



The Institute on Religion and Public Policy

Religious Freedom in the Russian Federation

Executive Summary

The state of religious liberty in the Russian Federation remains highly problematic. Far from the reforms of the 1980s and 1990s, recent years have seen a shift toward increasingly repressive government policy and implementation. Recently, local and regional authorities discriminated against new religious movements of all kinds as a result of widespread distrust of religious groups perceived to be foreign, popular pressure from Russian Orthodox communities, and several well-publicized controversies involving religious minority groups. The sheer number of these incidents, many of which are connected to restrictive national legislation, suggests that the restrictions placed on religious liberty in Russia are not simply a matter of local bias and implementation, but rather, a matter of federal policy. Furthermore, implementation of these religious based policies shows a strong bias in favor of the Russian Orthodox Church.

The recently expanded powers of the Justice Ministry's Expert Council for Conducting State Religious-Studies Analysis constitute one of the most significant barriers to full freedom of religion in Russia. As of February 2009, the Council is empowered to review the activities and contents of registered religions: their leadership, doctrines, literature, and worship rituals to determine whether the faith is extremist, and they may make recommendations to the Justice Ministry on a religious groups' legal status. The Council's composition is genuinely alarming, including a prominent "anti-cultist" and critic of Protestantism, Aleksandr Dvorkin, as well as people who have made statements accusing Hare Krishnas of systematic child abuse and urging the burning of Muslim literature. The Council's work is frequently referred to in the media as an inquisition. It is deeply troubling that the power to recommend the dissolution of religious groups lies with such a biased and venomous council.

Also of particular concern are discriminatory acts committed under the purview of the 2002 law "On Counteracting Extremist Activity". The law provides the Russian government with the authority to dissolve and ban religious organizations whose activities it deems to be extremist, as well as to ban religious and other literature so deemed, and to arrest individuals who produce or distribute such literature. The implementation of this law has been marked by discrimination and abuse targeting minority, non-Orthodox religious groups,

especially Muslim and Christian groups. Unfortunately, discrimination under the 2002 law is only one piece of the total system of religious discrimination in the Russian federation. Minority religious groups also face discrimination in areas from land ownership to religious education, while the protection of religious freedom is, at best, ignored by the government. Mikhail I. Odintsov, a senior aide in the office of Russia's human rights commissioner, states, "In Russia there isn't any significant, influential political force, party or any form of organization that upholds and protects the principle of freedom of religion."

The Institute on Religion and Public Policy

Twice nominated for the Nobel Peace Prize, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. The Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

Legal Framework for Religious Freedom

Russia's principal law regarding religious freedom, enacted in 1997, is entitled "On freedom of conscience and religious associations." While this law prohibits any privileges, limitations, and discriminatory actions that are carried out on a religious basis (2.ii), it allows freedom of religion to be restricted for the purposes of protecting the constitutional order, morality, health, citizens' rights and lawful interests, and state security (3.ii).

The restrictions imposed by this law are quite severe. Religious groups can be officially dissolved by the government if found to be harmful to Russians' morality or health, or to encroach upon citizens' rights, freedom, or individuality (14.ii). The potential for discriminatory abuse in the determining which religious acts are dangerous is significant. The law provides several examples of such dangerous practices, including the use of psychotropic drugs and hypnosis. Furthermore, it is forbidden to coerce a person to change his or her attitude to religion, profession or non-profession of faith, participation or non-participation in divine services or other activities of religious organizations, such as religious education (3.v). In addition, involving minors in religious associations or providing them with a religious education against their will and without the permission of their parents or guardians is prohibited.

Religious groups must register with the Federal Registrations Service (FRS) to publish literature, own property or monetary assets, invite foreign guests, or conduct religious services in hospitals, prisons, and other state properties. To register as a local religious group, the group must either be a branch of a

nationally recognized religion or be able to prove that it has existed in the area for at least 15 years, placing an onerous burden on emerging religious groups. Additionally, the organization must present a list of all of the “persons creating” it, along with information on their citizenship, place of residence, and date of birth (11.v). It is not clear whether the “persons creating” the organization are its founders or all of its members. In either case, the information provided to government authorities during the registration process can easily be misused to track and persecute members of minority religious groups.

The 1997 law strictly limits the activities of missionaries and visiting religious leaders. According to Article 13, representatives of a foreign religious organization may not carry out any religious activities (13.ii). This provision reflects the Russian Federation’s suspicion of religious groups perceived as foreign, and is in direct contradiction with the provisions of Article 20 of the same law, which guarantees religious organizations the right to establish and maintain foreign religious contacts, as well as the right to invite foreign religious leaders (20.i-ii)

Even more restrictive than the 1997 law is the 2002 law “On counteracting extremist activity.” Article 9 of this law prohibits the creation of religious organizations whose goals or actions are directed toward extremist activity, which is defined as a “violation of citizens’ rights, freedoms, individuality, and health; harm to the environment, public order, security, property, and lawful economic interests.” If a group carries or threatens activities falling under these broad restrictions, a public prosecutor, the Ministry of Justice, or the ministry’s territorial organs may petition a court to liquidate the organization or ban its activity. Once accused of extremist activity, the group’s activities, including public gathering, demonstration and use of media are suspended, and financial activities are severely curtailed. Not only does this suspension suppose the group’s guilt before trial, it prevents the group from effectively defending itself, at trial or in the public eye. Furthermore, if the court rules in favor of the religion’s dissolution, the group will be prohibited from re-registering with the FRS, allowing for a permanent ban on religions, including those that may have been wrongfully persecuted. Additionally, the 2002 law permits both local and national courts to declare published materials extremist. Such a ruling results in a national-level prohibition on publication and distribution.

The Current Status of Religious Freedom

In the Russian Federation, barriers to registration are the first level of government discrimination against minority religious groups. In addition to the previously noted challenges, groups are commonly denied registration because of bureaucratic wrangling or false accusations. Furthermore, targeted groups are often later disbanded by the government on the grounds that they are conducting activities limited to registered groups without registration. For example, officials denied registration to a Methodist church in Sary Oskol twice. Initially, they

claimed that the church's paperwork was deficient and late that the group was a front for an illegal business. The church continued to hold services, and was threatened and disbanded by the FSB. In October 2008, the Russian government released a list of 56 religious groups scheduled to be dissolved, ostensibly because they failed to submit adequate financial accountings. The list included a variety of Russian religious groups, including Catholic, Protestant, and other Christian churches, as well as Muslim and Buddhist groups. Orthodox groups were given the opportunity to revise their records before the compilation of the list, and thus, none appeared.

Even once registered, non-Orthodox groups face discrimination in attempting to make use of their religious rights, such as the right to own property. The governor of Kaluga Region, for instance, ordered officials to "find ways" of confiscating the land of the Word of Life Pentecostal Church on November 9th, 2008. Meanwhile, Moscow's largest Pentecostal Church, the Emmanuel Church, met outdoors through the winter due to the government's lag in drawing up land rights for the church after its sanctuary was burned in 2007. Emmanuel was evicted from a rental space as a result of "state pressure." This is not the beginning of government discrimination against Emmanuel—the previous church building was constructed after a long struggle. Although the church received a plot of land in Moscow in 1996 and its construction plan was approved by all departments, the district assembly rejected the plan in a closed session in November 2000, claiming that public opinion was opposed to the project. Despite the fact that the church gathered over 6,000 signatures of support from 10,000 local households, it was ultimately forced to seek another plot. Unfortunately, such restrictions are commonplace.

Some organizations have also encountered obstacles in holding Sunday school classes. In March 2008, at the request of Orthodox Bishop Ignati Punin, prosecutors in the Smolensk region took away the legal personality status of a Methodist church for holding Sunday school without an educational license. Nonetheless, the 1997 law permits religious organizations to establish educational institutions (5.iii). Moreover, a law passed in 1992 defines educational activity as "a goal-oriented process of education and study accompanied by confirmation that the student has attained levels of education prescribed by the state." Recognizing that this definition does not apply to the Sunday school in question, the Supreme Court recently struck down the ruling of the Smolensk Regional Court. Moreover, it declared that the Smolensk Court had ignored government regulations approved on October 18, 2000, which stipulate that no license is required for "individual lectures, training sessions and other types of education not accompanied by final assessment and the issue of documentation certifying education and/or a qualification."

Other organizations encounter obstacles to publishing and distributing their literature. In June 2008, the Public Prosecutor of Asbest, a town in Sverdlovsk Region, attempted to prohibit the literature of the local Jehovah's Witness

community, claiming that the literature violated the 2002 law on extremism. According to an examination of items confiscated by the FSB in February, the group's publications "pitch Jehovahs against other religions, particularly adherents of the traditional confessions on the territory of the Russian Federation. Such aggression causes people to react in kind, offended by the Jehovahist publications' blasphemous pronouncements on things they consider sacred." Yet the assessment cites no examples from the texts.

While the Asbest Town Court chose not to review the lawsuit because the FSB assessment did not qualify as evidence, courts in other regions have made rulings on the basis of reports that likewise refer to texts in general terms without citing them. For instance, the Buguruslan City Court in Orenburg Region recently made public a verdict reached in 2007 that declares 16 Islamic works to be extremist. However, the verdict's most specific description of the works is that they encourage "open aggression towards representatives of other philosophical trends," use rhythm to influence the reader emotionally, and describe "an enemy presence, the need to struggle for the sake of ideas and a concrete biographical example of an idealized personality."

It is important to note the role that literary interpretation plays in such cases. The 2004 law on extremism prohibits only "propaganda of exclusivity, of the superiority or inferiority of citizens on the basis of their attitude to religion, their social, racial, national, religious, or linguistic affiliation" (1.1); it does not prohibit propaganda of ideological superiority. Nonetheless, according to Forum 18 News Service, officials tend to view proclamations of religious superiority as also implying the superiority of one religion's members over those of others, and thus promoting interreligious discord.

Some groups also have trouble organizing meetings and demonstrations. Recently, authorities such as the FSB, local administrations, local police and the Prosecutor's Office have been working to obstruct the annual congresses of the Jehovah's Witnesses. 8 congresses have been banned altogether, while some 30 have gone ahead, but with difficulty. In some cases, such as that of Yekaterinburg, officials claim that the gathering would be a violation of the 2004 law on demonstrations. However, the law does not apply to meetings held on private property. Furthermore, the law states that the realization of religious rites and ceremonies will be regulated by the 1997 law, which declares that religious organizations have the right to hold religious events on property provided to them for such purposes (16.ii). Claims that Jehovah's Witnesses should have informed local authorities of the congress 20 days prior to the event are also based on a false understanding of the 2004 law, which requires groups to inform the authorities within only 10-15 days of the event (7.i).

Conclusion

In order to improve the state of religious freedom within its borders, the Russian Federation must amend its current legislation regarding religious freedom so as to bring it into accord with international human rights standards.

The 1997 law “On freedom of conscience and religious associations” must be amended in such a way that it facilitates, rather than hinders, the registration process, for both local and centralized religious organizations, including liquidated organizations applying for re-registration (9, 10, 11, 27). Likewise, in order to resolve the contradiction between Articles 13 and 20, the law’s restrictions on representatives of foreign religious organizations (13) must be eased in accordance with religious organizations’ right to maintain foreign contacts and invite foreign visitors for religious purposes (20). The Russian government must also amend the 2002 law “On counteracting extremist activity” so that a religious organization facing the threat of liquidation is not presupposed as guilty (10). The law must not suspend the organization’s activity while the petition for liquidation is being reviewed, not restricting the organization’s financial activity, and allowing it to defend itself through the media and demonstrations (10). In addition, the law must require that the Ministry of Justice review a local court’s decision to ban a religious organization’s literature before placing the materials in question on the Federal List of Extremist Materials (13).

However, some of the instances of official discrimination described in this report stem not from the laws themselves, but rather from official misinterpretations or discriminatory applications of the law. In this sense, it is necessary to educate local, regional, and national security forces, judges, and political representatives about how to implement the laws in a fair and unbiased manner. Furthermore, these officials must receive special training regarding relations with religious associations. Such training must incorporate not only specific information about the religious organizations in the officials’ jurisdiction, but also general information regarding religious freedom.

Therefore, the Russian Federation must focus not only on improving its current legal standards regarding religious freedom, but also on ensuring that those standards are adhered to and enforced.