

10 September 2008

RUSSIA: Were religious organisations wrongly de-registered?

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

The vast majority of the hundreds of Russian religious organisations to have had their legal status annulled in recent years are believed to be defunct. But several – especially religious education institutions – believe their loss of legal status is wrong and are fighting to retain it. Nine religious educational organisations are slated to lose legal status in Moscow for unlicensed educational activity, including Torat Khaim yeshiva (Jewish school). "Things are getting stricter and stricter," the director Iosif Susaikov told Forum 18 News Service. However, education has continued there. However, Good Shepherd Baptist Church in the Black Sea port of Tuapse had its liquidation cancelled by a court in May 2008. Officials had stripped it of registration for failing to file a tax-return, a common reason for de-registration. The church argued that it had no financial transactions so did not need to file one. Despite the abolition of the Federal Registration Service in July and the transfer of its duties back to the Justice Ministry, Ministry officials were unable to tell Forum 18 who – in addition to the tax inspectorate – has the power to initiate liquidations of religious organisations.

In the wake of stringent bureaucratic demands introduced under former President Vladimir Putin, hundreds of religious organisations across Russia have been dissolved in recent years, Forum 18 News Service has learnt. Most are seemingly defunct or indifferent to losing their legal personality status. But some - who believe they were wrongly deregistered, including for offering religious education - are battling to keep it.

Some 800 Russian religious organisations were dissolved in 2007, one of Russia's senior religious affairs officials, Andrei Sebentsov, told Forum 18 on 8 September. Normally the Justice Ministry would provide up-to-date figures, he suggested, but current re-organisation there means they will be unavailable for some months.

Reports of liquidations hail from various regions. In Tyumen Region (approximately 2,000km or 1,250 miles east of Moscow), courts dissolved 25 Muslim, several Protestant, one Catholic and one Orthodox religious organisation in 2007, Russian Islamic affairs website Islam.ru reported on 27 November 2007.

In Orenburg Region (approximately 1,400km or 875 miles south-east of Moscow), Muslim organisations are also being dissolved due to tighter state controls, local Mufti Abdulbary Khairullin reported in early 2008. And while businesses can afford a fine of 10,000 Roubles (2,223 Norwegian Kroner, 276 Euros or 391 US Dollars) for failing to file tax returns, "this is a significant sum for us," he remarked on Islam.ru website.

In Moscow, nine religious educational organisations are slated for liquidation in 2008, the Federal Registration Service (FRS) announced on 12 March.

In Chuvashia Republic (approximately 1,000km or 625 miles east of Moscow), three Pentecostal religious organisations have been dissolved in recent years, an FRS department spokesperson told Forum 18 in November 2007 (see F18News 15 November 2007 http://www.forum18.org/Archive.php?article_id=1048).

Created within the Justice Ministry in 2004, the FRS was charged with registering and dissolving religious organisations. It was also allocated wide monitoring powers, such as to send its representatives to any meeting held by a religious organisation. Religious organisations have since complained about the body's pedantic and intrusive approach. The traditionally Buddhist Tuva Republic (4,000km or 2,500 miles south-east of Moscow), tried to dissolve a Pentecostal church in 2005, for example, because it failed to report a change of address and a pastor's visit to a neighbouring church was not stipulated in its registered charter activity (see F18News 18 July 2005 http://www.forum18.org/Archive.php?article_id=609).

A 14 July 2008 presidential decree abolishing the FRS transfers its powers back to the Justice Ministry. Andrei Sarychev's department still deals with registration of religious organisations, he told Forum 18 on 2 September. He was unable to say who is now in charge of dissolving them, however.

Religious organisations' fears increased following the January 2006 adoption of the so-called NGO Law, billed as a means of preventing foreign states from financing political opposition initiatives (see F18News 14 November 2006 http://www.forum18.org/Archive.php?article_id=869). This introduced a probing accounts procedure for non-commercial

organisations which the mass of local religious communities, particularly Orthodox parishes, would have found challenging. In response to sustained lobbying by religious leaders, the government markedly simplified the new rules for religious organisations in April 2007, and extended the first deadline for submissions to 1 June 2007 (see F18News 17 April 2007 http://www.forum18.org/Archive.php?article_id=943).

Failure to file even these accounts turns out to be a common reason for liquidation, however. "In the villages they can't retain a bookkeeper to deal with accounting," Mufti Abdulbary Khairullin, whose Orenburg Muslim Spiritual Directorate is affiliated to Talgat Tadzhuiddin's Ufa-based muftiate, explained to Forum 18 on 2 September. Five of his communities were dissolved as a result, he confirmed. "But it's not a problem - it's even convenient, as they can still meet but don't have to file any accounts." In practice, the five communities' new status of unregistered group has not affected their activity, he said.

Under the 1997 Religion Law, religious groups (as opposed to registered religious organisations) are permitted only to meet on premises provided by their members and teach existing followers, but this is not generally policed.

Mufti Galimzyan Bikmulin of Tyumen Muslim Spiritual Directorate - affiliated to Ravil Gainutdin's Council of Muftis – told a similar tale. "In the villages they don't have the expertise to submit accounts," he told Forum 18 on 2 September. "And there wasn't the same level of accounting earlier." Twelve Muslim organisations in the Directorate have lost legal personality status for not submitting accounts, said Bikmulin, but their activity has not been hindered as a result.

A Baptist church in Tyumen Region which "didn't do anything at all on paper" was dissolved last year, Pastor Sergei Lavrenov of Light to the World Pentecostal Church told Forum 18 from Tyumen on 2 September. It has since managed to re-register, however, he added. Lavrenov doubted that the liquidations in his region were "oppression or some kind of attack. Many are defunct, and there's one rule for everyone; mosques and Orthodox parishes were liquidated too." A lawyer, he believes the state's new, stricter approach is correct: "There are pastors who don't want to pay taxes or file any accounts to the state – but they are accountable for public donations."

On 29 May 2008 Krasnodar Regional Arbitration Court declared unlawful a local tax inspectorate's March 2007 decision to strike Good Shepherd Baptist Church in the Black Sea port of Tuapse (approximately 1,500km or 940 miles south of Moscow) from the Single State Register of Legal Personalities. Under Article 21.1 of the 2001 Law on the State Registration of Legal Personalities and Individual Entrepreneurs, an organisation may be removed from the State Register if it fails to file a tax return or engage in any financial transaction in the course of a year.

Good Shepherd Baptist Church argued that the decision to remove it from the State Register did not take into account the fact that the aims and functions of a religious organisation differ from commercial legal personalities. As the church's activity does not require formal financial transactions, it had thought submission of accounts unnecessary.

Another reason for liquidation is unlicensed educational activity. One of the nine religious educational organisations slated to lose legal status in Moscow, Torat Khaim yeshiva [Jewish school] is fighting the move, its director, Iosif Susaikov, told Forum 18 on 3 September. A second hearing in the case is scheduled for late October. With some 150 students, the yeshiva held a five-year educational licence as a religious educational institution until 2005, when it bought a building it wanted to finish renovating before applying for a new one.

Liquidation would not have happened in earlier years, pointed out Susaikov, "but things are getting stricter and stricter." As religious educational institutions now have to comply with state guidelines for general study, the yeshiva – affiliated to the Congress of Jewish Religious Organisations and Associations of Russia (also known by its Russian acronym, KEROR) – hopes to continue simply as a religious organisation, its director told Forum 18. At no stage has its operation been disrupted, he added.

Another slated for liquidation in Moscow is the Presbyterian Christian Theological Academy. Contacted on 2 September, however, a spokesperson told Forum 18 that a meeting of Presbyterian pastors had decided not to continue the Academy's activity before the state's decision to dissolve it was known. She was unable to say why this decision was made, and no one who could was available for comment.

Latterly, confusion has persisted over what type of religious activity requires an education licence. The 1997 Religion Law distinguishes between "educational" [obrazovatel'naya] activity – for which a religious organisation might require a licence - and "teaching" [obucheniyе], for which it definitely does not. One of the religious organisations dissolved in Chuvashia, a Pentecostal Bible centre lost its legal personality status for unlicensed educational activity in August 2007 (see F18News 15 November 2007 http://www.forum18.org/Archive.php?article_id=1048). It sent an appeal to the European Court of Human Rights in Strasbourg on 15 April 2008.

In March 2008, Smolensk Regional Court dissolved a local Methodist church for running a Sunday school – which has only four pupils – without an education licence (see F18News 26 March 2008 http://www.forum18.org/Archive.php?article_id=1104). Following a landmark 10 June 2008 ruling by Russia's Supreme Court, however, "there shouldn't be any more stupidity like that," hopes the vice-chairman of the government's Commission for Issues Concerning Religious Associations, Andrei Sebentsov. The

Supreme Court decision overturned the Smolensk ruling and also established that a licence is required for educational activity only if it is "accompanied by confirmation that the student has attained levels of education prescribed by the state" (see F18News 30 June 2008 http://www.forum18.org/Archive.php?article_id=1151).

Whatever the reason for liquidation, few are objecting. The office of Russia's Human Rights Ombudsman has not received a single complaint on the issue, Mikhail Odintsov, its official dealing with religious freedom issues, told Forum 18 on 3 September. "Maybe they are reconciled to it or pursuing redress through different administrative channels, but we certainly haven't heard anything from them."

The Moscow-based Slavic Centre for Law and Justice, which specialises in religious freedom issues, has similarly received only a handful of enquiries and complaints about liquidation, its lawyer Sergei Chugunov told Forum 18 on 2 September. "Often they don't even know that they've been removed from the State Register, and nothing is done to them as a result."

Nevertheless, the facility for removing legal personalities from the State Register for not formally conducting financial activity should not apply to religious organisations as it fails to take their specific nature into account, believes Andrei Sebentsov, the senior religious affairs official. The Justice Ministry is to prepare relevant draft amendments to the 2001 Law due for parliamentary consideration in February 2009, he told Forum 18. (END)

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

For more background see Forum 18's Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=947.

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 printer-friendly map of Russia is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=russi>.

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY