



**Submission by Human Rights Watch  
for the UK-Russia Human Rights Consultations**

In the year since Vladimir Putin's return to the presidency in May 2012, the Russian government has unleashed a crackdown on civil society unprecedented in the country's post-Soviet history. The authorities have introduced a series of restrictive laws, harassed, intimidated, and in several cases imprisoned political activists, interfered in the work of nongovernmental organizations (NGOs), and sought to cast government critics as clandestine enemies, thereby threatening the viability of Russia's civil society. Some of these laws service the Kremlin's strategy to conflate the promotion of human rights and government accountability with incursions on state sovereignty.

Two of the new laws – the “foreign agents” law and the “Dima Yakovlev law” – clearly seek to limit, or even end, independent international advocacy and other NGO work by placing new, draconian limits on association with foreigners and foreign funding. The former, a new law regulating NGOs, requires, among other things, organizations that receive foreign funding and supposedly engage in “political activities” to register as “foreign agents.” The “Dima Yakovlev law,” informally named after a Russian toddler who died in the United States several months after he was adopted by an American family, essentially bans funding emanating from the United States for “political” NGO activity, and bans NGOs whose work is “directed against Russia's interests.” A third law, the treason law, expands the legal definition of treason in ways that could criminalize involvement in international human rights advocacy.

As these laws were being debated and adopted, pro-government media outlets ran propaganda campaigns targeting prominent nongovernmental groups, accusing them of promoting Western interests in exchange for funding and representing government critics as dangerous enemies.

In addition, libel, decriminalized at the end of Dmitry Medvedev's presidency, was recriminalized, and [Internet content](#) has been subjected to new legal restrictions. A new assembly law imposes limits on public demonstrations and imposes serious, drastic fines on those who violate the law.

The new laws, most of them sponsored by the ruling United Russia party, were adopted at breakneck speed: the assembly law, for example, entered into force just 17 days after the lower house of parliament, the State Duma, began debating it.

Taken together, the laws and the evolving enforcement practice violate Russia's international legal obligations to protect freedom of association, expression, and assembly and threaten the viability of Russia's vibrant civil society.

The "foreign agents" law expanded already [extensive](#) and [intrusive](#) state control over organizations that receive foreign funding by setting out additional reporting requirements and providing for additional inspections by government bodies. It equates receiving any foreign funding with being an agent of foreign interests. Its definition of "political activities" includes acts that are a routine part of many NGOs' advocacy work, such as advocating for policy changes or trying to influence public opinion. The law forces such organizations to state clearly in their published materials that they are "foreign agents." Failure to comply with the law triggers stiff fines and even prison terms.

The term "foreign agent" in Russia is ubiquitously understood as spy or traitor, and it is difficult to avoid the impression that by adopting this law, Russian authorities sought to discredit and demonize certain civil society groups that accept foreign funding.

In early March 2013 the government started a nationwide campaign of intrusive government inspections of NGOs prompted by the "foreign agents" law. According to Agora, a prominent Russian NGO whose work is largely focused on defense of activists, more than 250 organizations all over Russia were inspected by officials from the prosecutor's office, the Ministry of Justice, the tax inspectorate, and in some cases the anti-extremism police, health inspectorate, and the fire inspectorate.

The government claimed the inspections were routine, but this campaign appears to be unprecedented in its scope and scale. It is aimed, at minimum, to intimidate and marginalize civil society groups, and can potentially be used to force some groups to end advocacy work, or to close them down.

Inspectors examined the groups' tax, financial, registration, and other documents. In several cases they demanded to inspect computers or email. In one case, officials demanded that an organization prove that its staff had had been vaccinated for smallpox, and in another the officials asked for chest X-rays of staff, to ensure they did not have tuberculosis. In yet another case, officials demanded copies of all speeches made at the group's recent seminars and conferences.

Although many organizations have not received the inspection results yet, over 30 have already been cited for failing to register as "foreign agents," and others have been fined for fire safety violations, air quality violations, and the like.

The first organization against which Russian authorities filed administrative charges for failing to register as a "foreign agent" was the Association in Defence of Voters' Rights Golos (Voice), which played a prominent role in organizing election monitoring and reporting allegations of electoral fraud in the 2011 parliament and 2012 presidential elections. The group was fined 300,000 rubles (almost US\$10,000) by the decision of a Moscow court. The Golos director, Liliya Shibanova, was also fined 100,000 rubles (approximately \$3,000).

The Russian authorities accused Golos of receiving approximately \$10,000 in prize money after being presented the Andrei Sakharov Freedom Award by the Norwegian Helsinki Committee, though the group instructed its bank to return the money, which it did. The Ministry of Justice claimed that Golos' advocacy for the adoption of a unified Electoral Code sought to "influence public opinion and decisions of government bodies," which, in their opinion, constituted "political activity."

Two more groups face administrative proceedings as a result of the inspections by the prosecutor's office. The Kostroma Regional Centre for Support of Public Initiatives was cited for having organized a roundtable on US-Russia relations that a US diplomat

attended. Court hearings on this case started on April 29 but were postponed until May 16. Another administrative case was opened against Anti-Discrimination Center “Memorial” (St. Petersburg) for having published a report on police abuse, which was presented to the United Nations Committee Against Torture. Court hearings on this case are pending.

At least 3 groups – Baikal Environmental Wave, Memorial Human Rights Center and Agora Human Rights Association – received “notices of violation” from the prosecutors’ office, which require them to register as “foreign agents” within one month.

Close to 30 other groups – whose activities range from human rights defense and ecological initiatives to supporting children with a rare genetic disease – received official warnings from the prosecutor’s office regarding “the inadmissibility of violating NGO law” in the future.

The treason law broadened the definition of treason by adding the provision of “consultative or other assistance to a foreign state, an international or foreign organization ... in activities against the security of the Russian Federation” to the list of actions that can constitute state treason. This new definition leaves broad room for officials to arbitrarily interpret and selectively apply it against individuals engaged in routine discussions with foreign counterparts or presenting human rights reports at international conferences. The UN Committee Against Torture, for example, said the law could be interpreted as prohibiting the sharing of information on the human rights situation in the Russian Federation with the UN. Although Human Rights Watch is not aware of any prosecutions under the new definition, the mere possibility that the law will at some point be applied to silence or retaliate against critics is enough to keep civil society groups, and especially human rights organizations, in a constant state of anxiety. For this reason some human rights defenders have dubbed the law “the sword of Damocles.”

The new public assembly law increases the maximum penalty for violating rules regulating protests from 5,000 rubles (approximately \$165) to 300,000 rubles (\$9,700), a prohibitive amount given the average Russian monthly income of 26,489 rubles (\$880). The law also banned, among other things, persons who have been prosecuted twice or more in one year for violating laws governing public events from organizing protests.

Russia's Constitutional Court ruled that several of the law's provisions were unconstitutional, and the Venice Commission of the Council of Europe found that the amendments represent "a step backward for the protection of freedom of assembly" and urged Russia to repeal or revise key provisions.

A new law regulating Internet content creates a federal register of websites that host child pornography images, narcotics-related content, and information that "incites people to commit suicide." Several government agencies are authorized to submit websites for the registry without a court order.

Once a website is on the registry, content-hosting providers have 24 hours to notify the website owner to remove the prohibited content. The website owner is given another 24 hours to comply. If the website owner fails to take down the banned content, Internet service providers must restrict access to the website within 24 hours.

The law's stated goal is protecting children, but its definitions of prohibited material are overly broad, giving government agencies wide discretion to ban content.

For example, in January 2013 the government blocked one of Russia's most widely-read blogs because it contained a photograph of Tibetan independence activists performing self-immolation. The blog was reactivated after the blogger removed the photographs.

Regional authorities in Russia have also used the protection of children as a pretext to justify discriminatory laws banning "propaganda for homosexuality." A similar federal draft law of the same type successfully passed its first reading in the Duma.

Two cases provide further examples of Russia's waning commitment to its international human rights obligations. The first case is that of the globally renowned prosecution of members of the feminist punk band Pussy Riot, two of whom are serving two-year prison terms on incitement of religious hatred charges for a 40-second political stunt in a Moscow cathedral that criticized Putin and the Russian Orthodox Church's close relationship with the Kremlin.

The second relates to Leonid Razvozzhaev, a political activist charged with organizing mass riots during a May 2012 demonstration. Razvozzhaev went missing in Ukraine as he stepped outside a partner organization of the UN High Commissioner for Refugees to take a break during an asylum interview. Several days later he reappeared in custody in Russia. Razvozzhaev appears to have been forcibly disappeared and forced to sign a confession under duress while in incommunicado detention. Razvozzhaev is in custody awaiting trial in Russia.

**Human Rights Watch calls on the UK government to urge Russia to end the crackdown on civil society and instead foster an environment in which civil society can thrive. We encourage the UK to make the following recommendations to their Russian interlocutors at the May 2013 round of the periodic human rights consultations between the UK and Russia:**

*Bring legislation into line with Russia's international legal obligations:*

- Repeal amendments to Law No. 121-FZ (the “foreign agents” law) requiring organizations that accept foreign funding and engage in “political activities” to register as “foreign agents”;
- Repeal the amendment to article 151 of the Criminal Code broadening the definition of treason;
- Repeal provisions of Law No. 272-FZ (the “Dima Yakovlev law”) that allow for the suspension of nongovernmental organizations and the freezing of their assets;
- Repeal article 128.1 of the Criminal Code, reinstating criminal responsibility for libel;
- Amend any other laws regulating NGOs, including Law No. 18-FZ, that create excessive administrative and legislative barriers to NGO work; for example, repeal articles that allow officials to order an unlimited number of inspections;
- In the meantime, desist from implementing laws that contradict Russia's international human rights obligations and immediately stop using inspections to harass, intimidate, and discredit civil society groups;
- Revise Law No. 65-FZ (the assembly law), in line with recommendations by the Council of Europe Venice Commission, ensuring in particular that any sanctions for violations are proportionate and do not create undue obstacles to freedom of assembly;

- Repeal Law No. 139-FZ on Internet governance; in the interim publish the list of websites that contain banned content, publish regulations on how government agencies will evaluate content, and invite and take under due consideration public input into such regulations.

*Demonstrate commitment to international human rights obligations:*

- End the rhetoric aimed at stigmatizing NGOs and creating a hostile atmosphere for civil society;
- Immediately and unconditionally release Pussy Riot group members Maria Alyokhina and Nadezhda Tolokonnikova;
- Investigate whether the unannounced, last minute change by Moscow city police regarding the venue for the May 6, 2012 protest infringed on the right to freedom of assembly and contributed to the endangerment of public order;
- Stop using force to break up peaceful assemblies, regardless of whether they are sanctioned, if they are not disrupting public order; stop arresting protesters in such situations;
- Launch a comprehensive investigation into the circumstances by which political opposition activist Leonid Razvozzhaev was brought from Ukraine to Russia;
- Cooperate fully with the special procedures of the United Nations Human Rights Council, including by issuing a standing invitation for country visits and responding positively to pending requests for access by the UN special rapporteurs on the protection of human rights defenders, on freedom of association and assembly, and on freedom of expression to Russia;
- Accept recommendations, made in the context of the Universal Periodic Review of Russia at the Human Rights Council, to repeal or revise legislation affecting the work of NGOs and to stop obstructing human rights work.