

Delegation of the Russian Federation

**STATEMENT BY
THE DELEGATION OF THE RUSSIAN FEDERATION AT THE
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RULE OF LAW IN THE PROMOTION AND
PROTECTION OF HUMAN RIGHTS**

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**Session III: Strengthening the rule of law in the promotion and protection
of civil, political, social, economic and cultural rights**

**Regulating the activities of civil society institutions and strengthening their
co-operation with State structures**

Mr. Chairperson,
Ladies and gentlemen,

Civil society institutions play an important role in the promotion and protection of the Russian population's civil, political, social, economic and cultural rights.

The Russian State finds itself in a transitional stage of its development, which is characterized by the active formation of a new system of voluntary associations and organizations created on the basis of civil initiatives and community action taking into account the diverse interests of different population groups. Considerable attention is being paid to strengthening co-operation between government and social institutions as well as to increasing State support for non-governmental organizations. The Concept of Long-Term Socio-Economic Development of the Russian Federation until 2020 has been approved, and one of its priorities is the development of civil society institutions.

The diversity of the types of activity of non-profit organizations in the Russian Federation is extremely significant. The non-profit sector effectively provides various social services to the population, deals with environmental problems, the protection of civil rights and social rehabilitation, and assists persons with disabilities, children without parental care, refugees and displaced persons. Many non-profit organizations are engaged in human rights protection and public monitoring of the work of government services, which helps to develop and strengthen the institutional foundations of civil society.

Non-profit organizations are represented by such integral elements of the market economy as chambers of commerce and industry, commodity markets and stock exchanges as

well as social sector elements such as medical and educational institutions and private pension funds.

Over 220,000 (220,241 to be precise) non-profit organizations are registered in the Russian Federation, including 15 branches of international organizations and foreign non-profit non-governmental organizations. Furthermore, over 230 foreign non-profit non-governmental organizations are operating on the territory of the Russian Federation through their branches and offices (164 offices and 53 branches).

The activities of foreign non-governmental non-profit organizations are usually focused on environmental and cultural issues, inter-ethnic relations, work with young people, the observance of human rights, improvement of the conditions for ethnic groups, and the development of democracy and civil society.

Over the past decade, a host of federal laws and statutory instruments regulating the activities of various non-profit organizations have been adopted. The main law regulating the activities of non-profit organizations is the Federal Law on Non-profit Organizations, which is constantly being improved on the basis of its application in practice.

The term “socially-oriented non-profit organizations” was introduced in April 2010 by the Federal Law on the Introduction of Amendments to Individual Legislative Acts of the Russian Federation regarding Support for Socially-Oriented Non-Profit Organizations.

Non-profit organizations established in accordance with the Federal Law on Non-Profit Organizations and carrying out activities aimed at resolving social problems and developing civil society in the Russian Federation are deemed to be socially oriented. Such organizations may also carry out the following activities:

1. Social support and protection of citizens;
2. Teaching the population how to deal with the consequences of natural, environmental, man-made or other disasters and how to prevent accidents;
3. Providing assistance to the victims of natural, environmental, man-made or other disasters, and of social, ethnic or religious conflicts, and to refugees and displaced persons;
4. Protecting the environment and wildlife;
5. Protecting and, in accordance with the established requirements, maintaining sites (including buildings and structures) and territories of historical, religious, cultural or natural significance, as well as burial sites;
6. Providing free or subsidized legal aid to citizens and non-profit organizations, raising the population’s awareness of legal issues, and working to protect human and civil rights and freedoms;
7. Preventing socially dangerous behaviour by citizens;
8. Charitable work and the promotion of charitable causes and voluntary work;

9. Activities in the area of education, awareness-raising, science, culture, the arts, public health, preventive treatment and health protection, campaigns advocating a healthy lifestyle, improvement of the moral and psychological well-being of citizens, physical education and sport and the promotion of such activities, and the fostering of the spiritual development of the individual.

The State authorities and agencies of local self-government support socially-oriented non-profit organizations primarily through financial support and the donation of property.

Property is donated to socially-oriented non-profit organizations by State authorities and agencies of local self-government through the transfer of ownership and/or by allowing such organizations to use State or municipal property.

For example, in 2010, 1.574 billion roubles were allocated from the federal budget to non-profit organizations for social support and protection of citizens, public health, preventive treatment and health protection, campaigns advocating a healthy lifestyle, culture and the arts. In 2011, the figure was 1.891 billion roubles and in 2012 it was 2.078 billion roubles. Artistic unions were allocated 270 million roubles in 2010 and 2011, and 350 million roubles in 2012.

A total of 496 applications were submitted in 2011 by socially-oriented non-profit organizations to participate in a competitive selection to receive subsidies from the federal budget for the implementation of programmes to provide information, advisory and methodological support. Thirty-five organizations were successful, and were provided with subsidies totalling 132 million roubles. In 2012, 48 socially-oriented non-profit organizations out of the 702 applicants received subsidies totalling 162 million roubles.

As part of assistance to constituent entities of the Russian Federation in the development and implementation of measures to support socially-oriented non-profit organizations, subsidies are allocated on a competitive basis for the co-funding of such programmes. For example, 3 billion roubles were allocated in 2011 to regional programmes to support socially-oriented non-profit organizations in 53 constituent entities of the Russian Federation, and more than 4 billion roubles in 2012.

There are also other mechanisms for providing non-profit organizations with financial support. They include the allocation of grants to non-profit organizations from the federal budget through the Civic Chamber of the Russian Federation or the Foundation to Support Children in Difficult Life Situations. In 2010 and 2011, 1 billion roubles were allocated to voluntary associations involved in the development of civil society institutions, 1.516 billion roubles were allocated in 2012, and 2.320 billion roubles in 2013.

Furthermore, a decision was adopted with the involvement of human rights advocates that the all-Russian non-governmental movement Civil Dignity will distribute State resources among Russian human rights non-profit organizations. We are talking about State support worth between 500 million and 1 billion roubles. Non-profit organizations will receive these funds on the basis of competitive bidding.

It should also be mentioned that particular attention is being paid to supporting the activities of non-profit organizations in the form of communities of indigenous minorities of the Russian Federation. This support is aimed at promoting the observance of the guarantees

of the distinctive socio-economic and cultural development of the indigenous minorities of the Russian Federation, protection of their primordial living environment, traditional way of life, husbandry and crafts. There are more than 1,000 indigenous minority communities carrying out their activities in Russia.

In 2013, 240 million roubles were allocated for the support of the economic and social development of indigenous minorities from the north, Siberia and the far east of the Russian Federation from the federal budget of the constituent entities of the Russian Federation as part of the programme “Strengthening the Unity of the Russian Nation and Ensuring the Ethnocultural Development of Russia’s Peoples” and the State programme of the Russian Federation “Regional Policy and Federal Relations” for the period 2013 to 2020.

More than half of the non-profit organizations are voluntary associations, which may be established as one of the following forms:

- Voluntary organization;
- Grass-roots movement;
- Community trust;
- Community institution;
- Community body;
- Political party;
- Indigenous minority community;
- Trade union;
- National cultural autonomy.

Over 104,000 voluntary associations, 343 of them international ones, are operating in the Russian Federation. In accordance with the norms of the Federal Law on Voluntary Associations, voluntary associations in the Russian Federation may operate as a legal entity or may choose not to form a legal entity.

Trade unions protecting the interests of salaried workers are the most important form of voluntary associations. The possibility of establishing trade unions is currently recognized by law in all democratic States.

The State registration of trade unions in the Russian Federation is exclusively on the basis of notification. The activities of trade unions are not regulated by the State authorities in accordance with the Federal Law on Trade Unions in the Russian Federation. Their activities are monitored solely by the Office of the Prosecutor General. The decision to suspend or prohibit their activities may be taken solely by the courts.

The law guarantees protection to trade union activists against possible prosecution for their activities and the possibility of creating a grass-roots organization within any workforce regardless of the form of ownership. Employers are obliged to conduct collective negotiations with trade unions on social and labour-related issues and to conclude collective bargaining agreements and accords. Trade unions are entitled to monitor the observance of labour legislation and to receive from employers and the authorities the information needed to carry out their activities.

In addition, a considerable number of organizations receiving foreign funding operate in Russia. While providing detailed reports to foreign sponsors, many organizations have tried to avoid any kind of monitoring of their activities on the part of the State. A considerable number of non-profit organizations have not had their work checked for a period of five years or more, and some have not been checked since their establishment. With a view to increasing the transparency of the activities of such non-profit organizations, Federal Law No. 121-FZ was adopted on 20 July 2012 and entered into force on 21 November 2012. It introduced the term “non-profit organization performing the function of a foreign agent”. It should be mentioned that according to information from the Russian Financial Monitoring Service, 2,226 non-profit organizations received 30.8 billion roubles from abroad during the period from November 2012 to April 2013 alone.

The law classes as non-profit organizations performing the function of a foreign agent all registered Russian non-profit organizations that simultaneously meet two criteria: receipt of foreign funding and participation in political activities.

A non-profit organization performing the function of a foreign agent is understood to mean a Russian non-profit organization that receives funding or other assets from foreign sources (from foreign States, their government authorities, international or foreign organizations, foreign citizens, stateless persons or persons authorized by them and/or from Russian legal entities receiving funding or other assets from the aforementioned sources), and participates, among other things in the interests of the foreign sources, in political activities carried out on the territory of the Russian Federation.

In that connection, a non-profit organization, with the exception of a political party, is recognized as participating in political activities on the territory of the Russian Federation if independently of the objectives and tasks set out in its constituent documents, it participates (among other things by means of financing) in the organization and holding of political actions with the aim of influencing the adoption by the State authorities of decisions aimed at changing State policy and also in the formation of public opinion for the aforementioned purposes.

Activities in the area of science, culture, the arts, public health, preventive treatment and health protection, social support and the protection of citizens, the protection of childhood and motherhood, social support for persons with disabilities, campaigns advocating a healthy lifestyle, physical education and sport, protection of plant and animal life, charity work and also activities promoting charitable causes and voluntary work are not classed as political activities.

Information on non-profit organizations performing the function of a foreign agent must be included in the relevant register, which is maintained by the Ministry of Justice of

the Russian Federation. However, all non-profit organizations listed in the register may continue to carry out their work without any restrictions.

The investigation of the activities of around 1,000 non-profit organizations carried out by the Office of the Prosecutor General took place for several purposes. Firstly, to monitor the implementation of the legislation on non-profit organization, to establish whether the amendments to the law are being implemented and whether it requires improvement. Secondly, to obtain objective data on the number of non-profit organizations financed from abroad, on their areas of activity and interests, and on the scale of funding received from their foreign sponsors. Thirdly, to identify organizations violating the provisions of the law, including those on countering extremist activity, and also to identify non-profit organizations that need to be included in the list of foreign agents. Lastly, to assess the comprehensiveness and justification of the monitoring of the activities of non-profit organizations by the State authorities.

The results of the investigation indicated that 215 organizations showed signs of political activity and confirmed foreign funding exceeding 6 billion roubles during the period from 2010 to 2013. It was established by the prosecutors that 22 non-profit organizations came under the purview of the legislation on foreign agents. They were issued with the appropriate warnings. Owing to non-fulfilment of legal requirements, the Office of the Prosecutor General instituted nine cases of administrative proceedings, four of which have been examined by the courts.

Detailed information regarding the results of the investigation of non-profit organizations was set out in the statement by the Prosecutor General of the Russian Federation, Mr. Yury Chaika, at the meeting of the Federation Council of the Federal Assembly of the Russian Federation and has been posted on the website of the Office of the Prosecutor General. Furthermore, the President of the Russian Federation called for the preparation of proposals to improve the aforementioned law.

In this context, I should like to point out in particular that the work to develop and adopt constitutional federal laws is taking place amidst a two-month public discussion in the Russian Federation involving the posting of draft legal instruments on the Internet. Furthermore, no legal instrument can be adopted by the State authorities without an analysis by anti-corruption experts. The mechanisms for ensuring openness in the work of the State authorities before the people will continue to be improved.