

**IN THE COMMITTEE ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS**

78th Session

**SUBMISSIONS FOR THE CONSIDERATION OF
THE 7th PERIODIC REVIEW
OF THE RUSSIAN FEDERATION**



<https://t.me/NetFreedomsProject>

A. Introduction

1. These submissions are made by the Net Freedoms Project for the consideration of the 7th Periodic Report of the Russian Federation regarding the implementation of the International Covenant on Economic, Social and Cultural Rights ("the Covenant").
2. Net Freedoms Project is a network of lawyers working to protect online freedom of expression and digital privacy.
3. These submissions will deal with the Russian legislation on "foreign agents" which, as will be shown below, combines issues of freedoms of expression, association and assembly with social, economic and cultural rights under the Covenant.
4. After a brief summary of the substance of the "foreign agent" legislation (section "B" below), these submissions will deal with the issues of discrimination based on political opinion with regard to the right to work (section "C" below) and the right to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production (section "D" below). The submissions thus relate to articles 2(2), 6 and 15(1)(c) of the Covenant and questions 8 and 26 of the List of Issues.
5. Despite the explicit mention in the List of Issues, the Russian Federation made no submissions on the matter.

B. Overview of the legislation on "foreign agents"

6. This section will briefly set out the current Russian "foreign agent" legislation ("a") and the international human rights assessment thereof ("b").

a. Overview of the Russian "foreign agent" legislation

7. The original Russian "foreign agent" legislation was adopted in 2012. It required NGOs receiving funds from abroad (however insignificant) and engaged in political activities (e.g., publishing any texts online) to register with the Ministry of Justice, to submit quarterly financial reports and to label all their publications with the statement that they were produced by a "foreign agent", failing which they would be heavily fined and dissolved for two violations of the law. In 2014 the Ministry of Justice was granted

power to list NGOs as “foreign agents” by its administrative decision. This is the version considered by this Committee in 2017 (see below). In 2019 the “foreign agent” legislation was extended to mass media organisations and individuals.

8. In 2022 a new comprehensive statute was adopted. The Control of Persons under Foreign Influence Act (“the 2022 Act”),¹ currently in force with further amendments, no longer requires an individual or an organisation to receive foreign funding in order to be listed as a “foreign agent”. Mere “foreign influence” is required, which can be interpreted as making statements in foreign press, making statements critical of the “special military operation” (i.e., of the full-scale military invasion of Ukraine by Russia ongoing since February 2022) etc. It is the Ministry of Justice which is empowered to list individuals and organisations as “foreign agents”.
9. Under article 9 of the 2022 Act “foreign agents” are under the obligation to state their status in all communications with public authorities, label all their publications with a statement that the publication was produced by a “foreign agent”, file bi-annual activity reports, quarterly financial reports and annual audit.
10. Article 21 of the 2022 Act lists 21 items of prohibitions for those listed by the Ministry of Justice as “foreign agents”. They include prohibitions to teach at public institutions, prohibition to teach and engage in “enlightenment activities” (*просветительская деятельность*)² to minors (the prohibition would be total and not restricted to minors as of 1 September 2025), to produce any information aimed at minors, or to receive income from intellectual and real property; proceeds therefrom are sent to a special bank account which cannot be used by the “foreign agent” concerned as long as he or she is a “foreign agent”, that is for life.
11. Any breach of the 2022 Act is an administrative offence punishable by a fine. A second breach in a year following the conviction of an administrative offence is a crime under article 330.1 of the Criminal Code.

b. International assessment of the Russian “foreign agent” legislation

12. In the Concluding observations on the 6th Periodic Report of the Russian Federation under the Covenant this Committee has already expressed concern at the earlier version of the “foreign agent” legislation then only applicable to “non-governmental organizations that receive foreign funding and engage in political activity” and recommended that the State Party repealed it (E/C.12/RUS/CO/6, 16 October 2017, paras. 7-8).
13. More recently, Human Rights Committee was critical of the same body of legislation when extended to mass media organisations and individuals and recommended to “repeal or revise” it (Concluding observations on the 8th Periodic report of the Russian

¹ Федеральный закон от 14 июля 2022 года №255-ФЗ “О контроле за деятельностью лиц, находящихся под иностранным влиянием”.

² This refers to teaching, training or other ways of dissemination of knowledge or experience outside educational institutions (as per article 2(35) of the 2012 Education Act).

Federation under the International Covenant on Civil and Political Rights, CCPR/C/RUS/CO/8, 1 December 2022, paras. 34-35).

14. In three judgments the European Court of Human Rights found this set of legislation contrary to freedoms of expression and association, as well as right to privacy, when it concerned individuals (see *Ecodefence and others v. Russia*, nos. 9988/13 *et al.*, 14 June 2022;³ *Kobaliya and others v. Russia*, nos. 39446/16 *et al.*, 22 October 2024;⁴ *Zakharov and others v. Russia* [Committee], nos. 3292/24 *et al.*, 6 March 2025⁵). Russian Federation made no steps by way of compliance with the European Court's binding judgments.

C. Right to work

15. According to the Committee, the right to work, as guaranteed in the Covenant, affirms the obligation of States parties to assure individuals their right to freely chosen or accepted work, including the right not to be deprived of work unfairly (General Comment no. 18 on Article 6 of the Covenant, E/C.12/GC/18, 6 February 2006, para. 4). Discrimination on the basis of political opinion is unequivocally prohibited (paras. 31-33).
16. Prohibition to engage in any teaching to minors, any teaching at public educational institutions and any teaching, training, educational activities (as of 1 September 2025), as provided in Article 11(9) of the 2022 Act, is a clear, unequivocal breach of Article 6 of the Covenant, taken alone and together with Article 2(2).
17. A number of individuals declared "foreign agents" for mere criticism of the government were university professors, researchers, science journalists speaking to large audiences or otherwise engaged in dissemination of knowledge.⁶ If they held any positions in educational institutions, including university professorships, they were fired. They are now totally unable to exercise their profession in Russia, in breach of Article 6 of the Covenant.

D. Right to benefits of creative production

18. As the Committee has observed, the protection of "material interests" of authors in Article 15(1)(c) of the Covenant, reflects the close linkage of this provision with right of any worker to adequate remuneration under Article 7 (General Comment no. 17 on Article 15(1)(c) of the Covenant, E/C.12/GC/17, 12 January 2005, para. 15). It can be achieved through one-time payments or by vesting an author, for a limited period of

³ Available at: <https://hudoc.echr.coe.int/eng?i=001-217751>

⁴ Available at: <https://hudoc.echr.coe.int/eng?i=001-237425>

⁵ Available at: <https://hudoc.echr.coe.int/eng?i=001-242094>

⁶ An independent media lists 49 names, <https://sleza.media/reestr/uchenye>

time, with the exclusive right to exploit his scientific, literary or artistic production (para. 16). Discrimination on the grounds of political opinion with effect of nullifying or impairing the equal enjoyment or exercise of the right is unequivocally prohibited (para. 19). The right can also be violated by unjustifiably interfering with the material interests of authors (para. 44).

19. Article 11(21) of the 2022 Act removes any possibility to ensure material interests of the authors from creative production, whatever the form may be. Multiple singers, songwriters and musicians,⁷ novelists and poets,⁸ scientists, researchers, science journalists⁹ and other persons of creative trades were listed by the Russian Ministry of Justice as “foreign agents” for having spoken out against the full-scale military invasion of Ukraine or for just being critical of the Government. They are now entirely deprived of all the proceeds from their work. Whereas Article 15(1)(c) allows for a flexible approach to material interests of the authors, it does not allow taking all income from intellectual property altogether.

E. Conclusion

20. For these reasons Net Freedoms Project invites the Committee to find that the 2022 Act irreparably breaches the Covenant and should be unconditionally repealed.

Respectfully submitted,
this 7th of August 2025

⁷ An independent media lists 36 names, <https://sleza.media/reestr/artisty>

⁸ A Government-related web-site dedicated to literature lists 49 names as of March 2025, <https://godliteratury.ru/articles/2023/02/20/spisok-pisatelej-inoagentov>; many fall into other categories as well.

⁹ See footnote 6 above.