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CRIMEA: The unbearable burden of re-registration?

By Felix Corley, Forum 18

All 1,546 religious communities in Crimea which had state registration with the Ukrainian authorities are being required to re-register under Russian law by 1 January 2015 if they wish to retain legal status. A wide range of communities have complained to Forum 18 News Service of the burden of having to prepare documentation and the lack of information about how to go about it. Communities that function throughout Crimea will have to register in Moscow, the rest in Crimea. Many communities which wish to remain part of Ukrainian religious organisations – including the Moscow Patriarchate and Kiev Patriarchate dioceses, the Greek Catholic Exarchate and Roman Catholic, Lutheran and Armenian Apostolic parishes – remain uncertain as to whether this will be allowed. Nikolai Barylyuk of the Crimean Department of the Russian Justice Ministry refused to tell Forum 18 whether religious communities' previous registration under Ukrainian law remains valid.

A wide range of Crimea's religious communities have complained to Forum 18 News Service of the burden of having to seek re-registration under Russian law if they wish to retain legal status, as well as the lack of information about how to go about it. Many also fear that they might not be able to get it or that they might have to distort their structures in order to do so.

Since Russia controversially annexed Crimea from Ukraine in March – an annexation not recognised by the international community – Russia has insisted that its laws apply on the peninsula.

All 1,546 religious communities in the peninsula which had state registration with the Ukrainian authorities are being required to re-register under Russian law by 1 January 2015 if they wish to retain legal status.

Many communities are unsure whether the re-registration process will affect their enjoyment of their right to freedom of religion or belief. Religious educational institutions will similarly need to gain new licences under Russian law.

Several religious communities – including the Muslims and Roman Catholics – face problems extending residence permits for foreign religious leaders, many of whom have served local religious communities in Crimea for some years (see F18News 11 September 2014 http://www.forum18.org/archive.php?article_id=1996).

Muslims and Jehovah's Witnesses have faced raids and seizures of religious literature which the Russian authorities controversially regard as "extremist" (see F18News 3 September 2014 http://www.forum18.org/archive.php?article_id=1992).

Compulsory re-registration

Under an amending law adopted in Moscow by the Russian parliament in April and signed into law by President Vladimir Putin on 5 May, all legal entities in Crimea (including religious communities) need to bring their statutes into line with Russian law and apply for entry on the unified register of legal entities if they wish their legal status to continue. The law entered into force on 1 July and organisations need to apply by 1 January 2015.

Russia's 1997 Religion Law divides religious communities into two categories, restricting the rights of those with the unregistered status of "group". By requiring independent religious or belief groups seeking registration to have existed for 15 years, the Law effectively forced new individual religious or belief communities to join older unions, often a burdensome and expensive formality and not an option for some communities. Registration has also been denied to some on arbitrary grounds (see F18News 14 April 2005 http://www.forum18.org/archive.php?article_id=543).

The Religion Law provides for the registration of religious organisations who are subject to an oversight body outside Russia, provided that body supplies written confirmation.

The Religion Law also allows the registration of a representative office of a foreign religious organisation (only three currently have such registration in the Russian Federation). However, such a representative office cannot of itself conduct religious activity.

Article 333.33 of Russia's Tax Code specifies that a registration fee of 4,000 Russian Roubles (1,400 Ukrainian Hryvnias, 700

Norwegian Kroner, 80 Euros or 100 US Dollars) must be paid for creating a legal entity.

Registration is not a current source of major problems for religion or belief communities in Russia (see Forum 18's general Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1722).

At a 4 September meeting in Simferopol of Crimea's Inter-Religious Council, acting head of the Russian-backed Crimean government Sergei Aksyonov insisted that the Justice Ministry's branch in Crimea has been instructed to help religious communities register. Jewish community leader Anatoly Gendin told the media afterwards that organisations that have existed for some years will not be required to pay the 4,000 Rouble registration fee.

1,546 communities to seek re-registration?

As of 1 January 2014, Ukraine's Culture Ministry noted that 1,409 religious communities in the then Crimean Autonomous Republic had state registration. Of these, 602 were Orthodox, 410 Muslim, 283 Protestant, 22 Catholic, 13 Jewish, and 79 others. A further 674 communities (the vast majority of them belonging to the Muftiate) functioned without registration.

In addition, the Ukrainian Culture Ministry noted that 137 religious communities in Sevastopol (an administratively separate city) had state registration. Of these, 73 were Orthodox, 37 Protestant, 8 Muslim, 4 Catholic, 2 Jewish, and 13 others. The Ministry recorded no unregistered communities in the city.

Neither Russia nor Ukraine requires religious or belief communities to register before they can exercise their freedom of religion or belief. However, should any of Crimea's communities which had registration before March lose this registration, it would restrict their ability to function in society and enter into legal contracts such as to buy or rent property.

As of 9 September, the Justice Ministry's Non-Commercial Organisations Register included no religious organisations either in the Republic of Crimea or in Sevastopol.

Registration or re-registration?

Officials have given contradictory information about whether the compulsory process is registration or re-registration. The Muftiate was told that it does not currently have registration when it sought to invite the Turkish imams and teachers to remain at work in Crimea. It therefore cannot invite foreign citizens (see F18News 3 September 2014 http://www.forum18.org/archive.php?article_id=1992).

Nikolai Barylyuk of the department that registers non-commercial organisations at the Crimean Department of the Russian Justice Ministry refused to tell Forum 18 from Simferopol on 26 August whether religious communities' previous registration under Ukrainian law remains valid. "We don't give legal consultations," he declared.

He added that a religious community can gain registration under the jurisdiction of an existing registered centralised religious organisation or it can apply for registration as an independent entity. "If it applies independently, all its documents are sent to the Justice Ministry in Moscow for an expert assessment," Barylyuk told Forum 18. "In that case it takes six months."

Where to apply?

Where to apply for registration remains unclear. Religious organisations with communities in more than one federal subject (the Republic of Crimea and the city of Sevastopol are each administratively-separate "federal subjects") need to apply to the Justice Ministry in Moscow.

Among such is the Simferopol Orthodox diocese of the Moscow Patriarchate, which covers Sevastopol and part of the Republic of Crimea. It has already lodged its application to the Justice Ministry in Moscow for registration as a centralised religious organisation, Fr Ioann Pristinsky of the diocesan Legal Department told Forum 18 on 4 September.

Crimea's other two Moscow Patriarchate dioceses – in Dzhankoi and Feodosiya – operate in only one federal subject. They are among the many religious organisations that need to apply in Crimea.

Similarly, the Greek Catholic Exarchate of Crimea includes communities in both Sevastopol and the Republic of Crimea.

Crimea's Muslims - divide and rule?

Crimea's biggest Muslim organisation, the Spiritual Administration of Muslims of Crimea (the Muftiate), is highly concerned over whether it will regain state registration. The Muftiate lodged its registration application with the Russian Justice Ministry in late July. "We were told that because we function in two federal subjects, we need to register directly with the ministry," their lawyer Ibraim Kaimakan told Forum 18 from the Muftiate on 26 August.

Kaimakan added that registration of individual mosques and madrassahs is waiting until the Muftiate itself gains registration.

Like many other Muslims, Kaimakan expressed deep concern over the establishment in August of the Spiritual Administration of Muslims of the Tavrida Muftiate, headed by Ruslan Saitvaliyev. The Crimean Muftiate regards this as a Russian state-backed body designed to divide the Muslim community. Such concerns were heightened in August, when the leadership of the Khan-Jami Mosque in Yevpatoriya was changed. On 1 September the Mosque suddenly decided to join the Tavrida Muftiate.

On 6 September, acting government head Aksyonov insisted that "Russian law does not prevent creating any religious organisations", according to QHA news agency. He noted that as long as the Tavrida Muftiate does not break the law, "we will have no complaint against it".

However, at an 8 September meeting at the Crimean Muftiate, state officials are reported to have acknowledged the "primacy and unity" of the Crimean Muftiate among the Muslim community, according to the Crimean Muftiate website.

What about Ukrainian organisations?

Crimean religious communities which are subject to oversight bodies which are in Ukraine are unsure over whether the Russian authorities will allow them to re-register.

Among the many such organisations are the Greek Catholic Exarchate of Crimea, parishes of the Roman Catholic Odessa and Simferopol Diocese, all three dioceses of the Moscow Patriarchate, and the Armenian Apostolic parishes.

Crimea's Roman Catholic parishes will remain a deanery within the Odessa and Simferopol Diocese, which was created in 2002. "The Holy See doesn't want to create a new diocese," a diocesan spokesperson insisted to Forum 18 from Odessa. "It's important that we remain in one diocese."

Likewise, the Holy Synod of the Russian Orthodox Church, meeting in Moscow on 19 March, chose not to change the affiliation of the three Crimean dioceses, leaving them under the jurisdiction of the Ukrainian Orthodox Church in Kiev. The three diocesan websites make quite clear that they are under the jurisdiction of the Ukrainian Orthodox Church.

"We will continue under the Ukrainian Orthodox Church," Andrei Aslamazashvili of the Legal Department of Dzhankoi Diocese told Forum 18 on 2 September. "Under the decision of the Holy Synod, all three Crimean dioceses belong to the Ukrainian Orthodox Church. There is no division."

Members of the Greek Catholic Crimean Exarchate – established as a separate Exarchate in early 2014 before the Russian annexation of Crimea – insisted to Forum 18 that it will remain subject to the Greek Catholic Church in Ukraine. "We have only four parishes registered in Russia, with no registered centralised religious organisation," one Exarchate member told Forum 18 from Odessa on 26 August.

Catholicos Karekin, head of the Armenian Apostolic Church, has ruled that the Armenian parishes in Crimea should remain under the jurisdiction of the Church's Ukrainian Diocese, an Armenian told Forum 18 from Simferopol on 10 September.

One community that has long claimed that the Russian authorities are seeking to suppress them is the Ukrainian Orthodox Church Kiev Patriarchate. (Despite their insistence, the Kiev Patriarchate has four parishes registered as local religious organisations within Russia.) Its Crimean Diocese is determined to remain subject to the Church's leader in Kiev, Patriarch Filaret.

The Kiev Patriarchate's Crimea Diocese has seen mob and arson attacks on its churches and several priests have been pressured to leave the peninsula because of threats (see F18News 3 September 2014 http://www.forum18.org/archive.php?article_id=1992).

Abandoning Ukrainian organisations

Several Crimean communities which have previously been part of a Ukrainian entity - including the two Salvation Army communities and the Seventh-day Adventist communities – have been restructured to put those communities under organisations in Russia. "This is a way to allow our communities to continue," a Salvation Army representative told Forum 18 from the Ukrainian capital Kiev on 3 September. "In any case, we're one united area."

Similarly, Adventists say they will form a sub-unit under the authority of an existing Russian organisation. "It's not a problem for us – we're a worldwide community," an Adventist told Forum 18 from Crimea on 1 September. "We understood that it would be regarded as negative if we remained under a Ukrainian organisation."

Crimea's eight Progressive Jewish communities have chosen to join the Moscow-based Religious Association of Communities of Progressive Judaism. "They give us support," Gendin explained to Forum 18. "We used to be under a Ukrainian organisation."

Crimea's seven Lutheran parishes have been given a free choice by the German Evangelical Lutheran Church of Ukraine as to whether to remain under its jurisdiction or transfer to a Lutheran organisation in Russia. "Three have held meetings already and decided to remain with our Church," Bishop Sergei Mashevski told Forum 18 from Odessa on 3 September. "The other four parishes have not yet held meetings."

Religious education licences

All Crimea's religious colleges – including the Muftiate's madrassahs and the Orthodox (Moscow Patriarchate) college in Simferopol – will also need to gain new licences as educational establishments under Russian law.

Religious communities in Russia have been punished on occasion for providing religious education without a state educational licence, though application of the law is inconsistent (see F18News 5 August 2014 http://www.forum18.org/archive.php?article_id=1982). (END)

Reports on freedom of thought, conscience and belief in Crimea can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=86>.

A printer-friendly map of the disputed territory of Crimea, whose extent is not marked, can be found in the south-east of the map entitled 'Ukraine' http://education.nationalgeographic.com/mapping/outline-map/?map=Ukraine&ar_a=1.

Reports and analyses on freedom of thought, conscience and belief in Russia within its internationally-recognised territory can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=10>.

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If you need to contact F18News, please email us at:
f18news@editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY