

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.

About the author:

Dmitry Vinogradov is a journalist for gazeta.ru and the editor of tayga.info, a website with information about Siberia.

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>