



RUSSIA UNDER PUTIN: 20 YEARS OF BATTLING OVER CIVIL SOCIETY

Report by the Institute of Modern Russia

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EXECUTIVE SUMMARY

This report is the second in IMR's 2020 "Russia under Putin" series. Using original interviews with experts and practitioners, statistical accounts, media reports, and secondary literature, we examine how the authoritarian political regime established in Russia over the last twenty years has affected the development of civil society organizations.

Although on paper Russia seems to have as large a civil society sector as other post-communist states, in reality we find that official government statistics fail to accurately capture the number of civil society organizations operating today. Too many organizations fall under the umbrella of "nonprofit" under Russian law, and incomplete or unenforced reporting requirements mean that only a fraction of the officially registered organizations are actually active. Data inconsistencies within existing reports on civil society organizations produced both by Russian and international monitoring groups further complicate efforts to quantify the sector.

Using original data from a sample of organizations in five Russian regions, we highlight several characteristics of civil society organizations: most organizations are durable; a plurality focus

on social welfare issues; nearly all have an active online presence; and a little over half are headed by women.

Delving into the development of the sector, we find that the most prominent trend of the last twenty years has been increasing state control over civil society organizations motivated by suspicion of non-state influences over society. Using regulations, funding schemes, and closer integration with state agencies, Vladimir Putin's regime has divided Russian civil society organization into "good" and "bad" actors, seeking to promote some as partners of the state and frame others as a security threat.

In spite of their vulnerability, Russia's civil society organizations continue to be vibrant. We document how organizations of different types have responded to repressive legislation, continuing to raise awareness of socio-political issues and representing the interests of the people they serve. We conclude this report with five recommendations that urge policymakers, funders, and others to recognize the independence and diversity of Russia's civil society organizations and think creatively about how to help this important sector.

INTRODUCTION

This report continues our 2020 series “Russia under Putin,” which highlights important trends in Russia’s political development. While our first report considered protest trends as a “visible and undeniable statement about political values,” this report focuses on civil society organizations (CSOs)¹ because of the important role they play in protecting private life from state intrusion, fostering relationships of trust between people, advancing new socio-political and economic ideas, disseminating information, and enabling personal freedoms.

How well CSOs are able to perform these functions depends in large part on the political system in which they exist. In every country around the world, the state has the power to regulate, and therefore mold, civil society. In Russia, the political system that has emerged over the course of the last twenty years is characterized by centralization, an absence of political competition, and an aggressive foreign policy. Each of these components has affected the development of Russia’s CSOs.

During the first post-Soviet decade, Boris Yeltsin’s government neither impeded nor sup-

ported the development of civil society groups, leading to the emergence of a “nonprofit sector that [...] was weak, fragmented, and poorly connected with elites and with the populations it claimed to represent.”² By contrast, the Russian state under Putin has turned its full gaze onto society. One form this attention has taken is increased regulation. For example, the federal law regulating nonprofit organizations,³ originally adopted by the State Duma in December of 1995, has been amended a total of ninety times to date—just ten times in its first decade, sixty-seven times between 2007 and 2016,⁴ and another thirteen times since 2017.

The increased regulation of civil society has not been neutral. Putin has “shown a preference for organizations that share his enthusiasm for a strong state, nationalistic themes, and traditional Russian values”⁵ and has overseen the passage of laws and the creation of funding schemes to promote his vision of civil society. At the same time, CSOs that are focused on human rights, political advocacy, and other similar issues have

¹ In this report, we use “civil society organizations” (CSOs) as a broad catch-all term that denotes formal, voluntary, self-organizing groups working to articulate, promote, or advance a cause or interest that exists outside the private sphere of the family, organized politics, or the market. This term includes nonprofit, nongovernmental, and third-sector organizations. According to Russian law, a nonprofit organization is a legal entity that does not operate for the sole purpose of generating and distributing profit. This means that all civil society organizations are nonprofits, but not all nonprofits are civil society organizations (for example, political parties in Russia are nonprofits but fall outside our definition of civil society organizations since they engage in organized politics). The term non-governmental organizations, or NGOs, is often used as shorthand for civil society in the West but does not adequately reflect the reality of the civil society sector in Russia, where some charitable organizations may be founded in part or in whole by the state.

² Sarah Henderson. (2011) “Civil Society in Russia: State-Society Relations in the Post-Yeltsin Era.” NCEEER Working Paper, p.9. Available here: https://www.ucis.pitt.edu/nceeer/2011_824-17_Henderson.pdf

³ Full text available here: Federal law of January 12, 1996 N. 7-FZ “On Noncommercial Organizations” (in Russian: «Федеральный закон от 12 января 1996 г. N 7-ФЗ г. Москва “О некоммерческих организациях»»), *Rossiyskaya Gazeta*, January 24, 1996. <https://rg.ru/1996/01/24/nko-dok.html>

⁴ “2017 Report on the State of Civil Society in the EU and Russia.” EU-Russia Civil Society Forum, February 2018, p. 100. Available here: https://eu-russia-csf.org/wp-content/uploads/2019/04/2018_03_16_Report_Pages.pdf

⁵ Alfred B. Evans. “Vladimir Putin’s Design for Civil Society” in *Russian Civil Society: A Critical Assessment*. M.E. Sharpe: Armonk, New York, 2006, p. 149.

been subjected to punitive regulations that hamper their ability to obtain funding, disseminate information, and engage with society. Efforts to integrate certain CSOs into the Kremlin's single system of authority—the power vertical—have also increasingly led to the creation of new intermediary institutions, such as the Civic Chamber, and made some CSOs official welfare service providers. These policies have divided the civil society sector into organization that are supported by the state and those that are marginalized by it.

The drastic decline of political competition⁶ in Russia over the last twenty years has also affected CSOs. Uncompetitive elections have degraded the ability of CSOs to influence public policy by eliminating normal incentives that would promote cooperation between politicians and civil society groups representing diverse interests. High barriers to political participation imposed by the state send the message that most spheres of life are not political, helping to reinforce narratives that portray civil society organizations as “helpers” to the state rather than political actors in their own right.

Russia's deteriorated relationship with the West

has also hurt the independence of CSOs and contributed to their dependency on the state.

The “foreign agent” and “undesirable organization” laws, as well as the expulsion of many major foreign funders over the last decade, have helped to depict outside assistance to civil society as “foreign meddling,” making most forms of international cooperation potentially dangerous for civil society groups.

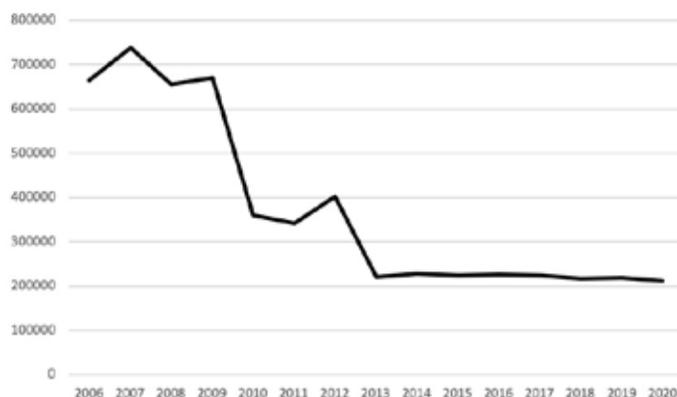
This report lays out how the development of Russia's civil society organizations has been influenced by the authoritarian nature of the political system. While the negative consequences of state control are clear, Russian civil society continues to be diverse, creative, and adaptable. We document how CSOs have been able to adjust to repressive legislation, continue to provide needed social services, raise awareness of important social issues, and influence public policy. As with our first report on protest trends in Russia, here we hope to provide a nuanced picture of Russian civil society, which has been shaped but far from extinguished by Vladimir Putin's twenty years in power.

⁶ According to Freedom House, which ranks Russia as “Not Free” in terms of political rights and civil liberties, “the multiparty system is carefully managed by the Kremlin, which tolerates only superficial competition against the dominant United Russia party.” See: “2020 Freedom of the World” report <https://freedomhouse.org/country/russia/freedom-world/2020>

CIVIL SOCIETY ORGANIZATIONS BY THE NUMBERS

Although the civil society sector comprises both formal and informal organizations, initiatives, movements, clubs, and associations,⁷ this report deals explicitly with formally registered nonprofit organizations operating in Russia. This focus provides a useful guideline for our investigation but does, admittedly, only capture a portion of existing civil society activity. Nevertheless, formally registered nonprofit organizations have received considerable attention from the Russian state—in the form of funding and regulation—as well as from international donors, and they increasingly play a leading role in providing welfare services to the Russian public.

Figure 1. Registered nonprofit organizations in Russia: 2006-2019⁸



Despite our relatively narrow focus, providing a description of CSOs in Russia remains challenging. First and foremost, there is a lack of meaningful data. Experts we interviewed as part of this project and official reports both noted the lack of publicly available comprehensive information on the sector. For example, one long-time practitioner observed:

"We don't have concrete information about what the sector looks like and this worries us [...] We do not know our sector."

According to another expert:

"One of the problems here is our lack of precise data that would allow us to track the development of civil society."

A 2014 report from the Civic Chamber also highlights this problem: "There is no single, holistic, and annually updated statistical picture of this sector [...] and no system for assessing [CSO] activity."⁹

The lack of data has three interconnected causes: 1) the way that nonprofit organizations are classified under Russian law; 2) overlapping state oversight; and 3) an absence of uniform accountability guidelines.

Too many organizations fall under the umbrella of "nonprofit" according to Russian law to make it a meaningful label for assessing civil society organizations. Under the Civil Code, all legal en-

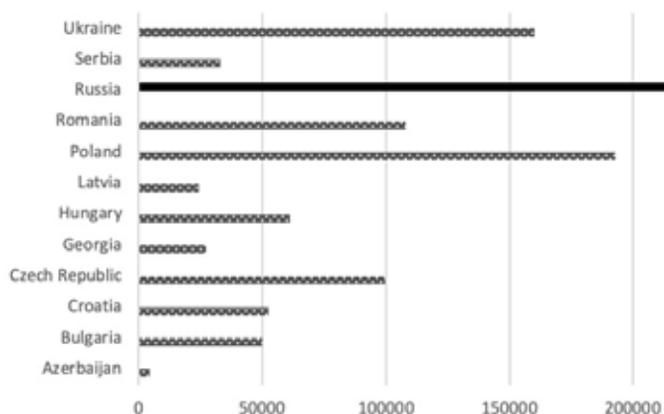
⁷ The United States Agency for International Development defines CSOs as "any organizations, whether formal or informal, that are not part of the apparatus of government, that do not distribute profits to their directors or operators, that are self-governing, and in which participation is a matter of free choice. Both member-serving and public-serving organizations are included." The 2014 CSO Sustainability Index for Central and Eastern Europe, p. 255. Available here: <https://www.usaid.gov/europe-eurasia-civil-society/2014>

⁸ Data compiled from annual reports produced by the Ministry of Justice (2012–2019, excluding 2016 and 2014) and annual reports by the Civic Chamber of the Russian Federation (2006–2019).

⁹ Russia's Civic Chamber report, 2014. Available here: <https://www.oprf.ru/documents/1151/2169/>

tities in Russia are classified as either commercial or nonprofit (not seeking to derive profit or distribute profit among members). Under this formula, nonprofit organizations include real estate associations, state-run educational institutions, political parties, lawyers' groups, and even major state companies such as the state nuclear energy corporation Rosatom.

Figure 2. Cross country comparison of registered nonprofit organizations¹⁰



The Ministry of Justice maintains a registry of all nonprofit organizations and is the main source of reference information for reports, research, and analyses of civil society in Russia. However, only a portion of organizations on this registry can be described as civil society organizations that aim to “introduce changes beyond their organizational borders in order to tackle particular social problems and thereby contribute to the public good.”¹¹ In addition to traditional CSOs that engage in ad-

vocacy or provide charitable services, the registry also includes organizations like unions, associations of notary publics, political parties, and chambers of trade.

In addition to a lack of useful legal distinctions between types of nonprofits, the supervision of CSOs is overseen by an assortment of different ministries and organs of state power at the federal, regional, and local levels. This makes compiling a comprehensive statistical picture of the sector overly complicated. Additionally, despite an abundance of regulation, the reporting onus on small nonprofits is limited. Nonprofit organizations that do not receive foreign funding and have an operating budget of less than three million rubles (40,000 USD) need only provide the Ministry of Justice with a basic “confirmation of ongoing activity” to maintain their legal status. Because of this, it is difficult to judge how many registered organizations remain active.

Moreover, there is evidence that existing information on CSOs is sometimes removed from the public domain by the Ministry of Justice for political reasons, clouding the statistical picture further. For example, in 2017, it was reported that all annual reports filed by CSOs before and including 2014 had been removed from the Ministry of Justice website.¹² There was speculation that this happened because these reports were used in an investigation into Dmitri Medvedev’s assets and properties by Alexei Navalny’s Anti-Corruption Fund. When the publicly available information became a liability for the government, it was removed.

¹⁰ Data compiled from United States Agency for International Development. “2019 Civil Society Organizational Sustainability Index.” Available here: <https://www.fhi360.org/sites/default/files/media/documents/resource-csosi-2018-report-europe-eurasia.pdf>

¹¹ Evelyn Moser and Anna Skripchenko (2018) “Russian NGOs and Their Struggle for Legitimacy in the Face of the ‘Foreign Agents’ Law: Surviving in Small Ecologies,” *Europe-Asia Studies*, 70 (4), p. 593.

¹² “Ministry of Justice removes all NGO reports from its website over accusations against foundations linked to Medvedev” (In Russian: «Минюст удалил с сайта все отчеты НКО после обвинений в адрес фондов, связанных с Медведевым»), *Mediazona*, March 31, 2017. <https://zona.media/news/2017/31/03/minust-pomog>

At the time of writing this report (September 2020), the registry maintained by the Ministry of Justice lists 211,035 registered nonprofit organizations. The total number of registered nonprofit organizations has remained steady for the last seven years at just above 200,000, following a steep decline from above 700,000 in the mid 2000s. Based on organizational numbers, the size of Russia's civil society sector is on a par with other former communist states such as Poland (193,000 registered organizations) and Ukraine (160,000 registered organizations) but magnitudes smaller than the United States (1.5 million registered organizations). Moreover, observers and experts agree that only between 10 and 20 percent of the organizations officially registered in Russia are actually active.

Complicating the picture further, in collecting data for this report we found inconsistencies within the number of nonprofit organizations cited by domestic and international reports. For example, citing data from the Russian Federal State Statistics Service (Rosstat), the 2008 report from the

Civic Chamber claims that there were 655,400 nonprofit organizations registered in Russia that year.¹³ Citing Ministry of Justice data, the 2008 report compiled by experts for the United States Agency for International Development lists only 217,000 organizations registered in Russia.¹⁴

It is difficult to determine which account is correct because publicly available Rosstat reports do not list the total number of nonprofits registered in any given year (only certain subtypes of nonprofits such as "public associations" are listed), and only the last ten years are covered by annual reports produced by the Ministry of Justice. Even relying on a single source of information may not provide consistent data. For example, a 2012 report by the Civic Chamber claims that the number of organizations registered in Russia increased from 380,000 to 402,000, yet that organization's own 2011 report states that the total number of organizations that year was 343,000. Experts we interviewed suggested that official statistics only very poorly reflect the actual number and activity of CSOs.

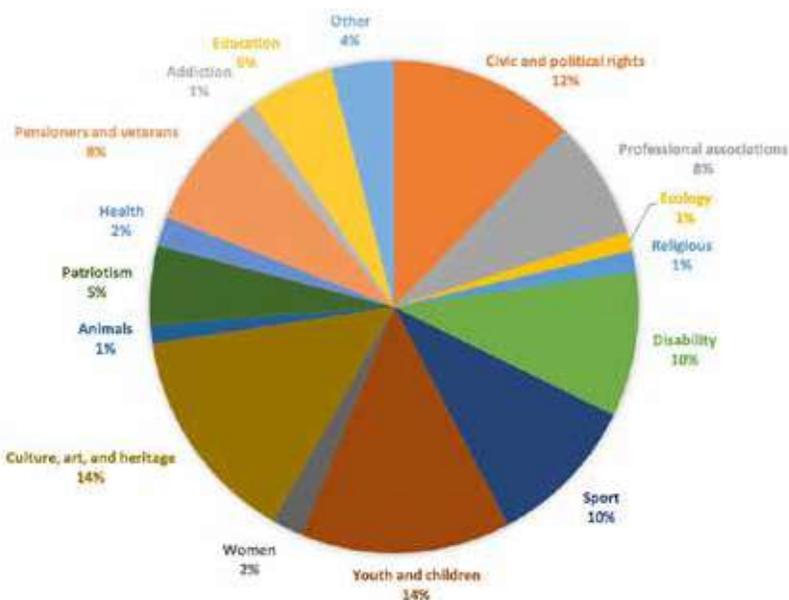
¹³ Civic Chamber of the Russian Federation. (2008) "Report on the state of civil society in the Russian Federation" (In Russian: "Доклад о состоянии гражданского общества в Российской Федерации"), p. 42. Available here: <https://www.oprf.ru/files/Doklad-OPRF-2008.pdf>

¹⁴ United States Agency for International Development. "The 2008 NGO Sustainability Index for Central and Eastern Europe and Eurasia," p. 193. Available here: <https://csogeorgia.org/storage/app/uploads/public/5ce/fa5/207/5cefa5207eabd544114963.pdf>

SNAPSHOT OF CSO ACTIVITY IN FIVE RUSSIAN REGIONS

In addition to reviewing available statistical data, summarized in the previous section, we also collected information on 577 CSOs operating in five regions (Khanty-Mansi Autonomous Okrug, Novgorod Oblast, Khabarovsk Krai, Samara Oblast, and Penza Oblast).¹⁵ We used this sample, which represents approximately 10 percent of the total number of organizations in those regions, to provide a snapshot of CSO activity and characteristics.

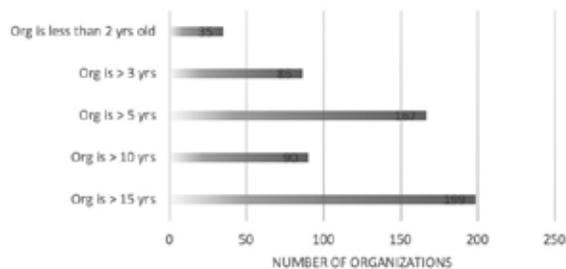
Figure 3. Breakdown of CSOs by activity



As Figure 3 above demonstrates, a plurality of organizations in our sample are focused on social causes. Organizations working with youth and children, veterans and the elderly, disability rights,

and for the promotion of culture and art made up 46 percent of our sample. Despite the repressive legal environment that they face, 12 percent of the organizations in our sample were engaged in civic or political issues, including prisoners' rights, human rights, and the promotion of civil society. Russian CSOs also proved to be fairly durable in spite of their sometimes uncertain economic and legal environment: 50 percent of the organizations in our sample have existed for 10 or more years.

Figure 4. Durability of CSOs



The experts and practitioners we interviewed noted that most CSOs in Russia now have an online presence, which makes them more effective at reaching the public and more accessible to researchers. The CSOs in our sample confirm this observation. We were able to find email addresses for 77 percent of organizations, and 65 percent organizations had an active and up-to-date website. Overall, there was a gender balance in the leadership of CSOs, with women making up 54 percent of all named directors.

¹⁵ Okrug, Oblast, and Krai are types of federal constituent entities or regions in Russia. There is no legal difference between them. They are akin to states, provinces, or territories in other federal states.

HOW THE STATE HAS BEEN INCREASING CONTROL OVER CIVIL SOCIETY

In our interviews, we asked experts and practitioners to reflect on what they thought were the dominant trends in the development of Russia's civil society sector over the last twenty years. By far, the trend most often noted was the degree to which civil society has become an object of state attention and control.

In the 1990s, civil society was largely neglected by the state and allowed (as one practitioner put it) "to grow like grass" without support or restriction. By contrast, interviewees noted how Putin's regime has attempted to "control" and "curate" CSOs, to "put its arms around" their development and to "channel" it, to "pick winners and losers" among CSOs. This effort began early in Putin's first presidency—one practitioner we interviewed recalled that members of the presidential administration discussed the idea of creating a ministry of civil society to direct CSO activity at the 2001 Civic Forum. But taming CSOs became a more urgent priority after the mid 2000s due to a series of international and domestic events.

The regime's suspicion of civil society was fueled by the Color Revolutions, which unfolded in Georgia (2003), Ukraine (2004), and Kyrgyzstan (2005) with the significant involvement of international civil society organizations, leading to regime change in Russia's post-Soviet neighborhood.¹⁶ The Arab Spring, the homegrown mass anti-electoral fraud protests that gripped Russia

during the winter of 2011-2012,¹⁷ and Ukraine's Euromaidan Revolution in 2014 all further stoked the Kremlin's fear of CSOs. Over the course of a decade, the civil society sector became a serious political threat in the eyes of the regime.

In response, the Kremlin adopted a three-part strategy—regulation, funding, and closer integration with state agencies—designed to manage civil society. Our interviewees noted that the overall impact of these strategies was the division of civil society into "good" and "bad" organizations. While "good" organizations—those working in health, education, sport, and culture—were fostered through legislation and funding, "bad" organizations—those engaged in more controversial issues including environmental activism, gay rights, human rights, and feminism—had their actions, access to funding, and contact with society severely restricted.¹⁸ The overarching purpose of these policies was to create a civil society sector that works to strengthen the state.

As the overview of laws and amendments summarized in Table 1 demonstrates, the legal environment for CSOs operating in Russia has undergone a significant transformation over the course of the last twenty years. Foreign funding and political activity have been especially prominent targets of state regulation.

¹⁶ For details on the role of international civil society organizations in the Color Revolutions, see Valerie Bunce and Sharon Wolchik. *Defeating Authoritarian Leaders in Postcommunist Countries*, Cambridge, UK: Cambridge University Press, 2011.

¹⁷ See IMR's 2020 report "Russia under Putin: Twenty Years of Protest" for detailed information about the 2011-2012 protests. Available here: <https://putin20.imrussia.org/en/#report>

¹⁸ See Elena Bogdanova, Linda J. Cook and Meri Kulmala. (2018) "The Carrot or the Stick? Constraints and Opportunities of Russian CSO Policy." *Europe-Asia Studies*, 70 (4): 501-513.

RESTRICTING FOREIGN FUNDING

Foreign funding of Russian CSOs first came under stricter state regulation in 2006. A series of amendments were made to existing legislation (formally called No. 18-FZ, but collectively known as the “2006 NGO law”), which not only significantly increased registration requirements for CSOs but also added new extensive reporting requirements for foreign funding.¹⁹ The government’s purpose in introducing this legislation was made clear at the time by Putin himself: “I personally [...] have only one concern. I will always speak and fight against foreign governments financing political activity in our country.”²⁰

In 2012, Russian legislation explicitly equated foreign funding to “political interference” and severely hindered how CSOs could access or use it. That year, the so-called “Foreign Agent” law was enacted, which required CSOs that received foreign funding and took part in “political activity” to register with the Ministry of Justice as a “foreign agent.” The broad definition of “political activity”—as actions meant to influence state policy or public opinion on state policy—restricted the ability of foreign-funded CSOs to engage in almost all advocacy work.²¹ Subsequent legal clarification of “political activity” put many public activities such as organizing public meetings, conducting socio-

logical studies, and producing analytical assessments in the realm of the “political.”²² In commenting on the law, Putin observed: “No one has the right to speak for all of Russian society, especially those who are directed or financed from abroad and thus serve the interests of others.”²³

Not surprisingly, organizations working on issues related to the political system or human rights—the election monitoring group GOLOS, the independent polling agency Levada Center, and the well-known human rights organization Memorial—were among the first to be targeted under the law. According to an expert we spoke to, out of the 188 organizations added to the registry of Foreign Agents to date,

“the two [groups] added more than anyone else are human rights organizations and rights organizations in general.”

In 2015, the adoption of the “Undesirable Organizations” law (No. 129-FZ) further cemented the state’s message that foreign organizations were harmful to Russia. The law permits foreign organizations deemed by the General Prosecutor’s Office to be threatening to the constitutional order, security, or defense of the state to have their activities prohibited on the territory of the Russian Federation under threat of both administrative and criminal sanction. The State Deputy respon-

¹⁹ For discussion of the law, see Jo Crotty, Sarah Marie Hall and Sergej Ljubownikow. (2014) “Post-Soviet Civil Society Development in the Russian Federation: The Impact of the NGO Law.” *Europe-Asia Studies*, 66 (8): 1253-1269.

²⁰ Quoted by Alison Kamhi in (2006) “The Russian NGO Law: Potential Conflict with International, National, and Foreign Legislation.” *The International Journal of Not-for-Profit Law*, 9 (1). Available here: https://www.icnl.org/resources/research/ijnl/the-russian-ngo-law-potential-conflicts-with-international-national-and-foreign-legislation#_edn18

²¹ Federal Law of July 20, 2012 N. 121-FZ “On amending certain legislative acts of the Russian Federation with regard to the regulation of non-commercial organizations that function as foreign agents” (in Russian: “Федеральный закон от 20 июля 2012 г. N. 121-ФЗ «О внесении изменений в отдельные законодательные акты Российской Федерации в части регулирования деятельности некоммерческих организаций, выполняющих функции иностранного агента»), *Rossiyskaya Gazeta*, 23 July 2012. <https://rg.ru/2012/07/23/nko-dok.html>

²² The definition of political activity is spelled out by the 2016 amendment to Item 6, Article 2 of the “Foreign Agents” law. Available here (in Russian): <https://www.consultant.ru/cons/cgi/online.cgi?req=doc&base=LAW&n=198862&fld=134&dt=100012&rnd=214990.653339439526806�>

²³ Miriam Elder. “Russia raids human rights groups in crackdown on ‘foreign agents.’” *The Guardian*, March 27, 2013. <https://www.theguardian.com/world/2013/mar/27/russia-raids-human-rights-crackdown>



GOLOS deputy head Grigory Melkonyants speaks to the media in his Moscow office in April 2013. The Russian Ministry of Justice accused GOLOS of allegedly failing to register as a "foreign agent." Photo: Alexander Zemlianichenko / AP.

sible for drafting the law, Alexander Tarnavsky, said "unfortunately some foreign organizations for various reasons are working against Russia."²⁴ There are currently 29 organizations labeled "undesirable" by the Russian government, including the National Endowment for Democracy, the Atlantic Council, the German Marshall Fund, and Open Society Foundation.²⁵ The Institute of Modern Russia was added to the list in April 2017.²⁶

The Foreign Agent and Undesirables laws

helped Putin's regime not only to directly equate foreign funding with foreign interference, but to affirm itself as the sole arbiter of who in society was allowed to take part in politics. The "foreign agent" label invoked Soviet-era connotations of spying, and its application to groups engaged in public advocacy work challenged the legitimacy of any efforts to pursue socio-political change in the eyes of the Russian public.²⁷ For the organizations themselves, the broad interpretation of "political activity" encouraged self-censorship as a recent academic study observes: "The fear of being labeled a foreign agent has given Russian NGOs pause to think about whether their activities could be construed as political [...] the foreign agents law is a problem psychologically."²⁸

As a result of this difficult legal environment, over the course of the last decade, most of the biggest foreign funders of civil society, like the United States Agency for International Development (which had spent 2.6 billion USD on programs in Russia since 1992²⁹), George Soros' Open Society Foundation (which had invested a billion USD over the span of thirty years in Russian science, education, and culture³⁰), the MacArthur Foundation, and the Mott Foundation were either expelled or left Russia.

²⁴ "Russia targets 'undesirable' foreign organizations," *BBC*, May 15, 2015. <https://www.bbc.com/news/world-europe-32751797>

²⁵ "List of foreign and international non-governmental organizations whose activities are recognized as undesirable on the territory of the Russian Federation." Available here (in Russian): <https://minjust.gov.ru/ru/documents/7756/>

²⁶ IMR was designated "undesirable" alongside UK-based entities of the Open Russia organization supported by Putin critic Mikhail Khodorkovsky. See: Evgeny Berg, "Prosecutor General's Office deems Open Russia 'undesirable organization.' What happens now?" *Meduza*, April 27, 2017. <https://meduza.io/en/feature/2017/04/27/khodorkovsky-s-open-russia-deemed-undesirable-organization-what-happens-now>

²⁷ Sergei Nikolayev. "To be a 'foreign agent' in Russia: the 'spy' stigma and working under pressure" (in Russian: "Быть «иноагентом» в России: клеймо «шпиона» и работа под давлением"), *Voice of America*, November 21, 2017. <https://www.golos-ameriki.ru/a/russia-foreign-agent-law/4127928.html>

²⁸ Debra Javeline and Sarah Lindemann-Komarova. (2020) "Financing Russian Civil Society." *Europe-Asia Studies*, 72 (4): p. 653.

²⁹ Arshad Mohammed. "USAID mission in Russia to close following Moscow decision," *Reuters*, September 18, 2012. <https://www.reuters.com/article/us-usa-russia-aid/usa-id-mission-in-russia-to-close-following-moscow-decision-idUSBRE88H11E20120918>

³⁰ "What Soros' fund did in Russia" (In Russian: «Что сделал Фонд Сороса в России»), *Meduza*, December 1, 2015. <https://meduza.io/feature/2015/12/01/cto-sdelal-fond-sorosa-v-rossii>

THE PRESIDENTIAL GRANT FOUNDATION “PRIORITIZES FUNDING TO ADDRESS CRITICAL SOCIAL NEEDS, FOCUSING ON DISABLED CHILDREN, ORPHANS, SUBSTANCE ABUSE, AND REFORMING THE MEDICAL FIELD.”

Encouraging “good” CSOs

While foreign funding has decreased and been made suspect, domestic state funding for civil society has grown over the last two decades. At the regional level, well-functioning grant competitions began in the mid-1990s and were eventually adapted into two programs supporting socially oriented CSOs run by the Ministry of Economic Development, which operated from 2011 to 2016.

On the federal level, presidential grants have provided financial support for CSOs since 2007. The original grant program, while distributing a considerable amount of money (33 million USD between 2007 and 2010), was criticized for lacking transparency and concentrating grants in Moscow.³¹ After a major reform, the program was relaunched in 2017 under the auspices of the newly-created Presidential Grant Foundation for the Development of Civil Society. Most observers agree that the revamped competition adjudicates grant applications in a more effective and fair manner. To date, it has distributed over 245 million USD in individual grants.³²

Despite the increased volume, several of the experts and practitioners we spoke to expressed concern about the impact of the new domestic funding schemes.

One practitioner described the aim of state funding as “develop[ing] the [civil society] sector one-sidedly and for the state’s benefit.” Another expert in socially orientated CSOs was troubled by the dependence on the state that domestic funding created, noting:

“State funding limits the issues that [CSOs] can work on.”

Relatedly, another practitioner brought up the issue of tighter control and scrutiny of CSOs using state funds:

“You really expose your organization to a threat [...] if someone thinks that you have stepped on someone’s toes, officials can use that state money as a tool, as a weapon against you.”

These observations are confirmed by recently published peer-reviewed research which examined the kinds of CSOs that received funding through presidential grants. One study found that the Presidential Grant Foundation “prioritizes funding to address critical social needs, focusing on disabled children, orphans, substance abuse, and reforming the medical field.”³³ Echoing the emphasis on social service provision, another study noted that a third of successful grant applications filed between 2013 and 2016 used military and patriotic language mirroring “state-led conservative discourse.”³⁴ While the Foundation provides a much needed opportunity to apply for competitive grants, certain types of CSOs pre-

³¹ Marlene Laruelle and Laura Howells. (2020) “Ideological or Pragmatic? A Data-Driven Analysis of the Russian Presidential Grant Fund.” *Russian Politics*, 5: p. 39.

³² Ibid p. 40.

³³ Ibid p. 31.

³⁴ Christian Fröhlich, Yulia Skokova. (2020) “Two for One: Public Welfare and Regime Legitimacy Through State Funding for SCOs in Russia” *Voluntas: International Journal of Voluntary and Nonprofit Organizations*. p. 8

ferred by the state are more likely than others to receive it.

Cooperating with loyal CSOs

In addition to providing funding, Putin's regime has also taken steps to ensure a closer relationship between the state and CSOs. One example of this strategy is the establishment of the Civic Chamber, a consulting civil society institution, in 2005. Membership of the Chamber is controlled in large part by the presidential administration, and although it is charged with reviewing regional and federal legislation pertaining to CSOs, it can do so only at the request of the government.³⁵

One expert describes the Chamber as “replac[ing] Putin's image of civil society as an apolitical, more or less unified collection of social notables working to improve the effectiveness of state governance.”³⁶

Another example of state-led civil society initiatives is the Nashi youth movement, which was founded in 2005 by Vassily Yakemenko, the protégé of Vladislav Surkov, then deputy chief of the presidential administration and architect of

the concept of “sovereign democracy.” Framed as anti-fascist, nationalist, and pro-Kremlin, at its peak in 2008, Nashi had some 300,000 members, 50 regional branches, and hosted tens of thousands of participants at summer camps.³⁷

Supporting socially oriented CSOs

The Kremlin has also worked to promote socially oriented nongovernmental organizations, so-called “SONGOs” (also known as socially oriented nonprofit organizations—SONPOs). Officially defined by law in 2010, SONGOs are certain types of nonprofit organizations that work in areas like education, health, disaster preparedness, protection of culture, provision of legal aid, promotion of the arts, disease prevention, and spiritual development.³⁸ Government policy has identified them as a “priority recipient” of state support,³⁹ and over the last decade a comprehensive system of state subsidies has been created for them.⁴⁰ State promotion of SONGOs, many of which can be described generally as apolitical, is very much in line with both Soviet-era and modern-day official emphasis on the importance of

³⁵ Elena Chebankova. (2012) “State-sponsored civil society in Russia: systemic integration or ‘war of position?’” *East European Politics*, 28 (4): p. 399.

³⁶ James Richter. (2009) “Putin and the Public Chamber.” *Post-Soviet Affairs*, 25 (1): p. 42.

³⁷ Julie Hemment. (2012) “Nashi, Youth Voluntarism, and Potemkin NGOs: Making Sense of Civil Society in Post-Soviet Russia” *Slavic Review*, 71 (2): 234-260.

³⁸ “Federal Law of April 5, 2010 N 40-FZ “On amending certain legislative acts of the Russian Federation on the issue of support for socially oriented non-commercial organizations” (in Russian: Федеральный закон от 5 апреля 2010 г. N 40-ФЗ «О внесении изменений в отдельные законодательные акты Российской Федерации по вопросу поддержки социально ориентированных некоммерческих организаций»), *Rossiyskaya Gazeta*, April 7, 2010. <https://rg.ru/2010/04/07/nko-dok.html>

³⁹ Yulia Skokova, Ulla Pape, and Irina Krasnopol'skaya. (2018) “The Non-profit Sector in Today's Russia: Between Confrontation and Co-optation” *Europe-Asia Studies*, 70 (4): p. 543.

⁴⁰ These organizations receive subsidies from the Ministry of Economic Development, Ministry of Health, and the Ministry of Labor. See Vladimir B. Benevolenski. (2014) “Tools of Governance for Support of SONPOs in Russia: In Search of Cross-Sector Cooperation in the Delivery of Social Services.” National Research University Higher School of Economics Basic Research Program Working Papers, 17/PA/2014, p. 9. Available online: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2487094. They are also designated recipients of government tenders. In 2014, a new law (No. 44-FZ) explicitly mandated that 15 percent of the total annual value of contracts for the delivery of goods and services at all levels of government be awarded to small businesses and SONGOs.



The Kremlin prefers to promote socially oriented nongovernmental organizations, so-called “SONGOs,” through state funding and various subsidies. SONGOs’ work mostly focuses on education, health, culture, and similar social issues. Photo: Alexander Kondratuk / Sputnik via AP.

social and economic, rather than civic and political, rights.⁴¹

In 2016 and 2017, the government enacted new laws that shifted some of the burden of welfare provision onto SONGOs by creating a new class

of CSO called “provider of public benefit services.”⁴² In addition to subsidies, these organizations are entitled to free or subsidized access to government-owned nonresidential property, long-term grants and in-kind support from the government, and free air time on state and municipal television, radio, and newspapers. The number of officially registered socially desirable SONGOs has grown rapidly in recent years. At the time of writing this report (September 2020), there were 542 officially registered socially desirable SONGOs, up from 273 in July 2019.

State support for SONGOs is not inherently problematic or undemocratic. Collaboration between state and civil society in addressing social problems is a common phenomenon around the world. However, in the Russian case, promotion of SONGOs must be juxtaposed with the repression of CSOs promoting civic and political rights, as well as regime rhetoric about the purpose and acceptable goals of civil society. Examined in this light, it becomes clear that the last twenty years of civil society development in Russia have been characterized by greater state control applied deliberately to shape civil society into a useful partner for the regime.

⁴¹ Eleanor Bindman. (2015) “The state, civil society and social rights in contemporary Russia” *East European Politics*, 31 (3): 342-360.

⁴² Federal Law of July 3, 2016, No. 287-FZ “On Amendments to the Federal Law ‘On Non-commercial Organizations’ establishing the status of a non-profit organization—a provider of public benefit services.” (In Russian: Федеральный закон от 3 июля 2016 г. N 287-ФЗ «О внесении изменений в Федеральный закон “О некоммерческих организациях” в части установления статуса некоммерческой организации – исполнителя общественно полезных услуг»), *Rossiyskaya Gazeta*, July 8, 2016. <https://rg.ru/2016/07/08/nko-dok.html>

LAWS AND REGULATIONS GOVERNING CSOs IN RUSSIA

LAW	YEAR	IMPACT ON CSO ACTIVITY	CONTENT
Civil Code	1994	Neutral	Divides non-commercial organizations into corporate and unitary (i.e. founders do not have a right to membership) organizations.
Law "On Noncommercial Organizations" (No. 7-FZ)	1995	Neutral	Identifies different CSO forms, including state corporations and state companies as well as foundations, noncommercial partnerships, and unions; regulates the creation, activity, and reorganization of CSOs.
Law "On Public Associations" (No. 82-FZ)	1996	Neutral , although re-registration requirements led to the liquidation of a substantial number (perhaps as many as 50 percent) of previously registered organizations.	Requires CSOs to register with the government. Registration is required to open a bank account, own or rent property, and hire employees; CSOs registered before 1995 are obliged to re-register under this law by June of 1999.
VLADIMIR PUTIN IS ELECTED PRESIDENT IN MARCH 2000.			
Tax Code Reform	2001	Negative	Eliminates most exempt statuses; grants remain tax-free but can only be applied to culture, art, environment, education, and scientific projects.
COLOR REVOLUTIONS LEAD TO REGIME CHANGE IN GEORGIA (2003), UKRAINE (2004), AND KYRGYZSTAN (2005).			
Law "On the Public Chamber of the Russian Federation" (No. 32-FZ)	2005	Negative	Establishes the Civic Chamber of the Russian Federation, an institution meant to mediate the relationship between the state and CSOs by conducting expert assessments of federal and regional legislation, monitoring civil society, and ensuring freedom of speech.
Amendment to four existing laws governing CSO activity, including "On Noncommercial Organizations" (No. 18-FZ)	2006	Negative , largely condemned by domestic and international CSOs as well as European and US government officials. Widely seen as a response to suspicions of "foreign influence" via CSOs in Russian domestic affairs.	Introduces new and extensive registration and reporting requirements; restrictions on CSO membership and identity of founders; limited access to foreign funding; expands the government's supervisory abilities; specifically restricts the activity of foreign CSOs in Russia.
DMITRI MEDVEDEV IS ELECTED PRESIDENT IN MARCH 2008.			
Presidential Decree No. 724	2008	Neutral	Moves responsibility for CSO registration from the Federal Registration Service to the Ministry of Justice.

Amendments to "On Noncommercial Organizations"	2009	Positive	Limits the reasons for which registration can be refused; eliminates formal reporting requirements for small CSOs; institutes less frequent audits.
Resolution of the Government of the Russian Federation, No. 485	2009	Negative	Decreases the number of organizations authorized to provide Russian CSOs with tax-exempt grants from 101 to 12; eliminates all foreign NGOs from the approved list; grants received from organizations not on the approved list are taxed at 24 percent.
Law No. 40-FZ amends No. 7-FZ, No. 131-FZ, No. 184-FZ, and No. 135-FZ.	2010	Positive	Establishes the category of socially oriented non-governmental organizations (so-called SONGOs) that are engaged in activities aimed to solve social problems; this and subsequent amendments establish 18 categories of activities for SONGOs, including provision of legal aid, medical and social rehabilitation, emergency preparedness, preservation of culture and artifacts, promotion of patriotism, science, sport, spiritual development, art, and education, and prevention of socially dangerous behavior.
Federal Government Decree No. 713	2011	Positive	Establishes two ways for the Ministry of Economic Development to fund SONGOs: 1) directly through competitive grants to organizations; 2) indirectly through subsidies to regions which administer grants in support of SONGOs.
ANTI-REGIME PROTESTS BEGIN IN TUNISIA AND SPREAD TO EGYPT, YEMEN, AND SYRIA, LEADING TO REGIME CHANGE IN WHAT COMES TO BE KNOWN AS THE ARAB SPRING.			
LARGE PROTESTS BREAK OUT AFTER THE STATE DUMA ELECTION IN DECEMBER OF 2011 AND LAST UNTIL MAY OF 2012; VLADIMIR PUTIN IS ELECTED PRESIDENT IN MARCH 2012.			
Tax Code Reform	2012	Positive	Individuals are permitted charitable contributions not exceeding 25 percent of their taxable income.
THE MAGNITSKY RULE OF LAW ACCOUNTABILITY ACT INTRODUCING SANCTIONS AGAINST RUSSIAN INDIVIDUALS IS PASSED BY THE UNITED STATES CONGRESS.			
So-called "Dima Yakovlev Law": "On Sanctions for Individuals Involved in the Violation of the Basic Human Rights and Freedoms of Citizens of the Russian Federation" (No. 272-FZ)	2012	Negative	Enables the government to suspend any CSO that receives money from American citizens or organizations engaged in political activity; prohibits dual US-Russian citizens from being members or managers of Russian CSOs; best-known for barring US citizens from adopting Russian children.
So-called "Foreign Agents" Law—amendment to Criminal Code, "On Public Associations," "On Noncommercial Associations," and "On Combating Money Laundering and Financing of Terrorism"	2012	Negative	Requires organizations engaged in "political activity" and receiving foreign funding to register as a "foreign agent"; the government determines the meaning of "political activity" and whether an organization is engaged therein; organizations labeled as "foreign agents" are obliged to undergo unscheduled audits, submit quarterly reports, and mark all material as being produced by a "foreign agent."

Federal Government Decree No. 1478	2012	Positive	Sets out the guidelines for SONGOs to use government-owned nonresidential properties for free or at a reduced rent.
"On Accounting" (No. 402-FZ)	2013	Negative	Prohibits CSO directors from acting as the organization's accountant and obliges them to employ accountants or accounting firms regardless of income; treats all CSOs as large business for the purposes of accounting, allowing directors of small and medium businesses to perform accounting duties.
PRO-DEMOCRACY AND PRO-EUROPE PROTESTS EVENTUALLY LEAD TO REGIME CHANGE IN UKRAINE DURING THE MAIDAN REVOLUTION, 2013-2014.			
RUSSIA ANNEXES CRIMEA IN MARCH 2014.			
Civil Code Reform	2014	Negative	Amendments to the Civil Code affect how CSOs can register and operate; the registration procedure is made more complex and lengthier; registration fees increase.
Amendments to "On Noncommercial Organizations"	2014	Negative	Registration as a "foreign agent" is left to the discretion of the Ministry of Justice without requiring a court order; more grounds are added to the list of those permitting unscheduled inspections of CSOs.
So-called "Undesirable Organizations" Law, "On Changes to Individual Laws of the Russian Federation" (No. 129-FZ)	2015	Negative	Gives the General Prosecutor's Office the right to declare a foreign or international organization "undesirable" if that organization threatens Russia's constitutional order, defense capability, or security; the activities of such an organization on the territory of Russia are prohibited, and persons participating therein are subject to administrative and criminal sanctions.
Law "On the Federal Contract System in the Area of Procurement of Goods and Services by the State and Municipalities" (No. 44-FZ)	2015	Positive	Directs all levels of government to distribute 15 percent of the total annual budget to SONGOs and small business.
Amendment to laws "On Public Associations" and "On Nonprofit Organizations" (No. 43-FZ)	2015	Positive	Outlines the procedure for an organization to be removed from the Foreign Agents Registry.
Amendments to "On Noncommercial Organizations" (No. 287-FZ)	2016	Positive	Establishes new status for CSOs that provide a socially useful service ("provider of public benefit services" (PPBS)); such organizations are entitled to state subsidies, tax breaks, and other kinds of support; they receive the status for two years. (Registration as a PPBS is simplified in 2017 and mention of SONGOs by media outlets is permitted; it previously counted as free advertising.)

HOW CSOs FIGHT TO PRESERVE AGENCY AND INFLUENCE

Experts we interviewed agreed that the rise of state control over civil society was one of the defining trends of the last twenty years. However, many also emphasized that CSOs retained their dynamic, responsive, and independent character despite this. Experts noted the creativity and agility of the sector, which has always existed within less than ideal conditions: “The vulnerability and the adaptability seem to go hand in glove.”

Different types of CSOs have been able to adjust to repressive legislation, provide needed services, and exert influence over state policies.

CSOs and the “foreign agent” law

Changes in the legal environment regulating CSOs have had serious negative consequences. However, very few organizations directly impacted by the foreign agent and undesirable organizations laws actually ceased operating. Instead, most have found ways to keep working, although they have had to change their operations significantly.

Several experts we interviewed mentioned diversity of form and increased informality of the civil society sector as a tactic for dealing with repressive regulation. One expert observed:

“I think people have discounted the capacity of

civil society activists to organize themselves in creative ways. If your particular form of organization is criminalized, you turn yourself into a for-profit organization or informal movement.”

One example of the way that organizations have responded to repression is the lawyers’ association Agora, which was founded in Tatarstan in 2005 to defend and advocate for victims of human rights violations. The group was designated by the Ministry of Justice as a foreign agent in 2014 and formally liquidated by a court two years later.⁴³ However, it had already ceased operating as a formal organization some time before that while still pursuing its organizational goals. The group’s founder Pavel Chikov told media at the time: “Already for six months, I have not been the director of the association. It now has only one [formal] staff member. In fact, the association was mothballed a while ago. So, in actuality, the Ministry of Justice is fighting a ghost.”⁴⁴ In 2015, Agora was reformed as the Agora International Human Rights Group—an informal association of more than 50 lawyers.

CSOs like the Murmansk branch of the environmental NGO Bellona that find themselves labeled⁴⁵ as foreign agents have also simply liquidated and restarted as new “clean” organizations, retaining

⁴³ Elena Mukhametshina and Natalia Raibman. “First human rights organization is liquidated by Ministry of Justice lawsuit” (in Russian: «Первая правозащитная организация ликвидирована по иску Минюста»), *Vedomosti*, February 10, 2016. <https://www.vedomosti.ru/politics/articles/2016/02/10/628395-agora-likvidirovana>

⁴⁴ Andrei Kozenko. “First blacklisted and now banned,” *Meduza*, February 17, 2016. <https://meduza.io/en/feature/2016/02/17/first-blacklisted-and-now-banned>

⁴⁵ “Ministry of Justice designates Bellona-Murmansk as a foreign agent” (in Russian: «Минюст признал «Беллону-Мурманск» иностранным агентом»). *Severpost.ru*, March 20, 2015. <https://severpost.ru/read/22843/>



Pavel Chikov, a member of the Presidential Human Rights Council, spoke to the media in March 2013 about the searches in over 2,000 civil society organizations, including his own group, Agora. Chikov connected searches to Vladimir Putin's speech, in which the Russian president urged security services to focus on NGOs receiving foreign funding. Photo: Alexander Zemlianichenko / AP.

the same staff and mission.⁴⁶

Experts also told us that many civil society initiatives are not being registered as formal organizations at all, avoiding the possibility of being repressed through the legal system:

"We now have a lot of organizations that in fact avoid having any organizational form [...] The most interesting things going on in Russian

civic life have to do more with initiative groups and networks, rather than actual NGOs that have a charter, mission statement, and legal registration."

For those organizations that choose to retain their formal registration, a change of tactics in pursuing their goals is often enough to maintain operations within Russia. One example is Soldiers' Mothers of St. Petersburg, which was founded in 1991 to advocate for the rights of military conscripts. Because of its mission, it could not act informally or abandon contact with state actors when it was designated a foreign agent in 2014.⁴⁷ To avoid this designation, the organization pivoted away from foreign funding, relied on positive media messages for domestic donations, and reframed itself in pragmatic rather than political terms as addressing the needs of "citizen clients."⁴⁸ In late 2015, it was taken off the foreign agents list.⁴⁹

Other organizations have moved abroad to continue their work and offloaded their domestic day-to-day operations onto partner organizations.⁵⁰ Although this limits their direct impact in Russia, it allows for freer cooperation with international bodies like the European Court of Human Rights and the International Court of Justice.

⁴⁶ Gleb Yarovoy, "Bellona-Murmansk ceased to exist, but will continue its work under a different legal status" (in Russian: "Беллона-Мурманск" прекратила свое существование, но продолжит деятельность в другом юридическом статусе"), 7x7, October 13, 2015. <https://7x7-journal.ru/articles/2015/10/13/bellona-murmansk-prekratila-svoe-sushestvovanie-no-prodolzhit-deyatelnost-v-drugom-yuridicheskom-statuse>

⁴⁷ Reportedly, it received the "foreign agent" label for being one of the first organizations that claimed there was a Russian military presence in eastern Ukraine, where Russia was conducting an undeclared war at the time. The CSO leadership called for a diplomatic resolution of the military conflict. See: Anna Plotnikova, "Ella Polyakova: One can only imagine the scale of the Russian army's losses in Donbass" (in Russian: «Элла Полякова: Можно только догадываться о масштабах потерь российской армии на Донбассе»), *Voice of America*, November 21, 2014. <https://www.golos-ameriki.ru/a/ai-interview-with-polyakova/2529773.html>

⁴⁸ Evelyn Moser and Anna Skripchenko. (2018) "Russian NGOs and Their Struggle for Legitimacy in the Face of the 'Foreign Agents' Law: Surviving in Small Ecologies." *Europe-Asia Studies*, 70 (4): 591-614.

⁴⁹ Soldiers' Mothers of St. Petersburg is excluded from the list of foreign agents" (in Russian: "Солдатских матерей Санкт-Петербурга" исключили из списка иностранных агентов"), *Delovoy Peterburg*, October 29, 2015. https://www.dp.ru/a/2015/10/29/Soldatskih_materej_Sankt

⁵⁰ Moser and Skripchenko (2018) describe one such organization but choose to keep its identity anonymous.

PROBLEMS OF ADDICTION AND DOMESTIC VIOLENCE, MENTAL ILLNESS, THE RIGHTS OF DISABLED PEOPLE, AND THOSE SUFFERING FROM HIV/AIDS ARE ALL ISSUES THAT HAVE GAINED SALIENCE WITHIN RUSSIAN SOCIETY THANKS TO THE WORK OF SOCIALLY ORIENTED CSOs.

CSOs also create partner for-profit organizations within Russia that can continue to receive foreign funding without risking the foreign agent designation. One example of this practice is the Forest Stewardship Council of Russia, which promoted forest certification and created an LLC to retain funding from international groups.⁵¹

Some organizations that receive the foreign agent designation simply continue to operate in Russia and comply with the reporting and other obligations of their legal status.

CSOs and meaningful work on social issues

Socially oriented and socially beneficial CSOs that have been fostered by the Russian state are sometimes dismissed by observers, experts, and other civic organizations as not being legitimate members of civil society because they lack a confrontational posture vis-à-vis the state. Yet, just as the idea that repressive laws have totally eliminated advocacy CSOs in Russia is not accurate, so too is the idea that CSOs that promote

social and economic rights are apolitical or irrelevant. In fact, while preparing this report, we found an abundance of research documenting the political and policy impact of socially oriented CSOs. Although less visible, these groups are able to achieve some goals that are traditionally attributed to civil society: consciousness raising and interest representation.

Problems of addiction and domestic violence, mental illness, the rights of disabled people, and those suffering from HIV/AIDS are all issues that have gained salience within Russian society thanks to the work of socially oriented CSOs. This work often begins not as advocacy but as service provision, focusing on improving the daily lived experience of a group of people. However, communication with state officials—which serves the dual purpose of providing information on an existing social problem and suggesting policy alternatives—can develop social awareness in much the same way as more direct advocacy campaigns. As one study notes, “social welfare organizations often created services for a category of people earlier ignored by the official service system [and which] have been traditionally hidden or even taboo in Russian society.”⁵²

Socially oriented CSOs are also able to represent the interests of their constituents in a policy-relevant way. Research has shown that so-called “Soviet legacy” membership organizations, such as veterans’ and pensioners’ associations, act on behalf of their members in order to secure benefits from the state by mobilizing the latter to vote and tapping connections to state officials (many of whom are themselves members of such as-

⁵¹ Maria Tysiachniouk, Svetlana Tulaeva and Laura A. Henry. (2018) “Civil Society under the Law ‘On Foreign Agents’: NGO Strategies and Network Transformation.” *Europe-Asia Studies*, 70 (4): p. 629.

⁵² Meri Kulmala. (2016) “Post-Soviet ‘Political’? ‘Social’ and ‘Political’ in the Work of Russian Socially Oriented CSOs.” *Demokratizatsiya: The Journal of Post-Soviet Democratization*, 24 (2): p. 221.



Socially beneficial CSOs often provide services for the categories of people (such as people with disabilities) that are overlooked by Russia's official welfare system. Photo: Maks Vetrov / Sputnik via AP.

sociations).⁵³

Socially oriented CSOs also use tactical framing to promote policies. One example an expert mentioned to us was feminist and anti-domestic violence advocates who “speak in a kind of code about families and children [...] to be able to work on issues that they want.”

Rather than being co-opted or marginalized, experts told us that these organizations see themselves as having a pragmatic problem solving approach:

“I think they [socially oriented CSOs] certainly don't have a rosy view of what policymakers are doing but they also know they have to work with them.”

The upside of this cooperation and collaboration is that programs developed by CSOs can be taken up by the state. We were told about one such program where a volunteer movement—*Starost v radost* (“The joy of old age”), launched in 2006 in Pskov to help elderly people—was developed into a program of comprehensive long-term care and eventually piloted, with the use of state funds and in concert with state agencies, across 25 regions.

The Russian state has made an effort to finance and integrate socially oriented CSOs into the governance structure of the state. Although their close relationship with state actors limits their independence, socially oriented CSOs continue to have a political and policy impact by raising awareness of socio-economic problems in society and with the state, and by bringing about better outcomes for their constituents through policy changes and service provision.

⁵³ Meri Kulmala and Anna Tarasenko. (2016) “Interest Representation and Social Policy Making: Russian Veterans’ Organizations as Brokers between the State and Society.” *Europe-Asia Studies*, 68 (1): 138-163.

CONCLUSION AND RECOMMENDATIONS



The Presidential Council for Civil Society and Human Rights is a consultative body consisting of 62 members of both pro-Kremlin and opposition political views. Sometimes perceived as a controversial, even imitative institution, the Council still provides opportunities for independent experts and activists to raise important social issues with the government. Photo: Alexei Druzhinin /Sputnik via AP.

In this report, we use data from expert interviews, news reports, statistical agencies, and secondary sources to examine how Russia’s political system has affected civil society organizations. We find that, over the course of the last twenty years, Vladimir Putin’s regime has made a significant effort to control civil society through regulation, funding, and public policies in order to promote a version of civil society that is subservient to the state.

The consequence of this effort has been the sowing of division within the civil society sector between organizations that are deemed “good”—useful, socially oriented CSOs working in partnership with the state—and “bad” organizations—

those that receive foreign funding and challenge the political status quo. While “good” organizations have been promoted and integrated into state agencies, “bad” organizations have been marginalized and persecuted.

Despite this, civil society organizations—both political and socially oriented—continue to operate within Russia. Moreover, our report documents how CSOs of different types remain dynamic, effective, and independent.

With this in mind, below we make a number of recommendations for analysts, stakeholders, and funders who are interested in helping Russian civil society organizations succeed.

1. Russian civil society is much broader, more agile, and diverse than is often assumed

The definition of civil society that is routinely applied to Russia is overly narrow and often focuses on political advocacy to the exclusion of other activities. What we found is that CSOs in Russia are diverse in both form and function. Recognizing this diversity would expand the universe of possible Russian partners for funders, practitioners, and policymakers. Specifically, we found that so-called “Soviet legacy” membership-based organizations, such as veterans’ and pensioners’ associations, are overlooked by international partners and donors despite having shown themselves to be effective representatives for their sizable constituents.

› Rather than viewing these organizations as “inauthentic” or “pocket” associations of the state—based on the fact that they were created by the state in the 1980s—those interested in civil society work in Russia should consider the way these organizations, and others like them, represent collective identities and mediate the relationship between state and society.

2. CSOs that focus on social welfare are most numerous, and despite their close cooperation with the Russian authorities, do valuable work

Socially oriented and socially useful CSOs make up the bulk of Russia’s formal civil society space, which is not atypical in comparison to other nations. Russian CSOs’ cooperation with the state in order to deliver needed welfare services is also not unusual for civil society organizations. Many American and European NGOs partner regularly with state actors and agencies. Russia’s author-

itarian political system, however, makes the CSO-state partnership an inherently unequal one. In this report, we detail how, despite this inequality, CSOs are able to influence policy outcomes and represent their constituents. In interviews, we were told by experts who study these groups that CSOs can gain leverage in their interactions with the state if they are perceived as experts on an issue. Expertise and professionalism can be demonstrated through past successful projects, and also through evidence of international partnerships and exposure.

› We recommend that efforts be made to maximally include Russian socially oriented CSOs in international workshops, conferences, seminars, and other meetings, especially now that online events have become the norm. This type of participation would help Russian CSOs establish expertise to aid becoming a more equal partner to the state.

3. Russian CSOs find creative ways to operate under current legal restrictions

As we document in this report, diversity of forms and increased informality are strategies adopted by some Russian CSOs in order to cope with an increasingly restrictive legal environment. CSOs that face being labeled as a foreign agent can challenge the label in court, change their tactics, change their organizational form, or change their location. Creativity and adaptability empower CSOs to continue operating despite legal restrictions.

› Taking this into account, international funders and partners should take a flexible approach to creating eligibility criteria for funding that includes for-profit organizations that partner with CSOs, social initiatives that are not for-

mally registered in Russia, as well as individual activists who may find it easier to operate without relying on an organizational structure.

4. Despite growing pressure from the state, Russian CSOs retain independence and remain the best arbiters of their own legal environment

Despite the fact that the most dominant trend in Russian CSO development of the last twenty years is increasing state control over the sector, in this report we document how CSOs have retained a measure of agency and independence. Serious barriers now exist for funders and policymakers who want to interact with Russian CSOs, yet a lack of funding continues to be a major obstacle for many civil society groups.

› We propose that in bridging this gap, those interested in civil society development in Russia take CSO agency seriously and not pre-emptively limit funding and cooperation opportunities by assuming that they would endanger Russian partners. While remaining cognizant of the real dangers involved, international organizations would be wise to treat Russian CSOs as knowledgeable partners with inde-

pendent decision-making power and a good understanding of their own legal environment.

5. Poor data on Russian CSOs results in insufficient knowledge of the sector

The lack of comprehensive data on CSOs in Russia remains a serious obstacle to both analysis and policymaking. There is a general consensus that the number of organizations formally registered today with the Ministry of Justice is magnitudes larger than the number of CSOs currently operating in Russia. The widely held assumption is that only about 15 percent of the approximately 200,000 registered organizations are active. However, this oft-quoted figure has not been confirmed. Researchers have tried to fill the gap left by inadequate statistical data by conducting careful case studies and surveys of CSOs. While these studies provide excellent information on how particular organizations function in Russia, they cannot give as an idea of what the sector looks like as a whole.

› A clear approach to quantifying the sector is badly needed and would be of use to researchers, stakeholders, and policymakers alike.

APPENDIX

Methodology

This report relies on qualitative and quantitative data collected between May and August of 2020. We conducted semi-structured interviews with thirteen American, European, and Russian experts and practitioners currently researching or working in Russian civil society. These interviews were recorded, transcribed, and coded using NVivo software in order to analyze central themes. We also consulted secondary literature, including annual reports produced by the Ministry of Justice, the Civic Chamber, the Center for the Civil Society, and the Nonprofit Sector at the Higher School of Economics, as well as peer-reviewed

studies of civil society organizations published in Russian and Western academic journals. Lastly, we collected information from a sample of CSOs working in five regions (Khanty-Mansi Autonomous Okrug, Novgorod Oblast, Khabarovsk Krai, Samara Oblast, and Penza Oblast). These regions were selected based on two criteria: 1) regions where CSOs were receiving the most government support according to a 2018 ranking produced by the Ministry for Economic Development⁵⁴ and 2) regions that exhibited the most protest activity according to the Lankina Russian protest event dataset.⁵⁵

⁵⁴ Available here: <http://nko.economy.gov.ru/Files/NewsDocuments/5777a89d-7631-4851-a030-c04d9862f8fb.pdf>

⁵⁵ Available here: <http://eprints.lse.ac.uk/90298/>



A protester holds a slogan reading: "Who is here afraid of human rights activists and ecologists?" outside the State Duma in Moscow. On July 6, 2012, Russian parliament to greenlighted the bill that imposed harsh regulations on all non-governmental organizations that received foreign funding and were involved in political activity. Photo: Misha Japaridze / AP.

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Front cover: Participants in the Immortal Regiment march at Poklonnaya Hill in Moscow. The Immortal Regiment march is a grassroots initiative that emerged in the Siberian city of Tomsk in 2012, but since then has been taken over by the Russian government in its efforts to exert control over civil society. Photo: Iliya Pitalev / Sputnik via AP.