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RUSSIA: Why were hundreds of religious organisations checked?

By Geraldine Fagan, Forum 18 (<https://www.forum18.org/>)

Hundreds of religious communities across Russia are among non-governmental organisations (NGOs) inspected by officials, Forum 18 News Service has found. Check-ups ranged from a simple telephone request for documents to multiple, extensive searches. It "wasn't simply the initiative of the Prosecutor", Moscow-based lawyer Konstantin Andreyev told Forum 18. "There's a political subtext." Yet the new regulations on foreign funding for NGOs – including designation of some as "foreign agents" – do not legally apply to religious organisations. In several cases, religious organisations appear to have been inspected due to "foreign" links, such as Catholic charity Caritas and the Church of Jesus Christ of Latter-day Saints. The General Prosecutor's Office order for the sweep is not public, but Samara Regional Public Prosecutor's Office ordered that inspections should check compliance with laws on "surveillance and criminal procedure" and the Extremism Law by "social and religious associations and other non-commercial organisations".

Many hundreds of religious communities across Russia were among non-governmental organisations (NGOs) inspected by state officials this Spring, in a sweep apparently seeking to uncover foreign backing for political opposition initiatives. It "wasn't simply the initiative of the Prosecutor", Konstantin Andreyev, a Moscow-based lawyer specialising in the rights of religious organisations, explained to Forum 18 News Service on 16 May. "There's a political subtext."

Yet Forum 18 notes that controversial new regulations on foreign funding for NGOs – including designation of some as "foreign agents" – do not apply to religious organisations. "But because they fall under the category of NGOs," agreed Andreyev, "they were included in this sweep."

Results to be assessed at end of May

To the alarm of human rights defenders, NGOs across Russia underwent unexpected government check-ups beginning in March and April 2013. Check-ups ranged from a simple telephone request for documents to multiple, extensive searches.

NGOs inspected included prominent human rights groups, both Russian (Memorial, the Moscow Helsinki Group) and international (Amnesty International, Human Rights Watch). European cultural organisations such as the Goethe Institute, Danish Cultural Institute and Alliance Française were also checked, according to Russian human rights organisation Agora, itself inspected.

Russia's Presidential Human Rights Council estimated that several thousand NGOs were inspected in total, according to a report prepared for its 15 April extraordinary meeting on the check-ups and published on its website.

The results of the sweep will be assessed at the end of May 2013, according to a 23 April letter to Council chair Mikhail Fedotov from Deputy General Prosecutor Viktor Grin, seen by Forum 18.

A press spokesperson at the General Prosecutor's Office insisted to Forum 18 in March that all questions be submitted by fax. Forum 18 has earlier faxed questions to the Office's press service but received no response (see F18News 21 March 2013 http://www.forum18.org/Archive.php?article_id=1815).

Religious communities included

By 24 April, when inspections appeared to be ending, Agora human rights organisation could name 262 NGOs inspected in 55 of Russia's 83 regions. Seen by Forum 18, this list spans a broad range of organisations, including those supporting children, consumer rights, the disabled, the environment, prisoner welfare and public health.

Agora's list also includes hundreds of religious organisations, including Catholics, Protestants, Orthodox, Muslims, Jehovah's Witnesses and Mormons.

Agora's list draws partly on a government list of nine organisations functioning in two or more Russian regions. Seen by Forum 18, four of its entries are religious organisations: the Catholic charity Caritas; the Jehovah's Witnesses; congregations of the

Latvia-based New Generation Pentecostal Church; and parishes inside Russia belonging to the branch of the Russian Orthodox Church Outside Russia (ROCOR) which did not join the Moscow Patriarchate in 2007.

Several entries on Agora's list refer to multiple Pentecostal and Jehovah's Witness communities, suggesting that a disproportionately large number of NGOs checked were religious.

While no precise figures were collected, around 100 churches were checked during April out of over 2,000 in the Russia-wide Pentecostal union led by Bishop Eduard Grabovenko, his assistant Ivan Borichevsky estimated to Forum 18 on 13 May.

The sweep affected around 300 congregations out of over 3,000 in the Russia-wide Pentecostal union led by Bishop Sergei Ryakhovsky, his assistant Konstantin Bendas told Forum 18 on 14 May.

Since the beginning of March, 142 Jehovah's Witness congregations have been inspected out of a total of 2,400 across Russia, their spokesperson Grigory Martynov told Forum 18 on 17 May.

Forum 18 has found these - and other - religious organisations' experience of the check-ups to be mixed (see F18News 28 May 2013 http://www.forum18.org/Archive.php?article_id=1841).

"Foreign agents"?

The NGO sweep appears to have been prompted by President Vladimir Putin's 14 February speech to employees of the FSB security service. In it, he commented: "The regime governing the activities of NGOs in Russia is in place, and it also applies to funding from abroad. Obviously, these laws must be complied with. Any direct or indirect interference in our internal affairs, any form of pressure on our country or on our allies and partners, is unacceptable."

In an interview with Germany's ARD TV station broadcast on 5 April, Putin further alleged that 654 NGOs operating in Russia are both funded from abroad and "engaged in internal political activity".

Putin's comments chime with 2012 amendments to the 1996 Law on Non-Commercial Organisations concerning "foreign agents". These oblige an NGO to register with the state as a "foreign agent" if it receives funds or property from foreign sources and engages in political activity on Russian territory (Article 2.6). "Political activity" is most broadly defined as "forming public opinion with a view to influencing decisions made by state organs". However, this is also stipulated as not including cultural activity, disease prevention, defence of children and/or citizens, social support or environmental protection.

A second amendment obliges NGOs receiving funds or property from abroad – whether engaged in "political activity" or not - to submit separate accounts on their foreign income to the state authorities (Article 32.1.3).

Crucially, religious organisations are in law exempt from both these amendments (Article 1.4).

"Surveillance and criminal procedure"

The selection of religious organisations for inspection despite this legal exemption indicates the authorities are failing to distinguish between NGOs, Forum 18 notes.

In several cases, religious organisations appear to have been chosen due to "foreign" links. Representatives of two – the Catholic charity Caritas and the Church of Jesus Christ of Latter-day Saints (commonly known as the Mormons) – have told Forum 18 that Public Prosecutor representatives conducting their inspections explained orally that they were doing so due to the 2012 amendments regulating foreign-funded NGOs (see F18News 28 May 2013 http://www.forum18.org/Archive.php?article_id=1841).

The original General Prosecutor order for the sweep has not been made public, Dmitry Kolbasin of Agora told Forum 18 on 15 May. However, a 10-page order for corresponding check-ups issued by Samara Regional Public Prosecutor's Office to its sub-offices on 28 February evidently follows from it. Seen by Forum 18, the order explains that inspections should check implementation of laws on "surveillance and criminal procedure" when dealing with "extremism"-related crimes, as well as compliance with the 2002 Extremism Law by "social and religious associations and other non-commercial organisations" (see Forum 18's Russia "Extremism" religious freedom survey http://www.forum18.org/Archive.php?article_id=1724).

The order thus does not ascribe the check-ups to the 2012 amendments to the Non-commercial Organisations Law. However, it does refer to that law's new, broad definition of "political activity" – while failing to mention the types of NGO activity exempt from it.

The order further instructs special attention to be paid to NGOs "financed from foreign sources and participating (...) in political activity on the territory of the Russian Federation. As a rule, these are human rights and religious organisations, national-cultural and youth associations, foundations etc." By ordering analysis of such NGOs' foreign funding for the years 2010-12, it again fails to acknowledge the legal exemption of religious organisations.

Senior figures in the General Prosecutor's Office have similarly failed to observe the legal exemption of religious organisations. In their public statements, they have directly attributed the March-April inspections to the 2012 amendments.

General Prosecutor Yuri Chaika referred to the 2012 amendments as the reason for the NGO sweep in his interview published on the Justice Ministry's website on 29 April. Remarking that those inspected included "organisations receiving foreign funds" and that "the law is the law, it must be implemented," Chaika emphasised that the amendments had set a deadline for submitting necessary documents, and that the time had come "to check what has been done and how".

In his 23 April letter to the Presidential Human Rights Council seen by Forum 18, Deputy General Prosecutor Grin similarly maintains that the inspections are in line with a plan to check implementation of the Law on Non-commercial Organisations due to the 2012 amendments - "including organisations receiving foreign finance and acting in the socio-political sphere".

Different reasons

Creating still more confusion over the NGO sweep, however, senior state representatives have offered varying explanations for it, Forum 18 notes.

Despite his explanation above, Deputy General Prosecutor Grin has maintained that any discussion of the inspections prior to their completion would be "inexpedient". Grin offered this as the reason for cancelling his subordinate Aleksei Zhafyarov's attendance at the Presidential Human Rights Council's 15 April extraordinary meeting, the Council's website reported that day.

The Justice Ministry thought differently, however, sending its representative Tatyana Vaghina to address the 15 April meeting. Asked what the General Prosecutor's Office was looking for during its inspections, Vaghina reportedly could not answer. According to the Council's website, she stated only that the Justice Ministry had looked for – but failed to find - evidence of "extremism" in the 528 checks in which it participated.

In several cases involving Catholics, Orthodox, Protestants and Muslims, "extremism" featured as a key reason for inspections (see F18News 29 May 2013 http://www.forum18.org/Archive.php?article_id=1842).

Earlier contacted by Forum 18 about her dealings with religious organisations, Vaghina said she was not authorised to comment to the press (see F18News 12 November 2008 http://www.forum18.org/Archive.php?article_id=1216).

A lawyer's view

Andreyev, the Moscow-based lawyer focusing on the rights of religious organisations, confirmed to Forum 18 on 16 May that the General Prosecutor is authorised to conduct large-scale, impromptu inspections on NGOs as seen this spring. "But of course you need to understand that this mass check-up wasn't simply the initiative of the Prosecutor (..) There's a political subtext."

Since the 2003 arrest of tycoon and philanthropist Mikhail Khodorkovsky, Andreyev explained, Russian business has largely "tried to play by the rules of the game" by not funding political opposition initiatives. The Kremlin is thus turning its attention to non-commercial organisations, he continued, and the recent inspections' main targets were "human rights NGOs through which - in the opinion of the authorities - the opposition is being funded".

These organisations are also the focus of the 2012 amendments on "foreign agents" and foreign funding, Andreyev told Forum 18. While exempt from these, religious organisations were checked because they fall into the legal category of non-commercial organisations. "The General Prosecutor gives an order – 'Check all non-commercial!' - and such is Russian reality that not everyone in Public Prosecutor's Offices understands what a non-commercial organisation is and what a religious organisation is," said Andreyev. "There's an order to check, so they check." (END)

For more background, see Forum 18's surveys of the general state of religious freedom in Russia at http://www.forum18.org/Archive.php?article_id=1722, and of the dramatic decline in religious freedom related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=1724.

An analysis of the way that the Russian authorities have used the Pussy Riot case to intensify restrictions on freedom of religion or belief is at F18News 15 October 2012 http://www.forum18.org/Archive.php?article_id=1754.

A personal commentary by Alexander Verkhovsky, Director of the SOVA Center for Information and Analysis <http://www.sova-center.ru>, about the systemic problems of Russian anti-extremism legislation, is at F18News 19 July 2010 http://www.forum18.org/Archive.php?article_id=1468.

A personal commentary by Irina Budkina, Editor of the <http://www.samstar.ucoz.ru> Old Believer website, about continuing denial of equality to Russia's religious minorities, is at F18News 26 May 2005 http://www.forum18.org/Archive.php?article_id=570.

More reports on freedom of thought, conscience and belief in Russia can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=10>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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