

## **Developments in Legislation on Noncommercial Organisations. International Experience**

Round table co-organised by the Conference of International Non-Governmental Organisations of the Council of Europe and the Civic Chamber of the Russian Federation

Moscow, 31 October 2013

### **Meeting report**

The round table was organised to present the opinion of the Expert Council on NGO Law of the Conference of INGOs on the so-called “foreign agents’ law” and to offer an international platform for an exchange of views on NGO legislation and its implementation and to receive first-hand information on the situation in the Russian Federation. Special attention was paid to the problems raised by the so-called “foreign agents’ law”, ie political activities of NGOs, access to foreign funding and implementation of NGO legislation, in particular inspections. Information on European standards and practice was provided by speakers from the Conference of INGOs, the Expert Council on NGO Law and the Office of the Human Rights Commissioner. In order to contribute to civil dialogue in the country, a broad range of state and non-state actors were invited. The round table built on the co-operation of the Conference of INGOs with the Presidential Council on the Development of Civil Society and Human Rights under Ms Ella Pamfilova, the then Chairperson of the Council, and the Civic Chamber which both started in 2007.

The round table was well attended by a broad range of Russian civil society representatives, including leading Human Rights NGOs, Mr Mikhail Fedotov, Chairman of the Presidential Council on the Development of Civil Society and Human Rights, Ms Tatyana Vaghina, Deputy Director of the NGO Department of the Ministry of Justice, Mr Sergey Popov, Department on Relations with Subjects of the Federation, Parliament and Public Associations of the Ministry of Foreign Affairs and Mr Alexander Sokolov and Ms Daria Miloslavskaya from the Civic Chamber.

The programme is appended.

Discussions were lively, open, controversial and sometimes polemic. The event was transmitted live through the website of the Civic Chamber.

Main findings of the discussions:

- It was recalled by some Russian participants that the law was the law and had to be applied;
- Recent opinion polls suggested that the majority of the respondents were in favour of more stringent legislation regulating activities of the NGOs, including their financing;
- Expert assessments were needed in order to understand and apply the NGO legislation properly;
- There was a general expectation that the “foreign agents’ law” will be changed but there were no concrete indications on the timing, scope and form of such changes. This would also depend on the decision of the Constitutional Court which was currently reviewing the law;
- The main problems were the definition of political activities of NGOs, the term “foreign agent” instead of organisation receiving foreign funding, the inspections and the role of the Prokuratura and inconsistent application of the law what led to numerous court cases;

- A more enabling legal environment for NGOs did not only require a revision of the “foreign agents’ law” and NGO legislation but a revision of the whole legal framework concerning NGOs;
- There was ample evidence of the damage caused by the law and the inspections in terms of creating a negative atmosphere, disrupting of the work of the NGOs which were subject of inspections, the number of pending court cases and the stigma of “foreign agents” which led to the cancellation of activities and a reduction in the number of volunteers;
- Several NGO representatives said that the role of organised civil society in a democratic system based on human rights was not well understood by the state authorities;
- A number of speakers thanked the Council of Europe for its support through the different expert opinions as well as through the round table. It was underlined that the help of international organisations where Russia was a member was needed to bring about changes in the NGO legislation and implementation practice.

Possibilities for future co-operation:

- Mr Mikhail Fedotov, Chairman of the Council on the Development of Civil Society and Human Rights under the President asked for
  - o advice on agreements concluded by government and civil society on civil dialogue and co-operation;
  - o help to extend the funding base of the current fund for grants to civil society financed by the state budget so as to include also foreign funding.
- Ms Daria Miloslavskaya, member of the Civic Chamber, Director of the Affiliate Office of the International Center for Not-for-profit Law, referred to the positive experience with dialogue and co-operation on NGO legislation facilitated by the Conference of INGOs and expressed the hope to meet again to discuss not only problems but also possible solutions by integrating relevant experience from other countries in the Russian context.
- Mr Cyril Ritchie, Chairman of the Expert Council on NGO Law of the Conference of INGOs suggested continuing the dialogue which had started at the round table by working together in a task force on the amendments of the NGO legislation which included different actors from the Council of Europe and the Russian Federation.
- Mr Eladio Fernandez-Galiano, Head of the Democratic Initiatives Department suggested to work together to address the problems caused by the so-called “foreign agents’ law”.

Jutta Gützkow

Head of Civil Society Division, Directorate General Democracy

November 2013



CONFERENCE OF INGOs  
OF THE COUNCIL OF EUROPE

CONFERENCE DES OING DU  
CONSEIL DE L'EUROPE

**Round Table**  
**“Developments in Legislation on Non-commercial Organisations.  
International Experience”**

Co-organised by the Conference of International Non-Governmental Organisations of the Council of Europe and the Civic Chamber of the Russian Federation

Moscow, 31 October 2013  
Civic Chamber of the Russian Federation (7/1, Miuskaya Square)

**PROGRAMME**

10.30 Registration, coffee

11.00 Opening

**Alexander Sokolov**, Head of the Inter-Commission Working Group on International Cooperation and Public Diplomacy, CCRF

**Jean-Marie Heydt**, President of Conference of INGOs of the Council of Europe

**Eladio Fernandez-Galiano**, Head of Democratic Initiatives Department, Directorate General of Democracy of the Council of Europe

**Mikhail Fedotov**, Chairman of the Presidential Council for Civil Society Development and Human Rights, Advisor to the President of the Russian Federation

11.45 Presentation of the main findings of the Opinion of the Expert Council on NGO Law on the “Law Introducing Amendments to Certain Legislative Acts of the Russian Federation Regarding the Regulation of Activities of Non-Commercial Organisations Performing the Function of Foreign Agents”

**Dragan Golubovic**, member of the Expert Council on NGO Law of the Conference of INGOs

12.00 Panel discussion with the participation of the audience on the current challenges in NGO legislation in Russian Federation:

(1) Implementation of NGO legislation – **Tatyana Vaghina**, Deputy Director of the NGO Department of the Ministry of Justice;

- (2) Results of the Prosecutor's inspections of NGOs – **Vasily Romanets**, ICNL Moscow Office Senior Lawyer;
- (3) Inspections of NGOs and the protection of private life - **Olena Petsun**, Advisor in the Office of the Human Rights Commissioner of the Council of Europe;
- (4) Political activities of NGOs – **Maria Pomazkova**, Expert Council on NGO Law of the Conference of INGOs;
- (5) Impact of the inspections on NGOs – **Elena Zhemkova**, Executive Director of International Association “Memorial”;
- (6) Possible Changes to NGO Legislation – **Elena Abrosimova**, Moscow University Associate Professor, Doctor in Law.
- (7) Recent developments in standards, mechanisms and case law of the European Court of Human Rights which are of relevance to NGO legislation – **Cyril Ritchie**, President of the Expert Council on NGO Law

**Moderators:**

**Alexander Sokolov**, Member of the Council of the Civic Chamber of the Russian Federation, Head of the Inter-Commission Working Group on International Co-operation and Public Diplomacy

**Annelise Oeschger**, Chair of the Human Rights Committee of the Conference of INGOs

14.30 Conclusions

**Speakers:**

**Daria Miloslavskaya**, Member of the Civic Chamber of Russian Federation

**Cyril Ritchie**, President of the Expert Council on NGO Law of the Conference of INGOs

15.00 End of the Round Table