

Delegation of the Russian Federation

**STATEMENT BY  
MR. ANDREY KELIN, PERMANENT REPRESENTATIVE OF THE  
RUSSIAN FEDERATION, AT THE 1062<sup>nd</sup> MEETING OF THE  
OSCE PERMANENT COUNCIL**

16 July 2015

**In response to the statement by the European Union on  
undesirable organizations**

Mr. Chairperson,

We already provided clarification at the Permanent Council meeting on 28 May regarding the adoption of the law on undesirable foreign non-governmental organizations (NGOs). Attempts by our Western partners to exaggerate this topic once again and interpret Federal Law No. 129-FZ as a desire on the part of the Russian authorities to “strangle” civil society attest not only to a failure to understand the internal political processes taking place in Russia but also to a patently deliberate effort to impose on the global public a distrust of Russia’s political institutions and legal system.

This is not the first time that we note our Western partners’ interest in certain Russian not-for-profit organizations. This interest is in principle understandable and can be explained. The bulk of the foreign financing for Russian NGOs is received from the United States of America and countries of the European Union (EU). I might add that the Samara branch of the Golos not-for-profit organization mentioned in the statements by the EU and the United States has been receiving money from the United States Agency for International Development (USAID) for several years – almost 11 million roubles. Therefore the attempt by the United States Permanent Representative to once again see hidden political motives and pressure on civil society in the tax inspection of those who are failing to pay their taxes does not surprise us in the least, likewise his interpreting certain incidents as practically a campaign of harassment.

If our partners really wish to learn about the work to increase the effectiveness of the participation of voluntary associations in solving current socio-political issues, we would recommend taking a close look at the activities of Russia’s Presidential Council for Civil Society and Human Rights, the civic chambers at all levels and the federal and regional ombudsmen. Incidentally, it was the Council for Civil Society and Human Rights that made a notable contribution to the preparation of the procedure for excluding not-for-profit organizations from the register of foreign agents.

Let us now get down to matters of substance. The attack on the Buryatian journalist and editor of *Asia Russia Daily*, Yevgney Khamaganov, on the evening of 11 July is being investigated. The journalist is currently in hospital having suffered a combination of traumatic brain injury and cervical spine trauma. Today he underwent a CAT scan to determine whether he needs an operation. Overall the prognosis is good. Once he has recovered, the journalist will return to his professional activity. As regards the motives for this attack, in the telephone interview that he gave to ATV television station the victim himself did not link the attack to his professional work. At the same time, the investigation team is investigating and verifying all versions, including a possible link to the journalist's professional activities. The Administration of the Head of the Republic and Government of Buryatia is overseeing this matter and ensuring that the journalist receives qualified medical care.

As for the activities of the human rights organization the Committee against Torture, according to a member of the Presidential Council for Civil Society and Human Rights and the head of this NGO, Igor Kalyapin, the organization will soon resume its work in Grozny.

Let us now turn to the searches carried out at the Golos-Povolzhye not-for-profit organization. According to the Investigative Committee of the Russian Federation for the Samara region, the searches and removal of documents from the office and the apartment of the head of the Samara branch of Golos were due to inaccurate information on income received between 2010 and 2013. As a result, this organization avoided paying more than 2,200,000 roubles in tax. We might point out that the tax authorities had already inspected Golos-Povolzhye in 2013, and on that occasion the inspectors also discovered dozens of violations.

Organizations engaged in public interest or political activities are not pardoned for economic offences. If an NGO does not agree with the rulings of the competent bodies, it can appeal against this decision through the courts.

As for the passages about some sort of historic role of Golos in the context of Russian elections, Russia is not only implementing its OSCE commitments set out in the 1990 Copenhagen Document and a number of OSCE Summit and Ministerial Council decisions but, unlike some countries, it has also enshrined them in its electoral legislation. No "supporting" role on the part of the Golos-Povolzhye not-for-profit organization is required here. As regards the observation of the local elections in Povolzhye, you can rest assured that we have an active civil society. There are hundreds of NGOs and thousands of observers who can monitor the electoral process.

Russia firmly intends to take the necessary legal measures to protect its own constitutional order and to prevent threats to the security of the State and society. I might add for your information that last year the financing of foreign organizations in Russia amounted to approximately 37 billion roubles, and this year it is already more than 70 billion roubles.

As for the assertions that this law contravenes the Russian Federation's commitments in the area of human rights, Articles 19 and 22 of the International Covenant on Civil and Political Rights state that the right to freedom of expression and the right to freedom of association may be subject to restrictions which are prescribed by law and which are necessary in the interests of national security or public safety and public order. This is also confirmed by the OSCE commitments, including those adopted in Copenhagen in 1990.

Pursuant to Articles 10 and 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR, 1950), freedom of expression and freedom of assembly are associated with certain restrictions necessary in a democratic society in the interests of national security, territorial integrity or public safety and also for the prevention of disorder or crime. Pursuant to Article 16 of the ECHR, “nothing in Articles 10, 11 and 14 [which prescribe the right to freedom of speech and association, and also non-discrimination] shall be regarded as preventing the High Contracting Parties from imposing restrictions on the political activity of aliens”.

As for the assertions by our United States partners regarding the obstacles to Russian civil society co-operating with foreign and international NGOs, we would advise them to carefully study the laws before making such statements. Responsibility for Russian citizens arises not for “any co-operation” but merely for heading organizations recognized as undesirable, and for “participation” in their activities.

The legislative sphere, including regulating the activities of not-for-profit and commercial organizations, is the exclusive prerogative of a sovereign State and does not imply external interference. The measures being taken by Russia are nothing special.

For instance, a number of provisions of United States legislation provide for criminal responsibility for destructive activity aimed against the United States Government. For example, articles of the United States Code, Title 18, Section 2383 (Rebellion or insurrection), Section 2384 (Seditious conspiracy) and Section 2385 (Advocating overthrow of Government) provide for up to 20 years’ imprisonment or heavy fines for members of organizations involved in such activity. Since United States law permits criminal responsibility of judicial persons, the aforementioned norms of the United States Code may be applied to foreign not-for-profit organizations. In view of the practice of extraterritorial application by the United States of its laws (the most recent example being the prosecution of the International Federation of Association Football (FIFA)), it cannot be ruled out that these norms may be applied to not-for-profit organizations operating outside United States territory.

In addition, the well-known Foreign Agents Registration Act (FARA) not only restricts lobbying for foreign interests, but also ensures that the public is informed in a timely manner of any attempts by foreigners to influence United States domestic and foreign policy.

The activities of not-for-profit organizations in the United Kingdom are strictly controlled under the Charities Act. For example, the Charity Commission for England and Wales is authorized to impose fines, deprive not-for-profit organizations of their status or suspend their work if their activities conflict, *inter alia*, with the interests of the national security of the United Kingdom and threaten relations with other States or the maintenance of international peace.

In France the activity of associations “threatening the integrity of the State territory or the republican form of government” is stopped at the initial stage and such organizations will be refused registration in accordance with the law on the Treaty on the Establishment of Associations.

Restrictive norms regarding community organizations are present in one form or another in the legislation of EU countries, including Belgium, the Czech Republic, Finland

and Germany, not to mention the long-standing practice of the intelligence services in the Baltic States, even in the absence of any requirements enshrined by law in this regard, to include in annual public reports domestic NGOs, citizens and non-citizens as well as foreign organizations and personnel who because of different political views, convictions or human rights activities are regarded as a threat to the constitution and statehood of the country.

As for the request of the Federation Council regarding the so-called stop list, the senators themselves regard such a list rather as a warning measure. Furthermore, recognizing the activity of a foreign or international not-for-profit organization as undesirable on Russian territory involves serious work among various ministries and departments in gathering and analysing a wide range of information, and in the event of the adoption of decisions in this regard it involves exceptionally targeted, verified and well-founded action regarding specific NGOs. Law enforcement practice in this context cannot and should not become an instrument of some kind of self-isolation and disempowerment of civil society, to whose positive influence we attach particular importance.

Thank you for your attention.