true that all lawyers, media representatives, or social psychologists are human rights activists. However, these groups are tightly

intertwined. We will therefore consider, for example, violations and restrictions of the rights of lawyers as well as the introduction of negative legal statuses for NGOs as part of violations of the activists' rights.

### **The role of grassroots activism in Russian human rights protection is growing.**

As one of the consequences of the professionalisation of human rights activism in Russia in the 1990-2010s, human rights organizations were, to a certain extent, mediators between citizens and the state. On the one hand, it meant a higher quality of lawmaking and a more straightforward way for citizens to stand for their rights; on the other, the more efficient professional human rights activists worked, the smaller responsibility for the institution of human rights lay on people not associated with human rights activism professionally, which negatively affected the attempts to involve them in activism directly.

The situation changed in 2012, when the state pressure on human rights organisations became targeted, starting with the adoption of the law on «foreign agents» and ending with the explicit political persecution of activists. The activities of many experts and initiatives were reduced or completely terminated, which led to a decrease in the level of human rights protection: the accumulated practices of expert and advocate work were being violated, whereas the practice of grassroots human rights activism had not yet emerged.

We can state that in 2024 the established «human rights protection vacuum» in a number of issues was addressed through the efforts of grassroots human rights activists. It is specifically relevant for such categories of human rights as the right to a decent wage or a safe environment. It does not mean that professionals have left the professional field; the most effective human rights campaigns combine expert judgment, professional work and grassroots activism.

However, today in Russia, for the first time in a while, grassroots activism, primarily represented as social and not political activism, might be less dangerous than expert activities; therefore, the efforts of grassroots activists have become more visible. We believe that the role of grassroots activists in Russia will develop, which must be considered when assessing the sphere.

The legal regulation of grassroots activism, and consequently state pressure against it, differs significantly from how authorities restrict the work of experts. In this context, regulations concerning the freedom of assembly, association and speech, as well as the right to information are particularly relevant.

When discussing various types of grassroots human rights activism, it is important to note that some activists, though not lawyers, act as defence attorneys in politically motivated trials. We will explore the regulation of defence attorney rights in the next chapter.

### **The dominant human rights discourse in Russia may be shifted.**

From a historical and sociological perspective, Russia's human rights community has for a long time demonstrated the issues common across Russian society: high social inequality, patriarchal and colonial elements in the culture, an authoritarian style of management, alongside fragmentation and political polarisation. In particular, the public face of this community is typically represented by individuals with higher education, cultural and social capital, and family resources that are often connected to Moscow, St. Petersburg and major regional capitals. It is also important to note that the most prominent, established and publicly quoted human rights activists in general, and in the media in particular, are those of the dominant Russian ethnic group and males. Most public human rights activists do not belong to vulnerable groups

such as LGBTQ+, people with disabilities, the unemployed etc. That inevitably leads to a lack of representation for the voices of the other human rights activists without certain privileges, who thus struggle to highlight various other issues of Russian society.

As a result, Russian human rights activities, including international advocacy, have historically focused on what might be called «the political rights of the Moscow residents» — namely freedom of assembly, speech and voting rights. This does not imply these rights are only relevant to Moscow residents or that only they protested against violations of these rights. However, when analysing the situation, we need to consider the gaping inequalities in social and economic well-being in Russia, as well as the political centralisation of the country. Thus, for a long time, activists from other regions concentrated mostly on protecting their work-related, ecological and social rights, because the violation of these rights most affected the least privileged segments of the population. It would also be a mistake to claim that Moscow residents did not defend their work-related, gender or ecological rights, but their priorities have often dominated the public agenda, leading to a strong imbalance.

Consequently, non-political protests, especially in the regions, often failed to appear on the agenda of Russian human rights activism and attracted little public attention. Of course, there have been instances of successful regional human rights campaigns, such as those advocating for North Caucasus residents, migrant workers, or economically disadvantaged groups, that have gained notable visibility. Yet, in many cases, it is not the representatives of the vulnerable group who lead the human rights efforts, but their public defenders from more privileged backgrounds described above.

It led to a situation where certain areas of legal advocacy have been perceived not as human rights protection but as charity

or social work. This perception has shaped Russian discourse on human rights, where many issues related to non-political rights have traditionally been excluded. For example, domestic and sexual violence against women was for a long time not viewed as systematic human rights violation, and, as a result, human rights efforts did not focus on this area. In such conditions with limited resources that could be gained only through competition, the activists in this field were often the last to get help or did not get any help at all. This issue has only recently been reframed in human rights terms. A similar situation exists in the area of environmental protection (in this case, it is especially important to keep in mind that environmental concerns typically affect industrial towns rather than capital cities, for instance, in regions such as the Urals and northern Russia).

The state, meanwhile, often applies especially strong pressure against the rights of many specific non-dominant social groups; for example, in cases where the activities or the very existence of these people goes against the state ideology. This applies to groups such as LGBTQ+ people, feminists, decolonial activists, certain religious minorities and so on. Thus, regional human rights activists face dual pressure: from the government and the other hostile agents carrying out repressions and threatening their physical safety on the one hand; and from within the human rights community itself, which controls and limits access to resources, power and knowledge, on the other.

In view of the above, this report will, where possible, pay particular attention to legal regulation related to discrimination and the rights of vulnerable groups.

## **LEGAL REGULATION OF HUMAN RIGHTS ACTIVISM IN RUSSIA**

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— To be honest, while pursuing a law degree I didn't see at all how we differed from them. I mean, what is protection under law and what is protection of human rights? Why isn't it the same thing? Now it turns out that we're on the opposing sides.

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As mentioned earlier, grassroots human rights activists are more frequently subjected to pressure through legislation regulating the freedom of speech, assembly and so forth. However, we have already covered these legislative aspects in our previous reports on systemic legal issues. This report, therefore, focuses on other legal areas not previously covered, including regulations affecting the activities of organisations and individuals enjoying special status, as well as the activities of lawyers and defence attorneys. The results of the research are presented below.

## **Foreign Agent Status**

### **Non-Profit Organisations as «Foreign Agents»**

The term «foreign agent» first appeared in the Russian legislation in Federal Law of 12 January 1996 No. 7-FZ «On Non-Profit Organisations of the Russian Federation» (hereinafter — Federal Law «On Non-Profit Organisations»; as amended by the State Duma of the Russian Federation on 13 July 2012). According to the latest revision of the Federal Law «On Non-Profit Organisations», which was in effect before the adoption of Federal Law No. 255 «On Control over the Activities of Persons under Foreign Influence» of 14 July 2022 No. 255-FZ (which applies to both registered and unregistered non-profit organisations, public associations, foreign media, as well as individuals), a non-profit organisation performing the functions of a foreign agent is:

- A non-profit organisation which receives financial resources and/or other property from foreign states, their official bodies, international and foreign organisations, foreign persons, stateless persons or their authorised agents and/or from Russian citizens or legal entities receiving financial resources and/or other property from the said sources or acting as intermediaries in receiving such financial resources and/or other property (except for public joint-stock companies with the state participation and their subsidiaries), and/or from Russian legal entities whose beneficial owners are considered to be foreign persons or stateless persons as defined in Part 8 of Article 6.1 of Federal Law of 7 August 2001 No. 115-FZ «On Countering the Legalisation (Laundering) of Criminally Obtained Income and the Financing of Terrorism» (hereinafter referred to as foreign sources), and
- Which participates, including but not limited to, in the interests of foreign sources and in political activities performed in the territory of the Russian Federation.

According to the law, political activity includes:

- Participation in the organisation of and holding public events in the form of meetings, rallies, demonstrations, marches and pickets, or in various combinations of these forms, as well as in the organisation and conducting of public debates, discussions and speeches;
- Participation in activities aimed at achieving specific outcomes in elections, referendums, or at the monitoring of the conduct of elections, referendums, formation of electoral commissions, referendum commissions or participation in the activities of political parties;
- Public appeals to state authorities, local government bodies, their officials, as well as other actions that influence the activities of these bodies, including those aimed at the adoption, amendment and repeal of laws or other regulatory legal acts;
- Dissemination, including through the use of modern information technologies, of opinions on decisions made by government bodies and the policies they pursue;
- Formation of socio-political views and beliefs, including through conducting public opinion polls and publishing their results or conducting other sociological research;
- Involvement of citizens, including minors, in the said activities;
- Financing of the said activities.

### **Media as «Foreign Agents»**

On 15 November 2017, the State Duma adopted Federal Law No. 327-FZ «On Amendments to Certain Legislative Acts» that included amendments to the law «On Mass Media».

According to the changes, a legal entity established in a foreign country or a foreign structure without an established legal entity, regardless of their organisational and legal form, and a private individual, disseminating printed,

audio, audiovisual and other messages and materials intended for an indefinite audience (including with the use of the informational and telecommunications network Internet) may be recognised as foreign sources of mass information performing the functions of a foreign agent if they receive financial resources and/or other property from foreign states, their official bodies, international or foreign organisations, foreign citizens, stateless individuals, or their authorised agents, and/or from Russian legal entities receiving financial resources and/or other property from the said sources. In the manner prescribed by the authorised federal agency of the executive branch, provisions of Federal Law of 12 January 1996 No. 7-FZ «On Non-Profit Organisations» that regulate the legal status of non-profit organisations performing the functions of a foreign agent apply to a legal entity registered in a foreign state or a foreign structure without an established legal entity regardless of their organisational and legal form, and a private individual, disseminating printed, audio, audiovisual and other messages and materials intended for an indefinite audience (including with the use of the informational and telecommunications network Internet) and receiving financial resources and/or other property from foreign states, their official bodies, international and foreign organisations, foreign citizens, stateless individuals, or their authorised agents, and/or from Russian legal entities receiving financial resources or other property from the said sources, excluding special provisions that apply exclusively to organisations established in the form of a non-profit organisation.

### **Individuals as «Foreign Agents»**

Some individuals have been included in the «foreign agent» list, while others were put in the register of mass media performing the functions of a «foreign agent.» We have so far not been able to identify any logical and coherent explanations of these differences, so we view that as an arbitrary mechanism of repression.

## **Unregistered Civil Society Associations as «Foreign Agents»**

Among other things, Federal Law No. 481-FZ «On Amending Certain Legal Acts of the Russian Federation in the Area of Introducing Additional Measures of Counteracting National Security Threats» (of 30 December 2020), introduces the possibility of declaring «foreign agents» «civil society associations» that operate without obtaining the rights of a legal entity.

Inclusion in the register creates an obligation to file financial reports four times in a year, label one's publications, as well as those of one's management and regular staff if they are connected with their political activities, with a note about the «foreign agent» status, as well as restricts the right to run in elections if the «foreign agent» is an individual.

Non-compliance with the requirements leads to administrative and criminal responsibility under Article 19.34-1. For a violation of the requirements toward a foreign media performing the functions of a foreign agent, as well as its subsidiaries and individuals included in the register of media as foreign agents, the law imposes administrative responsibility in the following forms:

- Fines (from 10 thousand to 500 thousand rubles depending on the legal status of the person or entity);
- Fines for a repeated violation (from 50 thousand to 1 million rubles depending on the legal status of the person or entity);
- Fines for multiple violations, that is, more than twice in a year (from 100 thousand to 5 million rubles);
- Blocking the site of the foreign media by Roskomnadzor.

The penalty for individual foreign agents is set forth in another article of the Code of Administrative Offenses —

Article 19.7.5-4. It also contains different ranges of fines.

On 1 March 2021, a new amended version of Article 330.1 of the Criminal Code of the Russian Federation on «Defiant Evasion from Fulfilling the Obligations Set Forth in the Laws of the Russian Federation in Connection with the Recognition of a Person as Performing the Functions of a Foreign Agent» entered into force.

Part 2 of Article 330.1 of the Criminal Code of the Russian Federation applies to organisations and individuals included in the register of media as foreign agents:

- For a violation of the foreign agent requirements, such as a late filing of a report or an absence of the foreign agent label, the law will impose a penalty ranging from a fine of 300 thousand rubles to imprisonment for up to two years.
- Criminal charges can be brought only in case the person (the founder, editor-in-chief of the foreign media performing the functions of a foreign agent, or an individual) has already been brought to administrative responsibility earlier under Part 2 of Article 19.34.1 of the Code of Administrative Offenses of the Russian Federation.

Part 3 of Article 330.1 of the Criminal Code of the Russian Federation applies to those who have been included in the list of individuals as foreign agents:

- In case the individual has not included themselves in the register voluntarily or has failed to file a report after being included in the register, the penalty will range from a fine of 300 thousand rubles to imprisonment for up to 5 years. However, criminal charges can be brought only after the individual has been brought to administrative responsibility under Part 1 of Article 19.7.5-4 of the Code of Administrative Offenses of the Russian Federation.
- This does not apply to people who conduct a «targeted collection of information in the area of military and military-industrial activities of the Russian Federation» and have not included themselves in the register voluntarily. In that case, criminal charges can be brought right away. The penalty ranges from a fine of 300 thousand rubles to 5 years of imprisonment.

## «Undesirable Organisations»

### Definition of an «Undesirable Organisation»

From a formal point of view, it is not the organization itself that the authorities declare «undesirable» but its activities.

According to Article 3.1 of Federal Law No. 272-FZ of 28 December 2012 «On Sanctions for Individuals Violating Fundamental Human Rights and Freedoms of the Citizens of the Russian Federation» (hereinafter «FZ No. 272»), *the activities of a foreign or international non-governmental organisation that presents a threat to the fundamental constitutional order of the Russian Federation, the defense capabilities or security of the country, including activities aiding in or hindering the nomination of candidates, lists of candidates, the election of registered candidates, initiatives to hold a referendum and holding a referendum, reaching of a certain result in elections or a referendum (including the participation in other forms of election campaigns, referendum campaigns, excluding the participation in election campaigns and referendum*

*campaigns as foreign (international) observers) can be declared undesirable in the territory of the Russian Federation.*

FZ No. 272

An organisation conducting «undesirable» activities can no longer perform its work legally because it is required to obey the following restrictions:

- Prohibition of the activities of its structural units in the territory of Russia and the creation of new ones;
- Prohibition of operations with financial resources and other property;
- Prohibition of disseminating information materials published by the organisation, including on the Internet, as well as the production and storage of such materials with the aim of their dissemination;
- Prohibition of carrying out the organisation's programs in the territory of Russia;
- Prohibition of establishing or controlling the organisation's subsidiaries;
- Prohibition of involvement in the activities of the organisation outside the territory of Russia for Russian citizens, individuals without citizenship, Russian permanent residents, and legal entities established in Russia.

In addition, individuals participating in such organisations can be brought to administrative or criminal responsibility.

Administrative responsibility for participation in such an organisation is set forth in Article 20.33 of the Code of Administrative Offences. The penalty is a fine ranging from 5 thousand to 15 thousand rubles. In practice, the following

can be considered participation in the activities of an «undesirable» organisation:

- Mentioning the «undesirable organisation» in online posts or on a website;
- Working for a media declared an «undesirable organisation»;
- Disseminating materials of the «undesirable organisation»;
- Reposting materials of the «undesirable organisation».

Criminal responsibility is set forth in Article 284.1 of the Criminal Code. The article contains three parts:

- Repeated participation in the activities of an «undesirable organisation». It is applied in two cases: in case an individual is brought to responsibility under Article 20.33 of the Code of Administrative Offenses for a second time within a year; or in case an individual has committed a violation under Article 20.33 and he or she has an unspent criminal conviction under Article 284.1 of the Criminal Code. The maximum penalty is four years of imprisonment.
- Provision and collection of financial resources or provision of financial services, knowingly intended for the «undesirable» activities. The penalty is up to five years of imprisonment.
- Organising the activities of an «undesirable organization, ” for instance, participation in its management. The penalty is up to six years of imprisonment.

Since 2022, such acts committed outside Russia have also been punishable.

## **Extremist Organisations**

The definition of an extremist organisation was introduced in Federal Law «On Combating Extremist Activity» of 25 July 2002 No. 114-FZ. Responsibility for links to extremist organisations is provided for in the criminal legislation (while administrative penalties are imposed on individuals who demonstrate the symbols of extremist organisations or use it publicly).

Criminal Code of the Russian Federation:

- Article 280 — Public calls for carrying out extremist activities: The maximum penalty is up to five years of imprisonment.
- Article 282.1 — Organising an extremist community: This article provides for up to eight years of imprisonment.
- Article 282.2 — Organising the activity of an extremist organisation: This article provides for up to 10 years of imprisonment.

Code of Administrative Offences of the Russian Federation:

- Article 20.29 — Production and dissemination of extremist materials: This article provides for fines of up to 3,000 rubles or and an administrative arrest for up to 15 days (for private individuals), up to 5,000 rubles (for officials), or up to 1 million rubles (for legal entities). In addition, all cases include the seizure of the materials and equipment used for their production.
- Article 20.3 — Propaganda and public demonstration of the attributes or symbols of extremists organisations: This article provides for fines of up to 2,000 rubles or an administrative arrest for up to 15 days (for private individuals), up to 4,000 rubles (for officials), or up to 50,000 rubles (for legal entities). In addition, all cases include seizure of the objects of the administrative violation.
- For selling and production of the corresponding symbols and attributes, the law provides for a fine of up to 2,500 rubles (for private individuals), up to 5,000 rubles (for officials), or up to 100,000 rubles (for legal entities). In addition, all cases include seizure of the objects of the administrative violation.

According to the law, when mentioning the activities of such an organisation, it is also required to note that the organisation is declared extremist and is banned in Russia. Among other people, Alexei Navalny's attorneys have faced repressions for this: they are now facing charges of participation in an extremist organisation.

## **Discriminatory Legislation**

### **Laws on the Propaganda of Homosexuality**

The first statutory prohibition against the «propaganda of homosexuality» was introduced in Russia in the Ryazan region in 2006. According to Law of the Ryazan Region of 3 April 2006 No. 41-OZ «On the Protection of the Morality

of Children in the Ryazan Region», public actions aimed at the propaganda of homosexuality (pederasty and lesbianism) were prohibited. In addition, according to Article 3.10 of Law of the Ryazan Region of 4 December 2008 No. 182-OZ «On Administrative Offences», public actions aimed at the propaganda of homosexuality amongst minors were punishable by a fine of 1,500 to 2,000 rubles.

Over time, similar prohibitions were introduced in other regions of the country. By 2013, 11 Russian regions had comparable laws. On 29 June 2013, Russia adopted Federal Law No. 135-FZ «On Amendments to Article 5 of the Federal Law ‘On the Protection of Children from Information Harmful to Their Health and Development’ and Certain Legislative Acts of the Russian Federation in Order to Protect Children from Information Promoting the Denial of Traditional Family Values». It prohibited, at the federal level, the «propaganda of non-traditional sexual relations» among minors.

The law expanded Article 6.21 of the Code of Administrative Offences, which imposes administrative responsibility for the «propaganda of non-traditional sexual relations among minors» in the following forms:

- A fine of 4 to 5 thousand rubles for individuals, a fine of 40 to 50 thousand rubles for officials and a fine of 800 thousand to 1 million rubles or administrative suspension of business activities for up to 90 days for legal entities;
- In cases where such propaganda was disseminated in the media (including over the Internet), the fine for individuals ranges between 50 and 100 thousand rubles, between 100 and 200 thousand rubles for officials and up to 1 million rubles or administrative suspension of business activities for up to 90 days for legal entities.

For foreign nationals and stateless individuals, an additional punishment of administrative arrest for up to 15 days was provided for in the article. In cases where foreign nationals

or stateless individuals disseminated propaganda in the media (including the Internet), the fine was set between 50 and 100 thousand rubles or an administrative expulsion from Russia.

Law of 29 June 2013 No. 135-FZ also amended the federal law «On Protection of Children from Information Harmful to Their Health and Development» by adding «information promoting non-traditional sexual relations» to the list of information prohibited for distribution among children. Moreover, it amended the law «On the Basic Guarantees of Children's Rights in the Russian Federation», which established that the state authorities of the Russian Federation take measures to also protect children from information promoting non-traditional sexual relations.

On 24 November 2022, the Russian parliament adopted in third reading a set of amendments to a number of laws which broadened the then current prohibition of LGBT propaganda among children to propaganda among people of all ages. According to the new law, any event or action perceived as an attempt at propaganda of homosexuality, including on the Internet, in films, books, advertisement or in public, may result in a fine of up to 400 thousand rubles for physical entities and up to 5 million rubles for legal entities. Foreign nationals and stateless individuals may still face up to 15 days of arrest followed by expulsion from the country.

More legislative restrictions followed on 24 July 2023 when Federal Law No. 386-FZ was adopted. It amended the federal law «On the Fundamental Principles of Health Protection of Citizens in the Russian Federation», the law «On Civil Status Acts» and the Family Code of the Russian Federation, establishing a ban on medical interventions necessary for transgender transition and included in internationally recognised standards of treatment.

There are also LGBTQ+ persons among human rights activists, which subjects them to increased risk of repressions from the state: the government can prosecute them for their professional activities by using other discriminatory articles.

## **Independent Foreign NGOs**

### **Prohibition of Participation in the Activities of Unregistered Foreign NGOs**

On 4 August 2023, two federal laws were adopted: Federal Law No. 413-FZ «On Amending the Criminal Code of the Russian Federation and Articles 31 and 151 of the Rules of Criminal Procedure of the Russian Federation» and Federal Law No. 412-FZ «On Amending the Code of Administrative Offences of the Russian Federation».

In particular, the Code of Administrative Offences was supplemented with Article 19.34.2 which imposes administrative responsibility for participation in the activities of any foreign or international NGO, unless it has a Russian branch or a representative office listed in the corresponding government register. The new provisions of the Code of Administrative Offences set forth a fine of 5 thousand rubles for individuals, up to 50 thousand rubles for officials and up to 100 thousand rubles for legal entities. In case of foreign nationals and stateless individuals, the offence is punished with a fine of 5 thousand rubles and administrative expulsion from the country.

The Criminal Code was supplemented with Article 330.3, which imposes responsibility for violating the ban after two previous administrative offences under the above-mentioned Article 19.34.2 of the Code of Administrative Offences committed during the past year, as well as for persons with a criminal record for participation in an undesirable organisation (Article 284.1 of the Criminal Code of the Russian Federation):

- A fine of up to 200 thousand rubles or the convicted individual's income for the period of up to two years;
- Compulsory community service for up to 200 hours;
- Compulsory labour for up to two years; or
- Imprisonment for up to two years and deprivation of the right to hold certain official positions for up to five years.

Organising the activities of a foreign or international NGO that does not have registered branches or representative offices in Russia is punishable by:

- Compulsory community service for up to 360 hours;
- Compulsory labour for up to three years; or
- Imprisonment for up to three years and deprivation of the right to hold certain official positions for up to seven years.

## **Regulation of Attorney's Activities**

For those human rights activists who have an attorney licence have more rights than those who do not enjoy such status. For instance, according to the Code of Criminal Procedure of the Russian Federation No. 174-FZ (as amended and supplemented on 1 July 2024), when considering criminal cases, a person without the status of an attorney can represent the interests of the defendant only «jointly with an attorney», the only exception being the judicial districts run by justices of the peace. In addition, the status has other advantages: for example, attorney-client privilege and prohibition of searching the office and home of an attorney without a court decision.

Becoming a licenced attorney and its subject matter are regulated by Federal Law No. 63-FZ of 31 May 2002 (as amended on 22 April 2024) «On Advocacy and the Bar in the Russian Federation» (as amended and supplemented

on 1 July 2024). In particular, the law provides for the following conditions to be met to obtain an attorney licence:

- Having a higher education degree (a higher education degree specialising in «Jurisprudence» or «Legal Studies» obtained in an educational programme accredited by the government; a Master's degree in «Jurisprudence» or «Legal Studies» jointly with a Bachelor's degree in the specialisation of «Jurisprudence», «Legal Studies», or «Ensuring Rule of Law and Order»; a higher education degree in «Legal Studies» or in specialisations included in the broader group of specialisations «Jurisprudence», entitling its holder to the qualification of a «lawyer»; or an individual having a doctoral degree in law);
- Completing an internship of at least one year at an attorney's office or practicing law for at least two years.

An individual with an outstanding or unspent conviction for committing an intentional crime, or someone who has been declared legally incompetent or of limited legal competence, cannot become an attorney.

Obtaining an attorney licence requires paying the mandatory membership fee to the bar association. The fee varies in different regions: for example, in Saint Petersburg the fee is 150 thousand rubles (or 50 thousand rubles for those who have completed an internship); while in the Republic of Sakha (Yakutia) the fee is 230 thousand rubles (or 115 thousand rubles for those who have completed an internship).

A bar association is a non-governmental and non-profit organisation. The highest decision-making body of the bar association of a territorial entity of the Russian Federation is the Assembly of Advocates. If the number of members of a bar association exceeds 100, the highest decision-making body of the bar association is the Congress of Advocates. An assembly (congress) of advocates

is convened at least once a year. The collegial executive body of a bar association is the Council. The Audit Committee is elected from the members of a bar association to exercise control over the financial and economic activities of the bar association and its bodies. The Qualification Commission is established to administer bar exams of individuals applying for an attorney licence, as well as to hear complaints about the actions (inaction) of an attorney.

As the next chapter will demonstrate, the need to receive an attorney licence and its requirements, as well as the way the bar associations are organised, play a significant role in how the state pressures human rights activists. Moreover, the attorney licence makes an activist more visible, and some laws specifically target attorneys. For instance, according to new Decree No. 429 of the President of the Russian Federation of 20 May 2024, attorneys who have access to classified information must inform the Ministry of Justice, the Federal Security Service (FSB) and the Russian foreign intelligence agency about their trips abroad, as well as provide them details of their movements outside the country.

## **Regulation of the Work of Public Defenders**

In addition to an attorney, defence in court — at least in administrative cases — can be provided by other individuals, whether or not they have a background in law. Such individuals are commonly known as public defenders, while in the Criminal Code of the Russian Federation they are simply referred to as a «Defender».

As stated above, according to Part 2 of Article 49 of the Code of Criminal Procedure of the Russian Federation:

- At the pre-trial stage, only a lawyer is permitted;
- At the trial stage — a lawyer, and also, by court order or ruling, an individual who is not a lawyer can provide defence jointly with a lawyer;
- Before a justice of the peace, a defender may substitute a lawyer.

There is relatively little case law concerning this status. For instance, according to Clause 3 of Resolution No. 26 of the Plenum of the Russian Supreme Court of 27 November 2012 «On the Application of the Norms of the Code of Criminal Procedure of the Russian Federation Regulating the Proceedings in a Court of Appeals», a person referred to in Part 2 of Article 49 of the Code of Criminal Procedure of the Russian Federation who is not a licenced lawyer but was permitted to participate as a public defender in the court of first instance has the right to appeal the court's decision and participate in the appellate court session. However, if this person did not participate in the court of first instance, then they may be admitted to the appellate court as a defense representative only alongside a licenced lawyer, upon an order (resolution) of the court. In other words, the public defender is entitled to file an appeal and to participate in the appellate session if they were already allowed to participate in the court of first instance. If this was not the case, the court must grant them permission to participate.

The consequences of such regulation include restricted access to information, limitations on the right to participate in the defence, and the lack of the right to legal privilege, all of which will be described below.

## **USE OF REPRESSIVE LAWS AGAINST HUMAN RIGHTS DEFENDERS**

# ASSIGNING NEGATIVE STATUSES

## «Foreign Agents»

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— If you work on something and people find out that a foreign agent is involved, your project won't get approved, and you won't be let into the prison either. They'll just say, «Oh, you're a 'foreign agent', you're connected to them. No.»

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Immediately after the register of «non-profit organisations performing the functions of a foreign agent» was established, human rights organisations began to be included in it. Soon, well-known human rights projects such as the «Public Verdict» Foundation, the «For Human Rights» movement, «Citizens' Watch» and others appeared on the list. After they are added to the register, organisations often have to cease operations due to the inability to comply with the restrictions that come with the «foreign agent» status. For instance, the human rights organisation «Committee Against Torture», also added to the list, was almost immediately dissolved; later, the «Crew Against Torture» was registered, which was also declared a «foreign agent».

The most high-profile case showing the impact of the «foreign agent» legislation on human rights organisations was the dissolution of the international public organisation «International Historical, Educational, Charitable and Human Rights Society 'Memorial'», along with its regional branches and other structural subdivisions (Primary State Registration Number 1027700433771). The primary complaint from the plaintiff, represented by the Prosecutor General of the Russian Federation, was a systematic failure to comply with the legislation on non-profit organisations performing the functions of «foreign agents».

Among the organisations included in the register are human rights organisations working in diverse areas. Here are some examples:

**Electoral rights:** The «Golos» association as well as its regional groups; St. Petersburg Public Human Rights Organization «The League of Female Voters»

**Gender rights:** The «Women of the Don» Union, Nasiliu.net, «Anna», Feminist Anti-War Resistance

**LGBTQ+ rights:** «Rakurs», «Parni Plus», «Centre T», «Russian LGBT Network»

**Freedom of speech, journalists' rights:** The «Institute for the Development of Freedom of Information» Foundation, the «Roskomsvoboda» civil society organisation, the Digital Rights Development Foundation

**Associations of legal professionals and lawyers:** the «Advocate Street» Project, «Lawyers for Constitutional Rights and Freedoms»

**Professional rights:** Association of Medical Workers of the City of Chapayevsk, Doctors' Union, «Alliance of Teachers»

**Environmental rights:** LEcoDefence! -Women's Council», «Civil Initiative Against Environmental Crime», «Friends of Siberian Forests»

**Rights of ethnic and national minorities:** the Society of German Culture and Russian Germans «Eintracht Soglasie», the Regional National Cultural Public Organisation «Tuba Kalyk», the Public Organization «Nuori Karjala» («Young Karelia»), the «Free Buryatia» and «Free Yakutia» Foundations, Anti-War Ethnic Movement «New Tuva», the Centre for the Support of Indigenous Small-Numbered Peoples of the North

**Social rights and rights of vulnerable groups:** the Diabetes Public Movement «Together», the Organisation for

Combating the HIV/AIDS Epidemic and Health Protection for Socially Vulnerable Groups «Action», the «In Defence of Prisoners' Rights» Foundation, the «Help Needed» Foundation for Socially Disadvantaged Citizens, the «Civic Assistance» Organisation for Assisting Refugees and Migrants

**Consumer rights:** the «Consumer Rights Protection Fund», the «Printsip» Society

**Conscientious objectors to military service:** «Conscriptor's School», «Conscientious Objectors' Movement»

**Human rights research and education:** the Centre for Anti-Corruption Research and Initiatives «Transparency International-R», the Educational Institution «Academy of Human Rights», «SOVA» Center for Information and Analysis

In addition, among the «foreign agents» are several organisations that serve as resource and evacuation centres for other human rights initiatives: the «Human Rights Resource Centre», the «Greenhouse of Social Technologies» and the «North Caucasus SOS Crisis Group». There are also cultural organisations that provide space for open discussion on human rights issues, such as the «Irkutsk Bibliophile Society».

The first human rights defender to be included in the register of individuals as «foreign agents» was Lev Ponomarev. Later, the register was expanded to include lawyer and head of the «Centre for the Protection of Media Rights» Galina Arapova, members of the previously existing independent association of lawyers and journalists «Team 29» Ivan Pavlov and Valeria Vetoshkina, both lawyers, as well as the legal counsel of the association Max Olenichev; the lawyer Mikhail Benyash; also added to the list were human rights defenders Svetlana Gannushkina, Anna Rivina, Olga Romanova, Pavel Chikov and others.

Individuals declared «foreign agents» face administrative and criminal responsibility if they fail to comply with the newly established regulations outlined in the previous section. For instance, Regina Dzugkoeva, the head of the public movement «Mayak», which supports LGBTQ+ people in the Primorsky Krai region, and formerly director of the non-profit organisation «Lilith», was added to the «foreign agent» register along with both organisations. In late February 2024, she was reported to have been charged with evading the «foreign agent» obligations.

The full list of foreign agents can be viewed on the website of the Ministry of Justice. As of 31 October 2024, it includes **84 organizations and associations, as well as 107 individuals.**

## **Extremist and Undesirable Organisations**

On 17 August 2023, the authorities conducted a search at the home of Grigory Melkonyants, co-chair of the «Golos» movement. It was later revealed that he had been charged with alleged collaboration with the European Network of Election Monitoring Organizations (ENEMO), which had been declared an «undesirable organisation» by the Prosecutor General’s Office on 27 September 2021.

While connections with an organisation or individual «performing the functions of a foreign agent» may pose relatively low risks, collaboration with extremist or undesirable organisations greatly increases the likelihood of criminal prosecution and lengthy imprisonment. Respondents in our study noted that such interactions would carry substantial — and at times critical — risks for them:

- 
- **What would need to happen for you to stop your human rights work?**
  - **Being declared an extremist organisation or designated as engaging in undesirable activities. I absolutely cannot expose myself to such a risk.**
- 

On 30 November 2023, the Supreme Court, in a closed session, banned and declared the activities of the «International LGBT Movement» as extremist, despite the fact that no such organisation is registered in Russia and, moreover, that such a public movement likely doesn't even exist. Nevertheless, as a result of the court's decision, any activity aimed at protecting LGBTQ+ rights or even displaying a rainbow or using feminine gender-specific job titles could now be considered extremist activity. This not only poses risks for human rights advocates and their supporters but also severely hinders advocacy work: publicly sharing a post on LGBTQ+ rights, or selling books and screening films that portray LGBTQ+ relationships now carries potential risks for everyone involved:

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— **... As the legislation on extremism and terrorism developed, we had to figure out how to avoid publishing extremist and terrorist materials. That is, where to place those darned disclaimers, what could be published, and what couldn't. That darned list of extremist materials from the Ministry of Justice.\***

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\* This list is compiled by the Russian Ministry of Justice based on court rulings.

As of this writing, 22 human rights organisations are known to have been declared «undesirable». The experts we consulted agree that for most human rights projects,

acquiring such status is merely a matter of time. Furthermore, human rights defenders may face persecution as a result of defending the rights of members of extremist organisations (see next paragraph for more details).

## **CRIMINAL AND ADMINISTRATIVE PROSECUTION OF HUMAN RIGHTS DEFENDERS**

On 13 October 2023, three lawyers found themselves in similar circumstances. Vadim Kobzev was detained in Kovrov (a city in central Russia) when he was heading to Collective Labour Colony No. 2. That day his client was supposed to have yet another court hearing as part of his lawsuit against the colony administration. Meanwhile, the office of the Dalet lawyers' association as well as the houses of two of its members, Alexei Liptser and Igor Sergunin, were searched in Moscow. Both of them were detained. All three lawyers were taken into custody on charges of participation in an extremist community (Alexei Liptser's health issues were not taken into account).

What these three lawyers had in common was that they had once represented Navalny, whose activity had been considered extremist. They were not the first lawyers charged with participating in «Navalny's extremist community». Previously, for instance, Vyacheslav Gimadi, the chief legal counsel of the Anti-Corruption Foundation, had also been subjected to persecution; however, unlike Gimadi, they did not participate in Navalny's organisations and were not his public supporters. According to the prosecution, they «used their position to gain access to correctional facilities while providing legal assistance, ensuring regular transmission of information between the leaders and participants of the extremist community, and A. Navalny, who in such a manner continued to perform the functions of the leader and head of the extremist community for the planning

of, preparing, creating conditions for and committing extremist crimes». The charges brought against Liptser, Kobzev and Sergunin — and in January 2024 also against Olga Mikhailova and Alexander Fedulov, who managed to leave Russia — were thus exclusively related to their professional activities.

The defence of the representatives of organisations and individuals with a negative status is not the only reason for the persecution of human rights defenders. It can also be triggered by what law enforcement agencies regard as a «too intrusive» involvement of human rights defenders in their work. This happened, for example, to Alexei Sokolov — a resident of Yekaterinburg, lawyer, and human rights defender specialising in the protection of prisoners' rights. Alexei was a member of the regional Public Commission for the Monitoring of Human Rights in Places of Detention. On 13 May 2009, he was arrested and the next day taken into custody in connection with a robbery case involving an enterprise in the city of Bogdanovich in June 2004. Sokolov later told his lawyer that police officers threatened him with torture during his arrest and said, «Did you think you could control us? No one can control the police. Well, you got what you deserved, human rights defender».

On 3 May 2010, the court sentenced Sokolov, who had been held in custody and subjected to beatings the entire time, to five years of imprisonment in a strict regime colony; this sentence was later reduced to three years. After his release from the colony, the persecution did not end: in October 2023, Sokolov was arrested again for five days, this time under the administrative article for demonstrating prohibited symbols (Article 20.3 of the Code of Administrative Offences) due to the Facebook logo displayed on the website of the «Human Rights Defenders of the Urals»; in July 2024, a similar post led to the initiation of a criminal case. Since then, he has been in custody and, according to reports from his defenders, is once again being subjected to beatings.

In July 2024, Sokolov was registered as an extremist in the pretrial detention centre.

A special category of cases against human rights activists is related to the protection of Crimean Tatars and, in general, to human rights work in the Russian-occupied territory of Crimea: human rights defenders have been prosecuted for various administrative offences and subsequently sentenced to imprisonment. A clear example of such prosecution was the detention of a lawyer Edem Semedlyayev in 2022.

Previously, two police reports had already been drawn up against Semedlyayev for disobeying the police while he was visiting his client, Seiran Saliev, a Crimean Tatar, at the police station: one report for turning on a voice recorder and another for refusing to undress. This time, Semedlyayev was charged with «discrediting the army», and after the case was heard in court, it imposed a fine of 75,000 rubles the same day.

Upon exiting the courthouse, Semedlyayev's lawyer, Nazim Sheikhambetov, was himself detained. He was charged with organising a rally in support of Semedlyayev. The court hearing for Sheikhambetov took place the next day, on 27 May, and he was sentenced to eight days of arrest. Before the hearing, two of his lawyers, Aider Azamatov and Emine Avamileva, were also detained on similar charges of organising a rally. Imposing several consecutive administrative penalties increases the human rights defenders' risks of facing criminal prosecution and imprisonment.

In addition to criminal and administrative prosecution, in some instances, human rights defenders are subjected to forced psychiatric treatment — they are «locked up in an asylum for a long time». For example, the lawyer Elena Rodina, who expressed her views on social media against the Russian aggression in Ukraine, was summoned to the prosecutor's office in 2022, where administrative cases were initiated against her under the article on inciting hatred (Article 20.3.1 of the Code of Administrative

Offences). Rodina deleted her posts from her Telegram channel and VKontakte. On 17 July 2023, a criminal case for public justification of terrorism was opened against Rodina, and the court ordered her to undergo forced treatment. Rodina also wrote to her correspondents that since her arrest in March, she had not received any belongings or food from outside, and her daughter became a witness for the prosecution. It is clear that social media accounts of publicly known human rights defenders, lawyers and activists are subjected to closer monitoring by law enforcement agencies, which makes it easier to charge them in administrative or even criminal cases.

In some instances, the repressions against human rights defenders were initiated by corporations rather than law enforcement agencies. Undoubtedly, the state is the main agent in the persecution, but in these instances corporations pursue their own interests, which lie in the economic and political dimensions. Social and environmental rights are particularly notable in this regard, as defending them often leads to conflicts with major stakeholders.

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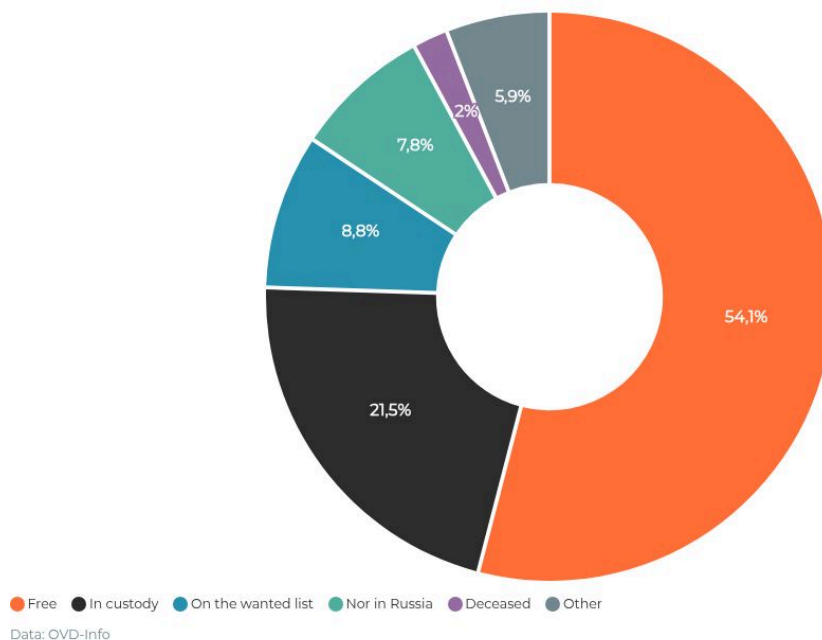
**— It seems to me that many people in Russia believe that the classic human rights agenda is political and dangerous, while the environmental agenda is not. However, where there is a real conflict of interests and stakeholders, the environmental agenda, in my opinion, is much more politicised than the human rights one.**

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One such example is the instance of 26 environmental activists, most of whom are foreign citizens. They were detained in connection with a peaceful protest of Greenpeace activists who, in September 2013, approached the Prirazlomnaya oil drilling platform in the Pechora Sea on the Arctic Sunrise ship, protesting against the development of oil and gas fields on the Arctic shelf. The ship was forcibly

stopped, and everyone on board was detained and charged with piracy; later, the charges were reclassified to hooliganism. Although all the defendants were amnestied in December 2013, the incident had a significant impact on the activities of environmental activists and their perception of danger.

According to OVD-Info data, since 2011, human rights activists, lawyers and NGO workers have been subject of political persecution in 160 instances; just over half of them are currently in detention. It is important to note that because the media focuses more on «political» cases, there may be many more similar instances.



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## **BUREAUCRATIC OBSTACLES TO LEGAL WORK**

At an online conference dedicated to issues in the legal profession, the participants shared the results of a closed survey of lawyers, which indicated that about half of the respondents had faced violations of their professional rights.

The most common types of violations included preventing lawyers from accessing their clients in police departments and other institutions, especially during investigative actions and arrests; conducting searches without a court order, as well as inspecting lawyers upon entering courts; «dual representation», where, in addition to the lawyer hired under an agreement, the defendant is also assigned a court-appointed lawyer who often pursues the interests of the prosecution. Instances of the use of physical force against lawyers were also mentioned.

The practices of pressure vary from region to region. For one, our respondents complained that in the Central region, representatives are often not allowed to visit defenders in pre-trial detention centres unless the former are lawyers, even if there is a court order, and in other cases, defenders are either hidden or forced to refuse to work with their defenders. The same issues arise in the regions of the Caucasus:

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**— A colleague went to Chechnya on Sunday, and by Monday, he was already facing situations where he was not allowed somewhere. Generally, in cases that we, as representatives of the victims, lead in court, the court is happy because the process goes more smoothly with us. But here, you arrive in Chechnya to stir things up, and they're not happy to see you.**

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In the conditions of resource scarcity, lacking an attorney licence often becomes an issue when trying to help defendants:

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— Not long ago, there was a situation where this guy in Barnaul was detained and placed under administrative arrest. And I was ready to take on his case, since I travelled to Barnaul for other reasons anyway. But I couldn't file a complaint. Because he's in custody, I don't have a power of attorney from him, and only someone with an attorney licence can do that by simply issuing themselves an order. It feels to me like some kind of discrimination against legal professionals without an attorney licence.

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Bureaucratic hurdles can emerge not only in court cases but also in other areas of human rights work — especially in education. Many of our respondents mentioned the need to spend resources on constantly figuring out what is currently prohibited to publish. Errors lead not only to the publications of their projects being blocked but also carry potential risks for their readers. Roskomnadzor's demands often look absurd, but processing them still requires extra work:

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— A month ago, our site was blocked by Roskomnadzor because we had information about VPNs in the section on organisations that support us. Now we're debating whether to write those three letters, that is «VPN», or call it something else. We're having some debates about this now. On the one hand, we want to hold our ground and avoid slipping into... this new Aesopian language, right? But on the other hand, we want people, well, activists, to still be able to read and repost our work.

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## **The State of the Legal Profession**

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— If we take Belarus as an example, how the human rights sector collapsed there, a similar collapse is happening here now in a way. For a long time, though, specifically the legal profession in Belarus had remained more or less a haven of freedom for legal professionals.

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Our respondents have differing views on attorney licences. Some, as in the above quote, see it as a source of additional rights and a «haven of freedom», while others fear the overbearing control of bar associations, which are viewed as dependent on the authorities. Lawyers declared «foreign agents» usually lose their licence through their bar's decisions based on fabricated reasons. This is how the «foreign agent» Mikhail Benyash was stripped of his attorney licence allegedly due to offensive remarks violating legal ethics. In an interview with *Slovo Zashchite*, Benyash criticised the involvement of a representative from the Ministry of Justice in his disciplinary process, as well as the lack of procedural rights and regulations in such cases.

In the instances where bar associations are not the main source of pressure, they may still refuse to provide any protection to their members or demonstrate corporate solidarity. For example, the lawyer Dmitry Sotnikov suffered violence from law enforcement in 2019 and is still awaiting a conclusion from his bar association's commission regarding the protection of his professional rights. The bar associations also don't function as a platform for professional solidarity. After the cases were opened against Alexei Navalny's lawyers Vadim Kobzev, Alexei Liptsar, and Igor Sergunin, many hoped for an attorneys' strike, but it didn't happen. Political cases frighten «regular attorneys» and polarise discussions, as was seen from watching online attorney conferences.

We will present a critical assessment of the activities of the Russian Federal Bar Association (RFBA), where one

respondent describes the institution's systematic failure to address the problems that the state creates for defence attorneys:

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— It's like the story with RFBA members, who have been told many times, for decades, that they need to take not just an active, but a proactive stance. They should be constantly doing legal work, pushing for the liberalisation of legislation, they need to be expressing their concerns that this liberalisation is not happening. But no, they're just people who steal our money and are essentially useless beyond that. I've always respected Henry Markovich Reznik for his eloquence and his ability to explain complex things in simple language. But then, when something happened the first time with Benyash, he remained silent. It happened the second time with Dima Sotnikov — and again, nothing. And when it was time to call for an attorneys' strike, to tell everyone that, «Alright, guys, enough, we're done, and we're going to show you can't do this.» This could have been done without any problems at all. It didn't have to be nationwide — they could have structured it so that, let's say, the offending police department would be denied court-appointed legal services for a set period of time. They would've crawled back on their knees to the bar association, taking measures to ensure it would never happen again. But no, they all just took everything and f\*\*\*ed it up.

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Even in the rare cases when the association unites, it rarely succeeds in reversing the pressure. This happened in the instance of the lawyer Diana Tsipinova, who, along with another attorney, was denied entry to a police station to see her client. They were then dragged inside, handcuffed and threatened with sexual violence. After Tsipinova attempted to press charges for police misconduct, she herself was charged with violence against the officers. Despite the

RFBA's involvement in her defense, the court of cassation overturned her acquittal.

In the near future, according to our respondents, pressure on the legal profession is expected to intensify:

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**— Right now, they're passing a law that will restrict the legal profession a little bit, yes. More oversight functions for the Ministry of Justice, [the introduction of] an expiration date for licences that were previously indefinite, and so on, and so forth.**

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Additionally, as noted in the chapter on legislative regulation of the legal practice, an attorney licence makes the defender more visible to the law enforcement system, which can in practice mean harsher punishment or mandatory detention until the court hands down a verdict.

## **SEARCHES AND INTERROGATIONS**

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**— I don't have a doorbell, and when some gas inspector knocks on the door, my heart stops because I think, «Well, the comrades have probably come for a search.» And it's obvious that you live in that kind of tension no matter what. Or when you see police officers entering your building and you wonder: have they come for your soul?**

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According to the testimonies of our respondents, shortly after the war began, forms of pressure on human rights defenders, such as searches, inspections, and interrogations, became much more frequent. FSB officers try to interrogate them, aiming to «poke» the defence out of the case to gain more leverage over the defendants, or conversely, they

threaten the human rights defenders themselves. Another wartime practice involves pressure on the defender related to the inability to reach a charged activist who has fled Russia:

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— The problem with all such cases is that the defendant is abroad, and they've already conducted all the initial actions they could. After that, they don't know what to do or how to at least show their superiors every few months that they're still working on the case. And what are you all doing over there? Well, it's clear they'll never get anything from N abroad. Contacting some Interpol authorities and so on is impossible right now. But something has to be done; what to do? So they then started using this case as a pretext to harass some of the people who stayed here. And in August of last year, they went and conducted searches at the homes of several human rights defenders, whom they named as witnesses in the case. And they came to me at my registered address and caused a bit of chaos.

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In some instances, searches of human rights defenders also occur at cultural and educational events. For instance, one respondent described an incident where the police arrived at a theatre «with dogs» to conduct a search during a performance dedicated to human rights work, but they got confused and showed up at the wrong address. The necessity of living in constant uncertainty, anticipating searches and interrogations — including those related to past cases — is one of the factors contributing to professional burnout, which can be read about in more detail in the chapter titled «Consequences of the Pressure».

## **MULTIPLICATION OF RISKS**

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— The system periodically sends signals that what was previously acceptable is no longer acceptable. The arrest of Navalny's attorneys, for example, was such a signal that even basic human rights-related and legal activities are becoming unsafe. Well, I, in some sense, might be even more at risk because Navalny's attorneys were not politicians and did not participate in his organisations. And so on. But I was a lawyer at the headquarters... And while this wasn't a very public-facing role, there are a few instances where it is documented.

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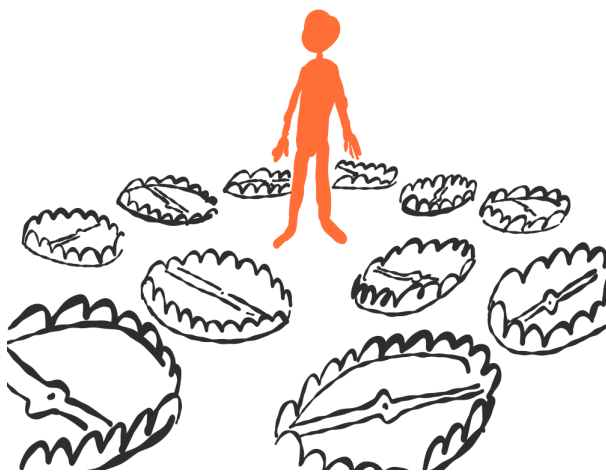
The risks that human rights defenders face increase when they have experience in political or other public-facing activities, as well as when a person combines different profiles of human rights advocacy. Some activists are imprisoned not for their professional activities but on charges related to «fake news» or «discrediting the military». Approximately 33% of all instances of persecuting human rights defenders are specifically linked to anti-war protests or statements made on social media.

Overall, respondents currently see the greatest risks in publicity. While it was previously believed that information provides protection, the number of those who disagree with this has significantly increased since 2022. Even publicity in international organisations, such as the UN, can make the situation for people «on the ground» worse:

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— I used to be willing to brag and make my activities and achievements public. Now I usually allow journalists to say that a case was terminated, of course, but without mentioning me as the defender. I don't need to be linked to those cases. Recently, I was defending a person who had held a picket on the day marking two years of the war, which was actually on 24 February 2024. And OVD-Info ran a story that a certain defender said that a person had been arrested in connection with the anniversary of the full-scale invasion of Ukraine. All the keywords were right there. But at the same time, I am here. First of all, I never said any of that. Second, you can't just publish things like that, because I could also go [to court for it].

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## **EXTRAJUDICIAL PRESSURE ON HUMAN RIGHTS DEFENDERS**

### **Physical Violence and Spying**

Pressure on human rights defenders is not limited to using lawful tools and, in case of work «on the ground», can escalate to direct threats to their physical health and lives. For instance, the aforementioned Mikhail Benyash was on his

way to help those detained during a protest against increasing the retirement-age in 2018 when he was stopped on the street by plainclothes individuals who beat him and then took him to the police station. Later, at the hospital, Benyash was diagnosed with abrasions on his face, hands, neck, cheek and jaw, as well as a hemorrhage in his left eardrum and traumatic otitis.

Another lawyer, Ruslan Artamonov, was suspected of firing an AK-47 from a balcony in 2023. According to him, he was beaten at the police station and forced to sign certain documents. Later, at the hospital, he was diagnosed with a closed fracture of the eighth rib on the right side, as well as bruises and abrasions on his head, face, abdomen, hands and knees, along with contusions on his hands and knees. The police explained the origin of his injuries by claiming that the lawyer «had beaten himself up at the station». Artamonov linked the persecution to his professional activities. His wife stated that in 2022, the lawyer helped secure wage payments for workers at one of the bankrupt factories in Oryol Oblast. After that, Artamonov began receiving threats from unidentified individuals within the security forces.

Situations involving physical violence, especially when trying to carry out their regular work activities, disorient the defenders but also push them out of the fight, among other things. Here's what one of our respondents who experienced beatings shared:

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— I was actually prepared for anything that would have to do more or less with some lawful methods of fighting, at least on the face of it. For example, I imagined being detained by a police officer for trumped up reasons or being removed from a case by a court decision. Any kind of methods like that. But the fact that they would use violence... I mean, I have heard about people being fed [poisoned] pastries and various other sophisticated methods. But the idea that they would apply the method of violence was, of course, beyond comprehension for me.

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In addition to direct violence, human rights defenders are physically followed by law enforcement or other agents who do not possess legal authority but serve the interests of the state and conduct physical surveillance:

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— I don't feel very safe, of course. In 2022, I had a truly horrific filming for NTV and an absolutely terrible visit from a [security] officer in the forest on the weekend. But as soon as I stopped being the director, they all backed off.

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## **Threats and Harassment**

Combined with direct physical violence and repressions against human rights defenders, which quickly become known within the community, law enforcement and other agents of the authorities also resort to threats: to put them in jail, kill, «hit with a brick», ruin their reputations and so on.

They also organise harassment: collective writing of complaints to the police and prosecutors, disrupting events, cyberbullying and de-anonymization.

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— All sorts of «wonderful» people often write complaints about us. These complaints could make a solid collection. This woman called Anna, who is always writing complaints about people, she wrote them about me, too. Slutsky did that, Lugovoy did that. And they keep glancing at us, like it's quite inappropriate to go after an organisation that helps women, after all. But they will do it sooner or later. We understand that. It's just a matter of time, especially since we consistently adhere to an anti-militarist stance.

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The fight against uncomfortable opinions can also happen at work as well. Many respondents reported they couldn't pass employment checks, and that they or their spouses had been fired for refusing to answer questions about «suspicious business trips» and other manifestations of human rights work.

## **Governmentalisation**

One way the state fights against human rights advocacy is by approaching all issues in a purely formal manner, superficially satisfying the demands of the defenders while essentially changing nothing. In the words of our respondents, they seek to «suffocate with dialogue» and «dwell on the problem» instead of actually attending to it.

Genuine human rights defenders are often pushed out or replaced by «approved», state-affiliated ones. These pseudo-human rights organisations include those closely associated with the Ministry of Internal Affairs, whose contacts are on display in police departments, as well as the current lineups of public monitoring commissions in places of detention and the President's Human Rights Council. The same is happening in the non-profit sector:

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— The ecological doctrine and various declarations from large political stages regarding different environmental interests can serve as a pretext for pouring funding into the area. And various quasi-environmental organisations, so called «government organised non-governmental organisations» or GONGO, that is, set up by the government, serve as an attempt to replace the real environmental community with NGOs that engage in non-critical activities and avoid politically charged environmentalism.

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Above all else, these «impostor» human rights defenders hinder the establishment of communication with foreign partners on urgent issues such as evacuations and the provision of humanitarian visas, as they sabotage processes in every possible way and draw attention to themselves.

## **Evisceration**

A form of pressure connected to governmentalisation is the evisceration of the process, filtering out genuine human rights work as something inappropriate within the judicial conveyor. It proves challenging to resist such subtle forms of pressure, as they operate imperceptibly:

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— I very often have this sensation — and not just me, but my colleagues have it as well — as if a lawyer were like a wrench in the works of this system. They aren't particularly pleased when a lawyer who wasn't appointed by the court comes in. They don't like lawyers who don't sign all the papers right away, who are like, 'Let me talk to my client, without time limits.' They all immediately start rolling their eyes and saying they don't want to work until dawn. It's really unpleasant to feel like an extra, like someone who's hindering their work. Although in fact you're just trying to do what you're here for, to ensure everything is in the client's best interests. But how can you do that if you don't talk to your client for hours, if you don't file all possible motions, and send summons to everyone who can be questioned? I honestly don't understand. So, you feel superfluous in this system.

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## **Isolation and Stigmatisation**

Participation in human rights activities often leads people towards social isolation. Sometimes the direct cause of this is that their colleagues were forced to leave, there are no like-minded people left beside them and the person feels abandoned. In other cases the people who don't have anything to do with human rights protection — such as family, friends and relatives — distance themselves from them. We often hear in interviews that it was «not really a conflict, they just all drifted away».

The same separation is happening in the professional sphere. Just like in the community of attorneys, where many people say things like «we need to feed our families, rather than get involved in politics», in non-commercial organisations that deal with social rights, the opinions are the same. Since human rights activism is seen by the representatives of such organisations as something political and thus dangerous,

they try to avoid being associated with human rights activists even if their work is based around the human rights framework. As a result, many important aspects of human right activism such as quick transfer of a case from one organisation to another, exchange of experiences and resources and cooperative international advocacy are becoming difficult.

When dealing with law enforcement, you can feel their special attitude to human rights defenders. Respondents say that the term «protection of human rights» itself annoys police and FSB officers. This is especially the case when the name of the human right defender gets into some lists:

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— I cross the border only in Belarus, so that the Russian border guards don't see my passport. When they do see my passport, their faces become pale and they start calling someone and scan everything.

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## **Sanctions and Pressure from Non-Russian Agents**

We already mentioned above that the Russian government authorities are not the only agents that put pressure on human rights defenders. We can also note that in some cases Russian intelligence agencies delegate repressive tasks to their colleges in other countries: Kazakhstan, Georgia and Serbia.

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— Our group was followed by the Serbian intelligence services that were hired by the Russian government, and I was the only person from the group to notice the surveillance at all.

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On top of that, agents from different countries that oppose human rights defenders sometimes bring their forces together, especially when it comes to collective rights, connected to inequalities and actions of big corporations:

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**— Yet again, we don't guarantee to anyone that we can succeed; that cannot be guaranteed anywhere nowadays. There's a lot happening in Europe with the environmental activists as well. If you look at other countries, for example at the UK's protest legislation that was amended because of the climate activists; the same is in Germany and France, where they put pressure on environmental organisations, overall there is also a similar picture... When the question revolves around economic interests, everything is completely different, in European countries too.**

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Thus, global tendencies show a significant deterioration in human rights, and that happens not only in autocratic countries, but also in the ones that are considered to be democratic.

Another problem that appeared alongside the war was that it became harder for human rights defenders to act. Also, additional barriers with regards to helping with the evacuation of the Russian human rights defenders were established by the intelligence forces of the receiving countries — mainly the Baltic states. Many people faced a refusal of entry or could not get a visa, have been subjected to threats or administrative persecution from the government — that led to a problem of double stigma, when the human rights defender doesn't feel fully secure anywhere and isn't able to continue their professional activity.

Other than that, bureaucratic confusions also deserve a separate mention. Many respondents in forced emigration talked about problems with the governments of their

receiving countries — ranging from deprivation of a legal status for the defender himself or his relatives to detention as a result of a mistake when completing a questionnaire that is compulsory for people arriving from Russia. It is especially hard to accept how unpredictable and selective the decisions of the local governments are: «it involves some people and not the others, and the criteria for it are not clear.» They also talked about situations where all decisions on considering the cases involving Russian emigrants were made by practically one person, which created a lot of opportunities for discrimination.

The same can be said about getting visas for human right defenders to attend events and even to get through passport control, which is said to be getting more difficult with time.

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**— If something really does need to be done — it is trying to provide a more friendly interface for the human rights activism conducted in relation to Russia from outside Russia. There are many problems here: visas, bank accounts and transactions. When you're doing business directly with Russia, executing some payments is especially complicated. There are still no solutions that would allow treating Russian NGOs differently from potential arms dealers.**

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# CONSEQUENCES OF THE PRESSURE

## Impact on Resources and the Community

Consequences of the pressure manifest themselves not only in the inability to win a case in court or the individual's risks, but also disruption of the established work processes and a loss of (or failure to receive) important resources and opportunities. Preventing its detained and imprisoned staff members from working, seizure of equipment and blocking of bank accounts — all of that may not only temporarily disrupt an organisation but can also lead to its liquidation. The same can be said about human rights lawyers with private practices:

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— «Good guys» in uniforms were conducting some investigations and took my laptop away, bastards, and it had a built-in webcam, and now I'm using a different laptop that's cheaper and less advanced. Unfortunately, it doesn't have a camera. So now I can only talk to you without video.

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We already wrote about the necessity to meet the requirements of Roskomnadzor to avoid being blocked; we can also note that these requirements have to be met within 24 hours, which often results in situations where materials have to be urgently hidden during holidays and outside working hours. The same can be said about the necessity to monitor new legislations and court decisions: small human rights initiatives might not have enough resources for that kind of work.

Another problem is related to the search for new hires. For example, after the closure of educational initiatives, the recruitment of human rights defenders from members of the younger generations became a significant problem: people simply have nowhere to learn about what human rights

protection is. With the status of a «foreign agent», the search for employees becomes even more difficult: you cannot post a regular vacancy on a labour exchange, «it's two months of nerves and a rather meagre result».

Possibly, the most painful problem for the community of human rights defenders is related to the inability to communicate openly — both within and outside the community. Obviously, that also includes communication with the government. In the quote below, a respondent is talking about a double whammy: on the one hand, the inability for human rights defenders to openly make their work public, and on the other hand — the demands of most human rights donors to do exactly that:

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**— You, for example, write, «We are working on such and such legislative initiative and it is led by an organisation recognised as a foreign agent.» And a million media sources wrote about it. And that's it. There won't be any legislative initiative. Goodbye! There's no point in doing it anymore. That's why I think that the donors' criteria should change in terms of reporting. They can't demand PR where it will harm the result.**

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The necessity to lower the risks slows down the communication within — even in cases where people know each other as a friend of a friend. There is a need for a chain of verifications:

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— When I have some kind of a request, I even approach people who don't know me personally, and then I tell them who gave me their contact; they know that person. No one will really talk to you unless they know who gave you their contacts, because there's a danger that the comrade major will show up. Well, unfortunately this is the world we're in at the moment. Moreover they would first ask the person who gave you the contact and only then talk to you.

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Regarding public communication, human rights defenders face not only difficulties with regards to their advocacy work and fundraising, but also due to the fact that their activities remain invisible, and thus seem not needed and useless:

— *Yes, that means that the war and the whole need to stay underground resulted in a destruction of the ties between human rights defenders and simple people. And when you work without being able to tell the society about it, a big question arises of how meaningful this work is and how effective it is. And while earlier you could collect donations for some project, now it's difficult, because you can't talk about it, so you can't get donations and can't attract volunteers, right? And the effectiveness catastrophically decreases because of what you're doing. And people are starting to forget about you, which is also bad. And it's very very hard.*

Наконец, разъединены оказываются «уехавшие» и «оставшиеся» правозащитники. Из-за невозможности публичного высказывания для тех, кто в России, их соратники в эмиграции могут считать, что в России «никого не осталось»; с другой стороны, тем, кто остался, не всегда удается артикулированно донести до тех, кто хочет помогать из-за рубежа, изменения в ситуации. Те, кто выехал, теряют привычные практики работы, но получают возможность рефлексии долгосрочных целей; те же, кто остался, перестают верить в глобальные цели

и концентрируются на практиках. Однако вместо того, чтобы разделять обязанности и пользоваться сильными сторонами друг друга, из-за недостатка доверия часто коммуникацию не удастся осуществить вовсе.

Finally, a rift emerges between the human rights defenders who left and those who stayed. Because of the inability of those who stayed to speak out publicly, their colleagues in exile can think that there is «no one left» in Russia; on the other hand, those who stayed can't always successfully convey information about changes in the current situation to those who want to help from the outside. Those who left lose their usual work practices, but get the opportunity to reflect on their long-term goals; and those who stayed stop believing in the global goals and concentrate on the work on the ground. However, instead of sharing responsibilities and using each other's advantages, due to the lack of trust, their communication often fails completely.

## **Reduction of Life Chances**

To be subjected to state pressure means to lose certain life chances or a familiar standard of living for a long time or even forever. While being held in detention or enduring searches and interrogations, human rights defenders lose their physical and psychological health, for the recovery of which they often lack resources. Many people also find themselves unable to leave the field of human rights advocacy, citing reasons such as a sense of duty or «sheer adrenaline addiction».

Due to repressions, human rights defenders often have to urgently leave the country, which inevitably leads to enormous personal changes: people lose their familiar living environment, social circles, and sometimes even regular contact with loved ones. As for the living conditions, they can significantly deteriorate in emigration. Often people continue to receive their earnings in rubles or lose their income altogether, making survival abroad extremely difficult. Below

is the situation of a human rights defender who faced both financial and medical problems in emigration:

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— Besides needing help with evacuation, and we do occasionally collaborate with other teams on this issue, we also need support in the first months after evacuation. Because that's when the real trouble starts. We currently have cases where support is urgently needed. There's this person who has recently left the country; she has a lot of medical conditions that need attention. Right now, she is in a certain country without any resources, so to speak. We are desperately trying to find some support for her after her departure. I can say that it has been very difficult. We have reached out to several funds, but we've either received refusals or been ignored. At least for one human rights defender who has fled, we are currently searching very actively for financial support, at the very least. Or maybe you know of any relocation programmes where she could apply? I would greatly appreciate any information because things are really tough over there right now. Because shelters are running out of space and it's absolutely unclear what to do next.

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At the same time, some activists evacuate their families abroad to shield them from pressure, but they themselves continue to travel to Russia for work. This places an additional burden on the family budget, on their financial situation, and, most importantly, on their relationships:

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— Well, I've already got used to it somehow, of course, but the first year was a bit difficult because I have a small child who is five years old. And, of course, being apart for three weeks from such a young child is not okay for him. And it's hard for me too. But gradually, we have all more or less adjusted to this situation. It's difficult, of course, it's difficult, but I've got used to living between two homes.

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Another problem for human rights defenders who have emigrated is that their personal safety heavily depends on the organisations they work for. Heavy workload prevents them from broadening the scope of their work and generally adapting to new living conditions, so they consider it impossible to find employment with human rights-focused or other kinds of organisations that are not related to Russian issues. Some individuals have to return to Russia despite all the risks; they are simply unable to survive abroad. Others stay put but speak of low financial security and complete dependence on their employers' decisions.

Our respondents who remain in Russia are somewhat less concerned about financial and employment issues than those who have emigrated. However, problems can still arise, such as finding funding for their activities and the need to pay large fines for administrative offences. Moreover, since financial transactions with organisations that have a negative status have become risky, some choose to work on a volunteer basis without receiving payment for their labour.

Finally, it is worth noting the irregular working hours that characterise human rights work in Russia, and this trend is only intensifying: the number of human rights violations is increasing, while the number of workers is not necessarily keeping pace. It has reached the point where activists from small organisations hardly sleep, fearing that «someone will die overnight». Many respondents also believe that law

enforcement intentionally schedules raids for early morning or late evening, on weekends and holidays, so that no one has time to intervene.

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**— All the crazy stuff happens around seven, eight, or nine o'clock. So, we're always available. And, of course, our clients don't choose the time when to share their stories. Weekends are also nominal, meaning that you communicate with your relatives just as you do with your clients on weekends. Foreign human rights organisations live like normal people; they have a work schedule. That's why our friendly funds — say, from Norway, Scandinavia and such — were just horrified by how we work, they were like «How can you do this?!» And everyone is still here! No one is leaving!**

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## **Work Intensity**

Continuing the discussion on irregular work hours, it is important to note that not only is the amount of work for human rights defenders increasing, but its quality is also transforming. First of all, this relates to the necessary speed of response: «To be more adequately aligned with the scale of repressions, we are speeding up our processes.» Secondly, the amount of emotional labour has also increased; it was already quite high for those whom clients view as not only a legal but also an emotional support. Many defenders, when discussing what helps them succeed, mention a special, diplomatic approach to communicating with law enforcement officers: «I talked with some of them, talked with others, understood what was happening, and from that I now move on.» However, maintaining an amicable attitude to those who threaten you and your values in a situation of war and increasing repressions is becoming more and more difficult. Like all emotional labour, this type of stress has a cumulative

effect, so we anticipate that a growing number of human rights defenders will face burnout in the near future.

Being involved in the informational agenda of socio-political processes also compels human rights defenders to take the repressions even against strangers «close to their heart», especially in light of the difficult political conditions of recent years:

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**– When the press release about Navalny’s death was published, I, like many others, was waiting for someone from his team to clarify whether it was true or not. What happened afterward was really shocking, especially when they didn’t want to return the body to his mother. I could vividly imagine her and the lawyer caught in this bureaucratic hell. All those excuses from the investigators, it’s absolutely horrifying, and the authorities have discredited themselves, although it felt like they couldn’t have gone any lower.**

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Moreover, many respondents noted that they perceive even the everyday environment not as neutral but as hostile, and they require more emotional energy to concentrate on their work:

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**– It’s incredibly irritating to see all of this advertising, «Let’s defend our own», «Join the defenders of the homeland», which is coming at you from every direction. I only realise how tired I am of it when I’m abroad. Here, it goes unnoticed as background noise. But every day, when you take a minibus, part of your attention goes toward trying to detach your mind from it.**

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Another aspect of the burden arises from the constant need to reassess one's values and make moral choices in situations where there are no right answers; in other words, in a state of «social disorientation». In times of war, making such choices is especially difficult:

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— In the community of human rights defenders, which is involved in military and anti-war assistance in one way or another, there was a big scandal at the beginning of the war about whether or not to help people who went off to fight. Opinions on this matter diverged. Some provide assistance, while others do not because they find it unacceptable. I have my own perspective on this topic. For example, if a person went there without thinking at all, with complete blankness in their head, I will help them.

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— Our organisation does not make statements about the war. Because it operates in Russia, we do not engage in any active criticism of the war, which has raised many questions for me in 2022 and still keeps raising them. Some organisations have chosen the path of «evacuating everyone but somehow continuing to receive grants and keep the organisation running» — but how can you continue when almost no one stayed here? Or the opposite. For instance, my organisation engages in self-censorship because it sees its primary goal as preserving itself, which is also quite controversial. What is the purpose of an organisation that has survived but lacks principles or, shall we say, adjusts its principles to the situation?

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When discussing the meaning of their work today, respondents most often reply that there is no overarching meaning, or that it lies in saving as many people as possible

«while there is still time»; in the past, they did see some constructive horizons for human rights work. This moral labour of searching for meaning must be carried out regularly, almost daily, just like their professional and emotional work:

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— It has changed many times over, especially after the war started. When you have to come up with a sense of purpose every day. Otherwise, it's completely unclear how one can even go to court again.

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## **Professional Deformation and Burnout. Life in Uncertainty**

As a result of everything mentioned in the previous paragraphs of this chapter, many human rights defenders experience chronic burnout, feel a lack of strength and motivation to work, as well as professional deformation.

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— I spent a week recovering from that state after all the searches and interrogations. It was really hard. I was all over the place, feeling quite heavy. I was depressed. They still followed me around for a bit. As a former cop, I could see it. It's an unpleasant feeling when there are always idiots stomping after you.

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Some say that they are always «on guard», «on watch» and see danger in everything:

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— You all are under surveillance over there in Russia. There is a file kept on absolutely everyone. All communications are being monitored. Occasional targeted repressions against human rights defenders are done intentionally and deliberately. Now all the attorneys working there have gone underground. Some have gone so far underground that they had to give up their social media accounts. Because you can't say anything.

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Others, on the contrary, say that they have stopped experiencing a normal amount of fear. They are afraid of virtually anything, but say about imprisonment that «it would be useful to many»:

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— Well, I am simply contemplating prison experience, as I have already served prison time. Of course, I don't want to do it again but there's nothing terrible in this. Again, many of our predecessors, including those in human rights protection and dissidents, I don't know, and even, by the way, many attorneys have already served time. And it's such a good vaccine against fearing the state.

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— It seems to me that it is us who have become more evil. Well, it's like the self-preservation instinct. While I might have had it at 50%, it has now gone down a bit for me personally. It's just that I'm in the acceptance stage regarding things like going to jail and am philosophical about them. So, it's kind of OK.

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Отдельно люди упоминают усталость от постоянного нахождения в неопределенности, невозможность планировать ни работу, ни жизнь:

Some people mention the fatigue of a constant living in uncertainty and an inability to plan either their work or life:

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**— Not only is there no confidence in the future, there are no those... plans at all. The planning horizon is very short. I know when I have court cases scheduled and that's it.**

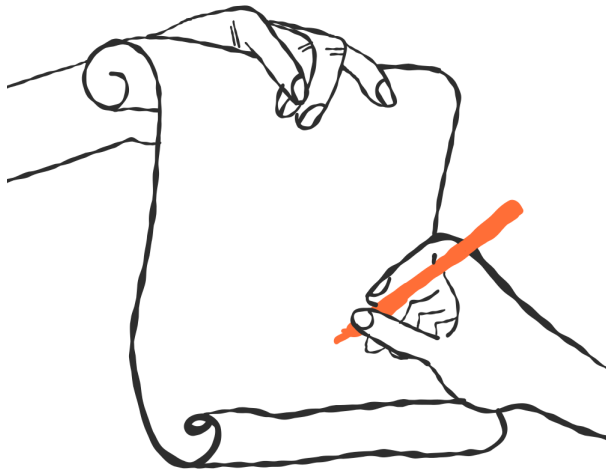
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Combined with the responsibility not only for their own life, but also for the life of their defendant, their organisation and the future of the country, the lack of certainty is felt especially clearly:

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**— In general, the realisation that it's unclear for how much longer we will work, for how long can we hang on — all of us, including human rights attorneys, including the human rights protection project as a whole. How soon all of us will get busted. It's unclear for how much longer we can hang on. And at what point the border will get shut, so we'll end up on one of its sides. This is probably the hardest part. It's very difficult to predict, to build processes that will allow us to work from abroad. Everyone understands that we are trying to figure something out so that, first of all, colleagues that have left and cannot come back had work to do, had a profession and could help. On the other hand, so that the colleagues who stay inside the country don't feel completely abandoned. And third: all of our human rights protection projects are, in essence, the last thing that keeps at least some democratic institutions functioning in the country.**

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## **RECOMMENDATIONS**

We present here is a list of recommendations that, in our opinion, will help to make the work of human rights defenders safer and more effective. Some of these can be fulfilled only with the cooperation from the Russian legislative authorities so these can be implemented later, during the period of transitional justice; others are related to the work of international organisations, donors of Russian human rights protection projects as well as community members themselves.

### **Abolition of a Number of Repressive Statuses and Laws**

- 1 The status of a foreign agent should be cancelled.
- 2 The status of an undesirable organisation should be cancelled.
- 3 Legislation concerning countering extremist and terrorist activities should be abolished or substantially revised so that the inclusion of an organisation in the list is much more strictly regulated.
- 4 Legislation that discriminates against the rights of LGBTQ+ persons should be abolished.
- 5 All persons who have been repressed in connection with the use of the abolished laws and statutes should be amnestied, as well as receive payments compensating for the loss of life chances due to repression.
- 6 Individuals involved in the creation and application of unlawful legislation should in addition to everything else be subjected to public trials, as a result of which the perpetrators, among other things, should be deprived of the right to certain activities, including holding public offices. Among other things, inspections and/or audits of the activities of bar associations are required.

## **Introduction of the Status of a Human Rights Defender and Expansion of Rights**

- 1** It is necessary to introduce the status of both a Russian and an international human rights defender.
- 2** Individuals with the status of a human rights defender should be granted the right to a simplified visa regime for visiting other countries. They and their families should be given the opportunity to evacuate urgently, and, if necessary, be informed and trained in case of arising risks to their work and safety. In a critical situation, human rights defenders should not waste time collecting documents and obtaining permits.
- 3** International organisations such as Frontline Defenders should resume long-term support for the Russian human rights sector. In the case that the price of human rights activities is high, the very fact of preserving human rights values and work needs to be encouraged, since it affects the institutional conditions in the region in the long term.
- 4** It is necessary to formulate a transparent and inclusive methodology for granting the status of an international human rights defender to Russian human rights defenders — for example, based on the results of independent human rights training or upon the fact of performing any type of human rights work, both at the professional and grassroots levels, and extended to all areas of both individual and collective rights. The creation of methodology should involve active Russian human rights defenders representing both different types of human rights protection activities, as well as different regions and identities.

**5** It is necessary to expand the rights of persons with the status of a human rights defender in Russian judicial processes so that the absence of an attorney licence does not become an obstacle to the implementation of their human rights work. The set of rights and obligations of a human rights defender in such cases must be formulated as a result of a discussion among public attorneys, experts and activists.

## **Providing Resources and Support**

- 1** Individuals with the status of a human rights defender should be able to apply for personal scholarships for human rights defenders that are not tied to their place of work and do not require an official registration of their activities.
- 2** As part of a system for evaluating the activities of human rights fellows and projects, not only their formal achievements in court proceedings and other quantitative indicators, but also qualitative indicators such as feedback from clients and other community representatives and the involvement of new participants in human rights protection work should be taken into account. This is especially true in cases where they are unable to conduct their activities publicly.
- 3** It is necessary to expand the list of recipients of grants and scholarships toward grassroots, regional and young initiatives, as well as toward projects that face increased risks for being implemented in a particularly persecuted field of work. The involvement of beneficiaries of human rights assistance in human rights work and the production of a culture of responsibility among beneficiaries — for example, following the example of «equal counseling» — should be encouraged.
- 4** It is necessary to expand the resource base for medical, psychological and recreational support for human rights defenders who are in a state of burnout.
- 5** Support should be increased for human rights events where various representatives of the community will be able to share the results of their work, coordinate their joint activities, and share experiences with both other Russian and foreign human rights defenders. It is also worth encouraging large projects to share their experience and find common ground with less experienced and «less politicised» initiatives.

## **Safety and Evacuation Protocols**

It is worth developing, updating and conducting occasional trainings for human rights defenders in the following areas:

- 1** Protocol of actions and skills to minimise conflict in a situation of harsh interrogation, during a search or at border control;
- 2** Self-defense skills in the face of violence, as well as the protocol of further actions after the confrontation occurred;
- 3** Practicing an emergency evacuation scenario to another region or country
- 4** Basic digital security skills and protocol of action in case of a threat of hacking or tapping; and
- 5** Self-help skills in situations of affect, skills of psychological self-diagnosis.

## **INTEGRATION OF VARIOUS PARTS OF THE HUMAN RIGHTS PROTECTION COMMUNITY**

- 1** Human rights protection initiatives and activists should overcome differences in their experience and share experiences and resources with the representatives of other areas and forms of work.
- 2** Human rights initiatives and activists, as well as international observers and allies, need to reflect on Russian human rights protection activities within the framework of intersectional and decolonisation optics, increasing attention to the underrepresented initiatives: gender related, ethnocultural, initiatives to protect collective rights etc.
- 3** Human rights organisations that employ people should regularly review opportunities to create better working conditions for their employees in order to avoid burnout.

## More to read



### **The strangling of Crimea**

Denis Shedov and Dan Storyev explain how the repression in occupied Crimea was structured and how it evolved

