



International Cooperation Platform “Civic Solidarity”

Appeal to the Russian Authorities to Reject Repressive Draft Legislation on “Foreign Agents”

July 10, 2012

* * *

On July 6, the State Duma of the Russian Federation passed in the first reading a package of amendments to existing legislation that would allow a broad spectrum of Russian NGOs to be classified as “Foreign Agents.” Such a designation would not only stigmatize organizations, but would subject them to discriminatorily severe auditing and reporting requirements, and potentially catastrophic financial and/or legal sanctions for any violations. Although supporters of this legislation paint it as the equivalent of Foreign Agent Registration legislation in other countries, this is patently untrue. The Russian draft not only applies to organizations operating in the interest of foreign governments but to any non-commercial organization that receives money from any foreign source for any purpose while also engaging in any type of “political activities,” including such broadly-accepted work as policy advocacy on a national or even local level. This legislation clearly violates the Russian Federation’s international commitments to respect its citizens’ rights to freedom of association and participation in political affairs. The Duma should reverse course and reject the draft law. If passed by the Duma it should be rejected by the Federation Council or vetoed by President Putin.

* * *

On July 6, the State Duma of the Russian Federation passed in the first reading a package of amendments entitled “On Amending Various Legislative Acts of the Russian Federation Regulating the Activities of Non-Commercial Organizations that Fulfill the Function of Foreign Agents.” If passed, this act would require all Russian NGOs that receive foreign funding while also carrying out “political activities” to register as “Foreign Agents.” The law would require all organizations that are so designated to note this designation on all publications (including in the media), provide the authorities more detailed and more frequent financial documentation than other NGOs, and comply with more stringent bookkeeping requirements. It would also open them to regular audits three times more frequently than other NGOs, and spot audits on virtually any pretext.

Key provisions of the law are drawn so that it could be used against an extremely broad spectrum of NGOs, including election monitoring and human rights organizations, but also think tanks and national or local organizations that advocate for policy changes on issues of public policy. The draft legislation would apply the “Foreign Agent” designation to any non-commercial organization other than a political party that fulfills two conditions:

- receiving “funding or other property from foreign states, their state organs, international or foreign organizations, foreign citizens, stateless individuals or their agents and/or from Russian organizations with judicial character that have received funding or other property from such sources”; and
- participating ”(including through financing) in organizing and conducting political activities in order to influence decision-making by public authorities, aimed at changing public policies pursued by them, or in shaping public opinion with the above goals.”

The draft legislation includes extremely severe penalties for organizations and their leaders that are held to have violated its provisions. Not only does the law foresee fines of up to a million rubles (approximately \$30,000) for organizations and 500,000 rubles for individuals that would be ruinous for many Russian NGOs and activists, it also allows the state to suspend an organization’s activities for up to six months without the decision of a court.

Proponents of the law have justified it as nothing more than a Russian equivalent of laws existing in other countries, such as the American Foreign Agent Registration Act (FARA). This is clearly disingenuous. The FARA, for example, aims to deal with foreign embassies and lobbying firms that work “on the orders, requests, or under the leadership or control of foreign principals,” not civil society. The Russian draft law, on the contrary, would apply to organizations that receive money from any foreign source for any purpose if they are considered to engage in “political activities”, including NGOs benefiting from foreign funding that seek and advocate for broad policy changes. Thus, the Russian legislation would apply the designation of Foreign Agent also to organizations that have been created by Russian citizens, whose decision-making bodies are entirely composed of Russian citizens and who are independent in determining to which bodies, either in Russia or internationally, to apply for funding.

Far from being a Russian analog to widely-adopted legislation in other countries, this draft legislation is a clear violation of Russia’s commitments under international law. Among numerous other provisions, this legislation would violate Russia’s commitments under Article 11 of the European Convention on Human Rights (protecting the right to freedom of assembly and association), Article 22 of the International Covenant on Civil and Political Rights (ICCPR), guaranteeing freedom of association and barring any restrictions on this freedom unless they are “necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others”) as well as Article 25 of the ICCPR (guaranteeing citizens’ right to participate in the conduct of public affairs).

In a July 5 letter to the leadership of the State Duma, leaders of major Russian human rights organizations noted that: “The real purpose of this bill is to discredit and *de facto* destroy the largest independent civic organizations in our country” and warned that enforcement of the law could threaten any NGO the government takes a dislike to if it receives foreign funding. Members of the Civil Society Platform completely agree with this position and call on the State Duma to reverse course and reject the draft law. If passed by the Duma it should be rejected by the Federation Council or vetoed by President Putin.

The Civic Solidarity Platform unites 46 civil society organizations committed to improving the human rights situation in Europe, Eurasia and the US. It provides a common space for these groups to share their experience in conducting research, advocacy, and public organizing and to find new channels of communication and improved methods for working cooperatively. Its aim is to serve as a conduit through which civic activists can build alliances, strengthen mutual support and solidarity, and improve their influence on national and international human rights policy. The Civic Solidarity Platform was born out of recognition that nongovernment groups need to work in a more effective and coordinated way in order to counteract negative trends in the field of state protection for human rights and defense of democratic principles.