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Newsletter "Intolerance and Discrimination Based on Religion or Belief"

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RUSSIA

Ministry of Justice proposed amendments to law toughening requirements on religious organizations

By Andrei Melnikov

Nezavisimaia gazeta (07.10.2011) / HRWF (10.10.2011) - <http://www.hrwf.net> - The Russian Ministry of Justice published a draft of amendments to the federal law "On freedom of conscience and religious associations." The draft is available for study on the Web site of the ministry. Until 10 October citizens will be able to discuss the document. Experts have noted a trend toward greater regulation of religious associations and restriction of free confession of faith.

An analysis of the proposed amendments reveals several substantive innovations. The concept of a religious group has been eliminated, that is, an association of people on the basis of a single religious confession; groups have not been required to have governmental registration. Thus the principle of the functioning of religious associations will change from an informational basis to one of strict authorization. At the same time, the list of reasons for which an organization can be denied registration has been expanded. According to existing law, groups of three to ten persons may assemble for confession, preaching, and worship without applying for registration but merely informing a state office of their existence.

The requirements for centralization of associations have been further intensified. Local religious organizations that have not established the fact of their membership in centralized organizations are restricted in their rights, including the right of creating educational institutions. In addition, the requirement of a state religious studies expert analysis has been instituted. Finally, the role of registration agencies has been strengthened. Apparently it is being proposed that decisions with regard to the activity of one or another association will be made not on the basis of governmental action but as administrative actions of the Ministry of Justice, which makes the decision regarding registration, and of the taxation service, which maintains the register of legal entities. However there are no precise

formulations in the document and one can only guess what the authors of the amendments have in mind on this particular point.

Mikhail Odintsov, the head of the Department for Protection of Freedom of Conscience of the apparatus of the Plenipotentiary for Human Rights of RF, identified in the proposals of the Ministry of Justice several changes that refine the wording. Although regarding the rest the expert had several comments. In his opinion, the law should reflect current practice of legal relations, but these additions eliminate from the legal field religious groups, which today constitute 20 to 30% of religious associations. Odintsov recalled that even soviet legislation contained the provision for religious groups, although it required their compulsory registration. In addition, the expert noted, the standard for conducting a state religious studies expert analysis is not prescribed sufficiently clearly. "Who will conduct the expert analysis? How? Within what period of time?"-such questions remained with the expert after he studied the document. "The word 'association' should be removed from the title of this law and be replaced by the word 'organization,' Odintsov added.

"The essence of the draft law is to create new impediments for the activity of associations of 'nontraditional' religions," thinks State Councilor First Class Andrei Sebentsov. "Elimination of religious groups from the law effectively creates a situation of a ban on religious activity without registration, and the remaining proposals violate so much the spirit of decisions of the European Court for Human Rights that it is simply amazing how much we (in the person of the Ministry of Justice) are managing to create precedents for worsening the problems in the guise of solving them," the expert concluded.

It is interesting that almost immediately after the publication of the draft law there appeared the news that the Ecclesiastical Board of Muslims of the European Part of Russia (Moscow muftiat) filed suit in the Arbitration Court of the capital for finding the registration of the Ecclesiastical Board of Muslims of Moscow and the Central Region of Russia (Moscow muftiate) to be illegal. In the opinion of the former board, the borrowing of a part of the title is a violation of the law and is not in accord with the requirements of the law on the procedure for registration of centralized religious organizations.