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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

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RUSSIA: Will NGO regulations restrict religious communities?

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

Fulfilling the requirements of Russia's January 2006 legal amendments – commonly referred to as the NGO Law – will be practically impossible for many religious organisations, a Russian religious rights lawyer, Vladimir Ryakhovsky, has suggested to Forum 18 News Service. He thinks that "there will be selective application of the law – right up to liquidation – for those not to the authorities' liking." However, a senior Federal Registration Service official has stressed to Forum 18 that the deadline for religious organisations to submit the first annual accounts of their activity - 15 April 2007 – is still far off. "We're not dealing with it yet," Andrei Sarychev told Forum 18. The bureaucratic requirements are very detailed. "A charitable foundation might manage this, but how can a religious organisation say how many people were at its events? Or whether a Russian or foreign citizen put money in its collection box? What constitutes 'charter activity' for a religious organisation?" questioned Ryakhovsky. Religious organisations sometimes complain about petty checks made by local Federal Registration Service departments.

Signed into law by President Vladimir Putin on 10 January 2006, the innocuously titled "On the Introduction of Amendments into Several Laws of the Russian Federation" was understood by many as a means of preventing foreign-funded political activists from staging a Ukrainian-style Orange Revolution in Russia. While the two laws affected are those pertaining to social and non-commercial rather than religious organisations, several amendments are to a section of the 1996 Non-commercial Organisations Law that does extend to religious organisations. Moscow-based religious rights lawyer Vladimir Ryakhovsky has suggested to Forum 18 News Service that many religious organisations will find the bureaucratic requirements of the new changes practically impossible to fulfil, "so there will be selective application of the law – right up to liquidation – for those not to the authorities' liking."

Speaking to Forum 18 on 9 November, the assistant head of the department dealing with religious organisations at the Federal Registration Service – which is charged with implementing the changes – said that religious organisations have been informed of the requirement to submit the first annual accounts of their activity by 15 April 2007. Andrei Sarychev stressed that this deadline was far off, however: "We're not dealing with it yet."

The Federal Registration Service now has some 30,000 staff – an increase of some 4,000 since a 2004 decree created it - charged with implementing the regulations, which are more wide-ranging for social and charitable organisations than for religious organisations, especially those with foreign connections.

Forum 18 notes that the January 2006 amendments – commonly referred to as the NGO Law – represent an amplification of earlier provisions as far as religious organisations are concerned.

The 1997 Religion Law allocated the state body charged with registering a religious organisation responsibility for "monitoring that organisation's observance of its own charter as regards the aims and rules of its activity." Neither the law nor its official commentary gave any indication of how this was to proceed, however - in particular, what measures were to be taken should a religious organisation be found to be operating in defiance of its charter.

Successfully used to ban the Moscow community of Jehovah's Witnesses in 2004 (see F18News 29 March 2004 http://www.forum18.org/Archive.php?article_id=289), Article 14 of the 1997 Law does list various grounds for dissolving a religious organisation - all of them serious. Another, minor reason - failure by a religious organisation over a three-year period to inform the state annually about the continuation of its activities – lost legal force in February 2002, when the Constitutional Court ruled that a religious organisation could be dissolved only if "properly proven to have ceased its activities" or found to be engaged in anti-constitutional activity.

The October 2006 European Court of Human Rights (ECtHR) ruling on Russia's denial of legal status to the Moscow branch of the Salvation Army, and branding of it as a "militarised organisation," made several criticisms of the 1997 Religion Law and its application. The ECtHR ruling criticised the state's evaluation of the legitimacy of the Salvation Army's beliefs, the way officials used petty faults and subjective demands to deny registration applications, and the 1997 Religion Law's discrepancy between the religious rights of local citizens and foreigners (see F18News 12 October 2006 http://www.forum18.org/Archive.php?article_id=854).

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Since the February 2002 Constitutional Court decision, the state's powers both to monitor and dissolve religious organisations have steadily increased. A supplementary text to the July 2002 Extremism Law replaced several of the Religion Law's grounds for dissolving a religious organisation with "the carrying out of extremist activity." The Extremism Law's lengthy definition of extremist activity also consists primarily of serious actions, such as terrorism. Critics pointed out, however, that a couple of others – "humiliation of national dignity" and "propaganda of exclusivity, superiority or inferiority of citizens on account of their attitude towards religion, social status, race, nationality, religion, or language" – could be open to wide interpretation. The latter indeed formed part of the charges against Astrakhan Muslim activist Mansur Shangareyev (see F18News 8 February 2006 http://www.forum18.org/Archive.php?article_id=723).

Unlike the 1997 Religion Law's original wording, "the carrying out of extremist activity" encompasses the planning, organisation, preparation and promotion of actions deemed extremist in addition to their execution. Under Russia's new Terrorism Law – signed by President Putin on 6 March 2006 – an extremist organisation is now automatically considered a terrorist organisation. In July 2006, Russia's president approved a still broader definition of extremist activity in amendments to the Extremism Law, including "public defamation of a person holding a state position as he or she carries out state duties or in connection with their execution accompanied by accusations that the person concerned has committed actions stipulated in this article [i.e. those defined as extremist]."

In parallel developments, a 13 October 2004 presidential decree created a single Federal Registration Service within the Ministry of Justice and assigned it responsibility for registering religious (and other) organisations, as well as monitoring the compliance of their activity with their registered charters. The decree continued the vague tone of earlier legislation, again failing to specify the consequences of any discrepancy with charter activity and giving Registration Service staff the right to demand from religious organisations and state departments, "documents, informational and other materials necessary for decision-making on issues related to its stated sphere of activity." The decree also entrusted the Registration Service with one unambiguous and significant new power, however - to send its representatives as participants in events held by religious (and other) organisations.

Amendments to a section of the Noncommercial Organisations Law pertaining to religious organisations reiterate this right. As Vladimir Ryakhovsky of the Slavic Centre for Law and Justice pointed out to Forum 18 on 7 November, they mark a departure from earlier provisions by stipulating procedure. The Federal Registration Service has the right to demand "managerial documents from the governing bodies of non-commercial organisations" as well as information about their finances from a wide variety of state departments, including the tax inspectorate. Checks on the compliance of an organisation's activity with its charter are to take place no more frequently than once a year and an official warning is to be issued if the organisation's activity is found to be in defiance of its charter. Most notably, the Registration Service may file suit for the dissolution of a religious organisation if it fails to provide information as requested on more than one occasion.

Of more immediate concern to a religious organisation, however, is the requirement that it "present to the authorised state organ documents containing a report of its activity, the composition of its ruling bodies, as well as documentation on its spending of finances and the use of other property, including that received from international and foreign organisations, foreign citizens and persons without citizenship."

A 15 April 2006 government decree provides official forms for this purpose, requesting information on the types of an organisation's regular events, "tasks resolved", its programmes and projects, meetings and conferences, the times of every event and the make-up and number of participants, details of transactions in and income from goods and services, income from Russian citizens and organisations and foreign citizens and organisations, details of technical and humanitarian aid received from abroad, state funding, media activity, the number of meetings held by four different governing bodies and the number of their members, and the personal details of members of the main governing body.

"A charitable foundation might manage this, but how can a religious organisation say how many people were at its events? Or whether a Russian or foreign citizen put money in its collection box? What constitutes 'charter activity' for a religious organisation?" questioned Vladimir Ryakhovsky. He suggested to Forum 18 that religious organisations could find the requirements "impossible to follow".

While Forum 18 has noted a tendency for the Federal Registration Service to make petty complaints regarding some religious organisations (see F18News 18 July 2005 http://www.forum18.org/Archive.php?article_id=609), Vladimir Ryakhovsky does not believe that the body's operations differ greatly from those of its Justice Ministry predecessors. He did note, however, his Centre's regular receipt of complaints about check-ups by local Federal Registration Service departments, most commonly requests for lists of members of religious organisations (see F18News 14 July 2004 http://www.forum18.org/Archive.php?article_id=362). In the most recent, Ryakhovsky told Forum 18, a Pentecostal church in the Far Eastern region of Chukotka (bordering Alaska) was issued an official warning for holding a children's event without written parental permission for two participants. As these were the pastor's own children, the lawyer queried, "was he supposed to write himself a letter?" (END)

For a personal commentary by an Old Believer about continuing denial of equality to Russia's religious minorities see F18News http://www.forum18.org/Archive.php?article_id=570

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For more background see Forum 18's Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=509

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