

Council of Europe Official Slams 'Foreign Agent' Law

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The Council of Europe's human rights commissioner, Nils Muiznieks, on Thursday sharply criticized a Russian law requiring certain nongovernmental organizations to register as "foreign agents," saying the definitions used in the law were unclear and overly broad.

The law, which requires NGOs that receive funding from abroad and engage in "political activity" to register as "foreign agents," came into effect in November. Last month, prosecutors and other state agencies began searching hundreds of groups in what the Justice Ministry said was an effort to check compliance with that law.

Such prominent human rights organizations as Moscow Helsinki Group, Moscow's office of Amnesty International and Human Rights Watch were among those to have been searched.

"Six months ago when I was on a visit to Russia, it wasn't clear how the law would be used, and some deputies told me 'Let's see how courts will make decisions on such cases,'"

Muiznieks said at a news conference in Moscow. "But what I see now is that it is prosecutors who decide what NGO is a foreign agent and what is not."

He said he was particularly concerned with the definitions in the law, which he said were written such that all human rights activity could be called political.

"The law is fairly bad and it has a unique character — I don't know about similar laws in European countries," said Muiznieks, whose main function is to analyze legislation and control how it meets European standards. "Russian authorities like to refer to the U.S. law on NGOs, but it regulates only their lobbying activity, while Russian law has much broader definitions."

But Muiznieks said Russian authorities were unlikely to react to the council's complaints.

Commenting on the government's apparent reason for conducting the checks, he said it was beyond his mandate to speculate but said it was clear they were aimed at producing a "chilling effect" by complicating NGOs' activities. "Instead of monitoring police violence or promoting reforms, they need to copy thousands of papers," he said.

During his visit to Moscow this week, Muiznieks met with Prosecutor General Yury Chaika, who told him that the checks were planned and were intended to warn NGOs that they needed to provide information about their funding, Interfax reported Wednesday.

Muiznieks said there was obvious confusion in the state agencies about the reason for the checks.

"Some told me the reason was to implement the law on foreign agents, others that the checks were conducted in order to expose those involved in extremism activity, while others said that it was just the regular work of prosecutors," he said, noting that courts, not police, should decide whether to classify an NGO as a foreign agent or not.

Russia has been a member of the Council of Europe since 1996. The Council of Europe's Committee of Ministers in 2007 issued recommendations to member states on the legal status of NGOs in Europe that said groups could receive money from any sources they want and that the state must create a comfortable environment for their activity.

"Regarding the accountability and transparency of NGOs' activities, it's in the interest of the NGOs themselves to make their funding transparent, and most of those who fund NGOs require them to report about the funding and what they spend money on," Muiznieks said.

The first trial against an NGO in Russia as a result of the recent checks will take place in the Urals city of Ufa in late April. The International Standard Foundation, which promotes the adoption of international social and political standards in Russia, stands accused of not letting prosecutors check its [activities](#).

A case has also been opened against independent elections watchdog Golos, which has been subjected to official pressure since the December 2011 parliamentary elections that it said were illegitimate due to fraud and other violations. Golos is accused of violating the "foreign agent" law by not registering on the list despite receiving funding from abroad. The group has denied that it receives any foreign funding.

President Vladimir Putin at a meeting on Monday with German Chancellor Angela Merkel said the checks were conducted to control the financial flows coming to NGOs in Russia from abroad. He said that in the first four months since the law came into effect, NGOs in the country received more than 28 billion rubles (\$909 million) from abroad.

"We don't limit their freedom — they just need to register [as foreign agents]," Putin said.

But Muiznieks said the definition "foreign agent" raises serious concerns in the Council of Europe, since, he said, it negatively influences the image of the NGOs.

"It's necessary to bear in mind the historical background. In the 1930s, there was a slogan — 'Death to the foreign agent,'" Muiznieks said. "The definitions in the law must be changed."

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