

The law on 'undesirable' organisations: Russia deepens its self-isolation

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On 23 May, Vladimir Putin signed a bill targeted at foreign and international NGOs operating in Russia. The act allows their activities to be deemed 'undesirable' if they pose a threat to the foundations of the constitutional system, or to defence and national security. This decision is to be issued and repealed by the Prosecutor General's Office (in consultation with the Ministry of Foreign Affairs), without judgement by the court. Any activity by 'undesirable' entities (including the dissemination of information alone) is to be banned; financial transactions involving them are to be stopped, and anyone involved in their activities will be subject to administrative or criminal sanctions, including imprisonment (and in the case of foreigners, a ban on entry into the Russian Federation as well).

The new law has been criticised by the Presidential Council for Human Rights and the commissioner for human rights Ella Pamfilova, among others. Shortly after the law was adopted, a Duma deputy submitted a request to the prosecutor to investigate five well-known organisations regarding the possibility that they had been "acting against the constitutional system of Russia" (this request relates to Transparency International, Human Rights Watch, Amnesty International, the Memorial Foundation and the Carnegie Foundation).

Commentary

- This act is part of the Russian government's increasingly repressive domestic policies. It is another sign (after the law on 'foreign agents' from 2012, and other measures) of the stigmatisation and penalisation of Russian citizens having contacts with foreigners which are not controlled by the authorities, and as such it contributes to the country's deepening self-isolation.
- The new rules are potentially aimed at a broad range of individuals and organisations; they allow for a far-reaching freedom of interpretation by Russian law enforcement bodies. The law raises many legal and constitutional questions; for example, it includes vague categories of 'undesirable activities' and 'participation in activities.' Detailed procedures for the prosecution to take decisions and the procedures for appeals have not been determined, which limits the constitutional right to defend civil rights and freedoms by means of the courts.

- According to the law's initiators, it is intended to prevent "the occurrence of premises" for activities targeting the "fundamental values" of the Russian state which have not yet been covered by the law; the justification for the bill explicitly mentions the threat of "colour revolutions". This clearly indicates the highly ideological nature of the law.
- Given the use in the law of the expression 'non-governmental organisations' (instead of 'non-commercial'), which had not previously been used or defined in Russian law, we should assume that depending on what is necessary, this law can be used either to paralyse the activity of international organisations which criticise Russia for its human rights violations, or against Western companies or non-profit entities affiliated with them, in order to force Western governments to lift their economic sanctions against Russia (as one of the originators of the law, the Just Russia deputy Aleksandr Tarnavskiy, strongly hinted). Another likely consequence of the new law will also be the further reduction, or even the complete elimination, of the chance of any non-governmental support for civic activity in Russia.