



Contending with Putin's Russia: A Call for American Leadership

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Arch Puddington, Tyler Roylance, Katherin Machalek, and Morgan Huston served as the editors of this report.

Cover image: Members of a special police unit, known by the acronym OMON, keep a close watch on an antigovernment demonstration in St. Petersburg in early 2012. Photo by Sergey Chernov.

Introduction

As President Barack Obama enters his second term, relations with Russia present him with a set of thorny problems. The first-term “reset,” a fresh American posture toward the Kremlin that was designed to build productive relations by offering compromises on a range of political and geostrategic issues, has clearly run its course. The Obama administration had partly based its hope for improved ties on the ability of Dmitry Medvedev, who served as Russia’s president from 2008 to 2012, to achieve liberal reforms, especially on freedom of expression, the rule of law, and the ability of civil society to function without state intrusion. However, substantive reforms never materialized, former president and then prime minister Vladimir Putin remained the dominant force in government, and Russia moved abruptly in a more repressive direction following his return to the presidency in May 2012. Step by step, Putin has pushed through measures to deter public demonstrations, smear and limit funding for nongovernmental organizations, and place restrictions on the internet. He has also made anti-Americanism a central part of his political message. He has accused the United States of fomenting demonstrations against election fraud, shut down all U.S. Agency for International Development (USAID) programs in Russia, withdrawn from a series of cooperative agreements with the United States, and signed a vindictive law that prohibits the adoption of Russian children by citizens of the United States.

There can be little doubt that a new American policy toward the Kremlin is needed. To help inform the discussion on a new approach, Freedom House is publishing this package of materials on the state of human rights and democracy in Russia since Putin took power in 2000. In the centerpiece essay, Freedom House president David J. Kramer and Eurasia program director Susan Corke assess the nature of the Putin regime and advance a series of proposals for American policy in the coming period. Katherin Machalek, the research analyst for Freedom House’s *Nations in Transit* publication, is the author of a companion piece that lays out the progressive legal restrictions on civil society organizations during the Putin era. The package also includes a chronology of selected developments in Russia from 2000 through 2012, with a focus on the suppression of the political opposition, independent media, and civil society. The chronology, prepared by Freedom House researcher Marissa Miller, serves as a reminder that the repressive measures enacted over the past eight months do not amount to a new direction for Russia, but rather a continuation, in severe form, of trends that have dominated Russian politics throughout the Putin era. Finally, a series of graphical representations prepared by senior research assistant Bret Nelson illustrate the decline of political rights and civil liberties in Russia as measured by Freedom House’s annual reports.

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Contending with Putin's Russia: Proposals for a New Approach

by David J. Kramer and Susan Corke



President Barack Obama meets with Russian president Vladimir Putin at the Group of 20 summit in Los Cabos, Mexico, 18 June 2012.

As the administration of President Barack Obama prepares for various foreign policy challenges in its second term, a new approach to dealing with Vladimir Putin's Russia should be on the agenda. Since his formal return to the presidency in May of last year, Putin has overseen the worst deterioration in Russia's democracy and human rights situation since the collapse of the Soviet Union and is attempting to reestablish a fear of dissent in society. The Russian government's malign influence also extends beyond the country's borders, as it has propped up authoritarian systems ranging from that of Belarusian dictator Alyaksandr Lukashenka to the murderous Syrian regime of Bashar al-Assad.

Attention to the Russia problem should not translate into undue attention to Putin himself. As the leader of a major power, he cannot be totally ignored, but U.S. and allied leaders should not lend him undeserved legitimacy or invest much time with him. Personalizing the policy approach to Russia under Putin, as President Obama did through his first-term "reset" with Putin's stand-in, Dmitry Medvedev, will neither advance U.S. interests and values nor strengthen the forces in Russia that seek a more democratic future. Putin never appeared to buy into the reset policy and instead plays the anti-Americanism card whenever it is politically expedient. A democratic Russia, fully integrated into the international community, would be an important contributor to global security and stability. But as long as Putin remains in office, Russia may be incapable of realizing that vision.

Understanding Putinism

Before devising a new approach to dealing with Putin's Russia, policymakers must first understand the nature of the problem—namely, Putinism. Over the past year, driven by a fear that the democratic spirit of the Arab awakening would creep toward Russia, Putin and his adherents have launched a series of initiatives designed to close down civil society and eliminate any and all potential threats to his grip on power. New

legislation has been crafted to increase criminal penalties for opposition protesters, censor and control the internet, taint nongovernmental organizations (NGOs) that receive overseas funding as “foreign agents,” prohibit U.S. funding of Russian NGOs involved in “political activities,” drastically expand the definition of treason, and recriminalize libel and slander. Arrests, arbitrary detentions, and home raids targeting opposition figures are occurring on a level not seen since Soviet times. One opposition figure was even kidnapped from Kyiv, where he was seeking asylum, and brought back to Russia to be prosecuted based on a coerced confession. A Putin critic living in Britain, Aleksandr Perepilichny, died under mysterious circumstances last November, recalling the poisoning death of Aleksandr Litvinenko in 2006. Also during 2012, the Russian government forced the U.S. Agency for International Development (USAID) out of the country; the National Democratic Institute and the International Republican Institute soon followed. The legal and practical space for civil society and political opposition in Russia is closing quickly.

It is worth noting that none of these actions represent a radical departure from the Putin regime’s past behavior. The government has long restricted its citizens’ rights and freedoms by holding stage-managed elections and increasing control over the media, particularly television. Civil society and Putin’s political opponents have been under duress for many years, with an escalation in state pressure coming in the wake of the “color revolutions” in Georgia (2003) and Ukraine (2004). And tactics like spy mania and anti-Americanism, seen most recently in the spiteful adoption ban in December, have regularly been deployed to divert attention from atrocious governance failures and foster nationalist support for the thoroughly corrupt Russian leadership. The population bears the costs of such policies.

Moreover, the Russian government’s more aggressive behavior of late should not be misread as a sign that Putin’s position is stronger than before. At heart, his recent actions represent a paranoid and compensatory response to the understanding that the system he built is growing increasingly vulnerable. The Kremlin is determined to thwart democratic uprisings anywhere in the world because each event thins the protective global herd of dictators and is potentially transferable to Russia itself. At the same time, Putin’s personal behavior is becoming more erratic, with stunts ranging from his flight with Siberian cranes in September to his public embrace of disgraced French actor Gérard Depardieu. Mounting speculation about his health is chipping away at Putin’s image as a vibrant, invincible leader, and his poll numbers are steadily declining.

Since the mass protests that spanned the period between the December 2011 parliamentary elections and Putin’s inauguration last spring, the regime’s ability to keep a lid on dissent has been sorely challenged. Surveys show that an increasing number of Russians, especially the younger generation, are interested in emigrating from the country. They are fed up with daily corruption and a stagnant political outlook that was exacerbated by Putin’s decision in September 2011 to return to the presidency. Many Russians simply cannot bear the prospect of another two six-year presidential terms with an aging Putin at the helm. Public support for the president has fallen below 50 percent in some recent surveys, and even lower in Moscow, while civic activism is on the rise. More than 100,000 Russians signed a petition on *Novaya Gazeta*’s website to oppose the U.S. adoption ban, and even several government ministers spoke against it. As Levada Center director Lev Gudkov [recently stated](#), “This is a very stable trend: falling confidence, the declining legitimacy of the authorities.” The general sense of decay is reinforced by the warped, hydrocarbon-based economy, disintegrating infrastructure and social supports, and a long-term demographic decline.

Putin’s authority essentially rests on personal support from the governing elites and security services, as opposed to electoral legitimacy, the rule of law, or formal state institutions. If these elites sense that he is losing

his grip or his ability to enable their graft, the whole authoritarian system could come tumbling down amid defections and infighting. As New York University professor [Mark Galeotti](#) put it, “The power of the center is, after all, as much as anything else rooted in imagination and belief; if people think Putin weak, then weak he will be.” Economist [Anders Aslund](#) summed up the problem this way: “He represents no real values and therefore lacks any source of legitimacy other than stability and economic growth that will not last forever.”

In fact, Putinism is rooted in corruption. The regime uses the pliant legal system as an instrument to suppress all forms of opposition and protect the corrupt division of economic resources among loyalists. The most senior officials and business magnates are given control over valuable sectors of the economy, especially extractive industries. Such short-sighted perversion of economic forces almost ensures the system’s decline, preventing competition, diversification, and modernization. Meanwhile, the lower tiers of this patronage system parasitize the nation’s wealth in other ways. Legitimate businesses and ordinary Russians are plagued by the constant threat of shakedowns, arbitrary investigations, or prosecutions by corrupt officials, and even when they are not the source of the problem, neither the police nor the courts can be relied upon to provide any meaningful redress. Many Russians are fully aware and deeply resentful of the degree to which corruption has become part of their daily lives and undermines their own prosperity.

Corruption also affects the government’s decision making. While genuine national interests may play a role in some decisions, the private interests of powerful individuals or groups often drive Russian policy, posing an additional challenge for U.S. and other democratic officials seeking strategic cooperation and honest negotiation.

Shaping a Different U.S. Policy

Against this backdrop, how should the Obama administration approach Russia in the second term? Ultimately, of course, it falls to the Russian people to ensure that their government abides by its constitutional obligations to protect basic freedoms and democracy. But the U.S. government, in solidarity with NGOs and in concert with other countries, must stand up for the beleaguered citizens and activists in Russia who seek a more democratic future, and apply pressure against the defenders of the authoritarian status quo.

In contrast to the reset policy of the first term, *policy toward Russia in the second term should require that President Obama himself, not just his representatives, speak out against Putin’s human rights abuses and crackdown on civil society.* In the nine months since Putin’s return to the presidency and the associated deterioration in Russia’s human rights situation, President Obama has not uttered a single word of criticism, including when the two leaders met in Mexico for the Group of 20 summit in June 2012.

The Putin regime demonizes the United States, heaps abuse on its officials, derides its democratic values, and treats the humanitarian motives of its people as somehow suspect—and the White House says virtually nothing in response. The Obama administration meekly accepted Putin’s decision to expel USAID without ever pushing back or thinking through the precedent such a move would create. The very fact that it was the U.S. State Department that announced Russia’s decision to end USAID’s 20-year presence sent the wrong message. It should have been no surprise when Putin quickly followed up by ejecting the UN Children’s Fund (UNICEF), ending the Nunn-Lugar nuclear nonproliferation program with the United States, and banning American adoptions of Russian children. At the end of January, Russia ended a bilateral counternarcotics

agreement. Absent any pushback from Washington or indications that such steps would damage the relationship, Putin feels free to ratchet up his authoritarian, xenophobic campaign. Democratic forces expect and look to the American president to stand with them, and to stand up to Putin.

Given Putin's demonstrated inclination to view both domestic and foreign affairs in zero-sum terms, the administration should abandon its talk of seeking "win-win" cooperation with the Kremlin. Such rhetoric only feeds the impression in Moscow that the Obama administration needs and wants a good relationship more than Putin does. The United States undermines its own credibility in the world when it comes across as too forgiving and desirous of good relations at all costs instead of proactively asserting its interests and values. The administration does not need to subscribe to the zero-sum game, but it should be clear and direct in saying that it cannot and will not enhance its partnership with Russia as long as Putin persecutes his own people, impedes progress on Syria and other international crises, and makes anti-Americanism the centerpiece of his propaganda efforts.

The Russian press has reported that Obama's national security adviser, Thomas Donilon, is planning to visit Moscow soon, raising concerns that the reset policy—with its emphasis on arms control and neglect of human rights and democracy—will pick up where it left off prior to the U.S. election. But with U.S.-Russian relations at their lowest point since Obama came to office, and the situation inside Russia at its worst since the Soviet era, now is the time to place the onus on Putin to demonstrate that he is interested in improving the relationship.

The new U.S. approach should also entail reversing one of the key tenets of the reset policy: rejection of the linkage of bilateral issues. Linkage may not always be the perfect solution, but taking it off the table as a policy option, as administration officials did publicly and repeatedly, sends all the wrong signals. The reset was based on a hopeful notion (held faithfully by the U.S. government, but not by the Russian government) that easy policy issues should stay in one lane, and more complicated issues in other lanes—and never are the lanes to meet. Putin has changed lanes repeatedly, however, most recently by banning American adoptions in response to a U.S. law designed to punish human rights abuses. Moreover, his truculence on virtually every subject has left very few "easy" policy agreements to protect. The restoration of linkages between different issues would allow the United States to better pursue both its interests and its values, and indicate to Putin that he does not have a green light to engage in human rights abuses with impunity.

The Sergei Magnitsky Rule of Law Accountability Act is an excellent example of issue linkage and a practical illustration of how U.S. policy works. In passing the measure last December as part of a bill rescinding the Jackson-Vanik amendment, the U.S. Congress recognized the connection between economic issues and human rights, even if the administration sought to keep them distinct. While Jackson-Vanik was in place, Russia had to undergo annual certification of its human rights record to qualify for normal trade relations with the United States. Thus it made perfect sense for Congress to ensure that human rights remained part of the equation as it granted Russia permanent normal trade relations.

Under the Magnitsky Act, if Russian officials are involved in gross human rights abuses, they will be denied the privilege of visiting or doing business in the United States. The Putin regime vigorously opposed the measure precisely because it struck a nerve. The Russian elite are united by a common interest in accumulating ill-gotten wealth, but because they know it is ultimately not safe in such a lawless country, they keep (and spend) much of this wealth overseas. The Magnitsky Act, particularly if replicated by other countries, forces

Russian officials to face the risks as well as the rewards of the system they have created. *The Obama administration should aggressively implement the Magnitsky Act and encourage democratic allies to pass similar legislation.*

Russia's interest in joining the Organization for Economic Cooperation and Development (OECD) offers another possible linkage point. The country joined the World Trade Organization (WTO) last August, but Russian officials are already indicating that they may not abide by all of the WTO's rules and policies. Allowing Russia to join yet another rules-based organization only to undermine its standards, as it has already done in the Council of Europe (COE) and the Organization for Security and Cooperation in Europe (OSCE), is not in U.S. interests. *As long as Putin continues his crackdown at home, there should be no U.S. support for Russia's bid to join the OECD.* Any such support should be conditioned on achievement of a proactive formula of human rights protections and political freedoms.

Another issue to which Russia's human rights situation should be linked is Putin's invitation to Obama to visit Russia, either before Russia hosts a Group of 20 summit in September or for the summit itself. *Obama should think twice before traveling to Russia.* Putin, after all, snubbed him by skipping the May 2012 Group of 8 summit in Maryland, which had been moved from Chicago to accommodate Putin's sensitivities about the following day's NATO summit. Given the adoption ban and other antidemocratic and anti-American legislation, a visit by Obama would risk glossing over, rather than addressing, the United States' legitimate and fundamental differences with Putinism. Absent a radical change in Moscow, the American leader's valuable time would be better spent on other countries and more promising agendas.

The new approach to Russia should include a sustained effort to overcome regime obstacles and find innovative ways to support groups and individuals working for political liberalization inside Russia. Without outside support, a number of respected Russian human rights organizations would go out of business. This effort will require coordination with allies and, importantly, a certain degree of tact. Last spring, U.S. officials clumsily [announced the administration's interest](#) in creating a new \$50 million fund to support democracy activities in Russia. The statements were designed in part to forestall the inclusion of the Magnitsky Act in the legislation lifting the Jackson-Vanik amendment, but they had the effect of painting an even bigger bull's-eye on American funding for Russian civil society.



Families in St. Petersburg hold a sign reading "Rotation, not Revolution!" as they participate in a demonstration in early 2012 to call for free and fair elections. Photo by Sergey Chernov.

Another important tool for any new policy toward Russia is already in place. To improve conditions from afar, the United States should aggressively investigate potential violations of the Foreign Corrupt Practices Act (FCPA) in Russia. It should also reward companies for efforts to promote FCPA compliance in the country. Experience has shown that anticorruption training for Russian employees and due diligence regarding Russian business partners help to promote ethical business conduct and the rule of law. The administration should similarly support the efforts of the OECD Working Group on Bribery to ensure that Russia enforces its own antibribery legislation among both Russian and foreign companies.

Adopting a new approach to Russia will not be easy, but it is neither realistic nor prudent to continue on the current path. While there will certainly be tradeoffs for a linkage policy, it would better reflect how the U.S. policymaking process actually works. There is a misperception that linkage is inherently negative, but in practice it consists of both sticks and carrots. And the United States simply cannot lead unless it positively and proactively asserts an integrated agenda.

To be successful, the shift in U.S. policy will require close cooperation with other democracies at the international level. As a group, the United States and its allies should not only press the Russian government to abide by—and face consequences for falling short on—its obligations as a member state of the United Nations, the OSCE, and the COE, they should also challenge the various authoritarian groupings in which Russia plays a prominent role, such as the Eurasian Union, the Collective Security Treaty Organization, the Commonwealth of Independent States, and the Shanghai Cooperation Organization. In some cases, these groups are aimed at presenting countries such as Ukraine with a false choice between Russia and the West. They also subvert the election-monitoring role of the OSCE by blessing fraudulent elections in their member states.

Addressing Russia's deteriorating human rights situation does not mean closing all doors to Moscow. On the contrary, the United States should work with Russia wherever possible, including on arms control. It is worth recalling that in the 1970s, when Jackson-Vanik was passed by the U.S. Congress, arms control was a major theme in the U.S.-Soviet relationship, proving that it is both unnecessary and indeed counterproductive to downplay human rights while pursuing security goals. Russia's geography, resources, and position in international organizations require some level of engagement, and the challenges posed by Afghanistan, Iran, North Korea, Middle East peace efforts, and international terrorism all present the United States and Russia with overlapping interests. But when the Russian government obstructs international efforts to uphold democracy and human rights and prevent atrocities, the Obama administration should search for ways to work around or without Russia.

Similarly, with support from friends and allies, the United States should use regional forums such as the OSCE and the Arab League to shine a spotlight on Russian policies that destabilize neighbors or support international pariah states. The Russian government should pay a high political price in the international community for such policies as its appalling support for the Assad regime in Syria. The United States cannot dictate to the Kremlin what policy course it should pursue on critical strategic issues, but the administration can increase the relevant costs and benefits to encourage Moscow to make the right choice.

Finally, terminology and tone matter. When publicly criticizing state abuses in Russia, U.S. officials should take special care to distinguish between the Russian government and the Russian people. They should explain how U.S. support for human dignity, democracy, and freedom is in the Russian public's interest. And they should always be clear and direct in addressing how badly Russia is governed, what a drain corruption is

on the country, and the ways in which the government has failed to meet its own human rights commitments. A complete policy should also outline the elements of a positive future for U.S.-Russian relations, even if such a future must wait until Vladimir Putin has left the scene.

Policy Recommendations for the U.S. Government:

- Actively challenge—rhetorically and through policy decisions—the authoritarian actions of the Putin regime, and do so at the highest levels of the U.S. government, starting with President Obama.
- Abandon talk of seeking “win-win” cooperation, since Putin views power relations in zero-sum terms and will not pursue such mutual benefits in good faith.
- Implement aggressively and fairly the Sergei Magnitsky Rule of Law Accountability Act to deny those Russian officials involved in human rights abuses the privileges of U.S. travel and banking services.
- Restore the notion of “linkage” as a policy tool to make clear that human rights and democracy are part of and will affect the broader bilateral relationship.
- Stand in solidarity with Russian activists—financially and vocally—by finding innovative ways to continue supporting those who seek political liberalization in Russia. This will be most effective when it is coordinated with allies.
- Delay a decision on President Obama’s attendance at the Group of 20 meeting in Moscow in September, and indicate that an earlier trip to meet with Putin in Russia is not possible without a serious turnaround in the country’s human rights situation.
- Withhold support for Russia’s bid to join the OECD unless and until Moscow starts abiding by the rules and norms of organizations to which it already belongs.
- Aggressively investigate potential violations of the Foreign Corrupt Practices Act in Russia.
- Work with Russia whenever possible, but when its leaders obstruct international efforts to uphold democracy and human rights or prevent atrocities, search for ways to work around or without Russia.

Factsheet: Russia's NGO Laws

Laws Regulating NGOs Prior to 2012

January 2006—"On Introducing Amendments to Certain Legislative Acts of the Russian Federation"¹

The 2006 law on nongovernmental organizations (NGOs) amended four existing laws: the civil code and the laws "On Public Associations," "On Noncommercial Organizations," and "On Closed Administrative Territorial Formations." Penalties for noncompliance with the new requirements were severe. The amendments gave authorities the right to:

- Deny registration to any organization whose "goals and objectives...create a threat to the sovereignty, political independence, territorial integrity, national unity, unique character, cultural heritage, and national interests of the Russian Federation";
- Demand proof of residency from those founding an NGO, bar foreign nationals or stateless persons without residency in Russia from doing so, and similarly bar any individual whom state agencies, at their discretion, deem to be "undesirable";
- Prohibit, on vaguely defined grounds, the implementation of programs of foreign NGOs or the transfer of funds to their local branches;
- Require NGOs to submit to annual audits and produce supplemental reporting on activities and the source and purpose of all acquired funds; to provide unlimited information documenting the organization's daily management on demand; and to receive uninvited government representatives at NGO events.

August 2009—Amendments to the law "On Noncommercial Organizations"²

Ahead of a civil rights-focused visit by President Barack Obama, President Dmitry Medvedev introduced changes that scaled back some of the more restrictive provisions of the 2006 NGO law. Notable improvements included the following:

- NGOs could no longer be refused registration based on their perceived "threat to the unique character, cultural heritage, or national interest of the Russian Federation," and this language was removed from the law.
- An NGO could no longer be automatically denied registration if its documents were not adequately submitted. The organization would be informed of the missing materials, and the registration process would continue until its file was complete.
- The list of documents that the registration authority could request of an organization applying for registration was limited.
- Small NGOs that did not receive foreign funding would be exempt from annual financial reporting on donations of 3 million rubles (\$100,000) or less.
- Mandatory government audits would be required every three years, rather than annually.

Despite the restrictions of the 2006 NGO Law, most organizations managed to continue their activities—especially following the 2009 amendments. However, the need to comply with the onerous demands of the law significantly affected their capacity to do human rights work.

November 2012—NGO Law on “Foreign Agents”

In July 2012, after taking office as president for a third term, Vladimir Putin signed the law on “foreign agents,” which came into force in November of that year. Like the 2006 NGO Law, the new legislation was not a stand-alone measure, but rather a series of amendments to existing laws. The changes applied to the criminal code and the laws “On Public Associations,” “On Noncommercial Organizations,” and “On Combating Money Laundering and the Financing of Terrorism.”³

The central, controversial aspect of the amendments was a requirement that organizations engaging in political activity and receiving foreign funding must register as foreign agents, even if the foreign funding they receive does not actually pay for political activities. The state determines whether an organization is engaging in political activity based not on the goals defined in its charter, but rather on its involvement in the logistical or financial organization of, or participation in, “political acts” aimed at influencing the decision making of public authorities, changing public policy, or influencing public opinion with respect to government policy. Designated foreign agents are then obliged to adhere to a number of other rules, such as the following:

- Foreign agents must produce financial reports about their political activities on a quarterly basis, file documents describing the composition of their management bodies and activities semiannually, and submit to a state audit annually.
- While planned audits may only occur once a year, foreign agents are subject to an unlimited number of unscheduled audits.
- Political activities must be registered with authorities before the organization is permitted to participate in them.
- If a foreign agent refuses to register as such, it is banned from participating in public demonstrations, access to its bank accounts is limited, and it may be subject to a fine of up to 300,000 rubles (\$10,000) or up to two years in prison for its personnel.
- All foreign donations larger than 200,000 rubles (\$6,700) are subject to mandatory monitoring.
- Foreign agents must label all materials distributed in the media, including on the internet, as products of foreign agents.
- Violations of the law are now under the jurisdiction of the federal agency responsible for monitoring money laundering and the financing of terrorism.

In addition, another amendment criminalizes the formation of “illegitimate” NGOs, loosely defined as nonprofit organizations that threaten violence or the health of citizens. Founding such a group is punishable by a fine of up to 300,000 rubles (\$10,000) or four years’ imprisonment. NGOs that urge citizens to commit illegal acts or refuse their civic duties are also considered illegitimate, and their formation is punishable by 200,000 (\$6,700) rubles or three years’ imprisonment. Individuals caught participating in the activities of illegitimate NGOs can be fined 120,000 rubles (\$4,000) and face up to two years’ imprisonment or “correctional labor.”⁴

The legislation specifically exempts certain entities from the obligation to register as foreign agents, including recognized religious groups, state corporations, and business groups.⁵

Political Implications

The new law on foreign agents has been harshly criticized by Russian and international NGOs as well as Secretary of State Hillary Clinton for its potentially disastrous effect on the environment for civil society in Russia.⁶ Major concerns include:

Threat to financial sustainability of Russian NGOs—The law discourages NGOs from accepting the most sustainable funding available to them, as there are few domestic sources and the government has been known to discourage Russian businesses from supporting NGOs. Furthermore, a large part of the foreign funding given to Russian human rights organizations is aimed at protecting Russian citizens from violations committed by the authorities, making it unlikely that these same authorities would replace such funding. Consequently, the law could bring on deep, permanent cuts to NGOs' budgets, leaving them in a weakened state reminiscent of the first years after the fall of the Soviet Union, when they relied primarily on volunteerism at the expense of professionalism and effective capacity.

Loose definition of “political activity”—The law's definition of political activity is broad, including any activity seeking to influence government policy or public opinion with regard to government policy. While it explicitly excludes events organized within the fields of science, culture, art, health, social assistance, defense of motherhood/children, support for the disabled, environmental protection, philanthropy, and volunteerism, NGOs involved in these fields are not completely immune. Once an “apolitical” organization engages in a critique of government policy, its activities could be deemed political as well. For example, environmental actions such as the Khimki forest protests of 2011 could be considered political activity.

Further damage to credibility of NGOs—The regime has taken many steps to rouse public suspicion of civil society organizations that receive foreign funding, which most NGOs do. In Russian, “foreign agent” evokes the Soviet-era term for spies and plays into the regime's long-standing narrative that foreign interests are bent on interfering with Russia's sovereignty and destabilizing the country. The law's language stresses the danger of these NGOs, requiring them to “warn” the public by labeling all of their materials, even their websites, as the propaganda of a foreign agent.

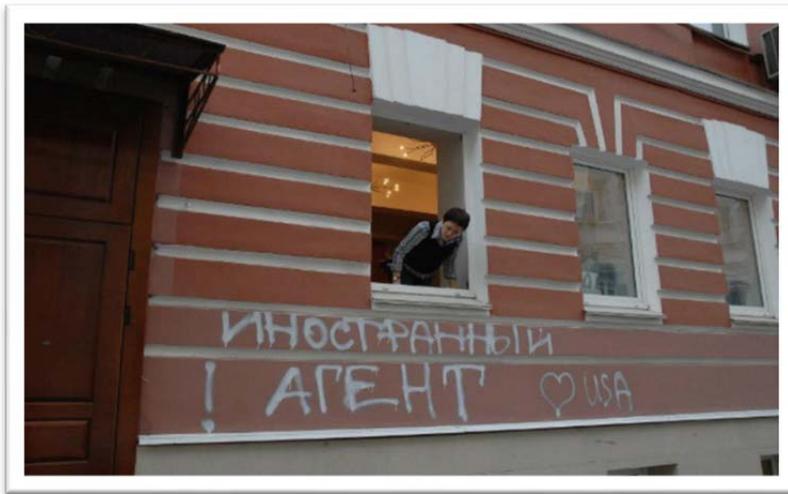
Contact with government bodies severed—Many NGOs fear that taking on the label “foreign agent” will make it simpler for the government to discourage cooperation between state bodies and civil society. Already in August, three months before the law came into force, the Mari El republic in the Volga Federal District issued orders prohibiting members of its administration from making contact with organizations that receive funding from abroad.⁷ While the order was most likely enacted to impress federal authorities with the Mari El officials' enthusiasm for the foreign agent law, similar orders could emerge across the country, seriously hampering civil society's ability to engage in dialogue with the authorities on any policy issue. By the regime's logic, it would be quite inappropriate for government representatives to consult with foreign agents about domestic affairs.

Convenient exceptions—The new law is careful to exempt recognized religious organizations, state corporations, and business groups. This immunizes the Russian Orthodox Church and foreign investors, encouraging their continued support for the regime and ensuring that no powerful entities side with civil society in opposition to the law.

Impact Since Implementation

Thus far, implementation of the foreign agent law has been extremely weak, and there are some signs of disagreement among senior officials about the regime's legislative crackdown on civil society.

- Upon the law's implementation on November 20, prominent human rights organizations like the Moscow Helsinki Group openly refused to register themselves as foreign agents, despite qualifying as such.⁸ Affected NGOs were required to register by November 21, but the authorities had yet to prepare the registration form on that date.⁹



The words “foreign agent (loves) USA” were spray-painted outside the Moscow office of the human rights group Memorial in November 2012, after the foreign agent law came into force and the organization announced plans to defy its registration requirement.

- Days after the law came into force, the Justice Ministry's website already contained a registry of identified foreign agents,¹⁰ but by mid-January only one NGO had been officially registered as a foreign agent.¹¹
- Among other evidence of mixed attitudes among elites and official bodies about the law, the Public Chamber refused to support it, and the Kremlin's rights council openly criticized it.¹² In mid-January, during an address to the Russian parliament, Justice Minister Aleksandr Kononov stated that the law did not give the ministry the authority to hunt down suspected foreign agents and contradicted existing NGO laws.¹³
- After the law's enactment, the human rights organization Agora sent a letter to the Justice Ministry asking for guidance on whether it should register as a foreign agent. On January 9, the ministry replied that it could not reach a definitive conclusion on the matter.¹⁴
- Since the law's passage, the government has pushed through other laws that tighten restrictions on NGO activities. At the end of December—in answer to the Magnitsky Act, passed by the U.S. Congress—the parliament passed the Dima Yakovlev Law, which primarily bans adoption of Russian children by U.S. citizens, but also includes a provision that specifically targets U.S.-funded NGOs and Russian-American citizens working in the civil society sector.¹⁵ While the foreign agents law increased controls on all foreign-funded NGOs, the Yakovlev Law goes a step further, imposing an all-out ban on “politically oriented” organizations that receive funding from the United States and prohibiting dual Russian-American citizens from leading or belonging to an international or foreign NGO that engages in “political activity.”

Putin's Russia: A Chronological Sampling of the Suppression of Political Opposition, Independent Media, and Civil Society

2000

- Prime minister and acting president Vladimir Putin wins the March presidential election with 52.9 percent of the vote.
- Putin challenges Russia's powerful business magnates, known as oligarchs, with a series of investigations and raids by tax officials. The targets include enterprises in the automobile, energy, and media industries, particularly those owned by Vladimir Gusinky and Boris Berezovsky. Both men are eventually forced to flee abroad and give up their Russian assets.
- Putin attempts to exert more control over regional governors, pushing through legislation that removes them from their ex-officio seats in the Federation Council, the upper house of parliament. He also creates seven new federal districts, or "super regions," headed by Kremlin appointees who will oversee the regional governments. Most of the appointees have prior experience in the military or security sectors.
- Radio Free Europe/Radio Liberty reporter Andrey Babitsky is abducted and detained while covering the war in Chechnya, which Putin had reignited with a massive invasion of the breakaway republic in late 1999. Babitsky is later convicted of passport violations and released under an amnesty.
- At least three journalists are killed in connection with their work during the year, according to the Committee to Protect Journalists (CPJ).

2001

- In March, Putin orchestrates a major cabinet reshuffle, placing loyalists—including a number of his former KGB colleagues—in important defense and internal security positions.
- State-owned natural gas firm Gazprom bolsters its hold over the formerly independent media empire of Vladimir Gusinsky, effectively taking control of its NTV television station in April. Also that month, Gazprom shuts down the newspaper *Sevodnya* and fires the staff of the weekly *Itogi*.
- In July, new rules require journalists covering the war in Chechnya to be accompanied at all times by an official from the Interior Ministry's press service.
- Also in July, Putin signs legislation that imposes new restrictions on political parties. To function legally, a party must have 10,000 members, with at least 100 in a majority of Russia's 89 regions. Private individual donations are limited to \$100 per year, and contributions from foreigners and international groups are banned.
- At least one journalist is killed in connection with his work during the year, according to CPJ.

2002

- Russia's last private nationwide television channel, TV-6, is closed down in January after a Moscow arbitration court orders its liquidation, allegedly at the government's instigation. The station had been owned by exiled oligarch Boris Berezovsky.
- Corruption continues to pervade Russia's political and business world. In May, the Moscow-based think tank Indem estimates that \$37 billion is spent annually on bribes and kickbacks.
- In June, the parliament passes legislation that gives the government the right to suspend parties or nongovernmental organizations (NGOs) whose members are accused of "extremism."
- At least three journalists are killed in connection with their work during the year, according to CPJ. They include editor in chief Valery Ivanov of *Tolyattinskoye Obozreniye*, a newspaper known for publishing articles on organized crime and corruption.

2003

- In June, the authorities shut down TVS, the successor to TV-6 and Russia's last independent national television station, replacing it with a sports network.
- In July, Putin signs a new "illegal campaigning" law that effectively makes media outlets susceptible to closure for publishing critical information about candidates for office. The Constitutional Court later strikes down the most restrictive portions of the law, but it nevertheless has a chilling effect on reporting ahead of the December parliamentary elections.
- In August, the government seizes control of VTsIOM (All-Russia Center for the Study of Public Opinion), the country's most respected polling firm.
- On October 23, the authorities raid the offices of a political consulting firm that was advising the election campaign of the liberal political party Yabloko, one of several opposition groups supported by billionaire oil tycoon Mikhail Khodorkovsky.
- On October 25, Khodorkovsky is arrested as part of a sprawling case that is widely seen as politically motivated.
- Amid heavy media bias and accusations of vote manipulation, the Kremlin-controlled United Russia party captures 306 of 450 seats in December elections for the State Duma, the lower house of parliament.
- At least two journalists are killed in connection with their work during the year, according to CPJ. One of them is Aleksey Sidorov, Ivanov's successor as editor in chief of *Tolyattinskoye Obozreniye*.

2004

- In March, Putin wins a second term with 71.4 percent of the vote.

- The authorities continue to stifle the work of independent scholars. In April, disarmament researcher Igor Sutyagin is sentenced to 15 years in prison for allegedly disclosing military secrets to foreign intelligence agencies. Similarly, in November, physicist Valentin Danilov is sentenced to 14 years in prison on charges of disclosing technological secrets to China. In addition to being criticized for due process violations, the cases are seen as part of an effort to discourage contacts between Russian academics and foreigners.
- In May, Putin launches a punitive campaign against NGOs that receive foreign funding and “serve dubious groups and commercial interests.” Human rights groups are attacked by state-dominated media for allegedly working against Russia’s interests, and the offices of some groups are raided.
- In August, a Kremlin-allied billionaire seeks more than \$11 million in a libel suit against the business daily *Kommersant*, one of the country’s few independent newspapers. A judgment against the paper is eventually overturned on appeal, but such legal attacks are believed to have a chilling effect on the media.
- In the aftermath of a catastrophic terrorist attack near Chechnya, Putin pushes through constitutional amendments in December that eliminate the direct election of regional governors, allowing the president to appoint them instead.
- Also in December, the state-owned oil firm Rosneft acquires Khodorkovsky’s main oil asset after it is seized in a tax case against him.
- At least two journalists are killed in connection with their work during the year, according to CPJ. They include Paul Klebnikov of *Forbes Russia*, who had reported on the links between organized crime, corruption, and Russia’s business elite.

2005

- During a wave of public protests against an unpopular reform of social benefits in January and February, many protesters are arrested, and officials allege that the demonstrations were carefully planned, possibly by the same groups that had organized the recent “color revolutions” in Georgia and Ukraine.
- In May, the State Duma passes a package of amendments intended to penalize media outlets for reprinting or rebroadcasting “inaccurate” news reports during electoral campaigns.
- The government continues to intimidate news outlets for unauthorized reporting on issues relating to terrorism or the war in Chechnya. The ABC bureau in Moscow loses its accreditation in July after the network airs interviews with Chechen rebel leaders.
- In July, Putin announces that his administration will restrict foreign aid to Russian civil society groups engaged in “political activities.” The government also publicly commits itself to defending authoritarian regimes across the former Soviet Union.
- Khodorkovsky and his associate Platon Lebedev are each sentenced to nine years in prison in May, reduced to eight years on appeal in September.
- At least two journalists are killed in connection with their work during the year, according to CPJ.

2006

- In early 2006, Putin signs a new law that gives bureaucrats ample discretion in registering NGOs and places onerous reporting requirements on such groups.
- A law signed in July strips legislators of their seats if they change political parties, and bans parties from forming electoral alliances.
- In October, a court orders the closure of the Russian-Chechen Friendship Society, which monitored human rights conditions in Chechnya.
- The government launches a harsh autumn crackdown on Georgians living in Russia as a result of political tensions with Georgian president Mikheil Saakashvili.
- In December, new legislation gives the president the power to appoint the head of the Russian Academy of Sciences, who was previously elected by the academy's general assembly. Critics claim that the new arrangement undercuts the academy's independence.
- At least three journalists are killed in connection with their work during the year, according to CPJ. They include investigative journalist Anna Politkovskaya of *Novaya Gazeta*, whose reporting focused on human rights abuses in Chechnya.

2007

- In October, Putin informs the public that he will remain in power after the end of his second presidential term in May 2008 by serving as prime minister and working together with his handpicked successor as president, Dmitry Medvedev.
- The government passes a series of measures that augment its ability to control the outcome of the December parliamentary elections. Under the new rules, all Duma members are elected via party list, and a party must win at least 7 percent of the vote to enter the legislature. Would-be parties must have at least 50,000 members and organizations in half of the country's 83 administrative units to register.
- The electoral process favors the ruling United Russia party, which enjoys extensive positive coverage in the state-dominated media. It ultimately wins 315 of 450 Duma seats.
- NGOs report that Russian authorities prohibited or dispersed almost every public protest that was held throughout Russia during 2007.
- Attacks on ethnic minorities and immigrants continue. According to Sova, a group that monitors ultranationalist activity in the country, crimes motivated by ethnic hatred led to 48 deaths and 388 injuries during the first nine months of 2007.
- At least one journalist is killed in connection with his work during the year, according to CPJ.

2008

- In March, Medvedev wins 70.3 percent of the presidential vote after a tightly controlled electoral process. Putin is named prime minister and remains the dominant partner in the ruling “tandem” with Medvedev, despite the constitution’s investment of most executive power in the presidency.
- In July, Putin lifts the tax-exempt status of most Western NGOs, subjecting them to a 24 percent tax beginning in 2009.
- In December, masked men from the prosecutor general’s office raid the human rights group Memorial and confiscate its archives, which contained information detailing Stalin-era government abuses.
- New constitutional amendments, set to take effect after the next presidential election, extend the presidential term from four to six years.
- Journalist Magomed Yevloyev, founder of the opposition website Ingushetiya.ru, is killed in police custody. He is one of at least two journalists to be killed in connection with their work during the year, according to CPJ.

2009

- The government’s staunchest critics continue to face the risk of assassination. Human rights activists Stanislav Markelov and Natalya Estemirova are murdered in January and July, respectively.
- In May, Medvedev creates a Commission for Countering Attempts to Falsify History to the Detriment of Russia’s Interests, adding to state pressure on scholars and others who objectively examine or question the actions of past Russian and Soviet regimes.
- Whistleblowing lawyer Sergey Magnitsky dies in pretrial detention in November after being denied medical treatment. He was detained after accusing government officials of embezzling millions of dollars.
- Journalist Anastasiya Baburova of *Novaya Gazeta* is murdered alongside Markelov in January. By year’s end, at least 19 journalists have been killed since Putin came to power, and in no cases have the masterminds of the attacks been prosecuted.

2010

- United Russia dominates the April and October local elections, which feature extensive violations including the failure to register opposition candidates, ballot stuffing, and restrictions on election monitors.
- According to polling data from the Levada Center, nearly 80 percent of Russians believe corruption to be a major problem and find it much worse than 10 years earlier.
- Police use force to disperse protests against road construction in the Khimki forest and regular demonstrations held to assert the constitutional right to free assembly.

- In September, police visit more than 40 NGOs to demand documents, claiming that they need to determine whether the groups are abiding by Russian law.
- In November, *Kommersant* journalist and blogger Oleg Kashin is brutally attacked and hospitalized in one of many such incidents during the year.

2011

- In September, Medvedev announces that he will step aside and allow Putin to run for a new, six-year term as president. The two claim that Putin's return to the presidency had long been planned, exposing Medvedev's tenure as a ploy to avoid the constitutional ban on serving more than two consecutive terms.
- In a heavily manipulated process that is completed in September, longtime Federation Council speaker Sergey Mironov of the Just Russia party, who had become very critical of United Russia, is replaced with Valentina Matviyenko, a close Putin ally.
- United Russia wins 238 seats in the State Duma during the December parliamentary elections. International observers report irregularities including extreme media bias, state interference, and lack of autonomy on the part of the election administration.
- Prior to the elections, businessmen with ties to Putin buy additional television, radio, and newspaper assets. On election day, hackers attack the website of Golos, Russia's only independent election monitoring group, bringing down an extensive map of reported electoral violations.
- Mass protests erupt in the weeks following the elections. Hundreds of people are arrested, and many protest leaders are jailed for short periods, including prominent blogger and anticorruption activist Aleksey Navalny.
- At least one journalist is murdered in connection with his work during the year, according to CPJ.



The state-owned television station Rossiya 24 broadcasts the results of the December 2011 parliamentary elections, showing a breakdown of votes by party for the Rostov region that apparently totals 146.47 percent.

2012

- Despite growing public discontent, Putin secures victory in the March presidential election, officially winning 63.6 percent of the vote against a field of weak, hand-chosen opponents. He quickly begins enacting harsh new measures to suppress societal opposition to his rule.
- Also in March, Russian lawmakers propose a bill that would criminalize the dissemination of “homosexual propaganda.” St. Petersburg and some other cities pass similar bans into law during the year, reinforcing a long-standing pattern in which LGBT (lesbian, gay, bisexual, and transgender) rights activism is suppressed by authorities or attacked by counterdemonstrators.
- A law signed by Medvedev in May restores gubernatorial elections, ending the system of presidential appointments dating to 2004. The first set of elections are held in five regions in October. However, the new rules allow local officials to screen the candidates, eliminating strong opposition contenders and helping to ensure that pro-Kremlin incumbents win all five races.
- In July, the State Duma passes a law imposing new restrictions on NGOs that receive foreign funding, obliging them to register as “foreign agents” and submit to frequent, unplanned inspections by the authorities.
- Three members of the feminist protest band Pussy Riot, who had been arrested for filming a “punk prayer” against Putin in an Orthodox cathedral, are sentenced to two years in prison in August. The trial sparks an international outcry and solidarity protests across Europe and the United States. One of the three women is released on appeal in October.
- In September, the government expels the U.S. Agency for International Development (USAID) from the country, claiming that it was attempting to “influence political processes” and foment protests.
- In November, a broadly worded new law, ostensibly targeting information that is unsuitable for children, creates a blacklist of internet outlets that initially leads to the shuttering of more than 180 sites.
- Other laws enacted in 2012 include the recriminalization of slander, the imposition of sharply higher fines for participation in illegal protests, and a broad expansion of the definition of treason to encompass providing assistance to foreign organizations.
- Authorities bring a series of criminal cases against Aleksey Navalny during the year, accusing him of fraud and embezzlement. Among other protest leaders facing politically motivated charges, the leftist activist Sergey Udaltsov is accused of “plotting to organize mass riots” and terrorism.
- In December, Putin signs a law banning the adoption of Russian children by American families. The measure is seen as retaliation for a U.S. law imposing asset freezes and visa bans on Russian officials who commit human rights abuses.
- At least one journalist is killed in connection with his work during the year, according to CPJ.

This chronology was prepared by Marissa Miller.

Table and Graphs

Figure 1. Electoral Process in Putin's Russia

This graph illustrates the deterioration of Russia's electoral process score in *Nations in Transit*, an annual Freedom House publication on democratization from Central Europe to Central Asia. Each indicator is assessed on a scale of 1 to 7, with 1 representing the best performance and 7 the worst. Russia has leveled off at 6.5 since the 2008 edition, though the events of calendar 2012 have yet to be assessed.

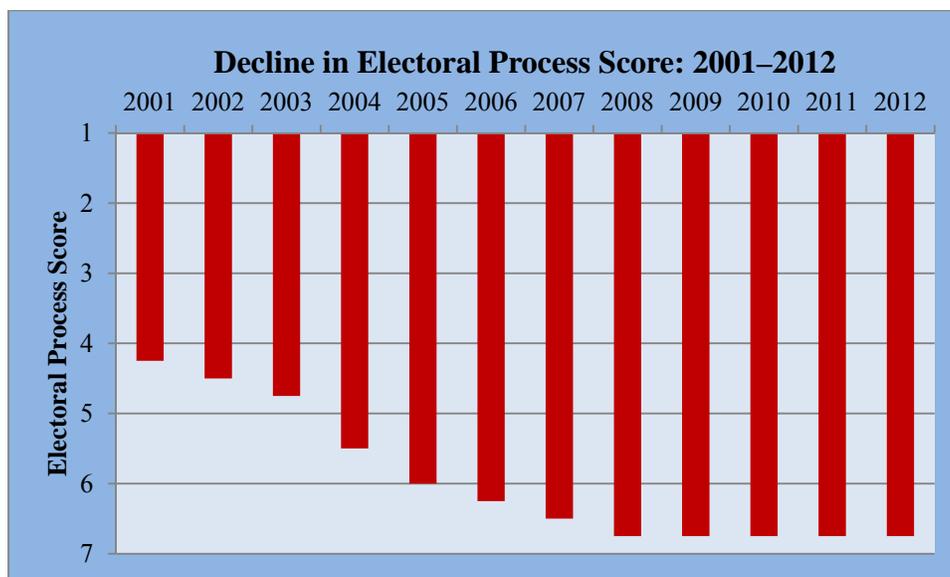


Figure 2. Civil Society in Putin's Russia

This graph illustrates a similar pattern on the indicator for civil society, although an increase in civic activity in recent years has been registered in the scores. Again, the negative events of calendar 2012 will be covered in the forthcoming 2013 edition of *Nations in Transit*.

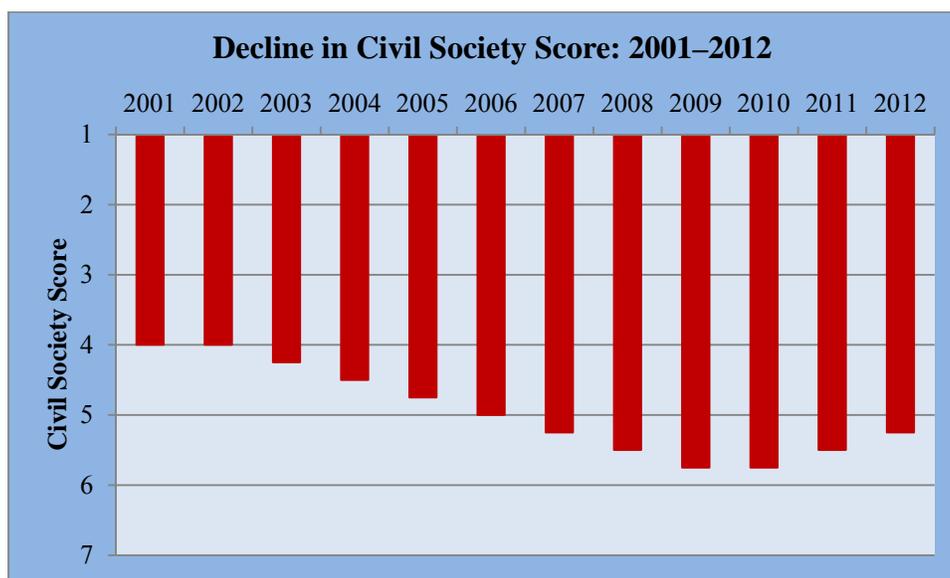


Figure 3. Putin's Russia and the World

This table shows Russia's position in comparison with the world and a selection of other regions, as measured by *Freedom in the World 2013*, the latest edition of Freedom House's annual global report. The publication assigns each country two ratings—for political rights and civil liberties—on a scale of 1 to 7, with 1 representing the best performance and 7 the worst. Notably, Russia is rated well below the average for Central and Eastern Europe, which consists of formerly communist countries to the west of the former Soviet Union. Virtually all of these countries have been or are being integrated into the European system, approaching the democratic standards of Western Europe even as Russia lags behind.

RUSSIA IN COMPARISON WITH SELECT REGIONAL AVERAGES
FREEDOM IN THE WORLD 2013

Political Rights Average		Civil Liberties Average	
Western Europe	1.20	Western Europe	1.16
Central and Eastern Europe	2.00	Central and Eastern Europe	1.94
Global	3.36	Global	3.28
Asia	4.12	Asia	4.16
Sub-Saharan Africa	4.50	Sub-Saharan Africa	4.30
Russia	6	Russia	5

Notes

For more information on human rights and democracy conditions over the last decade, see the country chapters on [Russia](#) in Freedom House’s signature annual reports:

[Nations in Transit](#): Democratization from Central Europe to Eurasia

[Freedom in the World](#): The Annual Survey of Political Rights and Civil Liberties

[Freedom of the Press](#): A Global Survey of Media Independence

[Freedom on the Net](#): A Global Assessment of Internet and Digital Media Freedom

[Countries at the Crossroads](#): An Analysis of Democratic Governance

¹ *Federal Law of the Russian Federation on Introducing Amendments to Certain Legislative Acts of the Russian Federation* (“NGO Law”) [Russian Federation], 17 January 2006, available at <http://www.unhcr.org/refworld/docid/44363d654.html>.

² International Center for Not-for-Profit Law (ICNL), “Russia,” in *NGO Law Monitor* (Washington, DC: ICNL, 2008), available at <http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan044570.pdf>.

³ Федеральный закон Российской Федерации от 20 июля 2012 г. N 121-ФЗ, “О внесении изменений в отдельные законодательные акты Российской Федерации в части регулирования деятельности некоммерческих организаций, выполняющих функции иностранного агента” [Federal Law of the Russian Federation of 20 July 2012 No. 121-FZ, “On the introduction of amendments to certain legislative acts of the Russian Federation regarding regulation of the activities of noncommercial organizations performing the functions of a foreign agent”], *Rossiyskaya Gazeta*, 23 July 2012, <http://www.rg.ru/2012/07/23/nko-dok.html>.

⁴ Federal Law of 20 July 2012 No. 121-FZ; “Legal Update—New Law on ‘Foreign Agent’ NGOs,” *The Russia Monitor* (blog), 2 August 2012, <http://therussiamonitor.com/2012/08/02/legal-update-new-law-on-foreign-agent-ngos/>.

⁵ Federal Law of 20 July 2012 No. 121-FZ.

⁶ Amnesty International, “Russia: End ‘Smear Campaign’ Against NGOs,” news release, 13 July 2012, <http://www.amnesty.org/en/for-media/press-releases/russia-end-smear-campaign-against-ngos-2012-07-13>; Al Pessin, “Clinton Criticizes Russia on Europe Policy, Human Rights,” *Voice of America*, 6 December 2012, <http://www.voanews.com/content/clinton-criticizes-russia-on-europe-policy-human-rights/1559739.html>; Marc Bennetts, “Kremlin Rights Head Criticizes NGO Law,” *RIA Novosti*, 2 July 2012, <http://en.rian.ru/analysis/20120702/174365188.html>.

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⁸ Tom Balmforth, “Nyet: Rights Groups Vow to Break Russia’s ‘Foreign Agent’ Law,” *Atlantic*, 21 November 2012, <http://www.theatlantic.com/international/archive/2012/11/nyet-rights-groups-vow-to-break-russias-foreign-agent-law/265543/>.

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¹⁰ *Ibid.*

¹¹ “Only One Russian NGO Registered as Foreign Agent,” *RIA Novosti*, 16 January 2013, http://en.rian.ru/politics/20130116/178817659/Only_One_Russian_NGO_Registered_as_Foreign_Agent_.html.

¹² “NGO ‘Foreign Agents’ Law Comes into Force in Russia,” *RIA Novosti*, 20 November 2012, <http://en.rian.ru/russia/20121120/177597400.html>.

¹³ Brian Whitmore, “The Peculiarities of the National Hunt (for Foreign Agents),” *The Power Vertical* (blog), Radio Free Europe/Radio Liberty, 16 January 2013, <http://www.rferl.org/content/power-vertical-foreign-agents-law/24840173.html>.

¹⁴ “Коновалов: Закон об ‘иностранных агентах’ противоречит законодательству об НКО” [Konovlov: Law on ‘foreign agents’ contrary to the law on NGOs], *Grani.ru*, 16 January 2013, <http://grani.ru/Society/Law/m.210684.html>.

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