

Bernard Kim
Chief Executive Officer
Match Group, Inc.
8750 North Central Expressway,
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Dallas, Texas 75231
United States of America

RE: Match Group's business operations in Russia

March 3, 2023

Dear Mr. Kim,

We write to you as [B4Ukraine](#), a coalition of Ukrainian and international civil society organizations working to curtail the financial resources enabling the Russian invasion of Ukraine. We expect companies to demonstrate opposition to Russia's war of aggression, public support for the people, democracy, and territorial integrity of Ukraine, and alignment with the UN Guiding Principles on Business and Human Rights (UNGPs). At stake is not only the sovereignty and territorial integrity of a democratic Ukraine, but also the continuity of the rules-based international order and the prosperity of the global economy.

We request an urgent dialogue regarding potential inconsistencies between Match Group's stated policies on human rights and the company's ongoing business operations and relationships in Russia that may contribute to, or be linked with, human rights harms.

We acknowledge that Match Group has policies in place to guide the company toward ethical behaviour. The company emphasises its devotion to human rights in its 2022 Impact Report,¹ and further notes that it "respects human rights and workplace rights and remains committed to conducting its business in a manner that protects these rights."² Match Group further declares its commitment to:

"conduct its business affairs in accordance with not only the requirements of applicable law, but also standards of ethical conduct that will maintain and foster the Company's reputation for honest and straightforward business dealings."³

As of June 1, 2022, Match Group is a signatory of the United Nations Global Compact, aligning with its Ten Principles across human rights, labour, environment, and anti-corruption.⁴

¹ Match Group, "Impact Report 2022," <https://mtch.com/impact> (accessed March 3, 2023).

² Match Group, "Match Group, Inc. UK Modern Slavery Act Statement January 2021 reporting for fiscal year 2020," [https://s22.q4cdn.com/279430125/files/doc_downloads/2021/Match-Group-Modern-Slavery-Act-Statement-\(2020\)_vF.pdf](https://s22.q4cdn.com/279430125/files/doc_downloads/2021/Match-Group-Modern-Slavery-Act-Statement-(2020)_vF.pdf) (accessed March 3, 2023).

³ Match Group, "Match Group, Inc. Code of Business Conduct and Ethics," June 2021, <https://ir.mtch.com/corporate-governance/code-of-conduct/default.aspx> (accessed March 3, 2023).

⁴ United Nations Global Compact, "Match Group, Inc.," <https://unglobalcompact.org/what-is-gc/participants/152270-Match-Group> (accessed March 3, 2023).

It has been over one year since Russia invaded Ukraine and the devastating impacts continue to shock the global conscience and shake the global economy. Russia is violating international humanitarian law (IHL), including war crimes and crimes against humanity, through attacks on civilians and civilian infrastructure (e.g., mass executions, sexual violence, torture, and forcible transfer of civilians). More than 21,580 Ukrainians have been killed and injured and millions more have been forced to flee their homes, creating one of the largest humanitarian and refugee crises of modern times.

On September 21, President Vladimir Putin escalated the war by announcing a “partial mobilisation” of the Russian population. The accompanying legislation ([Article 9 of Federal Law No. 31-FZ](#)) mandates all organisations, including the 1,500 international companies that are currently operating on a full or limited scale in Russia, to conduct military registration of the staff if at least one of the employees is eligible for military service.⁵ They must also assist with delivering the military summons to their employees, ensure the delivery of equipment to assembly points or military units, and provide information, buildings, communications, land plots, transport, and other material means of support to the war effort.

This legislation entails new and significant legal risks for companies remaining in Russia, including potential civil and criminal liability under comprehensive sanctions regimes and recent international jurisprudence holding corporations and their officers responsible for human rights abuses abroad.⁶ Companies may be exposed to financially material risks through operational restrictions, such as limitations of future government contracts.⁷

Additionally, the Ukrainian government’s National Agency on Corruption Prevention (NACP) is creating a list of “foreign companies that, despite the international recognition of Russia as the aggressor state and the introduced sanctions restrictions, continue to cooperate with it.”⁸ These

⁵ Federal Law No. 31-FZ of February 26, 1997 "On mobilization training and mobilization in the Russian Federation" (as amended), <https://base.garant.ru/136945/> (accessed January 2, 2022).

⁶ International companies remaining in Russia are now at a greater risk of violating sanctions regimes as implementation of the legislation will likely involve transacting with sanctioned individuals or entities. Furthermore, new domestic civil and criminal cases against companies involved in violations of international law demonstrate the risk of significant liability for facilitating state-sponsored human rights abuses abroad (e.g., Lafarge case, Lundin case, Castel Group indictment, Nevsun holding, and Dassault Aviation, Thales, and MBDA France criminal complaint.) Victoria Riello and Larissa Furtwengler, “Corporate Criminal Liability for International Crimes: France and Sweden Are Poised To Take Historic Steps Forward,” September 6, 2021, <https://www.justsecurity.org/78097/corporate-criminal-liability-for-human-rights-violations-france-and-sweden-are-poised-to-take-historic-steps-forward/> (accessed January 2, 2022); The Sentry, “Breaking: France Opens War Crimes Inquiry Focused on Iconic Food and Beverage Conglomerate,” July 1, 2022, <https://thesentry.org/2022/07/01/7216/breaking-france-opens-war-crimes-inquiry-focused-iconic-food-beverage-conglomerate/> (accessed January 2, 2022); Rfi, “French technology firm charged over Libya cyber-spying,” July 2, 2022, <https://www.rfi.fr/en/business-and-tech/20210701-french-tech-firm-charged-over-libya-cyber-spying> (accessed January 2, 2022); Preston Lim, “Canadian Supreme Court Allows Corporate Liability for International Law Violations,” Lawfare, March 12, 2022, <https://www.lawfareblog.com/canadian-supreme-court-allows-corporate-liability-international-law-violations> (accessed January 2, 2022); Sherpa, “Aiding and abetting war crimes in Yemen: Criminal complaint submitted against French arms companies,” June 2, 2022, <https://www.asso-sherpa.org/aiding-and-abetting-war-crimes-in-yemen-criminal-complaint-submitted-against-french-arms-companies> (accessed January 2, 2022).

⁷ Venable LLP, “Do You Contract with State Governments? If So, Beware of Emerging State Sanctions’ Obligations Related to Russia and Belarus,” *JD Supra*, June 3, 2022, <https://www.jdsupra.com/legalnews/do-you-contract-with-state-governments-6537229/> (accessed January 2, 2022).

⁸ NACP, “International Sponsors of War,” <https://sanctions.nazk.gov.ua/en/boycott/> (accessed February 6, 2023).

companies are recognised as international sponsors of war. So far there are 16 companies on the list, but the NACP notes that it will be expanded with “international companies that provide the public and private sector with goods and services of critical purpose, as well as [those that] contribute to the Russian budget.”⁹

In response to this unprovoked and unjustified war¹⁰ many companies have left Russia. According to the Kyiv School of Economics Institute's (KSE) #LeaveRussia [company tracker](#), Match Group has decided to stay and continue its operations in the country.¹¹

Since the start of the illegal invasion of Ukraine, Match Group has not released a statement condemning the war, and reporting indicates that the company continues to provide its online dating app, Tinder, to the Russian market.¹² While the specific information regarding its advertising practices, payments to the Russian government, employees, or offices in the country is limited, the claims regarding the continued operations in the country are further supported by Tinder’s own website, which advertises multiple cities in Russia where its app is available.¹³ According to an earnings call in May 2022, the chief operating and financial officer stated the company would lose \$10 million in revenue every quarter and 200,000 users due to the invasion.¹⁴ However, in Match Group’s regulatory filings, disclosures, and shareholder letters, the company includes the Russian market in its “European” metrics, which saw an increase of over \$27 million in direct revenue as compared to 2021.¹⁵

Prior to the war, in 2019, Tinder made international headlines for agreeing to allow the Russian government agency Roskomnadzor the ability to review its users’ data, which was alleged to include private and explicit content.¹⁶ It is unclear if Tinder is following through with its commitment to the Russian government. However, in July 2022, a Russian court fined Match Group¹⁷ \$2 million for its failure to gather data from Russian users of Tinder and store it in Russian territory.¹⁸

⁹ NACP, “Companies from the NACP list of “International Sponsors of War” are now in the World-check database, used worldwide for reviewing counterparties,” September 7, 2022, <https://nazk.gov.ua/en/news/companies-from-the-nacp-list-of-international-sponsors-of-war-are-now-in-the-world-check-database-used-worldwide-for-reviewing-counterparties/?hilite=sponsor+of+war> (accessed February 6, 2023).

¹⁰ The UN General Assembly condemned Russia’s “aggression against Ukraine” and demanded that Moscow “unconditionally withdraw all of its military forces from the territory of Ukraine within its internationally recognized borders.”

¹¹ KSE, Leave Russia, “Match Group,” <https://leave-russia.org/match-group> (accessed March 3, 2023).

¹² Ibid.

¹³ Tinder, “Moscow,” <https://tinder.com/en-GB/places/russia/moscow> (accessed March 3, 2023).

¹⁴ Dom DiFurio, “Match Group defied calls to abandon Russia amid invasion. Now it’s paying,” *The Dallas Morning News*, May 4, 2022, <https://www.dallasnews.com/business/local-companies/2022/05/04/match-group-defied-calls-to-abandon-russia-amid-invasion-now-its-paying/> (accessed March 3, 2023).

¹⁵ Match Group, “Letter to Shareholders,” January 31, 2023, https://s22.q4cdn.com/279430125/files/doc_financials/2022/q4/Earnings-Letter-Q4-2022-vFF.pdf (accessed March 3, 2023).

¹⁶ Valerie Sperling, “Tinder just agreed to let Russia review its data on demand. That could be dangerous for Russians,” *The Washington Post*, June 11, 2019, <https://www.washingtonpost.com/politics/2019/06/11/tinder-just-agreed-let-russia-review-its-data-demand-that-could-be-dangerous-russians/> (accessed March 3, 2023).

¹⁷ Reuters, “Russian court fines Tinder owner for data law violation – RIA,” July 28, 2022, <https://www.reuters.com/business/media-telecom/russian-court-fines-tinder-owner-data-law-violation-ria-2022-07-28/> (accessed March 3, 2023).

¹⁸ Interfax, “Tinder owner to be held responsible for refusal to localize Russian users' data,” July 12, 2022, <https://www.reuters.com/business/media-telecom/russian-court-fines-tinder-owner-data-law-violation-ria-2022-07-28/> (accessed March 3, 2023).

Due to these apparent inconsistencies, we are requesting a clarification from Match Group on whether it intends to continue operating in the Russian market. These activities risk enabling and financing Russia's violations of IHL and human rights law during the ongoing invasion and occupation of Ukraine and violating Match Group's commitment to abiding by the UNGPs. It remains to be seen how directly Match Group will be impacted by the partial mobilisation and the heightened legal, regulatory, operational, and financial risks associated with companies being required to provide direct support to the internationally sanctioned Russian military.

We seek to understand how Match Group has conducted and continues to conduct heightened human rights due diligence and how the findings of such a process have resulted in these continued business activities and relationships. As noted by the UNGPs:

...the more severe the abuse, the more quickly the enterprise will need to see change before it takes a decision on whether it should end the relationship. In any case, for as long as the abuse continues and the enterprise remains in the relationship, it should be able to demonstrate its own ongoing efforts to mitigate the impact and be prepared to accept any consequences – reputational, financial or legal – of the continuing connection.

In consideration of the above points and B4Ukraine's Declaration,¹⁹ we request an urgent dialogue with Match Group's relevant senior management and staff to discuss the company's ongoing activities and relationships in Russia, associated risks to the people of Ukraine and the company, and potential steps to prevent/mitigate these risks. Please contact B4Ukraine at contact@b4ukraine.org to schedule a call. We kindly ask for your response by 5:00pm CET, March 17th, 2023.

Please do not hesitate to get in touch if you require any further information.

Sincerely,

The B4Ukraine Coalition

¹⁹ B4Ukraine, "About," <https://businessforukraine.info/about> (accessed January 2, 2022).