The Moscow Times
30 YEARS
INDEPENDENT NEWS FROM RUSSIA

# Human Rights Group to Close Over 'Foreign Agent' Label

By Oleg Sukhov

April 09, 2014



Former Human Rights Ombudsman Vladimir Lukin, who fought for the abolition of the "foreign agents" law.

The Constitutional Court has upheld the controversial law requiring some nongovernmental organizations with foreign funding to register as "foreign agents," while an affiliate of the prominent Memorial human rights group faces closure after being labeled a foreign agent by a St. Petersburg court.

The Kremlin has argued that the foreign agent law would prevent foreign governments from interfering in Russian politics, while its critics have described it as part of a massive state crackdown on civil society. Almost all Russian NGOs targeted by the law, which was passed in 2012, have refused to comply with it, calling it illegitimate and unconstitutional.

So far, the only organization that has registered as a foreign agent is a little-known group called the Promotion of Competition in CIS Countries. Some of the groups that have rejected

the label have been ordered by courts to pay fines.

The Constitutional Court ruled Tuesday that the law did not contradict the Constitution but struck down the provision setting 300,000-ruble ($8,403) fines for noncompliance as "excessive." Former Human Rights Ombudsman Vladimir Lukin, who had sought to repeal the law, has argued that the law violated the constitutional provisions on freedom of speech and freedom of association and that the definitions of political activities and foreign agents in its text were too vague.

Rights groups including New York-based Human Rights Watch condemned the ruling.

"The 'foreign agents' law violates fundamental rights and is designed to silence independent groups through intimidation and humiliation," said Hugh Williamson, Europe and Central Asia director at Human Rights Watch, in a statement released by the group Wednesday. "It is distressing that the court made no distinction between advocacy that is [in] the public interest and partisan political activity."

Also on Tuesday, the St. Petersburg City Court upheld a lower court ruling that recognized the Memorial Anti-Discrimination Center as a foreign agent, rejecting the group's appeal. The St. Petersburg-based center, which focuses on protecting the rights of ethnic and sexual minorities and those of women, said last December that it would shut down because of the court case.

The group is affiliated with Moscow-based Memorial, one of Russia's most prominent human rights organizations. Memorial, set up in 1987, focuses on researching the history of political repressions in the Soviet Union and other human rights activities.

Alexander Cherkasov, a member of Memorial's management board, said by phone that the group could also be shut down because prosecutors were seeking to label it a foreign agent. The first hearing of the case is scheduled for April 15, he said.

As the authorities seek to implement the foreign agent law, lawmakers have plans to toughen it. Last month Andrei Klishas, chairman of the Federation Council's constitutional law committee, said the parliament's upper chamber was working on amendments that would authorize the Justice Ministry to register NGOs as "foreign agents" without their consent.

The law's critics have argued that it is illegitimate because it forces groups to lie about themselves.

Cherkasov said the law is misguided because, in his opinion, to qualify for the label "foreign agent," a group should not only have to receive funding from a foreign source but also act in its interests and get orders from it.

"We are not acting in anyone's interests and are not managed by someone external to us," Cherkasov said.

He argued that the law was based in the psychology of the ruling elite, which includes many people from intelligence agencies, the so-called siloviki.

"Intelligence agents are transformed by their profession," he said. "They are used

to recruiting and buying people and that is why they think that everyone can be bought. The same applies to people who are used to being sold."

The Kremlin's opponents have also said that the law would attach a stigma to those labeled as "foreign agents" and make their work almost impossible, since government agencies and other NGOs would shun them. They have said that the label is being used in the same sense as during Stalin's Great Purge in the 1930s.

The foreign agent law targets only NGOs conducting "political activity," but its critics have said the definition of politics in the law is so broad that it could include almost any public action.

"Any meaningful statement is deemed to be political," Cherkasov said.

Last year, opposition politicians ridiculed prosecutors for seeking to register as a foreign agent a nature reserve in the Amur region — an organization they said was not involved in politics in any way.

The Kremlin has justified the law as an equivalent of the U.S. Foreign Agent Registration Act, but the opposition has rejected the analogy as spurious.

One difference between the U.S. law and the Russian law is that, in the U.S., the government has to prove in court that the organization is controlled by a foreign "principal" or acts in its interests, while in Russia there is no such requirement. Since 1966, the U.S. Justice Department has not won a single criminal case against presumed "foreign agents."

The New York office of the Democracy and Cooperation Institute, a Russian NGO whose creation was endorsed by Putin in order to monitor human rights abuses in Europe and the U.S., and the Washington D.C. based Center on Global Interests, a private think tank researching U.S.-Russian relations, are financed from Russian sources but are not registered as foreign agents.

*The last graph was corrected to better reflect the missions of the entities mentioned in it.*

Contact the author at o.sukhov@imedia.ru

Original url:
https://www.themoscowtimes.com/2014/04/09/human-rights-group-to-close-over-foreign-agent-label-a33809