

Testimony by the Honorable Barry Lowenkron
Assistant Secretary of State, Bureau of Democracy, Human Rights and Labor
Helsinki Commission Hearing
February 8, 2006
Dirksen Senate Office Building, 226
“Human Rights, Civil Society, and Democratic Governance in Russia”

Mr. Chairman, I welcome this opportunity to share my thoughts about the Russian Federation's new NGO legislation, the trajectory of democracy and civil society in Russia, and the way forward.

The United States values a strong relationship with Russia. As President Bush has said, it is in our interest that Russia be a strong and valuable partner with the United States, but that we understand that, in the 21st century, strong countries are built by developing strong democracies.

A flourishing civil society is essential to reaching democratic goals. The Bush administration shares the Commission's concern that civil society in Russia is under increasing pressure. Raids on NGO offices, registration problems, visa problems for foreign NGOs, and intimidation of NGO leaders and staff have had a chilling effect.

Secretary Rice asked me to deliver a clear message to the Russia government about our deepening concerns for NGOs. I visited Moscow January 17th through the 19th. Upon arrival, I was greeted with the news that the NGO law, quietly signed on January 10th by President Putin, had been published that very morning.

Over the next two days, I met with Russian- and U.S.-based NGOs, including, Mr. Chairman, with Ludmilla Alexeeva herself. I met with Duma committee chairpersons, officials from the Ministry of Foreign Affairs, the human rights ombudsman, the chair of the presidential human rights council, and representatives of independent media.

Although some of the more problematic elements were removed in the legislative process -- and I would add in part due to concerns expressed by the United States, by European allies, and by Russian and foreign NGOs -- key problems remain.

Many provisions of the legislation are vague. What constitutes a threat to Russian sovereignty or extremist activity is not defined. NGOs' financial records as well as comment and planned activities are subject to examination.

Officials could order an NGO to cease funding a program, to cease funding an individual, or to shut down completely. Religious groups that receive foreign funding may be subject to review, taxation and special registration considerations.

The authorities have broad discretion to implement the new law. While punitive measures would be subject to court approval, this could entail lengthy, expensive litigation that could cripple an NGO.

We have already registered our concerns at the OSCE Permanent Council on January 26th, when Ambassador Finley said that the law does not appear to meet OSCE commitments in the Copenhagen and Moscow documents.

The new law will go into effect in April; already there are ominous signs. As justification for the new law, President Putin and other officials cited the spy rock case, following allegations by the FSB that British spies had been funding Russian NGOs.

On January 24th, the Duma passed a resolution calling upon the committee on security to direct the FSB to report on political parties and organizations that receive foreign funding.

On January 27th, the Ministry of Justice announced they were seeking to revoke the registration of the Russian Human Rights Research Center, an umbrella organization that includes the Moscow Helsinki Group, for allegedly failing to provide required documentation about its activities.

On February 3rd, the executive director of the Russian-Chechen Friendship Society received a two-year suspended sentence and four years of probation for inciting ethnic hatred for publishing statements by Chechen separatist leaders. This conviction follows a series of repressive actions against the society.

And just yesterday in his speech to the board of the FSB, President Putin said the following regarding NGOs. Quote, "The task that stands before the special services and all law enforcement agencies consists in creating the necessary conditions so that these organizations can operate efficiently. But at the same time, you must protect society from any attempts by foreign states to use these organizations for interfering in Russia's internal affairs."

These and other developments, Mr. Chairman, suggest that the Russian government harbors a deep mistrust of civil society, and especially of organizations that receive foreign funding and are engaged in politically sensitive activities, like human rights monitoring.

Several Russian officials and lawmakers asserted to me that the law is necessary to clamp down on terrorist activity and money laundering. But what came through from further discussion was their deep suspicion that Western states had manipulated election outcomes in Ukraine, Georgia and elsewhere by funding NGO activity.

They see our promotion of democracy as part of a zero-sum game of geopolitical influence. I emphasized repeatedly that they were fundamentally mistaken about what happened in Ukraine and Georgia.

Our NGO funding and activities there were fully in keeping with OSCE and other international standards and practices. Our assistance is designed to help ensure that elections are free and fair, not to pick winners or losers.

Whenever NGOs are under siege, democracy is undermined. As I told my Russian interlocutors, NGOs can support governments, they can criticize governments, but NGOs should never be treated as enemies of governments.

The NGO law is just one element of a broader pattern of restricting the space for independent views, consistent with the apparent aim of President Putin to concentrate power in the Kremlin and direct democracy from the top down.

To those ends, the Kremlin has abolished direct elections of governors in favor of presidential nomination. This system in the current Russian context, where checks and balances are weak at best, limits government accountability to voters while further concentrating power in the executive branch.

Electoral and political party law amendments billed as intended to strengthen nationwide political parties in the longer term could nonetheless reduce the ability of opposition parties to compete in elections. There have been harassments and prosecutions of rivals.

Let me be clear. Our concern is not whether this or that oligarch gains or loses power, but whether the Russian government is selectively enforcing the law as a political weapon.

Cases such as those of Mikhail Trepashkin, Valentin Danilov and others also raise concerns about the political nature of prosecutions, respect for human rights, and the independence of the judiciary.

The Kremlin also has acted to limit critical voices in the media. The government has decreased the diversity of the broadcast media, particularly television, the main source of news for the majority of Russians.

All independent, nationwide television stations have been taken over either by the state or by state-friendly organizations. Due to government pressure on the media, self-censorship remains a serious problem.

Mr. Chairman, though the current trajectory is discouraging, President Bush and Secretary Rice remain firmly committed to Russia's democratic development. With Congress's help, you will continue robust and open support for programs fostering civil society, for free, fair, transparent and competitive elections, and democratic governance.

And we will continue to work with other democracies to send a strong message: that we expect Russia to respect fundamental freedoms of expression, association and assembly.

Mr. Chairman, a personal observation, if I may. Assistant Secretary Fried and I have been colleagues for decades. We served together in the State Department during the dark days of Solidarity's repression. We also served together later on, when the darkness began to lift in the Gorbachev years, leading to the end of the Cold War.

As discouraging as the current trends may seem, today's Russia is not the Soviet Union. The space for individual freedoms is immeasurably larger today than anyone could have imagined in Soviet days. We work in partnership with Russia, but partners who respect one another should speak frankly to each other when they disagree.

The path to democracy is seldom linear; we must not give up on democracy in Russia or break faith with the NGOs working, despite setbacks, to realize democracy's promise.

My DRL team and I look forward to working closely with you, and the members of the commission, and your expert commission staff.

Once again, Mr. Chairman, I want to thank you and the Commission for its far-reaching contributions to the cause of human rights and democracy. Thank you.