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THE IMPLEMENTATION OF THE NEW NGO LAW

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Analysis

Russia's NGO Legislation: New (and Old) Developments

Diana Schmidt, Bremen

Summary

In April 2006, the Russian government issued the first executive order to implement the new non-governmental organization (NGO) legislation. This act was the first concrete step in realizing the new regulations on registration and accountability procedures for Russian non-governmental organizations and their foreign donors. After the first draft of the law had received harsh criticism from the international community and from Russian civil society, the text was amended in some respects. Nevertheless, the new regulatory framework tightens state control over Russian and foreign organizations. The measures are highly ambivalent, not least because official rhetoric is inconsistent with actual measures and bureaucratic practice. The government sought to justify the new law by referring to the fight against terrorism and money laundering. Yet the recent legislative and institutional measures have actually provided new ground for obstructing the activities of any NGO working in Russia. Eventually, the debate on the "NGO Law" needs to be seen in a broader context—there is more at stake than a mere law reform, and NGOs are not the only ones who will be affected.

The New NGO Legislation

On 15 April 2006, the Russian government issued Decree No. 212 on measures aimed at implementing certain provisions of the Federal laws regulating activities of non-commercial organizations.¹ This is the first concrete step towards implementing the highly controversial so-called "NGO Law" and towards enforcing the new regulations on registration and accountability obligations of non-profit organizations (henceforth: NGOs) in Russia. There was an international outcry when the State Duma accepted the bill at its first reading on 23 November 2005, with 370 votes for and 18 against. It was obvious that the bill was aimed at subjecting Russian and foreign non-governmental organizations to tighter state control and at obstructing their work. Critics insisted that the bill was at odds with both the Russian Constitution¹ and international standards regarding the freedom of assembly and the freedom of opinion. Harsh criticism was expressed by the United States, and also by the Council of Europe and the European Union, while the official German position remained somewhat cautious in the context of yet to be developed relations between Chancellor Merkel and President Putin. International organizations appealed to the Duma leader,

¹ This argument was frequently made by most critics, although usually without further detail. Certainly, the first draft law (adopted in Nov. 2005) was at odds with the Russian Constitution's Article 30 ("Everyone has the right to association ... the freedom of activity of public associations is guaranteed"), Article 13 (the equality of public associations), and Article 18 (the rights and freedom of the individual and citizen).

to the Russian government, and to the other G8 states, referring to Russia's pending presidency of the G8 and of the Council of Europe. The English language media, in particular, picked up on the issue. Even the Russian media became involved in the debate, after being unable or unwilling for many years to show an interest in civil society issues.

Reactions to Internal and External Criticism

Numerous Russian NGOs responded to the planned reforms with protests and active information gathering and dissemination. Yet the debate was not merely a reaction to the first reading of the bill. Already when the first draft was proposed to the Duma, the leaders of more than 80 human rights organizations drew up a joint statement (see Internet links p. 6), others issued individual petitions, sought legal advice, and gathered information about the legal frameworks regarding NGO work in other countries. Russian NGOs and the EU Delegation to Moscow approached the Russian Foreign Ministry concerning discrepancies between the Russian proposal and international standards. The ministry stalled this conversation by presenting its own survey (see internet links, p. 6) and pointed to restrictions and accountability obligations of NGOs to be found in other countries. Such obligations do, in fact, exist elsewhere. However, critics believe that all negative aspects observed elsewhere are crystallized in Russia's single "draconian" bill. In reaction to mounting criticism, the president sent Justice Minister Yuri Chaika to Strasbourg to

consult with European colleagues. Putin also suggested amending the bill according to recommendations made by the Council of Europe. Some requirements that directly contradicted international law and the Russian Constitution were indeed removed from the bill. In particular, foreign organizations are now not obliged to re-register as local organizations but will continue to be treated as foreign representations. When the framework law entered into force in April 2006, Alexei Zhafyarov, the Federal Registration Service (FRS) official responsible for the affairs of political parties and civic organizations, emphasized that most foreign organizations would have no difficulty in implementing their programs in Russia. Yet he also pointed out that some foreign grant-making organizations divert 60% of the funds to paying “the generous work of foreign experts, thus granting them a higher (by Russian standards) level of comfort when visiting our country”. While the issue of discrepancies between foreign and Russian salaries is certainly a relevant one in Russia today, it is questionable whether this debate should be opened up with a focus on the third sector and whether it makes an adequate case for these legislative measures.

The State’s Fear of Foreign Influence

President Putin has repeatedly stressed that he opposes the foreign funding of “political activities”

of NGOs in Russia and has also referred to the fight against terrorism and money laundering in justifying the need for stricter controls over financial flows to Russian NGOs. The “color revolutions” provided another discursive frame for underlining the need to prevent revolutions funded by the West. The NGO Law now ensures the state’s desired control over all financial transfers in which NGOs are involved. Paradoxically, however, the legal documents propose merely technical changes, while the president—and thus also the media—had based the argumentation on political and security aspects. Non-permissible “political activities” are not defined in the revised version of the law. And none of the existing laws (with the exception of the law on party finance) prohibits non-commercial organizations from using foreign funds to participate in political activities.

NGOs’ Fear of Bureaucratic Intervention

NGOs fear the tighter—legal—opportunities that the law gives the state to control them, and in particular the serious consequences for organizations that rely on foreign support. The legal framework will facilitate the suppression of civil society activities, may lead to the closure of many NGOs, to the withdrawal of foreign foundations from Russia, and to the termination of funds for projects that are of high relevance to Russian society. NGO representatives have also ex-

Implementation of the “NGO Law”

What is commonly called “the NGO law” is part of the broader bill “On introducing amendments to certain legislative acts of the Russian Federation,” which is aimed at revising the Civil Code, the law on closed administrative territorial formations, the law on public associations, and the law on non-profit organizations. All of them are relevant to regulating the work of NGOs, but so far only the changes to the latter have been discussed. The entire reform package was accepted by the State Duma at its third reading on 23 December, was confirmed by the Federal Council on 27 December, and was published on 10 January as “Federal Law No. 18-FZ of 10 January 2006 on introducing amendments to certain legislative acts of the Russian Federation.” The implementation of NGO-related measures has now begun, with Decree No. 212, which came into effect together with Law No. 18-FZ in April. This decree comes with six Annexes containing the forms that should be handed in by organizations in Russia for registration and reporting: Almost 190 pages altogether, to be filled in and submitted by Russian organizations until 15 April (after the financial year), and by foreign organizations until 31 October (before the planned implementation of the programs outlined). They are now required to inform the state authorities in detail about their activities and their management, the funds they receive (including donations), their assets, and the planned and current use of funds for all programs in Russia. The Russian tax authorities and the Federal Registration Service (FRS, “Rosregistratsia”), the latter having existed since 2004, are to administer this process. It is already clear that the new measures will cost the affected organizations dearly in additional staff and time, may overstretch the staff resources of many Russian groups, and may clash with the existing program schedules and organizational styles of many foreign foundations. As a further step, on 3 May 2006 President Putin signed an order introducing amendments to Decree No. 1315 on issues relating to the FRS. According to this decree, the FRS is to be expanded to 14 administrative units (from the current 12), with a maximum staff of 375 (excluding security and building maintenance staff) and a budget of over \$900,000 alone in its Federal unit (staff numbers for other federal services are: 267 for financial markets, 176 for sport, and 360 for environmental, technical, and nuclear oversight).

pressed criticism that NGOs are discriminated against in comparison to commercial enterprises, which enjoy faster registration procedures and whose registration can be rejected only on the basis of formal criteria. By contrast, the authorities can reject the registration of an NGO at their own discretion on the basis of the contents of their documents. Further, it seems unjustified that the battle against extremist activities and money laundering is fought in the NGO sector only, all the more since separate laws to combat extremism and money laundering are already in place.

In any case, the current law reforms, and the ensuing increase in bureaucratic work will paralyze civil society activities. Growing regulation by the authorities could also mean more and new forms of corruption within the system of financial assistance. As the current wording of the law is open to broad interpretation, the new regulations allow for selective and arbitrary enforcement of these new legal means of pressure. Further, the law has given considerable authority to a new governmental agency (FRS), and the Public Chamber expressed concerns that the bureaucratic apparatus will find ever-new reasons for suspending NGO activities in order to justify its own existence. Conversely, it will be a long time before objective criteria and precedents for assessing NGO activities are established in such a way that they disallow unjustified charges against organizations and their members.

The law reforms are formally aimed at all non-governmental organizations. However, experience has shown that organizations working on issues such as Chechnya and human rights are particular targets, as are individuals critical of the government who work for or with such organizations. This became apparent when the Moscow public prosecutor's office issued a warning against the executive director of Memorial, Yelena Shemkova, regarding the "inadmissibility of breaches of the law." Western human rights organizations and experts are also affected by the government's measures, as illustrated by the state's refusal to grant Bill Bowring entry into Russia where he was supposed to observe a trial against a journalist last November or by its prohibiting the German humanitarian organization Help—Hilfe zur Selbsthilfe e.V. (Help Towards Self-Help) from working in Ingushetia in the North Caucasus.

The NGO Law is Not the Only Issue

The amendment to the NGO legislation is not the only issue at stake. The activities of Russian non-governmental organizations are subject to a whole series of further regulations, including the Civil Code, taxation law, and laws on local self-government, charitable activities and foundations, state secrets, ad-

vertising, and others. For example, the—also widely debated—amendments to article 251 of the Russian Federation's Tax Code (2004) significantly affected the grant-making system as well. These amendments, which on the one hand were hailed as an initial success in the taxation of NGOs, brought about new bureaucratic restrictions for the providers and recipients of funds, on the other. The Ministry for Economic Development and the Ministry of Finance are currently working on amendments to the law on endowments. If we are talking about civil society in a broader sense, other legal frameworks have to be considered, which are also in a permanent state of reformation and amendment, including those on political parties, unions, religious associations, and business. Moreover, also foreign grant programs are being revised quite frequently, as part of both internal changes and changing bilateral agreements with Russia that include financial and technical assistance components. That Russian NGOs had to cope with an additional range of reforms over the last years, may partly explain why the latest reform has provoked less protest than probably expected by some foreign observers. Many Russian organizations that devoted their work to various social problems were certainly not prepared to engage in a battle against the state and have never seen themselves in an oppositional role.

The reforms of the NGO legislation in Russia need to be understood as part of a broader topical and temporal context. Recent events are not a surprise attack by the Russian state against Russian civil society, and regarding them as a matter of "the Kremlin vs. NGOs" would be equally simplistic. Rather, it is important to see the work (and working conditions) of civil society groups within the context of overall transformations in post-Soviet Russia, including changes in policy fields that are the center of much NGO work (environment, human rights, health etc.), and of pertinent events at home and abroad. Even before the St Petersburg Dialogue (2001), German political foundations were accused of supporting dubious institutions in Russia, the difficulties surrounding the Moscow office of the Soros Foundation (2002) implied the charge that it represented "US interests," and the presence of the British Council in Russia was questioned with reference to their financial records (2004). Even if the latest law reforms were not explicitly announced in advance, President Putin, Foreign Minister Lavrov, and FSB spokespersons had repeatedly criticized NGOs of pursuing the interests of foreign donors.

NGOs are Not the Only Issue

While the new legislation will compromise the daily work of NGOs, it will also affect fundamental

relationships between the state, Russian civil society, and foreign foundations. Foreign and Russian donor organizations have been restructuring their programs and shifting the emphasis of their work in recent years, and one significant trend can be seen in a general depoliticization of civil society activities while both donors and local organizations have become more careful not to interfere with governmental agendas.

In the future, if the implementation of the new laws force Western foundations out of Russia, another financial source of civic projects will be axed. The case against Khodorkovsky—and his foundation “Open Russia” as a side-effect—had already cut potential support from the Russian corporate sector. But an end to grant-based NGO activities will not only affect the providers and recipients of funds. So far, several thousands grants of varying sizes have been distributed in Russia every year. According to a recent study, Russian households have received services from NGOs worth 143.2 billion rubles a year (1.2% of gross domestic product), and public and religious organizations alone provide 500,000 jobs (2002 data). Nevertheless, the NGO sector cannot count on widespread support from the Russian public. Surveys continue to show a low awareness of the activities of NGOs and charitable organizations and minimal rejection of the tightened control of their finances (see surveys, p. 7).

However, NGOs are only one part of Russia’s active civil society. While many foreign donors are about to leave in disappointment, essential civil society activities in Russia are still in their beginnings, both formal and informal ones. Many formal organizations are well networked internationally and are run by experienced experts. In addition, there is also a new activism, made up of young people of a genera-

tion whose formative experiences were dominated by perestroika and who work at many different locations without fixed offices but with strong social and political commitment. Most are not formally organized and are often not in a position to cultivate expensive foreign contacts; their outreach is often “confined” to the organization of local-level seminars, to building networks within Russia, and to publishing in Internet portals, small Russian magazines or booklets that could be regarded as modern samizdat. Unfortunately, several large foundations have removed youth support from their programs, not least because activities in this area can lead to friction with state activities and ideologies.

Since all the excitement at the turn of the year, things have calmed down with regard to the Russian NGO legislation. This could be disastrous, since the actual implementation phase is only just beginning. The extent of the anticipated negative consequences remains to be seen. The EU Delegation to Moscow and the Public Chamber have announced that they will monitor future developments. The Foreign Ministry has also confirmed that the implementation of the law will be observed by the international and Russian NGO community and by the leading European structures, including the EU, the OSCE, and the Council of Europe. Nevertheless, Russian organizations perhaps rightly fear that the Western public will lose interest in the issue. For those most directly affected—Russian non-governmental organizations, foreign donor organizations, and international organizations—it is now essential to stay informed, at the very least (see Internet links p. 6).

Translation from the German: Michelle Norgate

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Further reading

- Forum Donorov: Donor and nonprofit organizations: What do we know about them. Forum Donorov <http://www.donorsforum.ru/images/stories/Resultsresearch.pdf> (Russian); http://www.donorsforum.ru/images/stories/research_eng.doc (English)
- Hinterhuber, Eva Maria / Rindt, Susanne 2004. Community Foundations in Russia: Philanthropy between Tradition and Rebirth, Working papers of the Maecenata Institute for Philanthropy and Civil Society, No. 14, Berlin: MAECENATA, 2004
- The Institute for Urban Economics: Role of Non-Profit Sector in Economic Development of Russia, Report undertaken as part of the project “Integration of Civil Society for Non-Profit Taxation Reforming”, Moscow 2004, http://www.urbanecomomics.ru/eng/download.php?dl_id=79

Internet links: Russian NGO legislation

Legal Texts (all in Russian):

First draft of the NGO law:

- “On introducing amendments to certain legislative acts of the Russian Federation”
<http://www.grani.ru/Society/p.98512.html>

The version that was passed:

- “Federal Law No. 18-FZ of 10 January 2006 on introducing amendments to certain legislative acts of the Russian Federation.” <http://www.rg.ru/2006/01/17/nko-poryadok-dok.html>

The first implementation order:

- Decree from 15 April 2006 No. 212 “On measures aimed at implementing certain provisions of the Federal laws regulating activities of non-profit organizations.”
http://www.government.ru/data/news_text.html?he_id=103&news_id=21081

Information update and ongoing debates:

Russian Government

- Official daily announcements of all legal measures: http://www.government.ru/data/news_list.html?he_id=103
- Russian Foreign Ministry, database on NGO legislation: <http://www.mid.ru/ns-npo.nsf/npdocs>
- Federal Registration Service (FRS - Rosregistratsia), official site: <http://www.rosregistr.ru/>

Civil Society Portals

- ASI (Agentstvo Sotsialnoi Informatsii), in Russian: <http://www.asi.org.ru/>
- Forum Donorov, in Russian: <http://www.donorsforum.ru/>
- HRO (Prava cheloveka v Rossii), in Russian: <http://hro.org/>
- ICNL (The International Center for Non-Profit Law), in English: <http://www.icnl.org/>

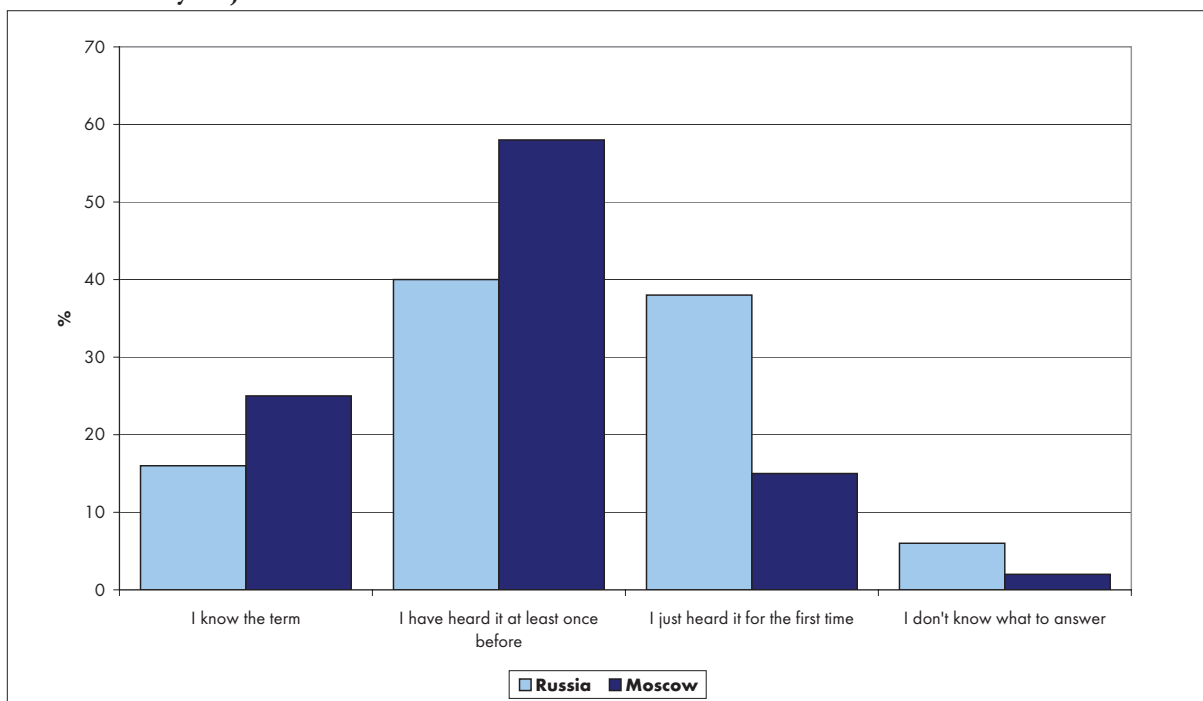
Various positions:

- Petition submitted by Russian organizations, online signature campaign, 10.11.2005 “Net – uzhestosh-eniiu kontrolia nad grazhdanskim obshchestvom” (“No – to stiffening the control on civil society!”)
<http://www.hro.org/ngo/about/2005/11/10-2.php> (in Russian)
- TI-Resolution, Berlin, 18.11.2005 “Grazhdanskoe obshchestvo dolzhno byt svobodno ot ograniche-nii, zaiavliaet Transperensi Interneshonal” (“Civil society must be free from restrictions, declares TI”) http://ww1.transparency.org/pressreleases_archive/2005/dnld/Russia_resolution_14_11_05_rus.pdf
- President Putin on the first draft of the bill, 5.12.2005 (in English):
http://www.kremlin.ru/eng/speeches/2005/12/05/2202_type82912_98481.shtml
- Foreign Ministry: “Comparative Table of the Legislation of Certain States Governing NGO Activities” (in English): [http://www.mid.ru/ns-npo.nsf/9c261e4093d91a4bc325710700371000/84ec21b5ced0d064c3257177002af45a/\\$FILE/Eng.doc](http://www.mid.ru/ns-npo.nsf/9c261e4093d91a4bc325710700371000/84ec21b5ced0d064c3257177002af45a/$FILE/Eng.doc)

Opinion Survey

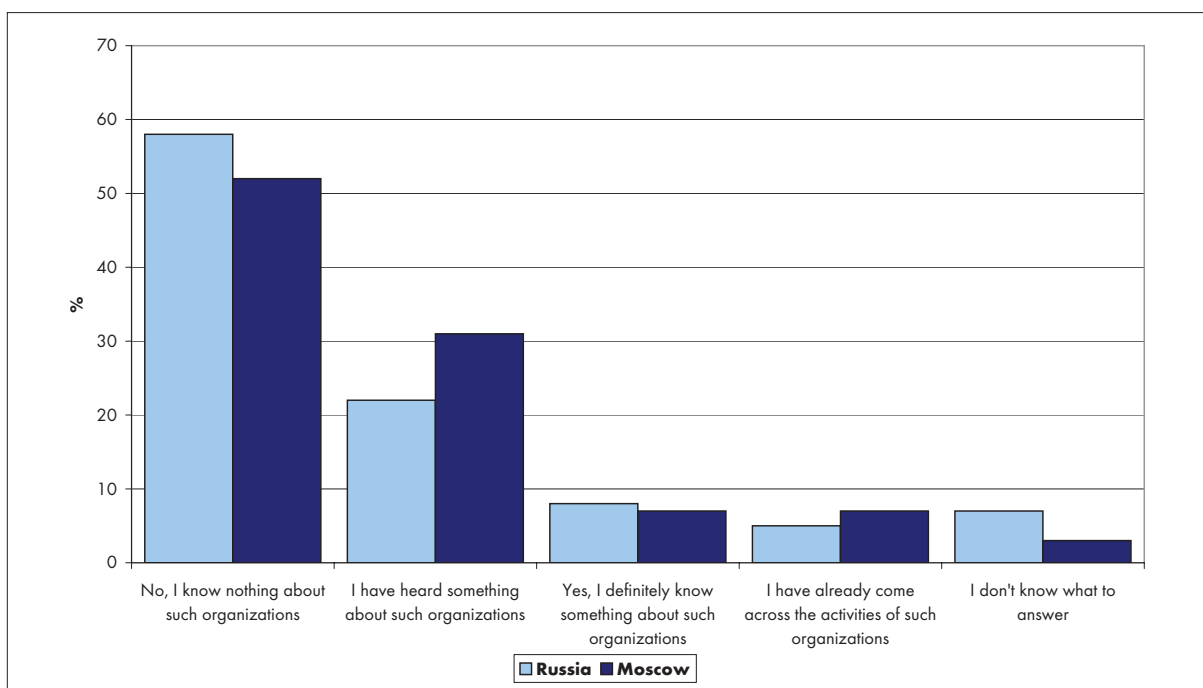
Knowledge of and Attitudes Towards NGOs

Do you know the term „Non-Profit Organization“ [i.e., NGO], have you at least heard it once before or did you just hear it for the first time?



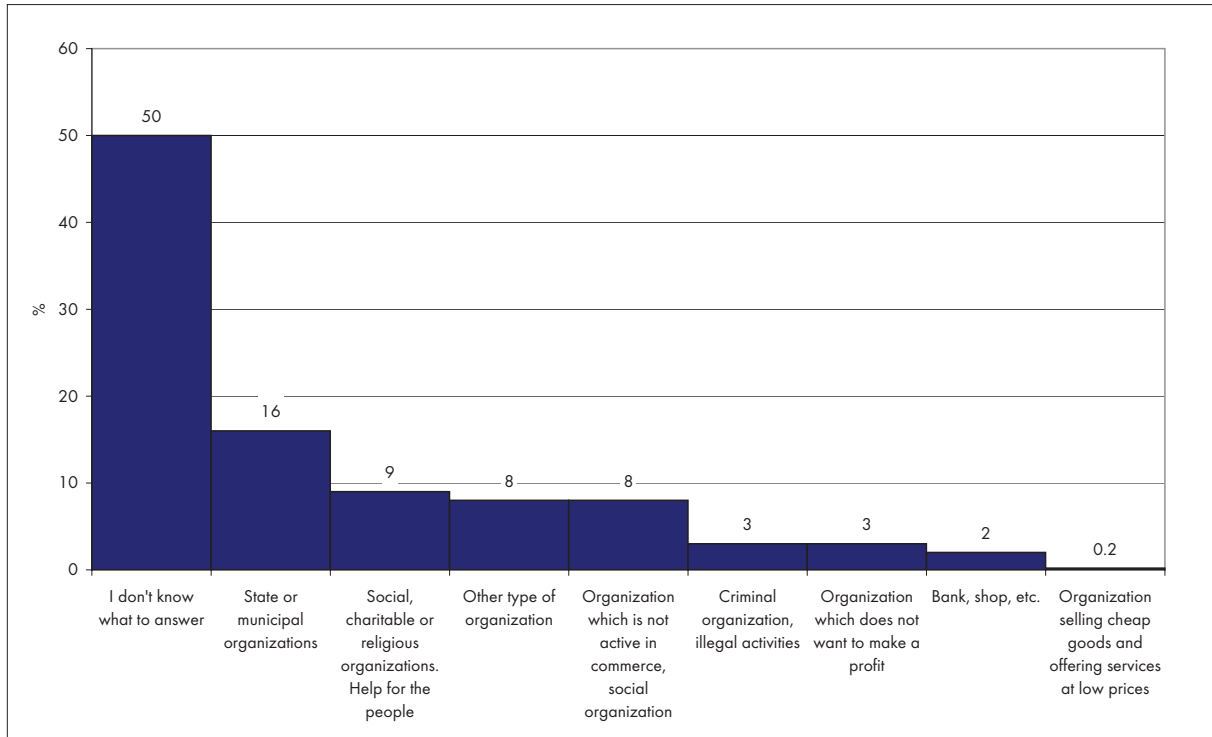
Source: *Donorskie i nekommercheskie organisatsii: chto my o nikh znaem*, Moscow 2005, p. 32
<http://www.donorsforum.ru/images/stories/Resultsresearch.pdf>

Knowledge of Non-Profit Organizations



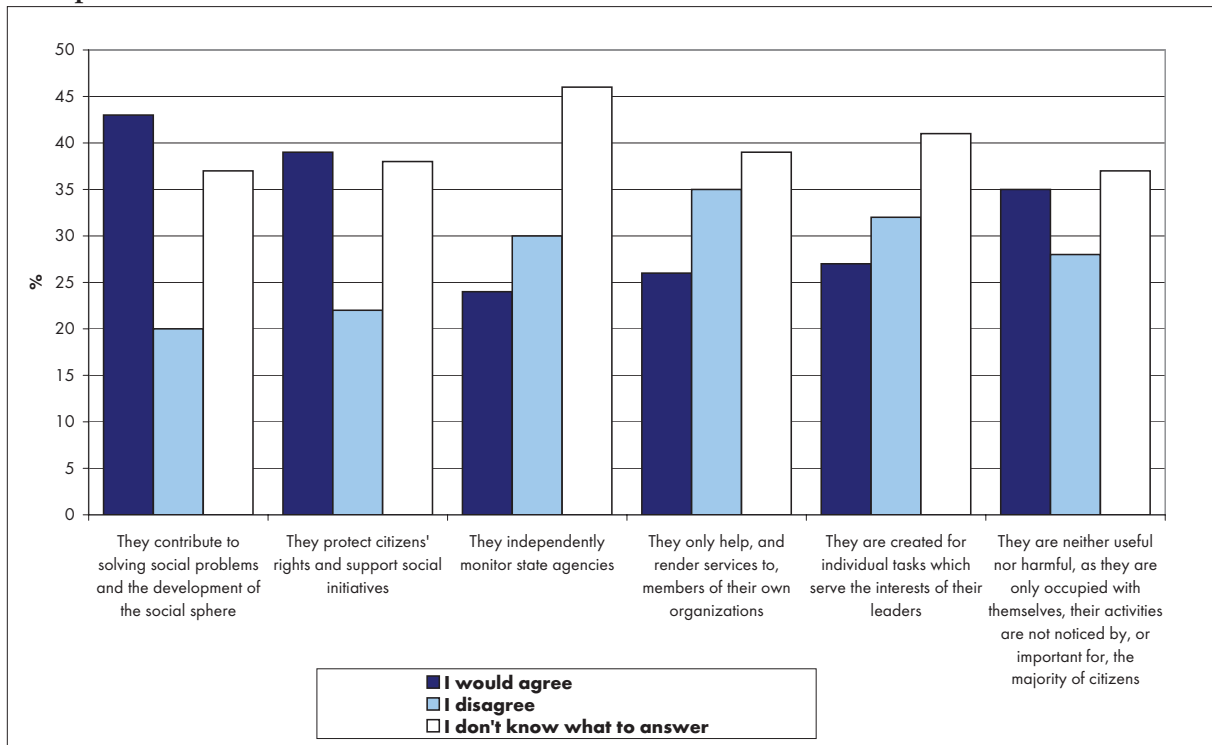
Source: *Donorskie i nekommercheskie organisatsii: chto my o nikh znaem*, Moscow 2005, p. 33
<http://www.donorsforum.ru/images/stories/Resultsresearch.pdf>

Notions of respondents about NGOs



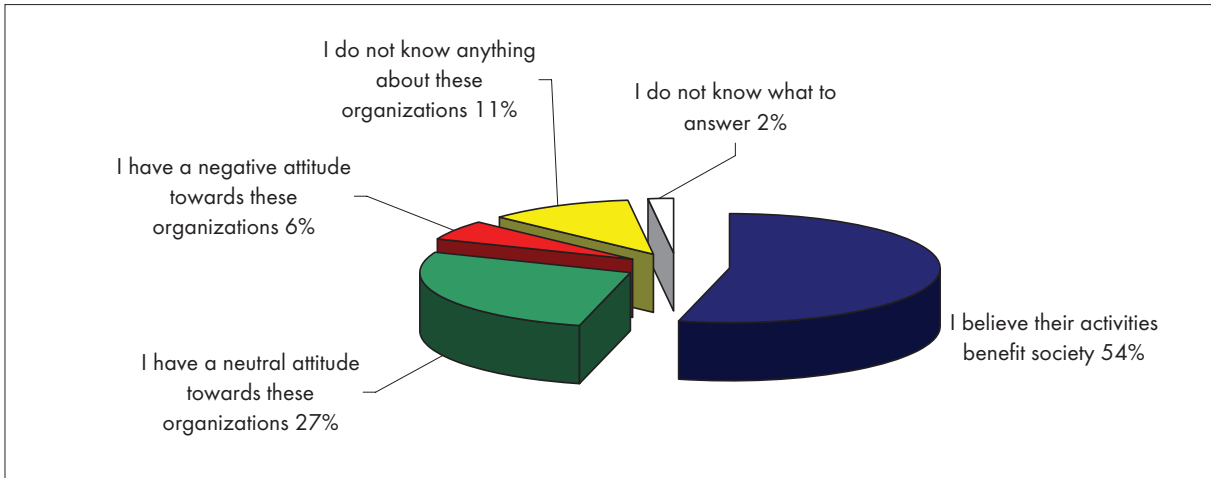
Source: *Donorskie i nekommercheskie organizatsii: chto my o nikh znaem*, Moscow 2005, p. 34
<http://www.donorsforum.ru/images/stories/Resultsresearch.pdf>

Perceptions of the activities of NGOs



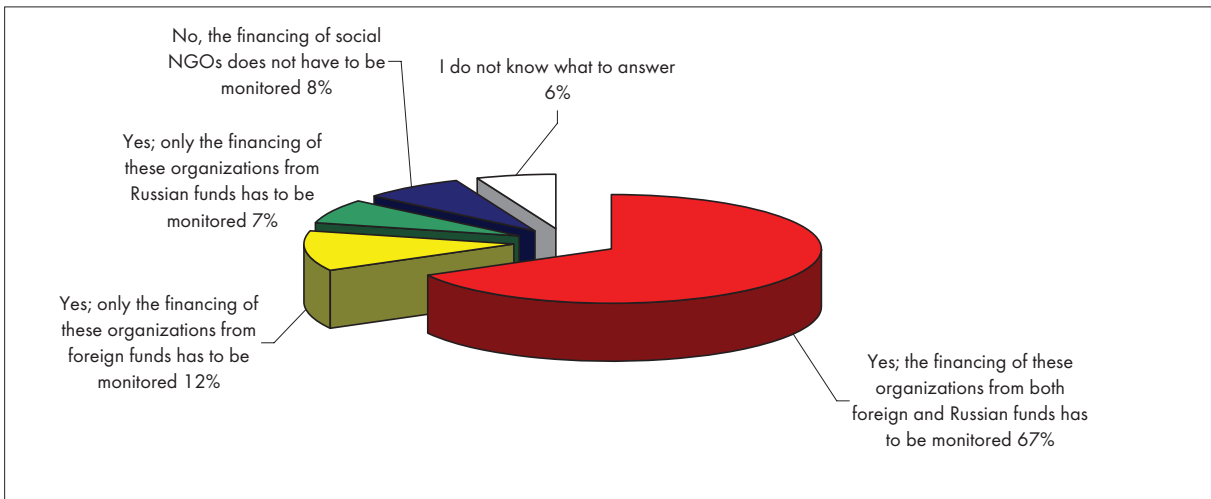
Source: *Donorskie i nekommercheskie organizatsii: chto my o nikh znaem*, Moscow 2005, p. 35
<http://www.donorsforum.ru/images/stories/Resultsresearch.pdf>

What is your attitude to human rights' organizations active in Russia (e.g., the Committee of Soldiers' Mothers or the Moscow Helsinki Group)?



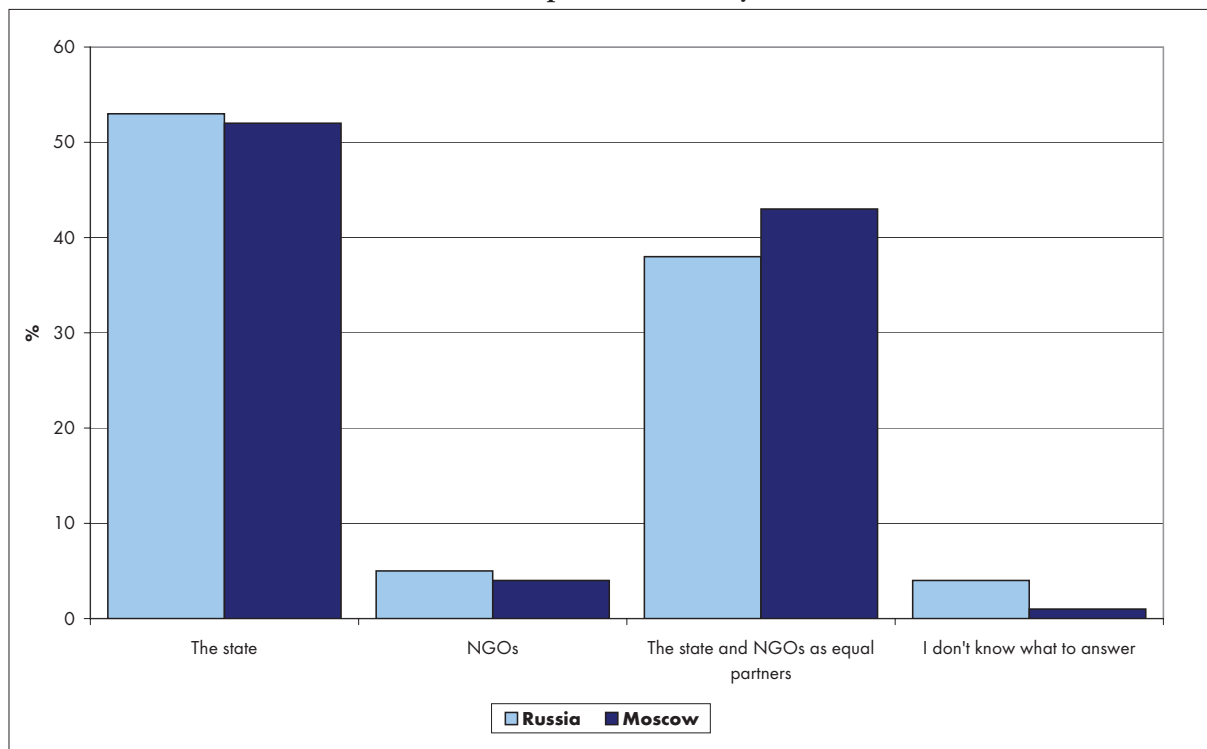
Source: Opinion survey by ROMIR monitoring, 15 March 2006, http://rmh.ru/news/res_results/247.html

Does the financing of NGOs have to be monitored?



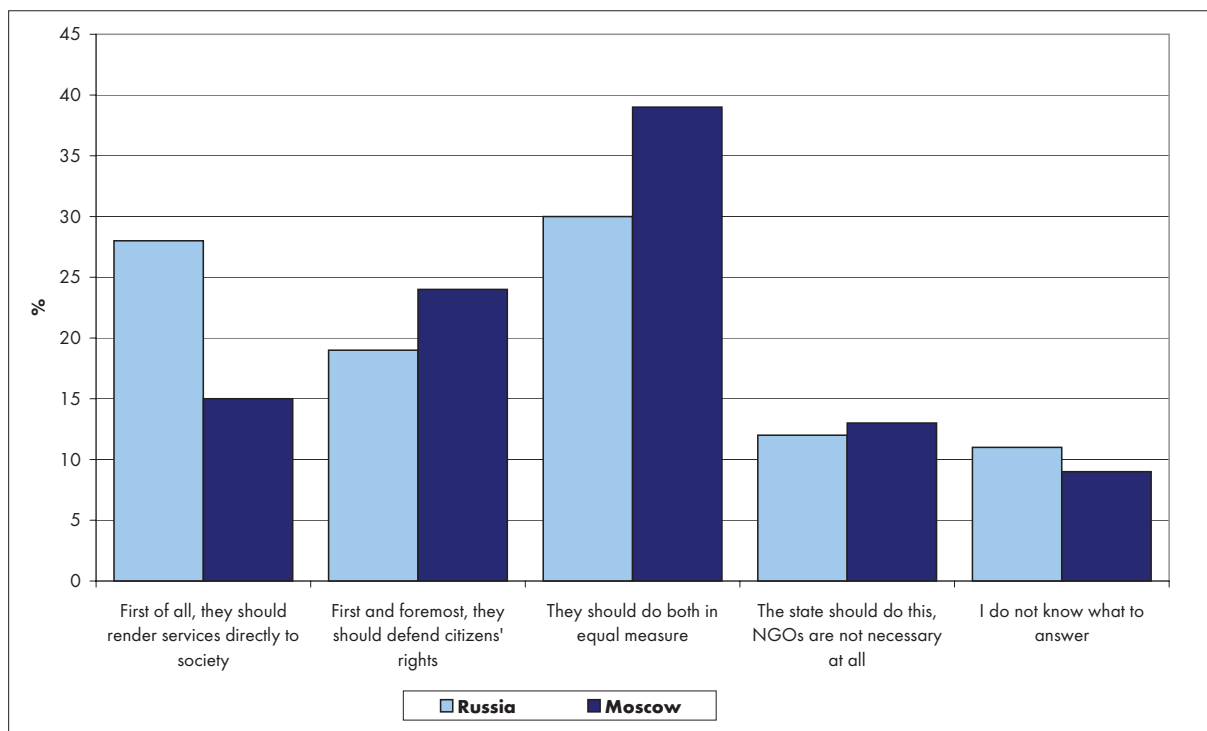
Source: Opinion survey by ROMIR monitoring, 15 March 2006, http://rmh.ru/news/res_results/247.html

Who should contribute more to the development of society?



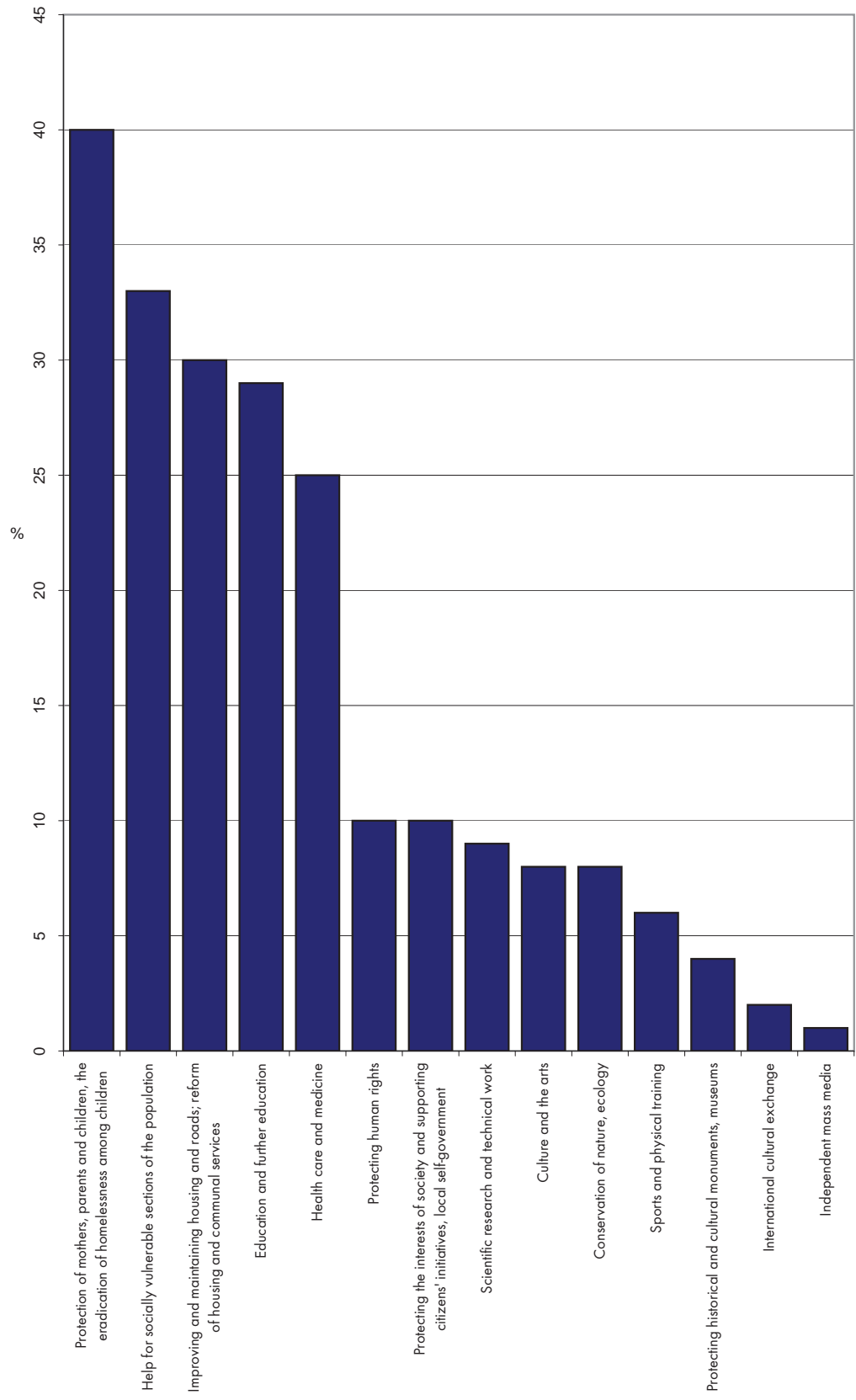
Source: *Donorskie i nekommercheskie organizatsii: chto my o nikh znaem, Moscow 2005, p. 37*
<http://www.donorsforum.ru/images/stories/Resultsresearch.pdf>

Tasks of NGOs



Source: *Donorskie i nekommercheskie organizatsii: chto my o nikh znaem, Moscow 2005, p. 40*
<http://www.donorsforum.ru/images/stories/Resultsresearch.pdf>

Areas in which NGOs should be active



Source: Donorskie i nekommercheskie organizatsii: chto my o nihb znaem, Moscow 2005, p. 39
<http://www.donorforum.ru/images/stories/Resultsresearch.pdf>

Regional Report

Authorities Begin Implementing New NGO Law

Dmitry Vinogradov, Moscow

Russia is now tabulating the first results of the new law on NGOs. Its first victims were the “dead souls,” organizations that had been formally registered but conducted no activities in practice. However, observers predict that the more complicated procedures contained in the new law will give the authorities the ability to persecute serious organizations that they do not like.

Upon going into effect on 18 April, the law noticeably strengthened state procedures for registering and monitoring the activities of NGOs operating in Russia. Now the Federal Registration Service (FRS) will serve as a unified system of state monitoring. Earlier this service registered only religious organizations. Other organizations were supposed to be registered by the tax service and the only reason for denying registration was the absence of the appropriate founding documents.

The workings conditions for Russia’s NGOs have also been tightened: they must now present annual accounts of their activities, changes in their founders, financing, and a host of other issues. The organizations must inform the FRS about their activities, noting the date and time of all events and the number and background of the participants. The NGOs also must declare whether their activities were covered in the electronic or print media, on the internet, or in public lectures. The FRS does not have the right to audit the NGOs, but it can request that the tax or law enforcement agencies carry out this task.

Two foreign non-governmental organizations have already been banned from activities in Ingushetia. In January, the republic’s Supreme Court ordered the closure of the British Center for Peacekeeping and Community Development and the German organization HELP. Both organizations were providing aid to Chechen refugees living in Ingushetia. According to the General Procurator, they did not have permission for carrying out their activities.

Russians organizations have also had difficulties in receiving foreign grants. Internews, an organization that works with the Russian media, received a grant for its media work in November 2005 from the European Union. However, the organization is still waiting for the registration of this grant and has not been able to receive the money. Additionally, the New Eurasia Foundation, which gives grants to Russian NGOs, has been waiting more than a year for the registration of two USAID grants for a sum of \$2 million. As a result, the group has had to freeze several of its projects.

“The goal of the new law is obvious,” according to Aleksei Shumilov, head of the Khabarovsk NGO Counterpart Business Support Foundation, which works to support small business. “The state is seeking to ‘insure’ itself against NGOs, which directly or indirectly support the idea of replacing the existing authorities. But, as usual in Russia, the normally functioning NGOs will suffer, those whose activities benefit society and ensure the stability of the state.”

Shumilov pointed out that now it is practically impossible to receive a certificate from the government Commission on International Humanitarian and Technical Aid freeing a group of the need to pay taxes on money received from foreign grants. “The term for examining applications has stretched to several years. As a result, a Russian NGO cannot in a timely way receive money provided by foreign governments for resolving concrete social-economic problems. At the same time, there are now several firms working around the commission that offer to speed up the process of obtaining a certificate for several thousand dollars,” he said.

Greenpeace Russia Executive Director Sergei Tsyplenkov believes that the new law “was introduced in order to get rid of unwanted social organizations.” Additionally, the law “introduces many new clauses” which can be interpreted broadly, so that “the interpretation of each clause of the law in each case will depend on the bureaucrats in the state registration service. Much will depend on the application of the law. In Russia, there are many laws that are simply not applied, while at the same time, there are many laws which offer the opportunity for bureaucrats to interpret them as they wish.”

Interestingly, commentators with close ties to the authorities do not hide the anti-western idea behind the new law. “Full freedom of action for non-profit organizations is unacceptable,” according to State Duma Deputy Speak Vladimir Zhirinovskiy, the leader of the Liberal Democratic Party of Russia. “No one is hindering these organizations, there are tens of thousands of them; let them work. But we must monitor them to make sure that under a beautiful name

several organizations are not carrying out unfavorable activities. If you are involved in legal work, then why would you fear the inspectors? You need simply show, for example, that you received money from London and used it to make charity-boxes, bought computers, or wheelchairs—no problem. But if you spent this money on publishing extremist literature or prepared a rebellion in the country, we must close down such activities. Those who are outside the law of our country fear monitoring. The rights of law abiding organizations will not be squeezed. All honest citizens profit from monitoring non-profit organizations—it is a question of our stability and security.”

However, not all observers support this point of view. “In all the world citizens and their organizations can do whatever is not forbidden by law and the authorities can only do what they are permitted to do. The Russian authorities are so afraid of civil society, that they have decided to take a second approach. It is one more step toward a police state and total control over society,” according to the Social Democratic Foundation president Anatolii Golov. “Rather than maximally including citizens and their organizations in the resolution of the country’s most serious problems, the authorities are saying to them: go away, don’t cause problems.”

The human rights defenders point out that the method in which the law is implemented will complicate the activity of organizations—there will be a considerable amount of paperwork in which it will be possible to find a reason for declaring an NGO’s documents in violation of the law and close the organization. “Now we can end our work on building a civil society: all of our effort and time will go toward filling out forms for the FRC,” Nina Tagankina, the executive director of the Moscow Helsinki Group, said ironically.

Lilia Shibanova, the executive director of the Golos association for defending voters’ rights says that she is not afraid of strict financial accounting procedures: “We receive large foreign grants and are used to strict controls. It does not make a difference to us where we send our financial accounts.” She is more worried about registration procedures: “If the procedures are clearly defined and transparent, then we will work calmly. But if after this, we must obtain more papers, that means there will be red tape and extensive bureaucratic manipulations.” Shibanova suggested that organizations involved in defending human rights would have problems.

“Now the real reason behind the law on NGOs is clear,” according to Svetlana Gannushkina, the chairman of Civil Assistance. “It is impossible to prepare a

ton of papers for the FRS without making mistakes. The bureaucrats will audit the NGOs with ‘suspicious’ political positions and the mistakes found will provide the basis for liquidating the groups through the courts, on a completely legal basis. The small organizations will die since they will not be able to deal with all the paperwork, and it will be very difficult for the rest,” predicts Lyubov Vinogradova, the director of the Human Rights Research Center.

For their part, the civil servants complain that the amount of work they must do has risen considerably, while the number of employees has remained the same. According to Elena Kartashova, deputy head of the Tomsk FRS, “the number of NGOs across Russia which were not on the FRS list is 400,000. In Tomsk we must add 3,000 to 3,500 new organizations to our lists. Many of these are associations of homeowners, garden cooperatives, and various associations and foundations.”

According to Kartashova, the main reason for rejecting registration applications in Tomsk is not “ideological,” but elementary failures in meeting the requirements of the law—not filling out the documents properly or doing so incompletely. “After the errors found by our employees are corrected, usually the NGOs are registered without any problem,” she said.

Aleksandr Odintsov, head of the FRS in Tyumen Oblast, said that after the law went into effect, his region opened 14 new NGO registration offices, but even these are not sufficient. Although the number of employees was increased to meet the new demands, “we need at least twice as many new hires,” he said. “There are 9,740 NGOs registered on our territory.”

Despite the assurances of the authorities, there are already precedents in which organizations have had trouble with the new law, even among organizations that have extensive legal experience. In April, the FRS filed papers with Moscow’s Basman court seeking to close the Center for Human Rights. In its filing, the FRS charged that the group for five years had not filed the necessary forms about its activities. The Center’s lawyer Irina Khrunova showed that the charges were baseless since the organization had evidence to prove that all the necessary documents had been given to the Justice Ministry. It turned out that these documents had simply become lost somewhere in the bureaucracy’s archives.

In May the FRS filed a case to close down the Union of Committees of Soldiers’ Mothers, the famous human rights organization fighting for the rights of military conscripts. The reason for the case was the absence of a report on the organization’s work.

This time it turned out that the report had been lost in the mail. When the group presented it to the FRS, the head of the agency Aleksei Zhafyarov canceled the case.

Even small organizations which can hardly be accused of participating in oppositional activity have suffered under the law. In Novosibirsk, the Gvardeisk organization described an incident in which the tax inspector in one of the city's neighborhoods closed its bank account simply because he had never heard of the possibility of holding non-profit status. The group was ultimately able to restore its account.

According to Aleksandr Chuev, deputy chairman of the State Duma Committee for the affairs of social organizations, during the first months since the law went into effect only an insignificant number of NGOs have been deprived of their registration. Now the monitoring agencies are examining the documents for 2005 submitted before 18 April. Once these documents are examined, the organizations that failed to submit their paperwork will lose their registration. Chuev predicted that 5–7 percent of the organizations could be closed, though he also suggested that the number could be as low as 2–3 percent. He noted that mainly the organizations to be closed were those that only existed on paper and were not currently active or operated in violation of the law. "The remaining organizations will continue to work," he said.

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The predictions of other observers are much less optimistic. According to former Russian human rights ombudsman Oleg Mironov, after the implementation of the law, only a quarter of the current human rights organizations would continue to exist. The main victims would be human rights organizations working in the regions. So far, however, his dark prediction has not come true.

The FRS's Zhafyarov said that last year his agency found about 40,000 inactive organizations among the groups it audited. If these organizations do not submit current documents, they will be closed. Sverdlovsk oblast FRS head Anna Mokrushina claimed that only 34 percent of the approximately 6,000 organizations in her region had turned in the necessary registration material. The other groups now risk losing their registration.

Lev Levinson, a member of the expert committee advising the Russian human rights ombudsman, believes that the results of the new law, which he describes as "a blow to all segments of civil society," can only be tabulated in a year, when social organizations must reregister. "Until then the agencies involved in monitoring the situation, and even the Council of Europe, will not see any kind of change in the activities of the NGOs. Most likely then [a year from now] the Council of Europe will reduce its monitoring activities. Precisely here is where we see the role of the state."

Documentation

Freedom House Nations in Transit Ratings and Averaged Scores: Russia 2006

| | 1997 | 1998 | 1999 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 |
|-------------------------------------|------|------|------|------|------|------|------|------|------|
| Electoral Process | 3,50 | 3,50 | 4,00 | 4,25 | 4,50 | 4,75 | 5,50 | 6,00 | 6,25 |
| Civil Society | 3,75 | 4,00 | 3,75 | 4,00 | 4,00 | 4,25 | 4,50 | 4,75 | 5,00 |
| Independent Media | 3,75 | 4,25 | 4,75 | 5,25 | 5,50 | 5,50 | 5,75 | 6,00 | 6,00 |
| Governance* | 4,00 | 4,50 | 4,50 | 5,00 | 5,25 | 5,00 | 5,25 | n/a | n/a |
| National Democratic Governance | n/a | n/a | n/a | n/a | n/a | n/a | n/a | 5,75 | 6,00 |
| Local Democratic Governance | n/a | n/a | n/a | n/a | n/a | n/a | n/a | 5,75 | 5,75 |
| Judicial Framework and Independence | 4,00 | 4,25 | 4,25 | 4,50 | 4,75 | 4,50 | 4,75 | 5,25 | 5,25 |
| Corruption | n/a | n/a | 6,25 | 6,25 | 6,00 | 5,75 | 5,75 | 5,75 | 6,00 |
| Democracy Score | 3,80 | 4,10 | 4,58 | 4,88 | 5,00 | 4,96 | 5,25 | 5,61 | 5,75 |

* Starting with the 2005 edition, Freedom House introduced separate analysis and ratings for national democratic governance and local democratic governance to provide readers with more detailed and nuanced analysis of these two important subjects.

The ratings are based on a scale of 1 to 7, with 1 representing the highest level of democratic progress and 7 the lowest. The Democracy Score is an average of ratings for the categories tracked in a given year.

Source: <http://www.freedomhouse.hu/nitransit/2006/russia2006.pdf>

About the Russian Analytical Digest

The Russian Analytical Digest is a bi-weekly internet publication jointly produced by the Research Centre for East European Studies [Forschungsstelle Osteuropa] at the University of Bremen (www.forschungsstelle-osteuropa.de) and the Center for Security Studies (CSS) at the Swiss Federal Institute of Technology Zurich (ETH Zurich). It is supported by the Otto Wolff Foundation and the German Association for East European Studies (DGO). The Digest draws on contributions to the German-language *Russlandanalysen* (www.russlandanalysen.de), the CSS analytical network on Russia and Eurasia (www.res.ethz.ch), and the Russian Regional Report. The Russian Analytical Digest covers political, economic, and social developments in Russia and its regions, and looks at Russia's role in international relations.

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The Research Centre possesses a unique collection of alternative culture and independent writings from the former socialist countries in its archive. In addition to extensive individual research on dissidence and society in the Soviet Union, in 2006, a group of international research institutes will be assembled for a collaborative project on the theme "The other Eastern Europe – the 1960s to the 1980s, dissidence in politics and society, alternatives in culture. Contributions to comparative contemporary history" which will be funded by the Volkswagen Foundation.

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