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Russia: New 'Foreign Agent' Legislation Will Further Undermine Civil Liberties

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On 30 December, Russian President Vladimir Putin signed a series of laws that would allow individuals to be labeled as 'foreign agents' if they engage in politics - in the broad meaning of the term - in Russia and receive funds from abroad. FIDH and its member organisations ADC Memorial and Citizens' Watch warn that the new amendments render any independent civic engagement in Russia impossible.

The new legislation allows to label ordinary citizens and organisations without legal personality (a group of activists, for instance) as 'foreign agents' if they engage in politics in Russia and receive funding from foreign countries. Those vulnerable to being smeared by the label include human rights defenders and journalists. The term 'political activity' is interpreted very broadly in the context of the law: printing out leaflets against illegal dumping or expressing an opinion about the authorities on social networks would fall under this definition. If a person engaged in such an activity works for a foreign company or receives a Christmas money transfer from a relative living in a foreign country, this would fall within the scope of the new law.

Under the new legislation - the latest in a series of progressively tightening anti 'foreign agent' laws - citizens who engage in politics and receive funds from abroad must proactively apply for 'foreign agent' status from the Russian Ministry of Justice and regularly report on their activities. In the case of non-compliance, they will be charged with fines and prison terms of up to five years.

"The laws adopted last month establish control over any civil initiatives and allow any engaged person who receives money or assistance of any kind from abroad to be labeled as a 'foreign agent'. The new legislation undermines the independence of civil society, as the dissemination of information and international cooperation are only allowed insofar as the authorities can control it."

Stefania Kulaeva, head of ADC Memorial, a member organisation of FIDH

The laws and amendments ratified at the end of 2020 are the latest in a series of so-called foreign agent laws going back to 2012. A law passed in December 2019 stipulates that any individual receiving foreign funding and distributing or creating publications for a media outlet may be recognised as a media 'foreign agent'. This law concerns not only journalists, but also those who share publications on social media or give a quote to a journalist. For the first time, on 28 December 2020, five people were labeled as 'foreign agents' under this law, including human rights defender Lev Ponomarev, activist Darya Apakhonchich, journalists Lyudmila Savitskaya and Sergei Markelov of Radio Free Europe/Radio Liberty, and Denis Kamalyagin, editor-in-chief of newspaper Pskov Gubernia. FIDH and two of its member organisations are deeply concerned about this first - and arbitrary - application of the law against human rights defenders, activists and independent media outlets.

Other draft laws, restricting civil liberties even further, are under consideration by Russia's State Duma. One of the bills, if adopted, would oblige organisations recognised as foreign agents to request

authorisation for planned activities from the Ministry of Justice. In case of non-compliance, the Ministry would be able to file a lawsuit for the organisation's dissolution.

FIDH, ADC Memorial and Citizens' Watch deeply regret the adoption of the new batch of 'foreign agent' laws marking a new spiral of repression in Russia. Our organisations warn that this new legislation will be applied arbitrarily against the most active and engaged Russian citizens: against those who disagree with the government, criticise corruption, and organise environmental rallies. FIDH, ADC Memorial and Citizens' Watch call on the international community to consistently and unequivocally condemn the mounting repression in Russia and take a firm stand in support of the vanishing Russian civil society.

Background

The foreign agents law initially introduced in Russia in 2012 targeted non-governmental organisations, forcing them to register as 'foreign agents' if they accept donations or other assets from foreign sources. Details about this and other anti-democratic laws from 2012-2017 can be consulted here:

https://www.fidh.org/IMG/pdf/tableau_russie_web_paysage_v2-2.pdf