

## Activists Scoff at NGO Law

By [Nikolaus von Twickel](#)

November 19, 2012



Lilia Shabanova, head of elections monitor Golos, said her organization had no intention of registering as a "foreign agent" and would defend itself in the courts.

Although much-debated amendments for nongovernmental organizations go into force this Wednesday, do not expect foreign-funded NGOs to rush to re-register as "foreign agents" with the Justice Ministry.

Prominent rights activists have announced they would boycott the new law, which they have lambasted as imposing an insulting title that makes them look like traitors or spies, whereas supporters say it merely raises transparency by showing citizens the origin of funding.

While observers say that much depends on how the new law is implemented in practice, some fear that the noncompliance declarations mean that the situation is bound to escalate because they force authorities to retaliate in order to save face.

"We won't use that denomination and will use all legal means possible, both national and international, to oppose this law," Alexander Cherkasov, head of the Memorial human

rights organization, told The Moscow Times on Monday.

His words were echoed by Lyudmila Alexeyeva, a veteran campaigner and founder of the Moscow Helsinki Group, who promised to challenge the law in the European Court of Human Rights.

"We are no foreign agents. We cannot call ourselves like that. This is demanded by the law, but we cannot declare wrong information," Alexeyeva told Interfax on Monday.

The law was passed by the State Duma this summer along with a raft of other measures seen as limiting civil rights in the wake of months of mass anti-government protests. It stipulates that non-government organizations declare themselves "foreign agents" in all official communication, if they receive foreign grants and engage in political activity.

Critics say this is meant to stifle activities of rights campaigners critical of the government. These groups were also hit by last month's closure of the Russian operations of USAID, the agency that handles most U.S. government grants. They say it is unrealistic to replace foreign funding with domestic money because local donors are often unwilling to support organizations critical of the government.

"The law creates an extremely unhealthy climate for NGOs. It deals a huge blow to those who got foreign funding and now need to find new money to survive," Anna Sevortian, head of Human Rights Watch's Moscow office, told The Moscow Times.

The measures are seen as part of a Kremlin orchestrated campaign against pro-democracy groups like election watchdog Golos, who had faced unprecedented pressure before last December's Duma elections and the March presidential vote.

Golos chairwoman Lilia Shibanova reiterated Monday that she would challenge in court any order not comply. "Our position has not changed," she said in comments carried by Interfax.

Anti-corruption watchdog Transparency International has said the law violates both the letter and the spirit of the constitution. Among others, the amendment infringes organizations' equality before the law and violates the constitutional guarantee against self-incrimination, Transparency Russia said in a [declaration](#) published earlier this month.

In response, the United Russia ruling party, whose 237 Duma deputies collectively submitted the bill in June and passed it a month later, called upon the Justice Ministry to investigate Transparency for deliberately calling to break the law. "An organization engaged in fighting corruption should obediently comply with the law," [said](#) Irina Yarovaya, head of the Duma's Security Committee and a prominent champion of the law.

The party has also initiated a [bill](#) that would raise fines for noncompliance to up to 500,000 rubles (\$15,800) for organizations and 300,000 rubles for individuals.

Existing laws already enable the justice Ministry to close noncompliant organizations for up to six months without a court order. The new law [stipulates](#) prison terms of up to two years for noncompliant NGO staff.

Alexeyeva predicted that noncompliance would be persecuted harshly. "With a normal

judiciary, a court would give us right. But I have no illusions about our courts," she told RBC Daily in an interview published Monday.

She went on to say that she does not fear imprisonment. "Let them arrest me. ... I will die in detention after a few days," she was [quoted](#) as saying. Alexeyeva celebrated her 85th birthday in July.

On Monday, however, not everybody shared her pessimism.

Vanessa Kogan, an American who runs Astreya, an NGO devoted to legal assistance in human rights cases, said she hoped the law's implementation would be not as severe as expected.

"It is well known that the Justice Ministry is not exactly thrilled with the law," she said Monday. Kogan added that similar fears after a first law imposed tough rules on NGOs in 2006 did not materialize. "As with any law there are loopholes, and organizations will try to exploit those," she said.

Her words were echoed by Yury Korgunyuk, an analyst with the Indem think tank. "It all depends in the implementation, and this will be an entirely political decision," he said.

Korgunyuk suggested that the Kremlin would let just one or two cases escalate. "They might try to scare the others into compliance," he said.

One loophole might be opening a commercial organization, which faces no restrictions on foreign funds, parallel to an existing NGO. Another is the definition of "political activity." Some organizations simply point to their charter, which defines their activities as nonpolitical.

This is a route for some locally registered foreign business associations, like the German Chamber of Commerce, which would have otherwise faced the embarrassment of communicating as "foreign agent" to investors.

In fact, it is hard to find any group that is ready to label itself "foreign agent." Among the few to have done so is the Society for Consumer Rights Protection, whose head, Mikahil Anshakov, [said](#) in July that he would adopt the title "as a sign of solidarity with other rights groups."

Anshakov was unavailable for comment Monday, but a spokeswoman confirmed that the society had not changed its position.

The organization made headlines this summer when it faced extremism charges after campaigning against supposedly illegal business activities on the territory of Moscow's Christ the Savior Cathedral.

#### **Related articles:**

- [Senators Pass Treason Bill Affecting International NGOs](#)
- [Now, Almost Anyone Is a Traitor](#)
- [Duma Passes Treason Bill Affecting NGOs](#)