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Draft Paper

Outsourcing of Social Service Provision to NGOs in the Russian Federation

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Acronyms

NGO	Non-Governmental Organization
NKO	Non-Commercial Organization
ONF	Public National Front
RU	Russian ruble
SONGO	Socially-Oriented Non-Governmental Organization
US	United States

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Abstract/Summary

The paper focuses on a major social policy reform in the Russian Federation that was designed to begin outsourcing of some social service provision from state organizations to Socially-Oriented Non-Governmental Organizations (SONGOs). The key reform legislation, Federal Law 442 (FZ442) “On the Basis of social services for citizens of the Russian Federation,” came into effect in January, 2015.

The paper discusses the main goals of the outsourcing reform to:

- introduce into Russia’s social sector competition and choice of providers for service recipients by creating an alternative market outside state institutions;
- link civil society and the state in ways that could improve communication, feedback and effectiveness of the state’s welfare expenditures;
- increase personalization, responsiveness and effectiveness of social services
- replace institutionalization of people with disabilities, children without parental supervision, and elderly with services delivered in communities, at home or in semi-institutional settings.

In sum, these changes would bring Russian practices closer to international norms of de-institutionalization, social inclusion, and mainstreaming.

Our paper addresses three key questions about the implementation and effects of FZ442:

- How well has FZ442 worked, that is, how broadly has state-SONGO contracting been implemented through Russia’s regions?
- How successful have SONGOs been in improving responsiveness, effectiveness, diversification, and communication between clients and providers?
- Does NGO-state contracting have the potential to transform the dominant, bureaucratic and paternalistic system of state social service provision in Russia?

Based on interviews with NGO administrators and experts, governmental databases, media reports and academic studies, we found that the legislation confronted major problems and resistances. Our paper explains the main problems. First, in order to qualify as providers of social services that could contract with the state, SONGOs had to apply for inclusion in a ‘regional register.’ Applications were reviewed by regional ministries of social protection, and for reasons that the paper specifies, relatively few SONGOs were admitted to registries. We found two main obstacles to registration. First, most SONGOs were small organizations that could provide specialized services, but not the ‘full complex’ of services, specialists, etc. that established state organizations could provide. SONGOs would have had to increase staffs, hire professional experts, and make other changes to their organizations and missions that many were unable or unwilling to make. Secondly, regional social sector administrators were responsible for the operations and staffs of established state organizations, and were unwilling to divert funding to non-state providers. SONGOs that were admitted to regional registers had difficulty finding clients, as most people from vulnerable social groups who relied on social services stayed with their accustomed routines.

We next look at contracting from the perspective of SONGOs. They reported that, despite the difficulties of the contracting system there were advantages. SONGOs that contracted

with the state to provide services had the possibility to get stable financing through the state budget, solving one of their largest problems, inadequate and unreliable financing. More stable financing would allow SONGOs to develop and improve the quality of their work. Contracting would also provide opportunities for communication and dialogue with state structures. While most SONGO representatives we interviewed saw the advantage, some concluded that joining the contracting system was too onerous or risky.

In assessing the results of FZ442, we found that, two years after passage of the law only small numbers of SONGOs were included in most regional registries. We did find variations among regions. In a small number of ‘leading’ regions, administrations created successful systems of contracting, delegating part of social service provision to SONGOs. In the second group of regions authorities blocked SONGOs from registers and maintained strong dominance of state social sector institutions. We categorize these regions as ‘resisters.’ In a third group regional authorities engaged in ‘formal compliance’, re-registering parts of state social institutions as SONGOs – creating GONGOs, Government-Organized NGOs. Political factors, particularly the orientations of regional governments toward SONGOs, their past experience of cooperation, seem to be a major differentiating factor. The causes of differences among regions merit further study.

We conclude that FZ 442 has not fundamentally changed the practice of social service provision in Russia. A few regions show positive results, but there has been little change in the majority. However, experts believe that with certain refinements of practical mechanisms for the implementation of the contracting reform, it will be possible to diversify social service provision in Russia and improve the range and types of services available to the population.

Introduction

This report assesses the relationship between Russia's Socially-Oriented Non-Governmental Organizations (SONGOs), the state, and other stakeholders in relation to Federal Law (FL) 442, "The Law on the Bases of Social Services for the Population", which was passed in 2013 and came into effect in January 2015. FZ442 paved the way for the major expansion of the role of non-state organizations – both non-profit and commercial - in providing state-mandated social goods and services through contracts with the state. The report draws on approximately 30 interviews conducted with representatives of SONGOs in Moscow City and the Republic of Karelia during 2015-2016. The research found widespread resistance of regional social sector officials to implementing a reform that threatened to transfer financial resources and clients from state to non-governmental organizations. As a consequence, few SONGOs have been able to enter regional registers that would make them eligible to provide services under FZ442. The final section of the report looks at regional variation in implementing the law and proposes explanations for the substantial progress in a small number of regions while in the majority of regions few if any NGOs have been able to register.

The report first reviews the legalization and growth of Russia's NGO sector in the 1990s followed by the state's contradictory policies of supporting socially-oriented NGOs and repressing those oriented toward political, civil and human rights after 2006. Part II explains the main provisions and mechanisms of FZ442 and its expected effects; Part III reports on efforts to implement FZ442 in Russia's regions, obstacles and resistance. Part IV looks at outcomes and regional variations in implementation and summarizes the report.

Development of NGOs in Russia

Legalization and Growth

In the 1990s, as Russia's polity opened, large international organizations as well as long established philanthropic foundations, including the Carnegie, Ford and MacArthur Foundations, opened offices to promote the growth of civil society. These organizations and many other foreign donors contributed significantly to the development of post-Soviet social sciences and humanities, supporting innovative research, critical thinking and practical work in social services, as well as human and gender rights and environmental protection. A number of new non-governmental institutions were established and became centres of best practice. They included for example, Crisis Centers for Women who suffered domestic violence, social work and advocacy centers for children and adults with disabilities, development centers and villages for orphans, etc.

The number of domestic NGOs began to increase after legislation on the non-profit sector was enacted, specifically the Laws "On non-profit organizations" (1996) "On charitable activity and charity organizations" and "On public associations" (1995) Reforms of the civil code during the 1990s recognized about thirty forms of non-governmental organizations that have the general legal status of non-profit (according to legislation of the Russian Federation, *non-commercial organizations – NCOs*) including public organizations and institutions, charitable organizations, foundations, autonomous non-commercial organizations, associations, etc. NGOs were given tax exempt status, and

some received foreign funding. Domestic NGOs and other civil society organizations emerged as providers and advocates in Russia's social sector.

The largest domestic NGOs were Soviet era hold-over or 'legacy' organizations, including associations of veterans, visually-impaired, and others with disabilities. (Kulmala and Tarasenko, 2015) New organizations emerged to serve disabled and ill children and adults, people with HIV/AIDS, and other vulnerable groups. The majority of new NGOs were small and informal, organized as membership or self-help groups (i.e., by those affected and their families). They coordinated support, services and sometimes advocacy by and for their members. Others developed into professional service organizations with formal structures and staffs. The latter group raised funds mostly in Russia's growing private and commercial sector. There were cases of self-help groups that grew into larger organizations that applied for grants and engaged in other fund-raising activities. (Cook and Vinogradova, 2006)

During the six years from 1991-1996 the Russian Federation Ministry of Justice registered 3,214 NGOs, while regional organs of justice registered an additional 54,861. (Yakamets 1999). The share of "service" and "non-service" activities in Russia's third sector accounted for 34% and 66% correspondingly. Some 21% of NGOs' labor resources were engaged in social (care) services, a proportion intermediate between post-socialist and Western European countries. (Salamon et al 2016, cited in Benevolenski 2016). NGOs were poorly represented in educational and health services – about 6% of the human resources of the Russian non-profit sector were occupied here.

By the end of the 1990s both support for the non-profit sector and its freedom of development were declining. Deterioration of the state's financial situation as well as reactions to the misappropriation of funds by some non-profits contributed. The government limited tax exemptions, significantly worsening the situation of non-profits. In 2002 revisions of the Tax Code repealed almost all existing income tax benefits for both non-profits and their contributors.

From 2000 demand in international energy markets expanded, Russia's economy recovered, and budget revenues grew. It became apparent to international organizations that Russia now had its own capacity to support non-governmental institutions, independent researchers and universities. In addition, international donors were frustrated by insufficient structural and sustainable changes due to the 'classic patronage system, with no emphasis on merit' (Steven Kotkin, cited in Jaschik, 2007). Donors started leaving the country. The main international philanthropic institutions closed programmes that promoted human rights and supported environmental organizations, the social sciences and humanities. In the following years the Russian government closed most that remained.

Carrots and Sticks: Supporting Socially-Oriented NGOs, Suppressing Rights-Oriented Ones

During the early 2000s Russia's government adopted an approach to domestic NGOs that has been characterized as a dualistic or contradictory, a policy of 'carrots and sticks.' In the aftermath of civil society mobilization during the 'colour revolutions' in Georgia (2003) and Ukraine (2004), harsh restrictions were placed on Russian NGOs that advocated for civil, political or human rights. At the same time Socially-Oriented NGOs (SONGOs) – which the state classified as 'socially useful' - were provided with new sources of state support. Authorities saw the two sets of NGOs very differently: rights NGOs could challenge the leadership and de-stabilize the polity. SONGOs, by contrast,

could help to provide social services. (For the main types of activities of “socially-useful NGOs see Table 1)

Table 1: Types of Main Activities of 96,728 Socially-Oriented Non-Commercial Organizations in the Russian Federation in 2011*

Type of Activity	Socially-Oriented Non-Commercial Organizations by Activities**	
	Number of activities	Share of activities (per cent)
Total	104,391	100
Social support and defense of citizens	26,438	25.3
Charitable activities	14,496	13.9
Education, art, health care, protecting health, improving the moral-psychological situation of citizens, physical culture, sport	63,457	60.8

Source: Federal State Statistic Service, “Socially-Oriented Non-Commercial Organizations http://www.gks.ru/wps/wcm/connect/rosstat_main/rosstat/ru/statistics/state/#

*Type of activities according to the Federal Law 12 January 1996, No. 7 FZ “On noncommercial organizations”. All other types of activities constitute less than 10% of the total.

**One organization can carry out one or several types of activities.

Policy experts claimed that, SONGOs could provide social services more effectively than state and municipal institutions because they could respond to needs of the population that are not recognized by the state’s statistical categories. Public opinion polls showed that Russia’s population was broadly dissatisfied with social services provided by state institutions. Delegating some of the state’s responsibilities to civil society organizations was seen as a possible solution. Among established NGOs there were many already working with poor families, orphans, elderly, people with disabilities, those with HIV/AIDS, and other socially vulnerable groups. Dimitri Medvedev, who presided over new programmes of federal financing for NGOs, stressed in a 2010 speech that, “we have to call the non-profits to social service provision more actively. They often know better about actual situations... participation of non-profit organizations may make social services more focused and better targeted and decrease corruption in the state apparatus”. (Vesti.ru 30.11.2010)

Support Programmes for SONGOs before 442-FZ (Carrots)

Beginning in 2008 Russia’s government sponsored programmes to support SONGOs, including Presidential and other federal grants that were distributed on competitive bases. SONGOs were again given tax exemptions and subsidized work spaces. Regional governments got incentive funds to encourage their collaboration with NGOs. (Benevolenski 2015; Shmulevich 2013) Non-commercial organizations were allowed to compete for State Orders (Goszakazi) to provide social services. Between 2011 and 2015 socially oriented non-commercial organizations received more than 40 billion RUR in public funds as subsidies and grants, with the amounts increasing over time. (Tarasenko date) State subsidies stimulated other funding, and the cumulative effects led to an increase in the volume of services. (Efremov 2014) According to Irina Mersiianova, a prominent expert on NGOs in Russia, the most effective tools of state support, in the view of the sector’s leaders, were subsidies to cover their running costs, provision of premises free of charge, and tax exemptions for NGOs themselves and other organizations that support their work. (HSE 2010)

Official support also took political forms. The “Concept of Long-Term Socio-Economic Development of the Russian Federation for the Period up to 2020,” a major policy planning document that was approved by the Federal Government in 2005 (1662-P), prioritized development of civil society institutions. The sector’s significance was also reflected in the Concept of Promoting Charitable Work and Volunteering (Concept 2009), under which the Ministry of Economic Development distributed grants to support the SONGO sector.¹ A new entity, the Federal Civic Chamber, was established to mediate between the government and NGO sector and became another conduit for state funding to SONGOs. Critics claimed that Presidential Grants as well as those from the Civic Chamber and other official sources favored NGOs that were close to the government.² Nevertheless, overall the state sought collaboration with a broad range of SONGOs and provided them with increased funding opportunities during these years.³

The term “socially oriented non-commercial organizations” (SONGOs or NKO) was officially defined for the first time in Federal Law #40-FZ of 5.04.2010 (which amended the Federal Law of 12.01.1996 #7-FZ “On non-for-profit organizations”). SONGOs were defined as non-profits engaged in activities that were aimed at solving social problems. The list of qualifying activities was amended several times between 2010 and 2016 (most recently by 449-FZ, 19.12.16) and encompasses eighteen categories, including the following that relate most directly to our research:⁴

- social services, social support and protection of citizens;
- (6) provision of legal aid free of charge or on a preferential basis to citizens and non-profit organizations, and legal education of the population, efforts to protect the rights and freedoms of man and citizen;
- (7) prevention of socially dangerous forms of behavior of citizens;
- (8) charity, as well as activities for the promotion of philanthropy and volunteerism
- (9) activities in the field of education, education, science, culture, art, health care, prevention and health protection, promotion of healthy lifestyles, improving the morale of citizens, physical culture and sport and the promotion of such activities, as well as assistance to the spiritual development of the individual;
- (15) social and cultural adaptation and integration of migrants; and
- (16) measures for medical rehabilitation and social rehabilitation, and social and occupational reintegration of persons engaged in the illicit use of narcotic drugs or psychotropic substances.

The legal base for state contracting with SONGOs was initially established by Federal Law 44-FZ of the 5th April 2013 “O kontraktnoi systeme v sfere zakupok tovarov, rabot, uslug dlia obespecheniia gosudarstvennykh i munitsipal’nykh nuzd [On the contract system in the sphere of purchases of products, works, services for the provision of the state and municipal needs]”

1 list of orgs with grants at: (<http://economy.gov.ru/minec/activity/sections/SocOrientNoncomOrg/201411132>).see list approx. 200 with support from Ministry of Economic Development

2 Critics claimed that grants mainly are given to the GONGOs directed by the members of Public Chamber and public officials (<https://www.newsru.com/russia/24feb2010/gongoo.html>)

3 https://grans.hse.ru/data/2016/01/26/1138566780/Bulleten7%20blok_web.pdf evaluating effectiveness of state support for NGOs – charts on numbers of organizations and amount of support, 2010-2015

4 <http://economy.gov.ru/minec/activity/sections/SocOrientNoncomOrg/201411132>

Suppressing Rights-Oriented NGOs (Sticks)

During the same period the government became increasingly restrictive and repressive toward NGOs that advocated for political, civil and human rights. From 2006 new legislation tightened the rules for auditing of NGOs and their reporting to the government. All had to report on financial flows, especially on funding from foreign sources. Unannounced inspections of NGOs by various controlling organs were legitimized, and the government was authorized to close down organizations for minor violations. A new tax on donations weakened the remaining international philanthropic organizations. In 2012 NGOs that received funds from abroad and engaged in vaguely defined ‘political activities’ were required to register as ‘foreign agents’. An organization that is registered as a “foreign agent” cannot receive the status of SONGO. The total number of NGOs operating in the country reportedly shrank by one-third over the two years after the “foreign agent” law took effect⁵. The number of organizations listed as ‘foreign agents,’ though small (126 organizations in 2016), grew steadily.⁶ In May 2015, the ‘Undesirable Organizations Bill’ was passed, proscribing NGOs and other organizations that posed a threat to "National Security." Such an organization could be labelled a "threat to the constitutional order and defense capability, or the security of the Russian state." Those so labeled were closed and their leaders could be subject to high fines and significant jail time.

These measures were directed mainly against the human rights organization. Social issues were explicitly exempted from restrictions on ‘political speech.’ (Benevolenski. (Voluntas). But because the law does not define ‘political activity’ the concept can be applied broadly and arbitrarily. For instance, charities not only raise funds to help children with rare and severe diseases but also try to solve the issues of the health care system.⁷ Their efforts to change legislation or effect the implementation of certain laws can easily be interpreted as “political activities”, placing them at risk of being shut down or named ‘foreign agents’. Such measures have not been directed against (most) socially-oriented NGOs. However, the demonization of rights organizations has had negative effects on the whole third sector, poisoning public perceptions and creating apprehension among leaders and activists.

FZ442 and State-NGO Contracting: Main Provisions, Mechanisms, Anticipated Effects

The major initiative in state-NGO contracting, Federal Law 442 (FZ 442), “The Law on the Bases of Social Services for the Population”, was passed in 2013 and came into effect in January 2015. This law paved the way for major expansion of the role of non-state organizations – both non-profit and commercial - in providing state-mandated social goods and services to the population. The legislation specified that 15% /of funds allocated to the social sector annually should be paid to non-state organizations – non-profit and commercial – through contracts. FZ442 moved well beyond the limited system of state grants and competitions described above, formalizing the government’s commitment to integrate NGOs into the system of social service provision. These services were financed at the regional level, and the list of services eligible for contracting would

5(<http://bellona.org/news/russian-human-rights-issues/russian-ngo-law/2015-10-foreign-agent-law-has-put-33-percent-of-russias-ngos-out-of-business>)

6 <https://www.vedomosti.ru/politics/articles/2016/04/18/638090-komitet-politicheskoi-deyatelnosti-nko>); the whole number of NGO by 26.04.2016 see at http://www.gks.ru/wps/wcm/connect/rosstat_main/rosstat/ru/statistics/state/#

7 <http://takiedela.ru/2016/04/fondamentalizm/>

be confirmed by a legal act of each region. (The policy process that produced this law and an outline of its provisions can be found in Report # 1 of this project).

The law was designed to create an alternative market for social services outside of state institutions, in less institutional settings and in clients' homes. It was expected to create competition between state and SONGO providers and to re-orient the system of service provision to individual needs and demands. Its promoters anticipated that the law would increase the range and quality of social services, allow eligible service recipients choice of providers, and provide a more personalized approach. FZ442 constituted part of a general trend towards new-managerialism, which focused on effective service provision, individual programme management, and cutting costs. It also responded to Russia's commitment in ratifying the UN Protocol on the Rights of People with Disabilities, which specifies that people with disabilities have a right to receive services in the form and place of their choice.

Bringing in NGOs could at the same time allow the state to utilize a huge pool of volunteer labor that socially-oriented organizations had mobilized. Throughout the Russian Federation SONGOs had almost two and a half million volunteers working in more than 140,000 organizations. (see Table 2) They were distributed across regions. Contracting-out in Europe had been shown to reduce the costs of service delivery by using the virtually free labor of organized volunteers. The government could benefit from activating this sector of civil society as long as its organizations accepted political constraints; (the incentives for complying and costs of non-compliance. (Hogg and Baines 2011)

FZ442 also served the Russian state's political agendas, particularly its intent in securing political loyalty within the third sector. This goal was to be achieved through several means: (i) restricting activities of organizations that received funds from Western donors, (ii) constructing new political classifications that divided worthy from unworthy organizations, (iii) cooperating with non-governmental organizations that fit governmental definitions of serving the public good. The law helped to domesticate civil society, to divide it into the 'societally useful organizations (общественно полезная организация and 'undesirable' civil society organizations. The term "societally oriented non-commercial organizations" (SONGOs) was officially introduced in Federal Law #40-FZ of 5.04.2010 (which amended the Federal Law of 12.01.1996 #7-FZ "On non-for-profit organizations [O nekommercheskikh organizatsiakh]). SONGOs are those non-for-profits whose activities are directed at solving social problems, and aiding the development of civil society.⁸

As with all laws, FZ442 specified requirements and gate-keepers. It provided that "societally oriented non-commercial organizations" (SONGOs) can receive the status of a provider or an "executor of societally-useful services" if they have worked for more than a year, have no debts, and are not 'foreign agents.'⁹ The basic list of societally useful services was prepared by federal authorities (see above) and could be amended by the regional authorities. To begin the process an NGO had to apply for inclusion in a regional register of eligible providers. Regional ministries of Social Protection or Culture would evaluate the application and decide whether to recommend the NGO for inclusion in the register. Approved non-profits could then make contracts to be paid for providing services. SONGOs could also receive special funding preferences and be given more

⁸ <http://portal-nko.ru/dialog/16503/16599>

⁹ Rusfond 29.04.2016 <http://www.rusfond.ru/issues/523>

freedom and support.¹⁰ These opportunities would be available only to organizations that partnered and cooperated with state authorities.¹¹

The new contracting policies had been developing for several years, as evidenced by legislative precursors (i.e., FZ40...); they were not adopted in response to Russia's sharp economic downturn beginning in 2012. Nevertheless, state-NGO contracting was implemented in the context of spending cuts and budgetary stringency. On the positive side, the touted cost-effectiveness of NGOs' delivery of social services could be especially valuable during this period; it is worth keeping in mind that government-civil society partnerships in the social sector grew in Britain and the US precisely during periods of welfare state retrenchment. At the same time, Russian NGOs were asked to become more involved just as resources were shrinking, increasing the likelihood that expectations and pressures on these organizations would be high and competition with state providers intense.)

FZ442 turned the tables on regional authorities in the financing of social services. To this point the state had encouraged SONGOs' activities by providing them with additional resources that added to regional social sector budgets – grants and subsidies to SONGOs, financial incentives to regional authorities to encourage their cooperation with NGOs. Now, instead of adding resources, the federal government wanted to transfer part of regions' social financing to NGOs and NKO in a time of shrinking resources. This new policy came from Moscow. Regional social sector authorities were key to the implementation of FZ442. It is not difficult to understand why many used their gatekeeping authority to resist the law and construct obstacles to its success.

Implementation of FZ442: Obstacles and Resistance in the Regions

Barriers to NGOs' Entry into Regional Registries

According to the Russian State Statistical Agency (Rosstat), by the end of 2015 there were about 140,000 SONGOs in Russia with more than 1 million staff. To facilitate the process of their applying to regional registries, manuals and instructions for NGOs as participants in social service market were produced and published online (e.g. Grani 2015; Lychak, Fedorova 2016). However, many barriers remained. The most important was the resistance of regional social sector officials.

Representatives of NGOs who were interviewed for this project described the process of entry into regional registries as a “difficult quest,” in some regions virtually impossible. Problems arose because of inconsistencies in the law itself (FedReport # 1) as well as actions of officials on the ground. In some regions officials imposed additional requirements such as many years of continuous operation before an NGO could apply to the register. Many organizations confronted bureaucratic obstacles. According to one fund representative,

“We collected and sent the documents...we received an official answer that we should submit additional documents...and after this we received no answer, either positive or negative... We were even asked by the official of the department, ‘Why do you need this /i.e., to be included in the registry/?’” (N2 NKO, pred fond)

¹⁰ <http://tass.ru/politika/2733006>

¹¹ <https://oprf.ru/ru/press/news/2016/newsitem/33713?PHPSESSID=ludb15abk6n454fja3o5s13db>

In several regions officials created a situation making it impossible for NGOs to get into the register of providers of social services. One of our informants, the leader of an OOO in Moscow, said that for almost a year his organization tried to get an answer about what was happening with their application (set of documents), but they were repeatedly put off by the head of the social service administration, despite the fact that formally an answer was supposed to be given within thirty days. (I-6 OOO leader of organization)

NGO representatives also complained about excessive paperwork. According to Valery Baburin, the head of the charitable organization "Street" in Murmansk, "It takes serious work with the documentation, and we all live busy lives as volunteers working with people - we prepare hot meal for the homeless, feed them, help restore their rights and so forth."¹² (source?)

A second barrier to entering registries is the requirement that NGOs be able to provide the 'full complex' of services (i.e., specialists, space) that are guaranteed by the state for specific categories of social service recipients. But most social sector NGOs are too small to meet this requirement. Moreover, NGOs often provide types of services that their clients need, but that have no analogs on the state list and so cannot qualify for compensation under FZ442.

According to one representative I1-NKO

"Certain amendments (to FZ442) were adopted according to which the whole packet of services /mandated by the state for particular categories of recipients/ should be provided by one institution. This is of course contrary to the spirit of the law, but it is specified in one of the law's acts. This means that any organization that does not have the 'full complex' of state services has no chance to participate... As we understand, this is the majority of non-state organizations."

According to interviewed specialists, in order to qualify some NGOs would have to re-train staffs, hire additional specialists, and completely change their style of work, their 'identities,' adopting the model of social services used in state institutions. Most lack the resources/ money to make these changes. According to another interviewee whose NGO is in the process of trying to register, "We have to change our director, staff, charter, in order to be included in the register." /I 4NKO/

Nevertheless representatives of NGOs see entering the registry as important because it may allow dialogue with state institutions and financing that could provide the means for the organization to improve the quality of its work. Approval as a service provider opens the long-term possibility of stable financing of their activities from the state budget, rather than grants which "you win one year and not the next." (I7 – NGO, representative of the organization)

NGO leaders also see the services they provide as more valuable to clients than those provided by the state. Representatives in both Moscow and Karelia emphasized these advantages. According to one, "The state spends a huge amount of money to provide these services in state institutions that are very often ineffective. . . . so the ideal that our

¹² Valery Baburin, head of the Murmansk regional charitable organization "Street" (<https://www.asi.org.ru/article/2016/12/26/nko-murmanskoi-oblasti-osvaivayut-rynok-sotsialnyh-uslug/>)

clients should receive services from NGOs is right.” (I4 HKO representative of a fund) (p. 54 AB)

Difficulties Finding Clients

When they did succeed in entering the registries, NGOs had difficulty finding clients. The entrenchment of the state system, refusal of state workers to refer clients to NGOs, and clients’ own lack of knowledge and habit of relying on state services, all contributed. One interviewee explained:

“The reluctance of officials to turn over finances and work to the non-commercial sector, such as these /social/ services. . . All our lives the state did this, and now all of a sudden, they want to give it to some NKOSHiki. . . (I-5, NKO)

According to another:

“The law was passed to ‘break’ the existing system through competition. But in reality, competition is limited . . . Now I will speak specifically about what /state/ services do to prevent it from working. The essence is that they will not send a client to a private provider unless they have no space.” (I-8 OOO)

The related problem is that workers in state organizations resist informing those eligible for services that they have a choice between state-institutional services and semi-institutional and home-based alternatives provided by NGOs. Recipients of social services are, as a rule, elderly people and vulnerable groups of the population, who depend on organs of social protection and trust their directions. According to one interviewee, “He /the client/ may choose, but they/state authorities/ will say to him, ‘Go to a certain place.’ Also, our clients are a specific category of people, they all go where they are told. There are not many among them who are active, able to find information independently, to compare, to make choices, to find alternatives. They/state authorities/ will be interested in sending people to social organizations only when . . . there is a deficit of internal /state/ services . . . and for those services that are not included in their plan, there won’t be any compensation because the mechanisms of compensation have not been developed.” (I4-NKO) (p. 53, AB) Even service recipients who know they now have a choice are often not prepared to make demands on the basis of the law (442-FZ). It is not difficult for officials and workers in state structures to discourage them, talk them out of turning to private providers.

In justifying their refusal to offer NGO alternatives to clients, state authorities argue that non-institutional services are not widely-available, so there is little point in offering them. One specialist responded that this choice should be stated in citizens’ application for services, and this would generate demand for NGOs, increasing personalization and quality. “A person has to come and say that I want a social service of that particular type. But for this a person has to know that s/he is eligible for that and there are different forms of that service. But no one knows about that, because there are no forms that explain they have that option.” (INT 1 NGO)

Financing and Compensation

The third barrier to NGOs’ participation in state contracting regards compensation for services and up-front costs. Compensation rates are set by regions and often underestimate NGOs’ costs, making it senseless for them to try to enter the registry.

Calculation of reimbursement/is based on the cost of providing similar services in state organizations, which do not pay taxes, rents and other expenses that are common for NGOs and businesses.

According to I4-NGO, fund rep. “The NGO, on the one hand, has to go through a ‘difficult quest’ /to enter the register/and in addition a pile of other things in order to receive R150 per hour. That is why the feeling arose that the whole structure is designed so that no one gets in there.” (I-4 pred fond) (p. 57 AB) Informants also pointed to long periods between providing services and getting paid. One respondent told of a case in St. Petersburg in which an organization provided services to 100 people for a year before receiving payment. (Int8 000leader of org.)

State versus Non-State Structures: Conflicts of Interest (or, Putting the Fox in Charge of the Chicken Coop)

Interviewed experts on the whole agreed that the new legislation in fact deepens the conflict of interest between state structures and non-profits in the social sector. The basic contradiction is: the transfer of some social service provision to non-state organizations was supposed to create competition with state organizations. However, according to FZ442, state organs that have an interest in preserving the existing system make the decisions about including NGOs in regional registries and allocating financing to them. In other words, the process of creating a competitive sphere rests on the shoulders of officials who are interested in this competitive sphere not being created.

Some regional officials complied with the law that non-commercial organizations must be included in the registers by using various ruses. For example, state centers of social security registered as non-commercial organizations and entered the register, thus formally making it possible for authorities to report to the center that there was a non-commercial organization in the regional register. These institutions, "disguised" as NGOs, became the competitors to genuine non-profits. The Congress of NGOs of Russia criticized the actions of regional authorities, which "repainted" state-based institutions into socially oriented NGOs, while it was important to support the genuine non-profit sector. (I-4 NKO, Pred Fund) According to one respondent, “In reality registers are formed so that there is a single NKO (non-commercial organization) that is close to the authorities. In general it is not an NKO, the state created an NKO attached to itself... *So that not a kopek from the budget goes past them into the NKO sector.*” (I-4)

The position of state organs is as follows: At present the demand for services provided by non-commercial and business organizations that are in the register is not great. Clients coming for help do not have to wait, state organizations themselves can provide services. However, our interviewees judge that many of the social services needed by groups in the population are not taken into account by state organs, these people live in terrible conditions and officials close their eyes.

“They say there is no (waiting) list. But there is a list. We calculate – 5500 people in Moscow and Moscow Oblast – of these about 1000 are ours and 4000 people live like dogs. And social protection does not know about them. They do not know how much in need these people are. /I 6 Ryk org)

The problems around 442-FZ are interpreted in the interviews in the following ways:

- The inertia of the system, which is not prepared to change, and only tries to preserve itself in existing forms.

- The presence of various interpretations of the law by officials in the localities.
- The inescapable trap that the new law creates for officials: on the one hand they have to protect the organizations they administer and are not allow any reductions of costs or work places. On the other they have to allow new players into the market.
- The lack of understanding of the law’s substance, and also lack of preparation to communicate with non-commercial and private structures.
- In general experts agree that the state should be the customer, not a competitor with non-commercial organizations and businesses, in order to create a fully competitive market.

In sum, social sector reform (FZ442) confronted the inertia and widespread resistance of Russia’s entrenched state system of social provision.

Outcomes and Regional Variations in Implementing FZ442

FZ442 stipulated general rules for social service provision to citizens. At the same time the practice of implementation has taken on regional specificity across Russia. In February 2016, one year after the law came into effect, the Ministry of Labor reported approximately 300 SONGOs and commercial providers had been accepted into the registries of 63 regions.¹³ The regional distribution was very unequal, with none or a small number in most regional registries. (see Table 2)

Table 2: Socially-Oriented Non-Commercial Organizations in the Russian Federation and Selected Regions 2015-2016

Region	No. of SONGOs	Average No. of Workers	Average No. of Volunteers	No. of SONGOs in Regional Registry*
Russian Federation	140,031	991,081	2,492,974	300 (approx.)
St. Petersburg City	3966	39955	31841	198
Republic of Bashkortostan	5118	23403	88634	118
Perm Krai	3093	15882	35058	34
Khanti-Mansiiski Auton Region	215	1783	1546	12
Moscow City	4856	225940	137115	5
Republic of Karelia	1104	3063	25424	4

Source: Goskomstat Rossii col 2,3,4; col. 5 MinTrud Feb 2016
This category may include some non-state commercial providers.

Most regions’ registries are still dominated by state providers; for example in Tyumen’s registry, of 47 organizations there are three non-profits and one commercial. In Moscow,

¹³ In July 2015 the Ministry of Labor reported that 313 NGOs were included in the registries (reestry) of 36 regions. (<http://www.asi.org.ru/news/mintrud-rossii-podschital-kolichestvo-nko-postavshhikov-sotsialnyh-uslug/> 24.07.2015). The largest numbers of non-for-profits were included in registries of the following regions: Bashkortostan (120), Udmurtia (57), Crimea (47), Leningradskaya oblast (20), Novosibirsk (9 in 2/16) Bryanskaya oblast (8), Khanty-Mansiyskiy okrug (6). Others, such as Perm Krai, have many commercial non-state providers but few NGOs in their registries. (Mintrud 26.02.2016 Monitoring www.rosmintrud.ru/docs/mintrud/protection/294/mword)

a focus of our study, a total of 5 of an estimated 4856 SONGOs were registered as providers and in the Republic of Karelia 4 of 1104. (see Table 2 above). Common examples of SONGOs included in the registers of various regions of Russia include: Tyumen non-for-profit “Future starts now”¹⁴ established in 2006, which provides care for homeless people; St. Petersburg non-for-profit Doctors for Children¹⁵ which helps families and children in difficult life situations, in particular HIV positive kids and adults, and supports foster families; the charity Independence in Permskiy kray¹⁶ helps people who are dependent on substances (drugs and alcohol); Bryansk Special Child Development Center Harmony has worked with children who have special needs since 2007; Ryazan regional Jewish organization Hesed-Tshuva (established in 2001) takes care of the elderly people.¹⁷ In some cases, NGOs received facilities free of charge. Usually these NGOs have good relations with local authorities.

Causes of Regional Variation

Regional variations are due first of all to past experience of the partnership of officials, state organizations and NK(G)Os in different regions. According to one interviewee, “Each \region\ has its own history. Perm Krai began a reform in 2006, the governor initiated it. In Bashkiri they began the reform even earlier. After 442FZ came into force they decided to raise the quality of services and make budget expenditures more effective. In general each /region/ has its own reasons. They saw all the documents and decided that it was sensible to move quickly.” (I-7 NKO Pred). In those regions where NK(G)Os have not registered, or only a single organization has, the former familiar practices of subsidizing NKOs- competitions, subsidies, state tenders/orders – have been kept. In fact NGOs themselves sometimes prefer subsidies because they have experience with this process and receive payment in advance, they do not have to work the whole quarter and then receive payment. Non-profits can use an unlimited number of sources of financing as long as they keep separate accounts of funds coming from different sources.¹⁸

Another source of regional variation is that regional authorities, as noted previously, determine the rules of getting into the registry and the payments. In different regions various additional requirements for NGOs are formulated. For example, in Moscow documents are demanded concerning the specialized training of NGO workers, depending on the type of services they provide. (Tikhonovich 2016). In other regions, including those listed in the Table above as well as Stavropol and Khabarovski Krai, the number of NGOs working as social service providers is growing and this mechanism works very effectively.¹⁹ The number of providers in Novosibirsk (city) is quickly rising, currently they have 19 such providers. In Permski krai the system is well established, the tariffs are very good, and non-profit providers even change into commercial organizations once they understand the advantages of becoming a small and medium business.

The situation in Bashkortostan exemplifies another strategy devised by regional authorities to meet the formal requirements of FZ44 – the creation of GONGOs (Government-Organized Non-Governmental Organizations). In 2014-2015 the statutory social services in the region were transformed into autonomous non-for-profit organizations. These organizations became non-governmental providers of social services and were included into the registry, so that all social services for the elderly,

14 <http://www.bogadel.ru>

15 <http://www.vd-spb.ru/>

16 (<http://независим.рф/sotcialnaya-rabota-po-gosprogrammam>

17 (ASI 03.09. 2015 <http://www.asi.org.ru/popavshie-v-reestry-kak-nko-sebya-chuvstvuyut-v-rol-i-postavshikov-sotsialnyh-uslug/>).

18 (<http://songo63.ru/2016/07/15/finansirovanie-nko/>

19 (<https://www.asi.org.ru/news/2016/11/16/mintrud-toropit-regiony-s-realizatsiej-mer-dlya-dostupa-nekommercheskih-organizatsij-na-rynok-sotsialnyh-uslug/>

children and adults with disabilities are rendered by non-governmental organizations in Bashkortostan (this is about 20% of all social services in the region). In other words, the state-based or municipal organizations were turned into NGOs. In addition, commercial agencies have been established in conjunction with these GONGOs, in order to provide services for fees. These commercial firms are now taking part in the programmes of state loans.²⁰ That is why Bashkortostan appears such an exceptional case – 120 NGOs out of 211 providers. But they changed only “on paper” (Tikhonovich 2016).

Which types of social service providers are most often accepted into regional registries? Home care (for elderly and disabled) and assistance to children with disabilities and their families are the most common case. Such services are rated (for reimbursement) in a straightforward way, and such organizations prevail in the registry. Semi-residential services are in second place. Usually these are services at various centers: day care, rehabilitation, counseling, etc. Among the types of services most frequently mentioned are assistance to the children with disabilities and their families, social adaptation of adults with disabilities, and prevention of child abandonment through support for mothers and children. It is more difficult for NGOs that provide services not listed in the registry categories to qualify.

Residential services (nursing homes, hospices, etc.) are the rarest case because NGOs rarely have their own facilities and permission for such specific activity (Tikhonovich 2016). But there are exceptions, for example the almshouse "The Future Starts Now" in Tyumen, has long been in the regional registry.²¹ Medical services are in general not provided by NGOs. Experts point out that the number of SONGOs working in the field of assistance to families and children is much higher in comparison with the number working in other areas of social services.²²

Finally, some NGOs receive government support through programmes that were established before the passage of FZ442. They do not need to be included in the registry, though inclusion would make them eligible for tax benefits and compensation for social services provided to citizens in the framework of individual programmes. Some voluntary and religious organizations do not consider entry in the register to be of use. For example, the Murmansk branch of the evangelical Christian charity, "Salvation Army" has no plans to apply to the registry. "We have our own areas of work, which include partnerships with institutions of social protection, government support for the homeless", - said the head of the Murmansk branch of the "Salvation Army" Andrew Slashchyov.²³ Others simply do not know about the registries, or do not understand the new system and wait to observe the experiences of other NGOs.

Overall the share of NGOs in the whole volume of social service providers in Russia remains small. Only up to 2% of all social services are rendered by them, according to Elena Topoleva, director of ASI. (expansion). In many regions there are still no NGOs in the registry. Even if an NGO enters the registry, this ensures only its readiness to provide social services; there is no guarantee that such NGOs will make contracts as providers.

20 (ASI 03.09. 2015 <http://www.asi.org.ru/popavshie-v-reestry-kak-nko-sebya-chuvstvuyut-v-rol-i-postavshhikov-sotsialnyh-uslug/>).

21 (<https://www.asi.org.ru/article/2015/09/03/popavshie-v-reestry-kak-nko-sebya-chuvstvuyut-v-rol-i-postavshhikov-sotsialnyh-uslug/>).

22 (<https://www.asi.org.ru/news/2015/08/28/eksperty-nko-v-sfere-zashchity-detstva-poka-ne-gotovy-reagirovat-na-zapros-o-sotsialnyh-uslugah/amp/>)

23 (<https://www.asi.org.ru/article/2016/12/26/nko-murmanskoj-oblasti-osvaivayut-rynok-sotsialnyh-uslug/>)

Moscow and Karelia as a Failed Cases

We focused on Moscow and Karelia as case studies because both have active civil societies and dense networks of NGO. We expected a successful implementation of FZ442 in both regions. Our research results contradicted these expectations. By May 2016 there were only five NGOs in the Moscow City register²⁴ and three in the Moscow regional register.²⁵ The situation in Moscow reflects the problems with the legislation that are experienced by the “genuine” NGOs all over the country. One informant commented: “requirements and standards formulated in the Law (FZ442) are compatible with statutory (i.e., existing state) organizations, including how the services are named, how much time is supposed to be spent on one client, etc. That is why non-governmental organizations are now amending their charters, in order to be compatible with that Law. But NGOs which have a variety of practices, individual approaches to clients, particular methods and specific understanding of effectiveness of work, cannot be compatible with those frames. The “standards” written into the Law reflect the most progressive practices of statutory institutions, while NGOs are oriented towards the best international standards of effective work. Another reason why NGOs are not included into the register is that the professional services’ costs are calculated at a very low level, for instance, the psychologist’s hour costs only 150RUR. Thus it is not clear how to get money for the contracted professional services. The third reason is related to the specificity of Moscow: the requirements are stronger here, while in other regions, local authorities or committees can revise the requirements and change the prerequisites of inclusion into the register.”²⁶

In 2016 the Moscow headquarters of Public National Front (ONF) initiated an action plan to promote the access of societally oriented NGOs to budget funds for provision of social services.²⁷ Expert consultations and round table discussions characterized the requirements formulated by the Moscow Government as barriers (barrage). The experts proposed to the Department of Labor and Social Security of Moscow that it elaborate a more reasonable set of requirements. The unique complex of services provided by non-for-profits cannot be ‘packed’ into the written standards of established state services. Thus it is necessary to work out new models and to form pools of societally oriented NGOs ready to go to Moscow social service markets, as well as to inform Muscovites about the new possibilities to get social services from NGOs.²⁸ The new list of standards and services is supposed to be elaborated and the documents amended in the nearest future.

Our team’s investigator in Karelia also found few NGOs that had registered and were providing services under FZ442. NGO representatives interviewed for the project reported some of the obstacles noted already in this report: NGOs were supposed to deliver the same services as state organizations; the actual services many NGOs did deliver were not included in registry categories, making them ineligible for financial compensation. Regional and local authorities did not offer citizens a choice of service provision; choosing depended on the responsibility and initiative of potential clients. In addition, it was reported that families in need of services often feared that if they sought assistance the parents might lose custody of their children²⁹ We expected Karelia to be a leading region in contracting because of its relatively large NGO sector and experience collaborating with Finnish and other European NGOs, but bureaucratic and other

24 (<http://www.dszn.ru/activities/federalnyy-zakon-ob-osnovakh-sotsialnogo-obslyuzhivaniya-grazhdan-442-fz/reestr-postavshchikov-sotsialnykh-uslug.php>)

25 (<http://msr.mosreg.ru/dokumenty/reestr-postavshchikov-sotsialnykh-uslug-moskovskoy-oblasti-/>).

26 Interview with Elena Alshanskaia (Elena Iarskaia-Smirnova, date?)

27 (ONF, 18.04.2016, <http://onf.ru/2016/04/18/onf-v-moskve-predlagaet-sozdat-deystvennyy-algoritm-pomoshchi-dlya-vyhoda-socialno/>)

28 said Viktor Selverstov (ONF).

29 Grigoriev sum

obstacles, as well as the region's relative poverty, militated against successful implementation of FZ442.

Conclusion

Based on our interviews with representatives of social organizations and businesses, the attempts made to implement FZ442 have been a progressive step in the dialogue between the state and the non-state sector. However it has been a difficult dialogue. The conditions stipulated in the law limit the possibilities for NK(G)O and commercial organizations' competition for delivery of social services equally with social sector budget institutions. The law needs to be worked on more.

In particular, the research identified the following barriers to NKO's entering the market for social services and inclusion in the registers as providers.

- Inflated demands for non-state providers' services and conditions necessary to be included in the registers of providers.
- The presence of demands for the "full complex" of services
- The risks posed by standardization to the model of delivering social services used in state institutions.
- Failure to include types and forms of services that SO NKO's provide in the lists of social services which are approved by the laws of regions of the Russian Federation
- Little effort to inform recipients of social services that they have a choice between state and non-state providers
- The non-transparent system of establishing prices, in which the unjustified understating of NGOs' costs fails to attract non-state providers to the social services market
- The absence in each region of the Russian Federation of a system of reimbursement of SO NKO's for services or long periods between the provision of services and payments
- The overburdening of non-state providers with reporting requirements, expenditures for the training of personnel that exceed the size of established costs for providing these services, etc.

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