

# LUISS



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## Propaganda and Power: Tracing the Threads of Censorship in Russia from 1997 to the present

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## **Abstract**

Russia experienced an important legislative evolution since the Soviet Union dissolution, which led to substantive consequences on its civil society as well as on its position in the geopolitical context. This thesis aims at chronologically retrace the stages of this legislative development, trying to assess at what degree the progressive censorship influenced the spread of propaganda inside and outside the Russian borders. The analysis has been conducted by consulting manuals, academic articles, journals, organizations' reports, and Russian legislative documents. This research is constrained by its reliance on predominantly non-Russian sources, primarily attributable to the difficulties associated with accessing primary and internal sources within the Russian Federation. The analysis establishes that Russia has intensified its control over the flow of information, aiming to validate its expansionist aspirations at the expense of the local population and organizations within the territory, albeit often falling short of achieving the anticipated outcomes.

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# **Introduction**

## **Introducing propaganda and information control in Russia**

International perceptions and the direction of international politics are greatly influenced by propaganda as the latter's influence in the field of international politics cannot be undervalued. It is well known that governments, organizations, and other actors use it as a strategic instrument to forward their agendas and accomplish specific goals as its main function is to affect people's opinions of global affairs, conflicts, and interpersonal relationships. Propaganda, in the governmental and political context, is the art of using carefully designed narratives and communications to sway public opinion, obtain and reinforce support for specific policies, and provide a positive picture of a nation, ideology, or cause (Smith, 2023). On the other hand, it can generate a rift between countries or aid in the formation of coalitions and alliances. Propaganda in international disputes frequently takes the shape of psychological warfare. Its goal is to undermine opponents' confidence, create uncertainty, and spread demoralization. In this context, propaganda has the power to strengthen a country's stance in a conflict and affect the resolve of opponents by targeting on their emotional and psychological weaknesses (Bernays, 1928). Additionally, propaganda is fundamental to the idea of "soft power": countries use it to spread their influence, values, and culture over the world. They may win over audiences around the globe by promoting ideas, artwork, and cultural exports, which is better known as cultural diplomacy. The latter, enhances a nation's attractiveness and can lead to agreements for trade and security as well as other forms of cooperation (Tools of foreign policy, 2023).

Propaganda takes on a diplomatic role in the framework of international inquiries and diplomacy by paving the way for advantageous terms in speeches, hence making it instrumental as leverage to further the interests of a nation. Well conducted propaganda can force opponents to concede or foster a setting which can be favorable to diplomatic solutions. Propaganda's strength, though, is not without its ethical and tactical implications. Although it can be a useful tool for accomplishing goals, when abused, false information, deception, and the propagation of false narratives may occur. As a result, the world community keeps a careful eye on and assesses propaganda initiatives, realizing the need of openness and transparency in a society where knowledge may be a weapon of mass influence, in particular with the help of social media.

In recent years, Russian influence on social media has drawn significant attention and investigation, with specialists and researchers delving into its complex aspects. This influence operation employs a number of strategies intended to sway public opinion, disseminate false information, and affect events in Russia and around the world. Disinformation spreading via social media platforms is ordinary evidence of this influence; Russian agents have been charged with coordinating activities meant to sow division and confusion by taking advantage of contentious political issues, elections, and other themes (Bulanova, 2023). Through controlling online conversation and using troll farms, fake accounts, and other illicit tactics, Russia and its actors manage to spread their message. In order to promote narratives that support Russian goals, Russian operatives frequently assume the identities of common people, journalists, or activists. With a view to reach a worldwide audience, these actors use social media as an effective instrument for message amplification and agenda promotion. Furthermore, Russian hackers have been linked

to cyberattacks against political figures and institutions that resulted in the disclosure of private data, potentially harmful to people and organizations.

Russian influence operations have occasionally also been associated with the spread of conspiracy theories and extremist content which may further polarize societies and erode trust in institutions by endorsing such content, thus helping them achieve their destabilization objectives. These activities also cover international affairs in addition to Russia's internal scene: Russian meddling in international elections, as during the US presidential election in 2016, has sparked worries about the legitimacy of democratic processes in other communities (Hartnett, 2022). This is just one of the various forms that "information warfare" can take, making it an integral and fundamental part of modern international conflicts since their inception (Bulanova, 2023). The strength of this tool lies in its high influence and the ability to remain in the shadows as there are no direct physical and concrete consequences. All this creates a sort of indifference and a sense of discouragement in reflecting on its existence and searching for the truth of the facts, preferring to consider the received information as reliable rather than accepting its dubious authenticity. In this way, the impact and consequences on the social psychology of the individual are anything but mild and, at times, capable of surpassing in importance and effectiveness the consequences of armed conflicts. Propaganda itself needs a receptive environment in order to better perform, and here censorship plays a fundamental role. Channeling information only one way (the State) to another (the people) creates the perfect setting to spread a specific and desired message and shape people's thoughts. Over the past three decades, Russia has promulgated a series of laws gradually establishing conditions conducive to affording the Kremlin the broadest latitude of action by being in total control of the dissemination of information. This encompasses both internal and external propagandistic endeavors

within the nation, as well as decisions on international affairs without to protect and defend its credibility. Considering the historical period between 1917 and 1921, the media war waged by Russia against Ukraine made its annexation possible. Similarly, in 2014, the annexation of Crimea and the occupation of eastern Ukraine by the Russian Federation, and in February 2022, the full-scale invasion that the eastern European borders experienced. All of this was organized with precision and well in advance to enhance its effectiveness on the perception of individuals in order to avoid any kind of visible dissent from public opinion. In fact, the vibrant Russian propaganda campaign is part of the so-called hybrid warfare, which is defined by the Oxford Dictionary as "the use of a range of different methods to attack an enemy, for example, the spreading of false information, or attacking important computer systems, as well as, or instead of, traditional military action."

This thesis introduces the complex landscape of media governance in Russia, starting from the Mass Media Law of 1991, lauded as one of the world's most advanced. Despite its acclaim, practical challenges emerge, as discussed by Dr. Andrei Richter, revealing erosion of envisioned freedoms due to economic hardships, and increasing political pressures since the administration of President Putin witnessed heightened government involvement, illustrated by a surge in official warnings to media outlets. The study explores challenges in political pressures, impediments to information access, and an evolving grip on the information by the Kremlin, shaping the media landscape and the legislative path that positively affected Russian propaganda. Despite being considered liberal, the Mass Media Law paradoxically leaves a significant portion of press entities economically unsustainable, relying heavily on government and corporate support. Global rankings from organizations like Reporters Without Borders and Freedom House highlight Russia's struggle for press freedom. The thesis aims to



contribute with insights into the evolving dynamics of media governance, emphasizing the need for a holistic and chronological understanding of the political and legal dimensions to better comprehend the role of censorship in the effectiveness of state propaganda.

## **Developing propaganda from historical heritage**

Part of today's Russian propaganda is directed not only at countering Ukrainian territorial integrity but also at negating the existence of a true and independent Ukrainian state. Taking a historical perspective, this strategy loses its originality and innovation: around the early years following the end of the Tsarist Empire, the Bolsheviks carried out a propaganda campaign involving the promotion of anti-political movements, manipulation of public opinion, and destabilization of the Ukrainian government on economic, cultural, and social fronts (Schaich, 2001). The result of these efforts was the establishment of Soviet government in Ukrainian territories, where Bolshevik propaganda played a more than fundamental role. Similarly, we can overlay the actions taken against the present-day Ukrainian government and over a century ago, defining the glorification of the Russian people and the discrediting of Ukrainian independence as key and recurring elements in the rhetoric of disinformation reserved for countries worldwide.

Among the various frequently supported and professed rumors by Russia regarding Ukraine, for over 100 years, is the claim that the majority of Ukrainians in 1917 supported the Bolsheviks in creating the Soviet government, the existence of Novorossiya (an area including the South and East of Ukraine historically conquered by the Russian Empire), and the belonging of these territories to Russia. Furthermore, among the various "legends" promoted by Russia is the fictional establishment of the

People's Republic of Ukraine, organized following a coup supported by the Germans, delegitimizing its very existence. Another noteworthy detail is the decision of the Duma in 2014: the lower house of the Federal Assembly of the Russian Federation approved a law extending the confidentiality of documents from the Cheka<sup>1</sup>, the NKVD<sup>2</sup>, and the renowned KGB<sup>3</sup>. All of this leaves room for imagination to hypothesize a recycling of manipulative techniques of public opinion used back in the days by these bodies and now by today's Russian Federation. Shortly after seizing power, Lenin understood the importance of communication and media control. Shortly thereafter, on November 16, 1917, the Press Decree was issued, strongly criticizing the press of political rivals (Reed, 1982). The Soviet Union spread propaganda by establishing special units and authorities with internal and external orientation, *de facto* approving state-level propaganda (for example, the Department of Agitation and Propaganda of the Central Committee of the Communist Party). According to Anhelina Bulanova (2023), communist propaganda consists of two different phases: a prohibitive one that involved the state monopoly of Soviet media and the total coverage of the narrative, and an offensive phase that aimed to spread panic and agitation among the population from within. However, it seems that the first legislative actions aimed at creating state-level propaganda occurred before the end of the revolution. Grigory Petrovsky, head of the Pan-Ukrainian Central Executive Committee, established "Eastpart," a special commission to examine materials on the history of the October Revolution in Ukraine (Resolution of the All-Ukrainian Central Executive Committee On the Commission under the All-Ukrainian Central Executive Committee for the History of the Ukrainian

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<sup>1</sup> All-Russian Extraordinary Commission, a Soviet political police force created by Lenin in 1917 to counter enemies of the new Russian regime.

<sup>2</sup> People's Commissariat for Internal Affairs, a state ministry established in 1917.

<sup>3</sup> The Committee for State Security (CSS, in Russian KGB) was the main security agency for the Soviet Union from 1954 until the end of 1991.

Revolution and the Communist Party, 1921). Analyzing all collected materials, the commission could study events from a non-objective point of view, as the authors of these documents were not impartial. By controlling the circulation of this information and understanding its creation dynamics, the commission had the opportunity to monitor the circulation of events, thus influencing the historical memory of the Ukrainian population. Therefore, a highly attentive and rigorous censorship system ensured that no criticism of the Soviet system could undermine its integrity. Anything that could even remotely undermine the Soviet system was identified as "anti-Soviet propaganda," including protests, which were harshly suppressed. Given the absence of powerful digital tools today, Russian propaganda translated into public speeches, demonstrations, films, as well as newspapers, magazines, and flyers, even though only a small percentage of Ukrainian citizens could read and write. However, the Soviet Union seized the opportunity to start a campaign to mitigate illiteracy in 1921, with the aim of greatly increasing the use of propaganda materials from the media across Ukrainian territory. As for cinema, the Soviet Union strongly pushed for the spread of legendary Soviet exploits, idealizing the system and reaching even the illiterate. In parallel, in 1918, Lenin proposed a monumental plan: the "Decree on the Monuments of the Republic" (Astrov, 1928). This decree called for the removal of any traces of monuments and architecture erected in honor of the Tsar and the development of monuments in honor of the Russian Socialist Revolution, with a list of 67 personalities, including writers, scientists, and key figures of the revolution, who would be portrayed in these monuments. Although the plan was crucial for Soviet sculpture, it faced difficulties due to the severe economic crisis of the 1920s, resulting in its incomplete implementation. Although undergoing transformations, modern Russian Federation propaganda seems to, in a sense, continue the traditions of the previously analyzed

Soviet period. Recurring elements such as the identification of opposition forces and the West, strong censorship, media control, and the repression of dissidents' demonstrations.

Propaganda is an element with a high potential for danger, dominating the public and social context to counter ideas and thoughts that deviate from the one promoted. An enemy of pluralism and any antithesis, government-level propaganda finds fertile ground, especially through the media, where governments should not step in order to ensure the most democratic news delivery possible. News, if propagandistic, cannot and should not, as an ineffective method, be countered through censorship (Beek, Zenger, 2022). Limiting the freedom of the media would have the opposite effect, leading to politically motivated actions arbitrarily inserted into a difficult-to-break vicious circle, especially in states where media control and ownership are in the hands of the state itself. On the other hand, granting an open and plural media environment would foster and spread ideas and visions exchange, nerfing propaganda's effects on the population (OSCE, 2015). For these reasons, Russia ensured to operate in an environment with the minimum possible social, political, and religious freedom to prevent the neutralization or attenuation of the state's propaganda effect.

## **The sharp return of the Orthodox Church and Russia's aversion to “extremisms”**

### **1997 law restore Orthodox Church's role inside Russian civil society**

The limitations and restrictions on citizens' freedoms have developed and evolved over the years in various forms and norms. However, concerning the religious sphere, the

Russian Soviet Federative Socialist Republic (RSFSR) made significant progress towards greater freedom with the Law on Freedom of Conscience and Religious Associations on October 25, 1990. The key innovations of the 1990 law included putting an end to religious intolerance and reclaiming autonomy by the Orthodox Church, establishing educational institutes, and charitable associations. Consequently, the population was no longer obliged to adhere to a state-imposed religion, as the state had become neutral. The final version of the law was formulated by the Local Council of the Russian Orthodox Church, which had recently elected Patriarch Alexy II (Estonian Orthodox Church of Moscow Patriarchate, 2008), deviating from Tsar Peter's secularization process that abolished the Moscow Patriarchate, depriving the Church of autonomy and spiritual influence within the state (Cracraft, 2003). This law marked significant progress by not only regulating the religious sphere but also aiming to protect individual rights by abolishing disparities between the citizens of the Russian Republic and foreigners, ensuring legal equality for all religious organizations, as stated in Article 10 of the law. The law was well-received by the Russian Orthodox Church and the Patriarch of Moscow, reflecting a notable liberal tendency in the RSFSR<sup>4</sup>. However, these liberal tendencies led to increased foreign missionary activity and the proliferation of additional religious groups, causing the Orthodox Church to perceive a threat to its leadership. Subsequently, in 1993, an amendment to the 1990 law was proposed by the Supreme Soviet, intending to limit religious freedom, contradicting the principle that individuals enjoy freedom of conscience and religion regardless of citizenship. President Boris Yeltsin strongly opposed the amendment, aware that the restrictions violated the Russian Constitution. Yeltsin's consistent stance was evident

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<sup>4</sup> In December 1990, Alexy II had sent a letter of gratitude to Boris Yeltsin, Chairman of the Supreme Soviet of the Russian Republic, for acting in the interests of the faithful citizens towards equality with the rest of the population.

when he vetoed the bill passed by the Duma in July 1997, stating that the new law on religious organization, freedom, and legitimacy of NGOs contradicted the foundational principles of the constitutional structure and various provisions of the Russian Federation, as well as several international law norms. The law faced criticism not only from Yeltsin but also from religious minorities, foreign governments, legal scholars, and the Vatican (CNN, 1997). The Russian Orthodox Church supported the amended legislation due to concerns about the rapid expansion of non-traditional faiths and sects after the Soviet Union's dissolution. Despite initial criticism, Yeltsin, after reviewing and presenting a new bill, signed it on September 26, 1997, *de facto* retracting his earlier position and endorsing the stance of Patriarch Alexy II, the fifteenth patriarch of the Russian Orthodox Church. The law, strongly advocated by the Russian Orthodox Church, secular nationalists, and communists who lamented the activities of external missionary organizations and new religious groups, made it difficult for the President to veto it again. However, the new law differed from its vetoed draft; it included references to Christianity to gain its support, while still acknowledging the Orthodox Church's special role within the Russian community (The Moscow Times, 1997): “the special contribution of Orthodoxy to the history of Russia and to the establishment and development of Russia’s spirituality and culture” (Law on Freedom of Conscience and Religious Associations, 1997).

The new version maintained discriminatory principles, dividing the Russian religious community into "religious organizations" (e.g., Russian Orthodox Church, Islam, Judaism, Buddhism) and "religious groups" (e.g., Lutherans, Presbyterians), classifying them as traditional and non-traditional religions, respectively, with privileges reserved only for the former.

An additional development, albeit with significant conditions, was the possibility for religious groups to register with the state, own property, and teach their religion to followers. However, these conditions included annual registration with a high cost and a 15-year waiting period to obtain legal rights as a religious organization, during which publishing, working within schools, and possessing media tools were prohibited (Ibid.). The registration process was reportedly an extremely complicated and strenuous bureaucratic practice. The result was the creation of a tailored law to ensure, protect, and promote the status of the Orthodox Church and traditional religions, albeit without all the advantages reserved for the Orthodox Church alone. The Orthodox Church was identified as the memory and national heritage of Russia, to be elevated and rediscovered with the Church's assistance. Apart from religious discrimination, the new law appeared clumsy and contained internal contradictions, raising further questions about the regulations' actual implementation, delegated to individual local authorities (The New York Times, 1997). Even before the 1997 law's publication and approval, local authorities had taken measures to restrict and limit the spread of non-traditional cults. Various cases were reported, such as priests being prohibited from praying even in private locations, intimidations, and threats from the police. In the Ural region, a specialized council for religious affairs was established to analyze the social and psychological consequences of non-traditional religious groups' activities (The Boston Herald, 1997).

The 1997 law originated from the need to defend, at all costs, the alleged role of the Orthodox Church, even at the expense of respect for internal and international constitutional norms. The powerful Russian religious lobby, foreseeing a possible decline, managed, through pressure on the ruling class, to be identified as a cornerstone in the post-communist moral order rebuilding process, spreading distrust in all other

forms of worship. The new norm allowed for the indirect delegitimization and discrediting of other religions, presenting a legal plan that separated the Orthodox Church with all its privileges from the rest. Moreover, the law of 1997 introduced legal disparities among religious groups, contrary to international human rights principles and legal standards the Russian government had committed to. This legislation violated the rights enshrined in the 1993 Russian Constitution, which incorporated international agreements on human rights, prohibiting religious discrimination and guaranteeing rights to freedom of worship, expression, and association. Critics highlighted that the law, by violating these principles, eroded the fundamental rights necessary to build a democratic political order (Human Rights Watch, 1997). The law also underscored the friction in the relationship between the state and a pluralistic society, where the fear of a high degree of political and religious freedom alarmed the Russian Federation's hierarchies at the end of the 20th century. The lack of awareness among the Russian population of the existing norms and concepts of religious, moral, and conscientious freedom contributed to recreating the relationship between the state and the Church, defining the path taken by the Russian Federation in creating a new social, political, and religious structure (Wallace and Marsh, 2015). This privileged relationship symbolized the paradox of a constitution guaranteeing and promoting religious equality and a law *de facto* establishing a hierarchy of faiths. In the following years, this hierarchy translated into financial and educational advantages. The state allocated funds specifically for the reconstruction of destroyed Orthodox monuments from the Soviet era and introduced the teaching of Fundamentals of Orthodox Culture (FOC) in schools in 2002. While FOC claimed to be a cultural and objective subject, its teaching was strongly recommended (Willems, 2006). However, it went beyond integrating history or arts, combining them with an Orthodox Church worldview, raising ethical questions



about the freedom of religion (Willems, 2007). These imbalances in favor of the Orthodox Church demonstrated that the 1997 law led to an elevation of Orthodox Christianity over other religions. However, the law was not applied to its full potential. Despite challenges to religious freedom and a lack of clear separation between state and Church, the repression was less severe than expected, influenced by political considerations. Entities like the U.S. State Department and the NGO Forum noted that religious freedom in Russia aligned with political will, resulting in less adversarial relationships between certain religions and the state compared to others.

Regarding the drawbacks of the 1997 law, the most debated and harmful feature was the mandatory registration of all religious organizations as a prerequisite for their functioning in the state. The Ministry of Justice dissolved groups that failed to register for various reasons, hindering and preventing their operations. During this phase of the 1997 law's development and implementation, the Constitutional Court played a crucial role by granting an extension of the deadline for all groups to register. Vladimir Riakhovskii suggested in a 2002 article that the Ministry of Justice might have used other organizations as test cases to test legal procedures (Religiia i parvo, 2002). In addition to granting an extension, the Constitutional Court took an opposite stance to state entities, deciding that organizations and religious groups registered before the 1997 law proclamation should not be dissolved solely on this basis. Provisions were stipulated to invalidate the 1997 law for these organizations, allowing them to operate based on the previous law. However, the Constitutional Court, in many situations, could not avoid dissolving organizations that failed to re-register within the set deadlines, leading organizations to dissolve voluntarily. These dynamics accelerated the registration/liquidation process, consolidating and formalizing many organizations on one hand, and extinguishing religious minorities on the other, as indicated by the

Ministry of Justice. It is crucial to acknowledge the evident pursuit of interests by state and non-state actors, delineating a course of action that sometimes interferes with others. Certainly, the Constitutional Court acted to facilitate adaptation to the new and hostile provisions of the 1997 law, implicitly promoting greater religious freedom. In contrast, judicial bodies, the Ministry of Justice, and the entire Russian legislative sector approved a law limiting the autonomy and worship freedom of certain religious groups, monitoring compliance with a literal, rigid, and circumstantial interpretation. For example, in the Stavropol region, nearly all mosques (39 out of 40) were denied registration because some members of the Muslim community had participated in the Chechen-Russian conflict with separatists (Forum 18 News Service, 2004).

The 1997 law represents the life cycle of religion and orthodoxy in the 20th-century history of Russia, a challenging and fearless journey to redefine the relationship between the public and private, between state and church, and among various expressions of worship within Russia itself. Russia aspires to be considered a state without religious or ideological influences, with an autonomous political and legal structure. Nevertheless, re-establishing ties forced during Soviet Russia among state, church, and society is a process that began well before 1991. It can be imagined as an inversely proportional relationship, with communism's strength and credibility on one side and orthodoxy's legitimacy and influence level within Russia on the other. The two cannot coexist, and the Church has used the situation to rebuild its identity, have society recognize its professed values, and project change. This transition requires careful analysis considering the different and changing circumstances, as well as issues between the church and state to better understand the role of Orthodox religion within Russia's social and political framework. In a report by the Committee on Legal Affairs and Human Rights of the former member of the Socialist Group of the United Kingdom

Kevin McNamara, the Russian law of 1997, its contents, and its implementation are examined. There is generally an acknowledged lack of uniformity in the enforcement of the law, particularly concerning the preference given to the Orthodox Church over all other religious forms. Additionally, the issues related to the non-acceptance of re-registration of certain religious groups by the Ministry of Justice, despite their federal registration, are taken into account. Due to inadequate oversight by the federal Ministry of Justice over regional offices, local courts became crowded with religious groups seeking resolution. In the draft resolution, the assembly recommends to the Russian authorities a regional consistency in the application and enforcement of the law throughout the territory, increased involvement by the Ministry of Justice in resolving disputes between regional offices and religious communities, and an attempt to remove the "fifteen-year rule" as it is deemed overly restrictive towards the rights of religious groups (McNamara, 2002).

### **Russia's way to contrast "extremisms"**

The legislative landscape underwent a significant transformation in July 2002 with the inception of the Federal Law on Combating Extremist Activity. This fundamental legislation delineates extremist activity, aligning it with the broader concept of extremism as stipulated by the law. The ensuing punitive measures are distinctly tailored for non-governmental groups and mass media entities found culpable of engaging in extremism, with a notable exception modelled for political parties, which continue to adhere to pre-existing guidelines (Verkhovsky, 2010). The primary thrust of this anti-extremist legislation converges upon organizations, irrespective of their registration status, and mass media outlets. Alongside with this legislative milestone, a

comprehensive revision has been witnessed across supplementary legal frameworks, notably reflected in amendments to the Criminal Code and the Code of Administrative Offenses. These revisions are strategically generated to incorporate new definitions of crimes and offenses closely linked to extremist activities. It is of remarkable importance to underscore that the ambit of punishable acts is distinctly demarcated for individuals, wherein mere support of extremism does not warrant legal repercussions. The proof test for punitive action depends on whether individual actions align with the delineations set forth in the Criminal Code or the Code of Administrative Offenses. In clear contrast, the legislative posture assumes a more stringent stance when applied to organizations or mass media outlets, which can face punitive measures solely based on their engagement in extremism, regardless of the manifestation of specific criminal conduct. This legislative paradigm therefore underlines a smooth interaction between individual freedoms and collective responsibility in the fight against extremist activities.

The 2002 Law introduces a new and nebulous perspective on extremism, deviating from conventional and political interpretations by abandon broad generalizations in favor of a focus on specific acts. This definition is not static, having undergone two revisions since its origin, initially encompassing a broad spectrum of acts, expanding in 2006, and then undergoing significant contraction in 2007, maintaining an integral heterogeneity. In contrast to the Criminal Code, the 2002 Law interprets acts categorized as certain criminal offenses more expansively, eliminating the prerequisite of posing a serious public danger (Venice Commission, 2012). Notably, the definition incorporates actions such as spreading social, racial, ethnic, or religious discord, as to offenses under Article 282 of the Criminal Code, which includes incitement to hatred based on specific group characteristics. However, it extends to behaviors not constituting crimes, potentially leading to the closure of publications

without criminal charges against the author. Acts within the 2002 Law's definition demonstrate a wide spectrum of intensity and danger to public well-being, ranging from obstructing legitimate activities with violence or threats to less severe manifestations. The law's interpretation of violence spans from severe to inconsequential, and perceived threats may be unrealistic. Moreover, incidents may stem from reasons unrelated to obstacle legitimate activities, such as interpersonal conflicts. Challenges emerge in the inclusion of claims of religious supremacy under extremism, a sentiment innocently shared by many religious believers and posing minimal societal risk. The 2002 Law also broadly deems any form of assistance, even technical, to extremist activity as qualifying as extremism. Consequently, findings of extremism against a specific group or conduct may trigger parallel assessments against a different array of organizations or mass media linked in any manner to the identified extremists (Federal Law No. 114-FZ, 2002).

The primary punitive measure for extremism under the 2002 Law is the dissolution of a group or mass media involved in extremist activity. This dissolution may follow warnings issued to organizations by registering authorities, serving as precursors to the ultimate sanction. Since 2008, the Federal Supervision Agency for Information Technologies and Communications (Roskomnadzor)<sup>5</sup> issues warnings to mass media entities, and prosecutor's offices are also authorized to issue warnings to

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<sup>5</sup> Founded on December 3, 2008, pursuant to presidential decree No. 1715, the agency assumed a comprehensive regulatory mandate that spans from telecommunications licensing to the overarching "supervision" of mass media, telecommunications, and information technology within the Russian Federation. Placed within the framework of Russia's Ministry of Digital Development, Communications, and Mass Media, its establishment marked a significant development in the governmental landscape. From its birth, the agency has emerged as a central player in the realm of censorship. Employing a myriad of strategies to assert state control over media, the Russian government, through the agency, exercises influence over the licensing of TV and radio broadcasters. This responsibility, once scattered among various entities, now falls under the purview of Roskomnadzor, consolidating regulatory power within a singular domain. The agency's role, thus, extends beyond mere oversight, playing a fundamental role in shaping the media landscape in Russia.

both organizations and mass media. A warning signifies the authorities' determination that the group has been involved in extremist activities. However, if the extremist activities are deemed particularly dangerous, a prior warning may be bypassed, perhaps resulting in the media outlet or organization being abruptly dissolved without prior notice. These same authorities possess the prerogative to approach a court, seeking the dissolution of organizations or mass media on grounds of alleged extremism. The possibility to challenge a warning exists through the legal recourse of a court appeal. If such an appeal is unsuccessful or if a warned group refrains from contesting the warning in court, the outcome may be liquidation. While this seemingly unconventional rule has not independently served as the sole justification for liquidation, it was cited, among other instances, in the April 19, 2007, judgment that proscribed the National Bolshevik Party (NBP). A warning that remains unrevoked carries a significance similar to a court judgment of extremism, irrespective of whether the warning has undergone judicial scrutiny. This results in a practical restriction where the warned group is barred from nominating candidates to the Public Chamber. Despite the elective nature of the Chamber's members, the rule implies that a warning effectively constitutes an official pronouncement of extremist behavior.

In the event of extremist actions, an organization is compelled to formally reject its leaders and distance itself from their conduct. Utilizing an extrajudicial avenue, an organization may undergo suspension for a period of up to six months—either pending liquidation or to facilitate the correction of identified extremist violations. The continuation of operations post-suspension is regarded as an administrative offense, falling within the ambit of Article 20.2.1 of the Code of Administrative Offenses. Extremist activities, whether manifested by registered or unregistered entities, carry the potential for a ban. Subsequently, Article 282-2 of the Criminal Code deems the

persistence in operations a criminal offense, exposing organizers to a potential prison term of up to 3 years, while members face a maximum of 2 years. Mandatory under the 2007 amendments is the public disclosure of organizations officially designated as extremist. Simultaneously, individuals may receive cautions from the Prosecutor's Office for supposed extremist activities, with the option of appealing such caution in court. Importantly, an individual cannot be penalized for mere association with extremism, unless their conduct transgresses the boundaries defined by the Code of Administrative Offenses or the Criminal Code, while advocating for extremist activities, as delineated in Article 280 of the Criminal Code, incurs penalties. It is noteworthy that while the actual act of engaging in extremist activities may not always lead to a criminal offense, attracting others to partake in such actions may lead to imprisonment for up to 3 years under Article 280 or up to 5 years if the appeal is disseminated through mass media. Drawing a comparison with the legal definition of extremism unveils intriguing distinctions, such as a public call to draw swastikas potentially resulting in years of imprisonment, even though the physical act of drawing swastikas in public spaces carries a maximum penalty of ten days of administrative arrest (1996, The Criminal Code of the Russian Federation No. 63-FZ). Crimes attracting punitive measures encompass the act of inciting hatred and hostility, as delineated in Article 282 of the Criminal Code. Such offenses may result in imprisonment for a maximum of 2 years, or an extended duration of up to 5 years if compounded by elements such as the use or threat of violence, exploitation of an official position, or involvement in an organized group. Administrative transgressions subject to penalties include the public exhibition and dissemination of Nazi symbols (Article 20.3 of the Code of Administrative Offenses) and the widespread distribution of materials deemed extremist (Article 20.29 of the Code of Administrative Offenses).

Within the legal framework, any material, irrespective of its format, can be designated as extremist through a specific court ruling. The only exception to this process pertains to materials explicitly designated as extremist without requiring a court judgment, specifically denoted as "works by the leaders of the National-Socialist Workers Party of Germany and the Fascist Party of Italy." Additionally, a comprehensive list of materials officially recognized as extremist through judicial proceedings must be made publicly accessible. Contrary to the legislative landscape of 2002, which lacked a definitive catalog of crimes falling under the umbrella of extremism, attempts were made to address this gap through Article 282-1 of the Criminal Code: this provision sought to penalize the establishment of an "extremist community," targeting groups with intentions to commit crimes of an extremist nature. However, this inventory proved incomplete and incongruent with the expansive definition of extremism, leading the Prosecutor General's Office to devise its own inventory for statistical purposes. In 2007, amendments introduced a comprehensive definition, assuming that "extremist-oriented crimes" within the Criminal Code encompass offenses motivated by political, ideological, racial, ethnic, or religious hatred or hostility. Such crimes, articulated in relevant articles of the Special Part of the Criminal Code and Paragraph 'f', part one, Article 63 of this Code, are categorically classified as extremist activities. Paragraph 'f', Part 1, Article 63 of the Criminal Code elucidates that these motives are treated as aggravating circumstances for any crime, warranting more severe penalties. Furthermore, these motives are acknowledged as qualifying characteristics, compelling more stringent punishments across 11 other articles of the Criminal Code, covering offenses from homicide to vandalism.

The term "extremism" was incorporated into legislative reforms in early 2006, marking a pivotal shift in regulations governing non-profit organizations (NGOs). An



individual convicted of involvement in extremist activities faces a notable restriction on their participation in an NGO. The legal definition of "participation" extends beyond mere membership, encompassing any engagement in the organization's activities. This expansive interpretation imposes a potentially formidable limitation on individuals with such convictions. Following the 2006 reform of electoral laws, a court is empowered to disqualify a candidate – or a political party list – from participating in elections due to extremist conduct during the election campaign. Significantly, candidates may face disqualification for prior statements made over a duration equivalent to their potential term in office, typically four years. This disqualification applies if the statements involve calls to extremist activity, justification of such activity, or incitement to ethnic hatred, among other factors (Article 76, paragraph 7 'g' of the Federal Law on Main Guarantees of Election Rights and the Right to Referendum in the Russian Federation). Notably, this provision does not retroactively apply to statements made before December 2006. Moreover, mass media outlets are mandated to include a disclosure when mentioning an organization that has been liquidated or banned for extremist activity. Non-compliance with this requirement, under the risk of a fine (Article 13.15 of the Code of Administrative Offenses), constitutes a legal obligation for media organizations reporting on such cases.

In conclusion, the anti-extremist legislative landscape in Russia, outlined by the Federal Law of 2002, reflects an approach that balances efforts to counter extremist activities with the need to safeguard individual freedoms. While the legislation introduces targeted punitive measures for organizations and mass media outlets, it also explicitly states that individuals cannot be legally prosecuted solely for supporting extremism but only if their actions violate the provisions of the Criminal Code or the Code of Administrative Offenses. The continually evolving definition of "extremism"

has undergone targeted revisions, aiming to refine the focus on specific acts rather than broad interpretations. However, challenges arise, especially in the realm of freedom of expression, where the provisions can lead to the closure of publications without necessarily constituting criminal offenses. The central role of governmental authority in the evaluation process and the enforcement of punitive measures, such as the banning of organizations and mass media outlets, raises questions about the balance between collective responsibility and individual freedoms. Indeed, the risk of closure without prior notice and subsequent restrictions, such as participation in democratic institutions, raises significant concerns about the consistency and fair application of this legislation.

## **Landmark evolution of NGOs panorama<sup>6</sup>**

Following the 2002 law, I will now explore the legislation that has had significant repercussions on freedom of expression, assembly, and the dissemination of information within the context of Russian civil society: the 2006 law "On Introducing Amendments into Certain Legislative Acts of the Russian Federation." Before delving into the analysis, it is imperative to initially clarify the concept of civil society within the Russian landscape. Civil society can be defined and conceptualized through various lenses, tied to the interplay of political systems, economic orientations, and religious traditions within a given societal context (Muukkonen, 2009). Although contextual considerations are vital in defining civil society, scholars agree that a common denominator across interpretations is the sector's distinction from the state (Ibid.). In

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<sup>6</sup> This chapter borrows heavily from Jo Crotty, Sarah Marie Hall & Sergej Ljubownikow (2014) *Post-Soviet Civil Society Development in the Russian Federation: The Impact of the NGO Law*, Europe-Asia Studies

the context of Russia, civil society is characterized as an in-between public space in which non-governmental organizations (NGOs) and other relevant actors coexist (Osborne & Kaposvari, 1997). Crotty in 2009 further elaborates on civil society, emphasizing its role as a space hosting intermediary organization, such as NGOs, that advocate for democratic values, facilitate active citizenship, and act as a counterbalance to state power. The designation "NGO" primarily delineates formal groups within civil society, particularly in transitional democracies such as Russia (Mercer, 2002; Spencer, 2011). According to the Russian Federal Law on Public Associations article 5, NGOs are characterized as "voluntary, self-governing, non-profit entities established by individuals united on the grounds of shared community interests to pursue common objectives" (Russian Federation, 2006). These organizations, frequently soaked with political significance, actively engage in challenging and influencing decision-making processes within state institutions, particularly focusing on realms such as human rights and environmental protection.

Current academic discourse categorizes Russian NGOs into three discernible groups. The first classification involves puppet organizations, which are characterized as entities "established by the state or government officials and lack leadership or constituency within society" (Cook & Vinogradova, 2006). These organizations play a crucial role in legitimizing and endorsing the state's policy agenda, portraying an illusion of an independent civil society. The second category encompasses grassroots organizations (GROs), characterized by their modest size, local focus, absence of paid staff, and challenges in securing financial support (Mercer, 2002; Henderson, 2002). The third group comprises traditional organizations (TNGOs), often larger in scale, with employed personnel, and historically dependent on financial aid from Western sources (Crotty, 2009; Jakobson & Sanovich, 2010). Despite the presence of these

NGOs, the progression of Russian civil society since 1991 has encountered formidable challenges, often characterized as being in a state of "holding pattern" attributable to the enduring legacies of the Soviet era and challenges stemming from the economic transition: various factors, including a noticeable lack of enthusiasm for public engagement, disinterest in collective action, and resistance to formalized volunteering, have posed impediments to the growth of NGOs (Petukhov, 2004; Rimskii, 2007; Smolar, 1996). The prevailing trend manifests in the majority of NGOs maintaining a narrow and introspective focus, further aggravated by the shortage of domestic funding sources, compelling them to heavily rely on financial support outwardly (Crotty 2006; Mendelson & Gerber 2007; Spencer 2011). In the aftermath of the "Colour Revolutions"<sup>7</sup> that unfolded in Eastern countries during 2004 and 2005, the Russian state perceived foreign democracy succor as a potential threat to its sovereignty. Consequently, the enactment of the 2006 NGO Law sought to instill order in a sector marked by dispersion and underdevelopment, concurrently curtailing external support for non-governmental organizations. Framed as an initiative to stimulate the growth of domestic funding, the Russian government established the Public Chamber of the Russian Federation to serve as an alternative funding mechanism (Richter 2009). Functioning as the "ministry of civil society," the Public Chamber administered federal funding to NGOs through competitive grants. However, the allocation of these funds lacked transparency, and a perception persisted that the majority of funds resided in Moscow (Schaaf et al. 2009).

This shift marked the beginning of an import-substitution process, leading to the emergence of a third sector reflecting the Russian context, with the state becoming the primary funder of Russia's third sector and foreign donors retreating (Jakobson &

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<sup>7</sup> For further information see "The Color Revolutions" by Lincoln A. Mitchell 2012.

Sanovich 2010). For instance, between 2001 and 2011, USAID<sup>8</sup> spent over \$3 billion on democracy assistance in Russia. However, the Russian government's rejection of foreign assistance led to a significant reduction in overseas funding for Russian NGOs since the enactment of the 2006 NGO Law and its subsequent amendments.

The 2006 NGO law brought about amendments to four existing laws in Russia, encompassing the civil code and laws governing "Public Associations," "Noncommercial Organizations," and "Closed Administrative Territorial Formations." This legal reshaping introduced severe penalties for noncompliance with the new stipulations, providing authorities with considerable powers. Under these amendments, authorities gained the right to refuse registration to any organization whose stated "goals and objectives" were perceived as a "threat to the sovereignty, political independence, territorial integrity, national unity, unique character, cultural heritage, and national interests of the Russian Federation" (Federal Law 18-FZ). This refusal extended to mandates requiring proof of residency from individuals founding an NGO, limiting establishment to Russian residents and excluding foreign nationals or stateless persons without residency. State agencies were also granted discretionary powers to designate individuals as "undesirable," effectively excluding them from participating in the creation of an NGO. Furthermore, the law enabled authorities to prohibit, on vaguely defined grounds, the implementation of programs by foreign NGOs or the transfer of funds to their local branches (Machalek, 2012). NGOs were compelled to undergo annual audits, submit supplementary reports on activities, and disclose the source and purpose of all acquired funds. Additionally, organizations were required to

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<sup>8</sup> The United States Agency for International Development (USAID) denotes a governmental international development agency under the administration of the United States established in 1961. This institution is dedicated to furnishing international development and humanitarian aid across various sectors to developing nations, concurrently advancing American interests, U.S. national security, and economic well-being on the global stage.

provide unlimited information about their daily management upon demand. The law even authorized uninvited government representatives to attend NGO events. These legislative changes represented a significant regulatory shift, conferring extensive powers to authorities and imposing stringent controls on the operations of NGOs in Russia (Kamhi, 2006).

It is crucial for the purpose of this thesis to assess the response of Russian NGOs to the NGO Law, by examining its impact on their day-to-day activities. Considering the potential additional burden on NGOs due to funding and registration requirements, the extent to which the NGO Law has influenced Russian civil society development will be further explored. Above all, the traditional organizations and grassroots organizations emphasized the pronounced influence of the NGO Law on the operational funding of their day-to-day endeavors. The elimination of foreign funding, coupled with an almost exclusive reliance on government-based grants, led to a substantial reduction, if not a complete cessation, of their activities. Concurrently, various provisions of the Law, particularly those related to registration requirements, diverted the attention of numerous TNGOs from their routine operations, resulting in a decline in the overall engagement of eNGOs. In contrast, puppet organizations encountered fewer challenges in aligning their activities with governmental interests, thereby avoiding similar funding or registration impediments (Crotty et al. 2014). As previously mentioned, the stipulations of the NGO Law mandate that every NGO, whether of foreign or domestic origin, must meticulously furnish registration documents containing personal details of each member and founder. Additionally, these organizations are obligated to disclose all foreign donations, providing a detailed account of the expenditure of such funds (Kamhi 2006; Maxwell 2006). The legislation further grants the state comprehensive access to all NGO documentation, encompassing

internal financial statements and records related to group activities. Despite numerous groups acknowledging these requirements, perceptions regarding the challenges associated with compliance exhibited a diverse range of perspectives. Puppet organizations and the larger Traditional NGOs funded by either the state or private enterprises contended that compliance with the regulations was manageable for those possessing adequate expertise. They described these requirements as a matter of competence and deemed them not challenging. Entities strictly adhering to the law argued that those in compliance would encounter no obstacles in navigating the various preparations and documentation necessary for registration. Furthermore, in alignment with some of the anticipated outcomes of the NGO Law, fostering a professionalized area capable of attracting donations from domestic benefactors (Robertson 2009), these groups also expressed the perspective that the legislation had imposed professionalism on non-professional organizations, resulting in a reduction in their overall number. Amidst the alterations in the registration regulations, a multitude of GROs and TNGOs, particularly those lacking financial support or previously dependent on external funding, confronted significant impediments in adhering to the intricate registration procedures. The heightened administrative burden, marked by an avalanche of paperwork, diverted their attention from core activities, resulting in the non-registration of numerous smaller entities due to constraints in both time and financial resources (Crotty et al. 2014). Some entities opted against acquiring legal entity status, citing the complexities of inspection and reporting systems deemed excessively complicated. The stringent nature of these requirements rendered the operations of public organizations nearly unfeasible, leading to the survival of only a handful. Diverse groups, spanning puppet organizations, TNGOs, and GROs, collectively recognized a diminishing number of active organizations, estimating that out of approximately 3,500 entities,

only around 400 completed the requisite reports and obtained official registration (Ibid.). Consequently, the demanding registration prerequisites not only precipitated a substantial reduction in the official count of environmental NGOs but also forced some unregistered entities into an underground existence, making them ineligible for state funding. The intricate nature of these requirements disproportionately favored larger, well-endowed organizations, particularly puppets and TNGOs with state or enterprise backing, equipped with both the time and in-house expertise to fulfill the bureaucratic obligations. Thus, organizations aligned with state objectives, be it in terms of mission or financing, exhibited greater proficiency in navigating the complexities of the NGO Law compared to those that did not. These observations gain further validation when analyzing the impact of the NGO Law on eNGO funding.

### **Introducing foreign funding limitations**

Alongside heightened registration prerequisites, the NGO legislation-imposed restrictions on the inflow of foreign donor funds for local entities (Machleder 2006). This necessitated each NGO to intricately disclose all foreign contributions, detailing the allocation of these funds (Kamhi 2006). The consequence of this provision weighed heavily on various groups, especially those formerly dependent on or benefiting from foreign financial backing. Predominantly, TNGOs conveyed the formidable challenge arising from the absence of previously accessible foreign grants. In the altered landscape, Western funding underwent meticulous scrutiny and disapproval, with an implicit agreement dissuading esteemed organizations from affiliating with specific entities such as USAID. Some argued that the fundamental objective of the NGO Law was to obstruct groups from securing foreign funding, thereby constraining financial



resources within the regulatory ambit of the state. TNGOs voiced their concerns about the existing system, protesting that the funds allocated by the Public Chamber predominantly benefited government-aligned NGOs—groups that complied with political directives and abandoned their autonomy. Criticisms were directed at the grants for being burdened with numerous conditions, stringent parameters, or a framework dictated by the state. The prevailing sentiment among critics suggested that government grants primarily aimed to disseminate the political narrative from higher levels of authority. In the pursuit of financial support, traditional NGOs and grassroots organizations encountered many obstacles. Firstly, they should have submitted a grant application, delineating the objectives within the program of action. However, it becomes apparent that if these intentions challenged or disturbed the established present situation, the funding would have been withheld. The organizers dictated the stipulations for utilizing this funding and prescribe the activities deemed expected from the various organization. A distinct framework was outlined for NGOs, establishing a pathway for those seeking grants. While success in securing grants was possible, it came at the cost of complete control over TGOs and GROs actions by the governing authorities. State-funded grants triggered a sense of heightened competition, fostering discord among various NGO factions. The intricate application process coupled with inadequately modest grant amounts added to the grievances, proving insufficient to cover the substantial banking costs obligatory for maintaining NGO registration. Instances were reported where, despite successfully securing a grant, payment delays ensued, leading to prolonged waiting periods, only to discover that the funds had been redirected to a different organization. Allegations arisen of organizations facing repercussions, such as disqualification, for unintentional errors in information provided after winning a grant. Moreover, prevailing taxation on grant income emerged as an

additional burden, often rendering the grants more consuming than enriching for the NGOs involved. In a divergence from previous practices where numerous Traditional NGOs heavily depended on foreign grants (Crotty 2009; Henry 2010; Carmin & Fagan 2010), various factors prompted a significant number of TNGOs and Grassroots Organizations to abstain from pursuing grant funding. The prevailing belief that the likelihood of securing funding was low, coupled with potential withdrawal or taxation of funds, led many to perceive the grant application process as futile. Paradoxically, the refusal of state-sponsored grant funding emerged as a strategy for maintaining organizational autonomy. Consequently, several groups shifted their reliance towards personal income sources. For instance, as reported by one group, they utilized the residences of their activists for meetings and tapped into their internal resources to coordinate demonstrations and gatherings. Additionally, these organizations sought financial support from activities like guided tours within designated areas, member contributions, or voluntary work. Furthermore, members from GROs and TNGOs substantiated prevailing views on the uneven geographical distribution of state-backed grant funding (Schaaf et al. 2009). GRO participants emphatically contended that these recognitions were exclusively circulating out in Moscow, managed by cunning individuals, presenting an insurmountable barrier for others. TNGOs, in turn, widely believed that the law's intent was to contrast organizations from receiving foreign investments, confining state investment to All-Union and Moscow-based entities. The geographical imbalance in federal fund distribution constituted an additional impediment for eNGOs, worsening the impact of stringent registration requirements. The scarcity of financial support curtailed groups' ability to actively engage in or influence policymaking, as public organizations found themselves deprived of essential resources and qualified specialists following the enactment of the 2006 NGO law. This

financial tension led to an overall diminution in the number of active groups, making their sustained operation financially unfeasible. On the other hand, puppet organizations reported fewer impediments. While recognizing the significant dilemma caused by the cessation of foreign funding for those reliant on it, puppet organizations did not encounter difficulties in achieving funding, diverging from the experiences expressed by TNGOs and GROs in Crotty et al.'s study (2014). Instead, puppet organizations consistently portrayed government support as robust, formidable, or encouraging. Some delineated their success in securing multiple grants for diverse projects through competitions, underscoring the generally favorable environment for puppet organizations. Although a few expressed reservations about the protracted and bureaucratic procedures for participation in these competitions, puppet organizations, on the whole, expressed satisfaction with the extent of state support for their activities. Notably, in contrast to TNGOs and GROs, no puppet organization reported issues such as non-receipt of grant funding, withdrawal of funding, or imposition of excessive conditions by the state.

Within the extensive literature analyzing the development of civil society in Russia, a controversial dialogue has unfolded concerning the advantages of foreign funding. Crotty (2006, 2009) has asserted that while it might have fostered the organizational growth of individual NGOs, foreign funding concurrently severed the connection between domestic NGOs and the Russian populace, perpetuating the persistent underdevelopment of Russian civil society (Henry 2001; Henderson 2002; Richter 2000, 2002; Crotty 2003; Murphy 2003; Sundstrom 2005). Nevertheless, it is evident from these discourses that the absence, prohibition, or inability to seek overseas funding is now acutely felt, notwithstanding the debate on its impact. Furthermore, this debate underscores the Russian government's effective limitation of the influence of

foreign organizations within Russian civic life, a key justification behind the enactment of the NGO Law (Maxwell 2006). The elimination of this funding source has confined domestic NGOs to the pursuit of competitive grants through the Public Chamber, soliciting enterprise sponsorship, or leveraging their membership for fundraising. This procedural shift seems to replicate the competitive dynamics inherent in overseas grants, fostering rivalry among groups instead of fostering collaboration (Crotty 2006, 2009). TNGOs and GROs in this study delineate the constraints imposed on their activities due to this shift, while puppet organizations exhibit a relatively lesser degree of concern. It is unsurprising that puppet organizations, closely aligned with the state, find it more manageable to navigate the funding implications of the NGO Law. Given their historical independence from overseas funding, such groups encounter fewer losses due to the law's provisions.

### **NGO Law influence on civil society**

As per the interviews conducted by Crotty et al. (2014), divergent perspectives emerged between TNGOs and GROs on one side, expressing predominantly negative sentiments regarding the impact of the NGO Law, and puppet organizations on the other side, endorsing the Law as a necessary means to regulate the development of Russian civil society.

From the standpoint of TNGOs and GROs, the overall perception regarding the underlying purpose of the NGO Law was that its enactment revealed a fundamental misunderstanding of non-commercial organizations in Russia. It was speculated that the Russian government, acknowledging this lack of comprehension, opted to introduce restrictive measures to discourage their proliferation. Although some larger TNGOs

claimed compliance with the registration requirements, the unanimous sentiment among TNGOs and GROs was that the Law posed a damage to the development of Russia's civil society. They perceived it as a component of a broader governmental strategy to exert control over political, societal, and cultural realms. According to this perspective, the Law acted as a stifling force, depriving an otherwise dynamic civil society of the essential conditions for independent eNGOs to flourish. Consequently, NGOs perceived the Law as a strategic move by the state to subvert democratic principles and reshape civil society to be under its authoritative control. Numerous entities interpreted this trend as a regression of democratic values, portraying the 'regularization' of civil society in Russia as a version tailored to suit the preferences of the state. Consequently, the vulnerability of independent organizations to easy suppression, either through financial or political means, became pronounced. This transformation accentuated the significance of puppet organizations, strategically established by the state to project the image of a well-functioning civil society, while TNGOs and GROs grappled with the looming specter of liquidation. Consequently, NGOs underscored that this scenario had prompted a decline in the overall number of operational eNGOs, as many organizations ceased functioning under these challenging conditions. In contrast to the perspectives of TNGOs and GROs, marionette organizations in Crotty et al.'s study (2014) ardently defended the NGO Law. Interestingly, in expressing their endorsement for the Law, marionettes also highlighted some of the motivations attributed to its inception, including concerns about "orange revolutions" and the state's imperative to safeguard itself. Accordingly, marionettes underlined the claim that the State, lacking knowledge about non-commercial organizations, has the right to be informed about their activities, emphasizing the necessity of federal control in the system. Some argued that the state aimed to actively

manage civil society in contemporary Russia, while others contended that government support for the development of non-governmental organizations was indispensable, asserting that civil society would be non-existent without them. Furthermore, certain NGOs challenged assertions made by TNGOs and GROs that the 2006 NGO Law had instigated substantial changes and posed a risk to eNGOs more broadly.

Indeed, concerning the 2006 NGO Law, NGOs contended that it has not significantly altered the operational prospect for their activities in Russia. Contrary to some viewpoints, they argued that NGOs in Russia are not constantly subjected to pressure or harassment by the police or security services and that in practice, such circumstances are not prevalent. These different opinions regarding the impact of the NGO Law on the development of Russia's civil society are not unexpected, particularly in light of the perception by TNGOs and GROs that puppet organizations have been the primary beneficiaries of such regulatory alterations. Furthermore, these variations in perceived impacts of the NGO Law also suggest a change in focus towards puppet organizations as the main group within Russia's service sector.

### **Overall outcome of 2006 NGO law**

The enactment of the 2006 NGO Law signifies a deliberate refusal of foreign funding by the Russian government, a stance rooted not in its availability but in perceived threats to the nation's sovereignty in the aftermath of the 'Colour Revolutions' in the mid-2000s (Saari 2009). A primary objective of this legislation was to stimulate the emergence of other domestic funding channels, particularly through benevolent endeavors by Russia's elite and businesses. Despite a rise in donations within Russia, predominantly fueled by corporate charity (Khodorova 2006), the observation by

Livshin and Weitz (2006) underscores that a substantial portion, approximately 90%, of domestic donations flows towards state-owned entities rather than directly benefiting NGOs. Additionally, Sundstrom (2011) points out that when such donations are directed to NGOs, they tend to support isolated events rather than ensuring the sustained financial viability of these organizations. Hence, the elimination of foreign funding effectively positions the state as the predominant financial supporter of the NGO sector, giving rise to two notable implications: puppet organizations are likely to exhibit closer conformity with the state's objectives, facilitating smoother access to this funding. Simultaneously, entities formerly dependent on foreign funding must either realign themselves with state objectives or explore alternative funding sources. Some have successfully pursued the latter, yet others have refrained from seeking grants to safeguard their autonomy. Consequently, numerous TNGOs and GROs now function without financial backing. This dichotomy establishes well financed NGOs (puppets) as contributors to social policy, actively shaping it rather than merely responding to or contesting it. Meanwhile, entities lacking financial support (TNGOs and GROs), despite maintaining their autonomy, encounter impressive challenges in participating in any form of meaningful activity.

Furthermore, the stipulations outlined in the Law, particularly those pertaining to registration and financial aspects, have led to a decline in the number of active eNGOs within the sector. Numerous criticisms, arising from both domestic and international perspectives within the Russian Federation were raised about the harmful impact on internal groups by imposing constraints on or regulating foreign donor support (Alekseeva et al. 2005). It was argued that an overly stringent implementation, particularly in a developing democracy, could suffocate the nascent growth of civil society before it could fully mature (Abdullaev 2006). The observed decrease in both

active groups and group activities serves as a manifestation of these apprehensions. Organizations not suitable for government ambitions encountered challenges in sustaining operations within a context where funding opportunities were set by the Public Chamber, favoring puppet organizations. This has depleted the vitality of Russian civil society, impeding these organizations' ability to carry out their routine activities. The subjugation of groups to covert operations through registration procedures diminishes their capacity to shape policy or influence decision-makers.

In conclusion, the evolving panorama of Russia's civil society, shaped by registration, funding, and other facets of the law, is about to be marked by a strong presence of puppet organizations, overshadowing smaller, non-affiliated groups. Contrary to a stagnant state (Sundstrom & Henry 2006), deviating from reliance on autonomous and independent organizations, but underfunded at the same time and grappling for public engagement, the trajectory of Russian civil society appears to undergo a shift. (Crotty 2006). This shift moves away from heavy dependence on foreign donor funding (Henderson 2002) toward a sector where groups are funded and consequently monitored by the state, particularly puppets. Envisaging the role of puppets as architects of civil society (Osborne & Kaposvari 1997), the Russian third sector has in fact become more regulated, with NGOs functioning as instruments of social policy rather than influencers. While the instrumentalization of NGOs by the state is not unprecedented globally, the ramifications of such in Russia, given the fragility of civil society and the NGO sector before the enactment of the NGO Law, suggest that puppet organizations might emerge as the sole operational and well-resourced NGOs in the country.



## **Russia marginalizing the outside - 2012 Law on ‘Foreign Agents’**

Putin initiated in 2012 his third term with the introduction of a legislation designed to curb grassroots initiatives: the “foreign agents” law. This legal framework marked a significant development in Russia's approach to civil society and external influences. The introduction of the concept of a "foreign agent" into Russian law and policy occurred through the swift adoption of the legal instrument known as the "Foreign Agents" Statute by the Parliament. This rapid legislative process, completed within two weeks, underscores the evident urgency and significance attributed to the bill by the authorities, aiming to "organize due public control" over specific public associations. The "Foreign Agents" Statute brought about relevant amendments to several federal legal instruments, including the Federal Statute (1996) "on non-commercial organizations" (hereinafter Statute on NCOs), the Federal Statute (1995) "on public associations," the Federal Statute (2001) "on countering the legalization (laundering) of proceeds from crime and the financing of terrorism," the Criminal Procedure Code of the Russian Federation (2001), and the Criminal Code of the Russian Federation (1996).

As previously mentioned, following the dissolution of USSR, foreign entities, primarily emanating from Western governments, sought to exert influence over the trajectory of post-Soviet Russian civil society by strategically channeling financial support to non-governmental organizations aligned with their specific agendas (Norwegian Helsinki Committee, 2014). This concerted effort to foster "democratization" in Russia coincided with the progressive tightening of control by Putin's new regime over various facets of civil society. Consequently, a multitude of

organizations found themselves increasingly reliant on external funding sources, a situation viewed by the Kremlin as unwelcome foreign interference (Crotty et al., 2014). In response to these dynamics, the legislation pertaining to foreign agents was introduced, delineating organizations and individuals operating within Russian borders that were perceived as either "serving the interests of foreign countries" or receiving financial support from abroad (Salaru, 2022). This legal framework was designed to mitigate perceived risks associated with foreign influence. As a consequence, many non-governmental organizations were compelled to sever their international connections, a move that not only jeopardized their existence but also disrupted well-established networks of transnational cooperation. The confluence of these factors underscored the delicate balance between international collaboration and domestic control, raising questions about the autonomy and survival of NGOs within the evolving landscape of Russian civil society. The law on foreign agents, with its stipulations and implications, became a focal point in the ongoing discourse surrounding the dynamics of non-governmental organizations in the context of geopolitical influences and the regulatory environment in Russia.

Focusing on the news brought by the law, as outlined in the "Foreign Agents" Statute (2012), a non-commercial organization (NCO), broadly defined by the Statute on NCOs as an entity not seeking profit from its activities with subsequent distribution among its members, shall be deemed to function as a "foreign agent" if it satisfies the following three conditions. Firstly, the organization must be registered in the Russian Federation as an NCO. Secondly, it must receive monetary assets and/or other property from foreign states, their state bodies, international or foreign organizations, foreign persons, stateless persons, or from persons authorized by them, and/or from Russian legal entities that receive monetary assets or other property from the aforementioned

sources. Lastly, the organization must engage in political activities within the territory of the Russian Federation, including in the interests of foreign entities. Hence, the enacted amendments rule that any politically active non-governmental organization (NGO) currently receiving or considering the receipt of funds and assets from foreign origins must enlist in a specialized registry administered by the Russian Ministry of Justice, designating them as "non-commercial organizations performing the functions of foreign agents." The legislation defines an NGO as engaging in political activity if, irrespective of its stated objectives, it actively participates, including through financial contributions, in orchestrating and executing political initiatives aimed at influencing the decision-making processes of state entities, with the intent to alter the pursued state policies, and at shaping public opinion for these previously mentioned purposes (ICNL, 2023). Consequently, if an NGO is identified as involved in political activities, it becomes obligatory for them to undergo registration and label all their publications, encompassing books, reports, press releases, and any other disseminated materials, as products of an NGO performing the functions of a foreign agent. The registration process, however, lacks clarity within the legislation, merely mentioning that the inclusion and maintenance of NGOs in the registry fall under the purview of the Ministry of Justice, without detailing the procedure for the removal of an organization from the roster.

Furthermore, the legislation (2012) stipulates that the financial records and annual reports of NGOs shall undergo compulsory verification each year. Distinct records must be meticulously maintained, segregating all income and expenses sourced from foreign entities versus other origins. The designated usage of these financial resources, along with their actual utilization, must be meticulously documented and submitted to the authorized body on a trimestral basis. Additionally, comprehensive

reports on the organization's activities must be submitted every six months. While scheduled inspections by the authorized body are confined to an annual frequency, the legislation does not explicitly limit unscheduled checks initiated due to citizen or legal entity requests, petitions, or mass media reports indicating potential signs of extremism in the NGO's activities. Non-compliance or failure to furnish the requisite information, along with any other violation of the law by an NGO, invokes civil, administrative, and criminal sanctions, potentially resulting in severe financial penalties for both the organization and its individual members. For example, failure to register as a foreign agent may lead to a suspension of activities for up to six months, coupled with substantial fines. The leadership of an NGO could face imprisonment for a maximum of two years for evading inclusion in the "foreign agents" registry, along with a significant fine proportional to either a fixed amount or the cumulative personal income of the preceding two years. The ultimate sanction against an NGO failing to register as a foreign agent, despite exhausting all legal appeals, may entail the dissolution of the legal entity. While not explicitly outlined in the law, this measure has been alluded to by Ministry of Justice officials in their discussions with NGOs.

Within the administrative framework of Russia, the Ministry of Justice upholds a registry of entities labeled as "foreign agents". An integral facet of this oversight mechanism involves the annual submission of an exhaustive report to the State Duma, the lower house of the Russian parliament, shedding light on pertinent data concerning NCOs categorized as "foreign agents."

## **‘Foreign Agents’ law – further expansions**

In a noteworthy expansion of regulatory ambit, several guiding principles articulated in the "Foreign Agents Statute" were extended to encompass media entities. This legislative expansion concretized in late 2015 through the incorporation of an additional section within the Statute on the Mass Media, henceforth referred to as the Media Statute. The reason behind this legislative expansion, as expressed in the accompanying explanatory memorandum, aimed to "simplify the supervision of compliance with the Media Statute" and, crucially, "to ensure the right of citizens of the Russian Federation to freely receive information". The incentive for this initiative lay in the perceived escalation of pressure on Russian media in various countries, where attempts were made, often through economic coercion, repressive governmental actions, and questionable "judicial decisions," to curtail or halt the operations of Russian media outlets.

The explanatory memorandum underscores that the measures originally outlined in the "Foreign Agents Statute" proved inadequate in addressing potential loopholes, particularly concerning foreign financial support to Russian media entities. Consequently, a tangible risk emerged, allowing for the hide of pertinent details regarding foreign organizations providing funding—a situation deemed to pose a threat to the interests of Russian society and the state. The concern centers on the potential manipulation of media narratives, thereby jeopardizing the objective information rights of Russian citizens and undermining the broader societal fabric financed by these media outlets. This multifaceted regulatory landscape reflects an ongoing effort to strike a delicate balance between safeguarding national interests and preserving the free flow of information within the Russian media landscape (Richter, 2020). As a consequence,

the inclusion of Section 19(2) indeed mandated editorial entities, whether they be a press organization, a broadcaster, or a publisher, to report to Roskomnadzor regarding communications and the flow of personal data, as well as funds received from a government, an international organization, or entities deemed to engage in activities as foreign agents. Subsequently, Roskomnadzor compiles their reports into public tables containing lists of organizations managing media, including some prominent channels. Failure to adhere to the notification obligation results in administrative penalties of up to four times the amount of funds received.

Despite the State Duma entrusting the Ministry of Justice with overseeing and enforcing new regulations, back in 2013 Justice Minister Alexander Kononov openly voiced reservations about their practicality. In discussions with the Duma, he candidly deemed the law unenforceable (The Economist, 2013). Kononov emphasized the need for a robust body of case law to apply the legislation accurately, particularly regarding the identification of funding sources and the assessment of NGO activities as actually political (Human Rights Watch, 2013). Consequently, the Ministry's executive role remained in limbo due to the law's ambiguity and lack of enforcement.

However, a significant shift occurred in mid-February 2013 when President Putin addressed the Federal Security Service. He urged them to protect Russians from various threats, including foreign-funded organizations. Putin asserted that no entity should monopolize representation of Russian society, especially those financed from abroad. Referring specifically to laws governing foreign-funded NGOs, he insisted on their enforcement, signaling a change in the official stance. This presidential directive motivated tangible actions by Russian authorities soon (Cybulska, 2013).

The legislative landscape and its implementation by Russia's prosecutorial services and courts form a critical component of a broader trend marked by the

introduction of restrictive laws and practices, a phenomenon that gained momentum during Vladimir Putin's third term as President of Russia (Amnesty International, 2013). The official *ratio* behind these legal measures is rooted in the imperative of ensuring transparency. Authorities contend that the public possesses a legitimate right to be informed about the financiers behind civil society activities. To guarantee full transparency, the state asserts the need for rigorous and periodic oversight of foreign-funded organizations, particularly those engaged in political endeavors aimed at influencing state policies.

A Constitutional Court decision underscored the impact of political activities conducted by organizations on the rights and freedoms of all citizens (Venice Commission, 2014). The argument presumes that organizations receiving foreign funding may manipulate those resources in alignment with the interests of their sponsors. Russian authorities have drawn parallels with other countries, notably the United States, where registers of foreign-funded lobbying exist. However, they conveniently omit that such registers in other nations primarily encompass professional lobbyists representing foreign states and business interests, excluding organizations engaged in typical civil society activities such as monitoring, publishing reports, advocacy, and organizing public discussions and campaigns. Importantly, the U.S. registration of "foreign agents" does not impede non-governmental organizations from receiving financial support from foreign entities, and these organizations are not included in the register, contrary to the Russian framework.

In early March 2013, the Russian government initiated a nationwide campaign of inspections targeting organizations that should register as "foreign agents" and detecting violations of other laws and regulations. This extensive endeavor involved the allocation of considerable state resources to inspect thousands of organizations,

resulting in numerous court cases and warnings. The repercussions of these inspections and subsequent legal actions force organizations to redirect substantial portions of their time and resources towards meeting administrative requirements and defending themselves in court, diverting their focus from planned activities. This bureaucratic burden has tangible implications for the operational efficiency of these organizations, obstructing their ability to fulfill their intended objectives.

### **Overall consequences of foreign agent's law**

Overall, the legislation pertaining to foreign agents has faced substantial criticism from both domestic and international non-governmental organizations, sparking concerns about its potential ramifications for the civil society landscape in Russia. These concerns encompass multifaceted dimensions, each underscoring the adverse effects of the law. A key issue revolves around the jeopardy to the financial sustainability of Russian NGOs. The law dissuades these organizations from accepting foreign funding, a vital source of support given the limited domestic alternatives. Complicating matters is the historical discouragement of Russian businesses by the government from supporting NGOs. The potential absence of foreign funding, especially directed at shielding citizens from governmental transgressions, could result in enduring and profound budgetary cuts, recalling the initial post-Soviet years when NGOs heavily relied on volunteerism (INCL, 2023).

Another critical aspect is the law's not clear definition of "political activity." Despite explicit exemptions for certain fields, activities in these areas are not entirely immune. The ambiguous criteria for what qualifies as "apolitical" leave room for interpretation, enabling actions such as environmental protests to be deemed political



activities. Furthermore, the law contributes to the erosion of NGOs' credibility by fostering public suspicion. The strategic use of the "foreign agent" label, evoking Soviet-era connotations of espionage, aligns with the government's narrative of foreign interests undermining Russia's sovereignty. Mandating NGOs to label all materials, including websites, as the propaganda of a foreign agent intensifies the perceived threat posed by these organizations (Norwegian Helsinki Committee, 2014).

NGOs are also apprehensive about the potential rupture of contact with government bodies by adopting the "foreign agent" label. Preventive measures, such as orders prohibiting contact with foreign-funded organizations, signify the potential widespread impact of this law, hindering civil society's ability to engage in meaningful dialogue with authorities on policy matters. Moreover, the legislation strategically carves out exceptions for recognized religious organizations, state corporations, and business groups. This selective immunity ensures the continued support of powerful entities for the regime, preventing influential actors from aligning with civil society in opposition to the law. The law's design and implications thus highlight the intricate challenges faced by NGOs in navigating the evolving legal landscape in Russia.

## **2010 – 2017 legislative measures affecting media in Russia**

### **2011 mass media law reform reaching “network publications”**

Concerning the evolving legal landscape in Russia, a remarkable moment in the regulatory framework of online content emerged with the enactment of the Federal Statute "On amending some legal acts of the Russian Federation in order to improve legal regulation in the sphere of mass information" by the Federal Assembly of the

Russian Federation in 2011. The majority of the Statute's content is dedicated to modifications and expansions within the Mass Media Law. This legislative move was strategically designed to counterbalance the liberal Resolution of the Plenary of the Supreme Court of the Russian Federation titled "On Judicial Practice Related to the Statute of the Russian Federation 'On the Mass Media'" issued on 15 June 2010 (Richter, 2011). The amended Statute signifies a systematic approach to the regulation of online media, introducing the concept of "network publications" as a distinct category within the realm of mass media. It explicitly defines a single issue or the renewal of a network publication as a manifestation of the mass media product, and the provision of access to such a network publication is considered a mode of disseminating the product of a mass media outlet. The Statute elaborates on a network publication as encompassing "any site in the information-telecommunications network of the Internet registered as a mass media outlet" (Cappello, 2015). Consequently, website owners are prompted to undergo a specialized registration process, mirroring the procedures established and mandated by the Mass Media Law for traditional print publications, broadcast programs, and stations. This registration subjects both website owners and their editorial staff to the legal framework outlined in the Mass Media Law, delineating their rights and responsibilities. While the registration of a network publication is ostensibly optional, the Statute asserts that no editorial office of a mass media outlet may partake in professional activities without undergoing such a registration process. This legislative framework not only extends the regulatory reach to online media but also establishes a structured legal foundation, ensuring that entities engaged in professional journalistic activities adhere to the stipulations set forth in the Mass Media Law.

## **2013 amendments to further combat extremism**

In this manner, online "network publications," as previously described, have fallen under the jurisdiction of Roskomnadzor, the Russian Federal Surveillance Service for Mass Media and Communications (Ritcher, 2012). Consequently, the service has commenced its regulatory functions, identifying violations of media laws. Its primary tool in this context is the issuance of official warnings concerning the abuse of mass information freedom. According to the Media Law, two warnings within a year empower Roskomnadzor to seek judicial annulment of a media registration certificate, potentially leading to the effective closure of the news outlet (Ritcher, 2009). A substantial portion of these warnings is linked to the dissemination of extremist speech, for which Roskomnadzor has issued numerous warnings since the introduction of the amendments. Most of these have subsequently been deemed unjustified by the SOVA Center, a major Russian NGO addressing issues of hate speech (Verkhovsky, 2014).

As previously examined, the legal provisions on anti-extremism raise numerous concerns in Russian jurisprudence. Thereafter, the Media Law underwent further amendments, introducing a comprehensive ban on vulgar language in the media, including online platforms (Federal Law No. 34-FZ). Consequently, this constitutes another instance of media freedom abuse that may result in the closure of the news agency.

Following the events around 2014, the State Duma swiftly endorsed a legislation (Federal Law No. 398-FZ), amending Article 15 of the Law on Information, Information Technologies, and the Protection of Information dated 27 July 2006 (Federal Law No. 149-FZ). This amendment conferred authority upon the Prosecutor General to enact the blocking of websites featuring content that incites unsanctioned

public protests and engages in activities labeled as extremist. The newly enacted law outlined a procedure according to which, without the need for prior judicial authorization, the Prosecutor General – or one of his deputies – could dispatch a written request to Roskomnadzor tasking the latter with eliminating the activities related to the presumed illegal content and ordering the obstruction of access to such content. The regulation extended its jurisdiction to both domestic and international information. Notably, besides referencing the relevant article of the law, the Prosecutor General's Office was absolved from the obligation to inform editorial offices or site owners about the reasons behind the block, *de facto* impeding their attempts to address the issue. Expressing apprehension, the Russian Presidential Council on Civil Society and Human Rights warned that the legislation might lead to severe breaches of constitutional rights and freedoms. It cautioned against the potential rise of legal nihilism, emphasizing that the legislation could create a mere illusion of combating extremism.

The SOVA Center, a Russian NGO, firmly opposed the extrajudicial blocking of materials based solely on suspicions of extremism, deeming it unacceptable. Such approach, it argued, inevitably resulted in discretionary actions and law enforcement exploitation, posing a direct threat to freedom of speech. Even in cases where law enforcement deemed materials harmful and urgently in need of blocking, the center stressed the importance of securing court approval, albeit through an expedited process if required (Verkhovsky, 2014). In the year following the enactment of the law, the SOVA Center documented over 80 cases where the legitimacy for denying access or imposing sanctions was questionably absent. Throughout the year, prosecutors persistently advocated for the blocking of entire online libraries containing individual banned articles, websites featuring improperly banned Muslim literature, other religious writings, opposition websites, and sites associated with banned organizations.

A significant event unfolded in 2014, precisely three days before the Crimea secession referendum. During this period, the Prosecutor General issued an order to block access to three prominent opposition websites, including well-known news platforms critical of the Kremlin's policies, particularly concerning the crackdown on and prosecution of protesters. Importantly, in this case, website owners were left uninformed about which specific content had breached the law, prompting the Prosecutor General's blocking order. Legal actions pursued by these website owners thus far have yielded unfavorable results, leading to formal complaints presented with the European Court of Human Rights (Freedom House, 2014). In the initial half of 2014, Roskomnadzor persisted in its stringent approach, continuing the censorship policy by blocking numerous websites. This censorship primarily targeted content falling within the broadly defined and elusive category of “extremism”, all based on directives from the Prosecutor General's Office (Ibid.).

### **2014 amendments –paving the way toward an enhanced censorship for bloggers**

In 2014, the State Duma passed a new set of amendments under Federal Law No. 149-FZ, ushering in significant changes to the digital landscape. Under these revisions, website owners meeting a minimum daily visit threshold were compelled to register with public authorities. Their new obligations included the verification of shared information for truthfulness, reliability, and accuracy, aligning with the amended regulations, which predominantly focused on privacy considerations and language appropriateness. The responsibility for crafting registration rules and overseeing their enforcement was entrusted to Roskomnadzor. Entities impacted by these regulatory

adjustments comprised not only owners of web pages within social networks but also providers of blog hosting services and administrators of online forums. Hosting service providers were assigned a distinct responsibility, requiring cooperation with public authorities, including law enforcement agencies, and the careful management of personal data. Bloggers were mandated to disclose personal data, revealing authentic identities and traffic details, and store this information within Russian territory for six months following the cessation of relevant online activities. Penalties for non-compliance were stringent, encompassing substantial fines and the potential blocking of websites and blogs. This underscored the Russian Federation's ongoing efforts to tighten its grip on emerging communication platforms, a move that drew criticism from OSCE Representative on Freedom of the Media, Dunja Mijatović. Mijatović (2014) clearly warned against the potential limitations on freedom of expression and information, emphasizing the adverse impact on the social right to freely disseminate information and express opinions contrary to the prevailing Kremlin ideology.

Despite the significance of these changes, the specific roster of registered bloggers remained undisclosed. The legislation afforded bloggers the option to voluntarily seek registration or undergo the registration process dictated by Roskomnadzor, although the process itself was accompanied by persistent recommendations from the regulatory authority (Vladimirova, 2014). Several months later, Prime Minister Dmitry Medvedev endorsed a Government Ordinance amending existing Internet access rules, effectively barring anonymous users from accessing online services. The Ordinance, officially implemented on August 13, 2014, mandated user identification at public access points and required the collection and storage of user data for a stipulated six-month period (Ordonnance of the Government of the Russian Federation No. 758, 2014).

## **2015 law on undesirable organizations**

Advancing further, a fundamental step towards isolating the Russian Federation from perceived "external threats" unfolded in 2015 with the enactment of a new criticized law (Federal Law No. 129-FZ). This legislation conferred the prosecutor general with the authority to label foreign and international organizations as threats to the constitution, defense capabilities, or state security of the Russian Federation, thereby deeming them "undesirable organizations." Remarkable is the absence of a requisite court judgment, as this law autonomously proscribes the existence of entities flagged as undesirable, extending the prohibition to foreign NGOs providing services or financial assistance to them—a feature introduced through 2021 amendments. Additionally, a revision to Article 284.1 of the Criminal Code (2015) stipulates punitive measures of up to six years for individuals or organizations engaged in activities associated with an "undesirable organization."

By the initial months of 2022, the list featured over fifty organizations covering different fields, including European entities like the European Endowment for Democracy and Mikhail Khodorkovsky's Open Russia, the latter witnessing persecution of numerous activists (Davidis, 2019). Nowadays the number of the organizations labelled as undesirable is over 135 (MoJ of the Russian Federation, 2024). Preceding their proscription, several of these entities played a substantive role in the context of Russian civil society, contributing not only through domestic projects but also as benefactors to domestic NGOs. Despite the imposed prohibition, resilient entities such as the National Endowment for Democracy persist in certain undertakings within Russia, channeling their efforts predominantly towards funding journalistic

initiatives and providing legal support to victims of human rights transgressions (Russell, 2022).

In 2023, new draft amendments proposed additional measures to isolate Russian civil society by prohibiting any activity of foreign non-governmental organizations unregistered in the Russian Federation, preceded by a mass revocation of the registration of those organizations that had an office in the Russian Federation (Katarova, 2023). In particular, under the new amendments to the Code of Administrative Offenses and the Criminal Code, which introduce administrative and criminal sanctions, anyone participating in the activities of an unregistered foreign nongovernmental organization in Russia will face a relatively cheap fine for the first offense, even though three offenses within a year will result in criminal prosecution and up to two years in prison. Moreover, the bill would also allow the authorities to deport foreign nationals from Russia over non-compliance and organizing the activities of an unregistered foreign group will be punishable with up to three years in prison (Human Rights Watch, 2023).

### **2017 amendments - media outlets ‘Foreign Agents’ register**

In 2017, a substantial revision to the law governing foreign agents was sanctioned by the Russian Parliament. This amendment mandated the registration of specific foreign media entities operating within the Russian Federation as "foreign agents." Subsequently, an extension to the Media Statute, expanding its purview, was incorporated into a legislative project commonly known as the "Media Statute for Foreign Agents" (Federal Law No. 327-FZ, 2017). This modified law stipulated that any entity disseminating messages, audio, or printed materials to an unspecified



audience and receiving funds or other assets from abroad could be designated as a foreign media service performing the functions of a foreign agent. This broad categorization could be applied to diverse entities, such as individual creators, social media profiles, or groups engaged in online projects (Arapova, 2018).

In the aftermath of these changes, the Media Statute empowered the Ministry of Justice to apply the provisions related to "foreign agent" non-commercial organizations to foreign media activities, as outlined in the Federal Statute on Non-Commercial Organizations. The obligations imposed on "foreign agent media" encompass labeling information items with a special disclaimer in every publication or post, a requirement now integral to broadcasters' license stipulations. Additionally, these entities must maintain separate accounting for funds and properties received from foreign sources, submit quarterly reports on funding, publish semi-annual activity reports, conduct an annual audit with the results submitted, and provide reports on activities and executive body membership every six months. Quarterly documents detailing spending purposes are also mandated (Richter, 2020).

Individual reports by "foreign agent media" are submitted to the Ministry of Justice, which collaborates with the Ministry of Foreign Affairs to compile and publish a register of all media entities performing the functions of "foreign agents" on its official website (MoJ of the Russian Federation, 2021). The registration procedure for a "foreign agent media outlet" adheres to a process established by a Ministry of Justice decree effective from April 16, 2018 (Ordinance No.58). However, "foreign agent media" were obligated to submit registration papers by April 15, 2018, leading to administrative challenges and fines for entities, such as RFE/RL<sup>9</sup>, submitting

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<sup>9</sup> Radio Free Europe/Radio Liberty (RFE/RL) functions as a media entity supported by the United States government, delivering news, information, and analytical content to regions encompassing Eastern Europe, Central Asia, the Caucasus, and the Middle East. This outreach is directed towards areas where governmental restrictions or underdeveloped information infrastructures impede the free dissemination

documents after the specified date. This enforcement aligns with the 2012 amendment to the Russian Federation Criminal Code, specifically Article 330, which criminalizes the intentional failure to submit necessary documents for registration as a foreign agent, with a maximum penalty of two years of imprisonment.

In accordance with the latest revisions to the Media Statute, any foreign media entity undertaking the role of a foreign agent is obligated to form a Russian legal entity within a month of receiving the designation as both a foreign media outlet and foreign agent (Federal Law No. 426-FZ, 2019). These Russian legal entities, subsequently, may be acknowledged as "foreign agent media" and integrated into the previously mentioned registry. Failure to adhere to these stipulations could lead to a judicially mandated blockade of the organization's informational assets and distribution channels. Furthermore, the official details pertaining to a registered media establishment, constituted with the involvement of a Russian legal entity performing the duties of a foreign agent, must explicitly declare the media outlet's founding association with a foreign media entity executing the functions of a foreign agent.

## **Internet Censorship**

### **2016 Yarovaya amendments**

The Yarovaya amendments of 2016, authored primarily by Irina Yarovaya, a prominent member of the State Duma and the governing United Russia party, represent a crucial stage in Russia's legislative landscape. Characterized by an ostensibly national security

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of information. It operates as a privately held, non-profit corporation, and functioning independently, it supervises all international broadcasting services of the U.S. federal government.

agenda, these amendments, gathered in two federal bills (374-FZ, 375-FZ), exert a profound influence on digital rights, particularly the precious doctrine of privacy and online freedom of expression.

A fundamental facet of these legislative changes involves an escalation of data localization requirements for technology companies, a trajectory initiated in 2015. The mandate obliges these entities to store the data of Russian users within the confines of Russian territory. This marked a significant departure from prevailing norms and has far-reaching implications. In effect, since July 2016, the amendments unveiled in an era where telecommunications companies are compelled to preserve communication metadata for three years. Simultaneously, internet companies categorized as "organizers of information dissemination" must retain user data, including temporal, locational, and messaging details, for a period of one year (Ibid.). The implications are clear: an unprecedented level of intrusion into user privacy and data management practices. Combining the intrusion on privacy, companies find themselves in a precarious position vis-à-vis authorities (Luhn, 2016). The legislation mandates the disclosure of metadata to law enforcement agencies without the necessity of a court order. Moreover, these entities are coerced into providing security services with essential information for the decryption of electronic messages, including encryption keys, a move which includes implications for individual privacy rights.

The legislative narrative took a further authoritarian turn in July 2018 when an additional set of amendments came into force. This mandated the retention of communication content, spanning text, voice, data, and images, for a duration of six months. The stipulation further necessitates the storage of such data on Russian servers, making it readily accessible to authorities upon request, absent judicial oversight. These extensions amplify an already disconcerting landscape of data retention obligations.

The repercussions of non-compliance with these stringent regulations have been swift and severe. In a notable instance in 2016, the government blocked LinkedIn within Russia for its failure to adhere to data retention norms, signaling an uncompromising stance on enforcement (Scott, 2016). Beyond data retention, organizations deemed "organizers of information dissemination" face an additional burden: letters from the Federal Security Service (FSB) in 2019 underscored the requirement for the installation of specialized equipment, providing the agency with continuous access to information systems and decryption keys for user communications.

Further asserting control over information infrastructure, the government, in May 2019, mandated internet service providers to utilize exclusively Russian-manufactured technical means for data retention. Subsequently, in December of the same year, a two-year ban on public procurement contracts involving data retention with foreign entities was introduced. Lawmakers justify these measures as safeguarding Russia's "critical information infrastructure," albeit at the expense of citizen privacy, marking a controversial chapter in the evolving landscape of digital rights in the country.

## **Countering VPNs and internet anonymizers**

The legislative framework introduced in 2017 regarding VPNs and internet anonymizers (Federal Law 276-FZ) does not explicitly prohibit these proxy services. Instead, its primary objective is to hinder proxy services, including VPNs and anonymizers like Tor or Opera, commonly utilized for accessing the dark web and restricted platforms, from facilitating entry to websites banned in Russia. The law expands the jurisdiction of Roskomnadzor, tasking it with blocking sites offering

guidance on evading governmental restrictions, including the utilization of VPNs. Additionally, it confers authority upon Russia's law enforcement agencies, such as the Ministry of Internal Affairs and the FSB, to identify violators, with Roskomnadzor mandated to establish a specialized register of online resources and services prohibited in Russia (Ibid.). This set of regulatory measures, aimed at preventing VPNs and anonymizers from aiding in circumventing governmental restrictions, is emblematic of the ongoing evolution of government regulations pertaining to digital blockades, as previously elucidated. The initial 2017 law's lack of penalties for violations prompted subsequent amendments to the Administrative Offenses Code in 2018. The efforts by Roskomnadzor to block various messaging sites led to recurrent disruptions, temporarily impeding services operating legitimately in Russia, such as banks, online shopping platforms, and search engines, while Russian internet users increasingly turned to VPNs to navigate these disruptions, resulting in a substantial increase in the adoption of VPN services within the country (Roskomsvoboda, 2018).

In June 2018, the State Duma introduced legislative amendments escalating administrative fines up to 700,000 rubles (9,100 US dollars) for contraventions of the law prohibiting VPNs and internet anonymizers. Subsequently, in December, Google incurred a fine of 500,000 rubles (6,500 US dollars) for failing to filter search results in line with legal requirements, establishing a precedent intended to signal other companies (Axelrod, 2018). March 2019 witnessed Roskomnadzor commissioning VPNs, anonymizers, and search engine operators to ensure the blocking of sites listed in Roskomnadzor's regularly updated register of banned sites through the federal government's information system. The subsequent publication of plans to monitor law compliance using an efficient automatic control system represents a shift from manual tracking of blocked sites. This legislative landscape reflects an interplay between digital

freedoms and governmental restrictions, summarizing the dynamic contours of internet governance in Russia.

### **Messaging application users required to identify**

The amendments instituted in July 2017 to the legislation governing prohibited information on online messaging applications (Federal Law No. 149-FZ) impose a mandate on service providers listed in the government register of "organizers of information dissemination" to abstain from providing services to unidentified users and require these entities to authenticate all users through their mobile phone numbers. Thereafter, a governmental decree promulgated in 2018 (Resolution No. 1279) extends this obligation to foreign instant messaging service providers. This directive requires them to enter into an agreement with Russian mobile operators, thereby compelling them to verify a user's identity using their phone number within a specified period of 20 minutes following the service provider's information request. The revised legal provisions explicitly prohibit messaging services from permitting users unidentified by mobile operators to sustain their registration with the service. Notably, this mandate applies to both pre-existing and newly registered users. It is crucial to note that the legislation exempts instant messaging service providers registered as legal entities in Russia from the obligation to confirm user identities through mobile operators, asserting that these entities can utilize phone numbers for this purpose (Roudik, 2017).

The new legal framework empowers Roskomnadzor to impede mobile applications that breach the interdiction on operating with anonymous accounts. Simultaneously, the regulatory authority retains the prerogative to initiate legal proceedings according to Art. 13.39 of the Russian Administrative Code against instant

messaging service providers found in violation of the law on user identification, subjecting them to significant fines. Despite the fact that many messaging service providers, both Russian and foreign, solicit users' phone numbers for identification purposes, certain individuals have successfully registered on messaging platforms using unofficially acquired SIM cards. This practice circumvents the requirement to furnish passport and other identification details that would otherwise be obligatory when engaging with official mobile operators (Human Rights Watch, 2020). The vague language of the legislation intensifies implementation challenges for technology companies, particularly due to the absence of regulatory clarity regarding the personal data transfer process and the inconclusive specification of whether mobile operators are mandated to execute this procedure for free. Moreover, the prevalence of anonymous verification services, which allow to create “virtual” temporary phone numbers enabling anonymous registration on messaging platforms, introduces an additional layer of complexity to compliance efforts. The 2017 amendments introduce further impediments by binding instant messaging service providers to cut the diffusion of messages by specific users upon Roskomnadzor's request, particularly if such messages contain information proscribed in Russia.

Recognizing the noticeable gap in the efficacy of these regulatory measures, parliamentary deliberations on a similar legislative initiative for email service providers have not yielded substantive progress. The government, meanwhile, has refrained from taking additional measures to enforce the existing legal framework or impose sanctions on non-compliant entities. It is crucial to acknowledge that, if comprehensively enforced, these regulations hold the potential to compromise the privacy of information and communications for Russian internet users (Ibid.).

## **“Sovereign Internet” law places Russia in a network bubble**

The "Sovereign Internet" law (Resolution No.123-SF), enacted in May 2019 by President Vladimir Putin, introduced amendments to the Federal Law "On Communications" and the Federal Law "On Information, Information Technologies and Information Protection". The amendments seemingly aimed at safeguarding the security, integrity, and sustainability of the Russian segment of the Internet, has instead become a mechanism for further expanding state control over internet infrastructure. Despite its professed objectives, the law has drawn criticism for intensifying governmental oversight, forcing network service providers to install specific modules and equipment, including controversial inspection technologies. These technologies grant the government unprecedented capabilities to track, filter, and redirect internet traffic, raising concerns about censorship and surveillance (Richter, 2019). The law, ostensibly designed to protect against external threats, has faced scrutiny due to overlooked fundamental elements during its testing phase, resulting in disruptions to internet traffic.

Within a year of its approval, the incomplete program led to the blocking of over 80,000 sites, eliciting widespread condemnation from both local and international human rights organizations (Freedom House, 2019). In March 2020, the General Radio Frequency Center, under Roskomnadzor's administration, commissioned a study from the Russian Academy of Sciences to enhance internet traffic filtering tools, focusing on techniques like VPNs and proxies widely used to circumvent government blocks (Human Rights Watch, 2020). Moreover, the legislation mandated the creation of a national domain name system, effective from January 1, 2021, compelling internet service providers to conform. This system, acting as an internet directory, granted



Russian authorities the ability to manipulate results presented to service providers, allowing them to replace user requests with either inaccurate website addresses or none at all. These legislative amendments extend government control over the Russian virtual infrastructure, providing Roskomnadzor with detailed information on major service providers' network architecture, thus widening their control (Epifanova, 2020). The existence of a specific protocol, activated upon identifying security risks to the Russian internet structure, further centralizes control under Roskomnadzor: in practical terms, it grants total control of communication networks to the agency, enabling the suspension of internet use in specific Russian areas and, in *extrema ratio*, the isolation of the entire nation from major web services (Schulze, 2019).

In essence, the "Sovereign Internet" law serves as an essential tool for the Russian government to enforce its restrictive internet and communications legislation, hence constricting digital freedoms within the boundaries of the Russian Federation.

### **Preinstalled Russian apps on Russian technology to bolster control on users**

At the end of 2019, the consumer protection law (Federal Law No. 425-FZ) underwent significant amendments, mandated by the parliament, binding factories to pre-install specific Russian applications on newly sold devices within the confines of the Russian Federation. The legislative *ratio* behind these amendments, as articulated by lawmakers, sought to enhance user experience by providing applications tailored to the linguistic needs of Russian speakers, while fostering the promotion of domestic products (Dairbekov & Barata, 2019). The enforcement of these newfound obligations

falls under the purview of the Federal Antimonopoly Service (FAS)<sup>10</sup>, entrusted with ensuring that the designated applications align with the criteria delineated by the recent amendments (Human Rights Watch, 2020). These amendments carry the potential of being a strategic maneuver by the Russian government, serving the dual purpose of coercing the pre-installation of traffic surveillance software and exerting influence on software manufacturers. The act of pre-installing applications on user devices could, in turn, amplify their prominence in the Russian market, thus creating economic incentives for manufacturers to adhere to regulations related to the localization and retention of user data. The elaboration of these provisions was then extended through the enactment of Russian Government Decree No. 1867 of 2020. This decree, sanctioning the list of devices mandated for obligatory pre-installation requirements, delineated the categories of applications listed for pre-installation, and prescribed the procedural framework governing the pre-installation process (Alrud, 2021).

### **“Foreign Agents” law amendments take on individuals**

In late 2019, the Russian parliament ratified a legislation (Federal Law No. 426-FZ) with the intention of broadening the extent of "foreign agents" beyond organizations to encompass foreign media undertaking the functions of a foreign agent. However, as this definition did not include individual persons, a distinct registry for individuals was established approximately a year later.

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<sup>10</sup> The Russian Federal Authority for Antimonopoly Regulation (FAR) stands as the central administrative body overseeing the enforcement of laws pertaining to antitrust measures and associated domains. Established under the directive of President Vladimir Putin on March 9, 2004, it was under the administration of Igor Artemiev from its origin until 2020. Its management has passed thereafter to Maksim Shaskolsky, formerly serving as the vice governor of Saint Petersburg.

The subsequent amendments impose Russian authorities to designate individuals, independent journalists, and bloggers as "foreign agents" if they share and publish information to an unspecified audience and receive financial support from foreign sources (Human Rights Watch, 2022). Consequently, all publishers of independent information are mandated to register with the Ministry of Justice. For those residing abroad, an additional obligation is imposed: the creation and registration of a legal entity within the Russian Federation to continue their professional activities. Furthermore, publications by such identified "foreign agents" must bear a specific label signifying their affiliation with this designated category (Venice Commission, 2020).

Despite the absence of substantive alterations to the core of the law, the coexistence of three separate registries has introduced additional complexity and unpredictability to the "foreign agent" law (Phalnikar, 2022). Notably, it implies that an individual may be deemed a "foreign agent" without engaging in activities characteristic of an agent, thereby omitting any demonstration of alignment with the interests of a foreign state, company, or individual. Moreover, in the legal declaration of an individual as a "foreign agent," state authorities are not compelled to establish a causal link between the receipt of foreign funding and subsequent activities falling under the classification of a "foreign agent" (Krupskiy, 2023).

## **2022 – censorship backing war propaganda**

During the first days of March 2022, the Russian Parliament enacted two paramount federal laws, delineating both administrative and criminal repercussions for the dissemination of allegedly "false" information concerning the armed forces and their operations. These laws, marked by their rapid implementation, underwent subsequent

modifications and received endorsement from the State Duma legislators. Notably, these legislative amendments introduced stringent measures, including sanctions amounting to approximately 13,000 euros (1.5 million rubles) and imprisonment sentences extending up to 15 years. The targeted individuals are those who knowingly spread what is deemed as deliberately incorrect information about all Russian state entities operating beyond the nation's borders (Jack, 2022).

Precisely, Federal Law No. 32-FZ (2022) introduced significant amendments to the Russian Criminal Code, specifically targeting the dissemination of what it terms as "manifestly false information" (Russian Criminal Code, Art. 207.3). This legislation criminalizes actions that involve portraying the functions of Russian state bodies outside the nation's borders inaccurately (Russian Criminal Code, Art. 207.3). Furthermore, it encompasses public activities aimed at discrediting the utilization of the Russian Armed Forces, including appeals or calls to impede military operations (Russian Criminal Code, Art. 280.3), as well as actions intended to undermine the functioning of Russian state bodies abroad (Russian Criminal Code, Art. 280.3). Moreover, the law addresses public appeals or calls to foreign states and organizations for the imposition of sanctions against Russia, its citizens, or legal entities (Russian Criminal Code, Art. 284.2).

Concurrently, Federal Law No. 31-FZ (2022) brought about amendments to the Russian Code of Administrative Offenses, introducing administrative liability for public actions seeking to discredit the use of the Russian Armed Forces (Administrative Code, Art. 20.3.3). It also encompasses public appeals or calls aiming to obstruct military activities (Administrative Code, Art. 20.3.3) and those directed at foreign states and organizations, advocating for sanctions against Russia, its citizens, or legal entities (Administrative Code, Art. 20.3.4).

This legislative framework has had profound implications, forcing various information channels to suspend coverage related to perceived acts of aggression and, by doing so, it has inadvertently granted margin to the Kremlin's propaganda apparatus. The legislative process has been marked by systematic intimidation and violence from state agencies, targeting dissenting voices across multiple sectors. Instances of raids and arbitrary accusations have been recurrent, affecting entities such as the Anti-Corruption Foundation (FBK) co-founded by Alexei Navalny<sup>11</sup>, independent media outlets like DOXA, election monitoring organizations like Golos, feminist activists like Yulia Tsvetkova, and numerous others (Roth, 2021).

Most importantly, the laws has been enacted right after Russia's invasion of Ukraine<sup>12</sup>, hence aiming at imposing strict censorship on all discussion of the new war, with Russian authorities banning the description of it as "war" or "an invasion" (Human Rights Watch, 2022). But the laws are not limited to the current war in Ukraine since they apply to any deployment involving Russian armed forces, such as those under the regional military alliance, the Collective Security Treaty Organization.

There is also a threat that the law could be applied retroactively: Russian authorities have routinely charged people with extremism or involvement with "undesirable organizations" based on social media posts that date from years prior to those groups being banned (The Village, 2021). If the authorities apply the same approach to the new laws, Russian opposition politicians, activists, and journalists who have already publicly called to end the war, protested, publicized alleged violations by

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<sup>11</sup> Alexei Navalny is an influential figure within Russian politics which stands as an opposition leader, legal expert, anti-corruption activist, and a detainee under political charges. He has driven numerous protests against the government, contested elections in a bid to institute reforms combating corruption within Russia, and has been a critic of President Vladimir Putin and his administration. Navalny's involvement extends to serving as a member of the Russian Opposition Coordination Council, leading the Russia of the Future party, and establishing the FBK. His firm dedication to human rights earned him the acknowledgment of Amnesty International as a prisoner of conscience, and he was honored with the Sakharov Prize for his relentless advocacy.

<sup>12</sup> For further information see "The Russo-Ukrainian War: The Return of History" by Serhij Plochij, 2023.

Russian armed forces, or called for sanctions on Russian targets, could be at risk of prosecution, exactly as those outside Russia risking also being subject to potential extradition attempts. The prohibitions contained in the law are interpreted broadly and without any legal certainty—as for the definition of extremism previously mentioned. Trials have been held in almost all regions of the Russian Federation and people have been found guilty of displaying anti-war or pro-Ukraine signs or elements of clothing; taking part in anti-war rallies or their “silent support”, such as posting photos or comments, or liking anti-war posts on social media; sharing information about the death of civilians, destruction of civilian objects and claims of war crimes committed by the Russian army; expressing opposition to the war in conversations; opposing State-promoted pro-war symbols, such as “Z” and “V”; and singing Ukrainian songs (Katzarova, 2023).

Within the evolving legal landscape of Russia, the term "knowingly false information" remains clearly absent from explicit definition, resulting in a pervasive state of confusion regarding its practical application and public interpretation. This legislative ambiguity caused an examination of the Russian Supreme Court's clarifications, particularly in the context of disseminating information related to COVID-19 (Criminal Code Art. 207.1, 207.2), which offers insights into the comprehension of this term (Committee to Protect Journalists, 2022). "Knowingly false information" is interpreted as encompassing a spectrum of data, ranging from messages to audio files, deliberately deviating from reality. From a legal standpoint, intentionally disseminating objectively untrue information, including the creation of manipulated visual content or the propagation of fabricated narratives, constitutes a deliberate transgression. The duty rests on establishing both knowledge and intent on the part of the accused in disseminating such "knowingly false information." Article 207.3 of the

Russian Criminal Code presents a distinctive perspective, interpreting "knowingly false information" as data generating outside the sphere of official Russian sources. This dynamic creates a narrative bubble entirely managed by the Kremlin, fostering the spreading of potential falsehood (Human Rights Watch, 2023).

This legal construct not only comprehends traditional media and registered informational outlets but extends its scope to include independent perspectives from experts, bloggers, and individuals analyzing the conflict. Regardless of their stance on the Russian Armed Forces, these entities are perceived as sources of false information in contravention of the official Russian narrative (Committee to Protect Journalists, 2022). The assumption of "knowingly false information" simplifies the legal process by not requiring proof of the accused's awareness or intent to spread false information. The origin of information from non-official Russian sources is deemed sufficient to authorize its classification as "knowingly false." Furthermore, expressions of critical opinions, free from information considered "knowingly false," may nonetheless incur legal repercussions under Article 280.3 of the Criminal Code. This provision's broad formulation allows for the classification of any denigratory criticism on the use of Russian Armed Forces in Ukraine as an act of discrediting. Significantly, this legal provision does not mandate demonstrating "intent" or adherence to criteria of "knowingly false information," thus making it a universally applicable directive.

Roskomnadzor's statement that information regarding attacks on Ukrainian cities and casualties inflicted by the Russian Armed Forces, along with reports characterizing the ongoing "special" operation with other titles – such as attack, invasion, or declaration of war – are labelled as fictitious. It has been recorded that this pretext was used for the closure of numerous media channels in Russia (Troianovski & Safronova, 2022).

The recent legislative updates, as delineated in an analysis conducted by The New York Times (2023), have manifested in an impressive total of over 6000 instances of arrests or sanctions within the Russian Federation. This stark figure underscores the profound expansiveness of the state's repressive apparatus. These legal provisions, coupled with their broad definitions, exhibit an evident absence of tolerance for dissenting views regarding Ukraine or any expression of opinion, regardless of context, without subsequent persecution by state authorities. Notably, this stringent enforcement extends across all spheres, leaving no room for even the slightest critique. Remarkably, ordinary Russian citizens have become complicit in this system, actively denouncing their fellow citizens whose actions go against to the interests of the current ruling regime. Consequently, dialogue and conversations surrounding the ongoing conflict have been systematically cleared from both public and private spheres, thereby strengthening the state-endorsed narrative as the only source of truth within Russian borders. This trend towards increased censorship and societal control may signal a transformative shift in Russian society, with implications for future repression. Indeed, the emerging war censorship apparatus leads to a direction in which state authorities utilize sophisticated technologies to monitor and coerce online behavior, thus perpetuating a cycle of self-surveillance and compliance among the population.

## **Conclusion**

The evolution of censorship in Russia can be defined as a multifaceted phenomenon deeply rooted with the country's political, social, historical context and political will. From the early stages of post-Soviet transition to the contemporary era marked by technological advancements and strong geopolitical tensions, the trajectory



of censorship reflects the totalitarian nature of the Russian Federation, deeply controlled and shaped by its political elite.

The path to the current censorship degree begins with the 1997 Law on Freedom of Conscience and Religious Associations, a symbol legislation that seemingly aimed to safeguard religious freedoms, even though it also laid the foundation for state intervention in matters of faith and belief, not hiding its preferences in terms of religious education spread. Under the pretext of protecting traditional values and social cohesion, this law granted the government considerable authority to regulate religious organizations and activities, effectively relegating minority faiths to second-class status and elevating the privileges and conformity with the state's values of the Orthodox Church.

The enactment of the 2002 Federal Law on Combating Extremist Activity marked a significant turning point in the evolution of censorship, introducing vague and broad definitions of "extremism" that provided the government with wide powers to suppress dissent and curtail freedom of expression on the basis of its own will. This law, together with subsequent amendments and interpretations, has been used as a tool to silence political opponents, human rights activists, and independent media outlets critical of the government. Moreover, the law marks a sort of legal precedent of generally defined violations granting the Kremlin freedom of denying freedom.

Moving forward, the 2006 NGO law further expanded the scope of state control by imposing heavy and complicated registration requirements and stringent reporting obligations on non-governmental organizations, effectively suffocating civil society and limiting the space for dissenting voices. By subjecting NGOs to arbitrary inspections and punitive measures, this legislation undermined the ability of civil society groups to advocate for human rights, to fight for social justice and drastically

reduced the overall number of organizations while allying the puppet ones to the government's objectives.

The 2011 mass media law reform and the 2012 law on "foreign agents" represented additional steps towards tightening state control over the media landscape, imposing restrictions on journalists and media organizations critical of the government. These regulations have contributed to preventing the normal functioning of NGOs, which have been heavily restricted under the label of "foreign agents" or banned and subsequently subjected to administrative and criminal prosecutions. In addition, these laws, combined with the introduction of the 2015 "undesirable organizations" law and the 2017 expansion of foreign agents' law, further marginalized independent voices and contribute to misaligning Russian law from international human rights obligations on freedom of association. The 2016 Yarovaya amendments, enacted under the pretext of combating terrorism, expanded state surveillance powers and mandated data retention requirements for internet service providers, raising even more concerns about privacy rights and civil liberties. This legislation preceded the 2019 sovereign internet law, which builds up to a centralized control over the internet and enhance state vigilance and control capabilities, posing a significant threat to online freedom and digital privacy. Therefore, Russia represents a state in which efforts by an authoritarian regime to preserve its stability and suppress dissent led to damage its reputation both domestically and internationally due to uncontrolled access by security services to sensitive private and commercial information with wide opportunities for abuse. The evident non-compliance of laws with European standards is demonstrated by the human rights violations found in the progression of norms, which undermine the rights to privacy and data protection of Russian citizens. The extreme and perpetual surveillance, coupled with the authorities' ability to dispose of sensitive data and message exchanges

between users, eroding individuals' freedom of expression, rendering them vulnerable to both administrative and criminal persecution. As a result, Russian authorities seem willing to yield human rights and fundamental freedoms to stimulate the creation of such a gap by isolating Russia from the rest of the world in the digital domain. The consequences of these events have been amplified through the law on "Sovereign Internet", which introduced the possibility for the Kremlin to disconnect the Internet of the Russian Federation from that of the rest of the world, thus filtering its traffic at will, *de facto* making the right to freedom of expression inaccessible to Russian citizens. While the immediate repercussions of certain enacted measures may pose challenges for assessment, their potential long-term implications hold even greater significance: the long-lasting impact on the trajectory of state development could profoundly destabilize the autocratic regime currently in place.

The role of the international community in this scenario is of vital importance: the condemnation of restrictions and the deprivation of fundamental freedoms of Russian citizens serves as community delegitimization, aimed at discouraging other non-democratic governments from adopting the same legal measures as well as to preserve the global development of Western societies. Furthermore, the increasingly totalitarian evolution of Russian legislation regarding information control and freedom of expression will have repercussions in terms of propaganda effectiveness on a multitude of issues, hence presenting a risk not to be underestimated by the West. On the other hand, if we consider the media consequences observed within the international community following the annexation of Crimea in 2014, we can assess the widespread resonance and delegitimization of the invasion of Ukraine in February 2022 as a failure. Russian war propaganda, in fact, is not without flaws: Russia's inability to create a reasonably polarized and balanced international environment – at least in part –

represents a deficiency in its communication strategy. If in 2014 the organization of strategic insurgent and separatist conflicts had facilitated, along with intensive and equally targeted propaganda, a sort of legitimization of the annexation itself, the military action of 2022 has encountered strong condemnations and consequences on various fronts, effectively making it a strategic, media, and military defeat. In fact, the original idea of a brief conflict, of the "liberation" of Ukraine from fascist elites, falls apart together with the intensification of attacks from both sides. Nevertheless, the Russian Federation has thus acquired significant informational authority, exerting considerable influence within its borders and obscuring the realities of its actions from the international community through a veil of propaganda and ambiguity. Reflection on a hypothetical balance between the search for absolute security and the guarantee of enjoyment of human rights by a population suits the case of Russia. We can imagine it as a rope: when pulled on one side (control and security), the other shortens (freedom of expression). Well, the Kremlin's strategy seems to be based on total imbalance in favor of internal control and a presumed need for greater security over the population, especially as a means to favor its expansionist desires. In this regard, the national narrative of the Russian Federation found peak dissemination and application following the invasion of Ukraine, in which censorship allowed propaganda to reach every corner of the internal and external territory, crossing border lines and shaping public opinion. Dissidents were promptly marginalized and condemned, ensuring that "official" information could manipulate public perception and pursuing the war path by hiding its outcomes and numerous losses in terms of lives. In formulating strategies to counter propaganda, particularly originating from Russia, the international community, notably the West, encounters a significant challenge stemming from its lack of comprehensive understanding of Russian culture and dynamics. This deficiency often leads to an

overlap of propaganda and cultural elements, rendering Western action strategies obsolete and ineffective.

In conclusion, the complexity of the evolution process of censorship developed in Russia is the result of a combination of historical legacies, expansionist desires, and the will to extend control and isolation of an entire nation. The government's tightening grip on freedom of expression regarding geopolitical developments and independent information has sparked much concern from the international community, which is now engaged in a massive informational and anti-propaganda war. The developments in the years to come will be crucial in determining whether a turning point in limiting the rights of Russian citizens is achievable or not. Either way, what will follow will have as well direct consequences on the course of the ongoing invasion on the Eastern European front in Ukraine, particularly on both countries' lives.

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## **Executive Summary**

Russia has undergone a relatively rapid legislative evolution, which allowed the government to effectively control the circulation of information within civil society in just over twenty years. Propagandistic strategies have drawn from old Soviet traditions and adapted to the current context, developing alongside increasingly pervasive censorship to create the perfect environment to maximize their effectiveness. Since the enactment of the Law on Freedom of Conscience and Religious Associations in 1997, a tightening of religious freedom has been perceived, characterized by the introduction of requirements and bureaucratic practices for the recognition of religious groups and organizations, especially limiting for non-traditional faiths and sects. The clear privilege enjoyed by the Orthodox Church following the approval of the law, demonstrated its strong influence within the Russian ruling class, favoring the reapproach between state and church in the development of civil society according to Orthodox religious principles, albeit obstructing other faiths. Subsequently, in 2002, Russian legislators introduced a measure aimed at combating "extremisms" within the borders, especially targeting NGOs and mass media entities undertaking actions deemed "extremists". The perceived need for greater control by authorities to promote internal security strongly justified the criteria for identifying such extremist actions. These criteria are indeed generic and vague, thus leaving a wide margin of decision-making in the hands of authorities and generating considerable criticism regarding the potential application of the law, especially considering the administrative and penal consequences for dissidents. From 2006, NGOs underwent peculiar scrutiny, especially after the enactment of what has been called the NGO Law. The new regulatory measure imposed heavy limitations and burdens on independent NGOs at the expense of Russian civil society, while bolstering state-controlled organizations. Since a large number of

NGOs relied on foreign funds, the isolation from foreign funders and the volume of bureaucratic financial information to provide affected the effective number of registered NGOs, while state-settled organizations' requirements to access funds assisted puppet organizations, whose activity programs are aligned with government agenda. Further evolution was brought about by the introduction of the label "foreign agent", used by the Russian Federation to easily identify any organization - later including media - receiving funds, collaborating, or originating from beyond Russian borders. The law then developed through a series of amendments that allow the ruling class to apply it with apparent ease. A sort of return to the Soviet past, where politics controls freedom of the press and information. Following this line of action, from 2011 to 2015, a series of laws were enacted, and changes made to existing laws to strengthen state control over the circulation of information, greatly endangering Russian civil society and increasingly isolating the Russian Federation from the rest of the world. The next level was reached from 2016 onwards, when information control expanded to the internet as well. With the Yarovaya amendments, the Sovereign Internet law, and subsequent extensions of state control over the digital sphere, the Kremlin ensured control over navigation and data on information exchanged on messaging platforms, further undermining the fundamental freedoms and rights of Russian citizens. Subsequently, with the full-scale invasion of Ukraine, the Russian Federation felt the need to increase control over information dissemination: journalists, media, or individuals were no longer free to express their opinions, even without criticizing the state, about the ongoing war undertaken by their nation. In fact, the fake news law was passed with the aim of countering all information not directly from the so-called "official sources", namely the government itself.

In conclusion, since the 1990s, laws have expanded state control over religion, NGOs, media, and the internet, suppressing dissent and isolating Russia internationally, thus tightening the grip on fundamental rights and freedoms. This authoritarian approach, under the name of security and traditional values, has raised concerns and drawn condemnation from the West. The consequences of such legislative processes, especially in light of the invasion of Ukraine, are significant and should not be underestimated by the international community, particularly with a view to future developments. The latter will shape the trajectory of censorship and further help assess whether the impact of information control inside Russian society has generated irreversible cleavages in Russia's international relations.