



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

Communicated on 19 June 2018

THIRD SECTION

Application no. 16094/17
LEVADA CENTRE against Russia
and 14 other applications
(see list appended)

SUBJECT MATTER OF THE CASES

The cases concern the Russian Foreign Agents Act, according to which every Russian NGO engaged in political activity and receiving grants from foreign donors was declared to be a “foreign agent” and subjected to various restrictions (see *Ecodefence and Others v. Russia*, no. 9988/13 and 48 other applications). Application no. 27215/17 also concerns the absence of a prosecuting party in administrative offence proceedings (see *Karelin v. Russia*, no. 926/08, §§ 69-85, 20 September 2016).

QUESTIONS TO THE PARTIES

1. In respect of all the applicants, was there a violation of Articles 10 and 11 of the Convention? In particular:

(a) Do the provisions of the Foreign Agents Act meet the “quality of law” requirements contained in Article 10 § 2 and Article 11 § 2 of the Convention? In particular:

(i) Is the definition of the term “foreign agent” sufficiently clear and foreseeable?

(ii) Are the provisions on foreign financing foreseeable? Does Russian law establish any specific amount, period or form of foreign financing in order for an entity to be recognised a foreign agent?

(iii) Is the definition of “political activity” sufficiently clear and foreseeable in its application?

(iv) Are the labelling requirements formulated with sufficient clarity? Does the national law prescribe with sufficient clarity what material requires labelling or from where the material should originate? Do the domestic courts draw a distinction between publications on behalf of an organisation and those made by a private individual?

(v) Is the amount of the fine for violation of the Foreign Agents Act sufficiently foreseeable?

(b) Was the interference “necessary in a democratic society”? Were the reasons for the interference “relevant” and “sufficient”? In particular:

(i) Were the negative connotations of the term “foreign agents” considered when choosing a name for organisations receiving foreign funding? Was such branding “necessary in a democratic society”?

(ii) Was the restriction of applicants’ access to foreign funding “necessary in a democratic society”? What were the consequences of such restriction in terms of the availability of alternative funding? The Government are requested to illustrate their response with specific examples.

(iii) Did registration as a foreign agent have an impact on the applicants’ ability to freely express their ideas and carry out political activity? Was the suppression of the applicant organisations’ free debate and political activities necessary in a democratic society?

(iv) Are the additional reporting requirements applicable to the applicant organisations – such as labelling publications, keeping separate records of income or expenses obtained from foreign sources, submitting reports on activities and the composition of their management bodies, and auditing – proportionate to the aim pursued, and do they impose an excessive burden on the applicants?

(v) Are the sanctions for violation of the Foreign Agents Act proportionate to the gravity of the imputed offences? Did the domestic

courts weigh the amount of a fine against the financial standing of an applicant and the potential impact of the fine on the applicant's sustainability?

2. As regards the applicants who rely on Article 14, have they suffered discrimination in the enjoyment of their Convention rights on account of their being labelled as foreign agents, contrary to Article 14 of the Convention, read in conjunction with Articles 10 and 11?

3. As regards the applicants who rely on Article 18, were the restrictions imposed by the State on the applicant organisations, ostensibly pursuant to Articles 10 and 11 of the Convention, applied for purposes other than those envisaged by these provisions, contrary to Article 18 of the Convention?

4. As regards application no. 27215/17, did the absence of the prosecuting party in the administrative proceedings result in a breach of the impartiality requirement under Article 6 § 1 of the Convention (see *Karelin v. Russia*, no. 926/08, §§ 69-85, 20 September 2016)?

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APPENDIX

No.	Application no.	Lodged on	Applicant Date of birth Place of residence	Represented by
1.	16094/17	21/02/2017	LEVADA CENTRE 18/09/2002 Moscow	Ilnur Ilgizovich SHARAPOV
2.	18995/17	28/02/2017	MAN AND LAW 24/11/1999 Yoshkar-Ola	Darya Sergeyevna PIGOLEVA
3.	27215/17	21/03/2017	Irina Nikolayevna DUBOVITSKAYA 13/05/1966 Krasnodar	Darya Sergeyevna PIGOLEVA
4.	29482/17	23/03/2017	SAKHALIN ENVIRONMENT WATCH 30/09/1997 Yuzhno-Sakhalinsk	Maksim Vladimirovich OLENICHEV
5.	34499/17	02/05/2017	HUMAN RIGHTS ACADEMY 13/06/1997 Yekaterinburg	Anton BURKOV
6.	53490/17	19/07/2017	SOUTH HUMAN RIGHTS CENTRE 24/03/2004 Sochi	Irina Vladimirovna KHRUNOVA
7.	60569/17	06/08/2017	CHAPAYEVSK MEDICAL ASSOCIATION 29/09/1999 Chapayevsk	Yelena Yuryevna PERSHAKOVA
8.	61111/17	24/07/2017	CENTRE FOR SOCIAL AND	

No.	Application no.	Lodged on	Applicant Date of birth Place of residence	Represented by
			LABOUR RIGHTS 18/03/1999 Moscow	
9.	62848/17	01/08/2017	LEGAL MISSION 18/03/2009 Chelyabinsk	Maksim Vladimirovich OLENICHEV
10.	64181/17	21/08/2017	Oleg Vladimirovich SERGEYEV 21/07/1972 Syktyvkar	Irina Anatolyevna BIRYUKOVA
11.	69157/17	15/08/2017	SCHOOL OF THE RECRUIT 11/07/2014 Chelyabinsk	Maksim Vladimirovich OLENICHEV
12.	81560/17	18/11/2017	WOMAN'S WORLD 30/11/2011 Kaliningrad	Maksim Vladimirovich OLENICHEV
13.	81751/17	18/11/2017	SOVA CENTRE 21/10/2002 Moscow	Yelena Yuryevna PERSHAKOVA
14.	130/18	11/12/2017	Viktor Pavlovich YUKECHEV 06/11/1984 Novosibirsk TAK-TAK-TAK 19/06/2013 Novosibirsk	Ilnur Ilgizovich SHARAPOV
15.	15813/18	29/03/2018	RYAZAN MEMORIAL 30/06/1999 Ryazan	Karinna Akopovna MOSKALENKO

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CASES AND QUESTIONS