

Institute on Religion and Public Policy Report: Religious Freedom in Russia

Executive Summary

(1) The state of religious freedom in the Russian Federation continues to be quite problematic. As a result of widespread distrust of all religious groups that are perceived as foreign, popular pressure from Orthodox communities, and several well-publicized controversies involving minority religious groups, local and regional authorities have taken discriminatory measures against new religious movements of all kinds. At the same time, the sheer number of such incidents, as well as their connection to national legislation, suggests that religious liberty is being curtailed in Russia not simply at the local and regional levels, but at the national level as well. According to Mikhail I. Odintsov, a senior aide in the office of Russia's human rights commissioner, "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

(2) 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

Legislation

(3) 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 conscience to be restricted for the purposes of protecting the constitutional order, morality, health, citizens' rights and lawful interests, and state security (3.ii).

¹ Levy, Clifford J. "At Expense of All Others, Putin Picks a Church." *The New York Times*. 24 Apr. 2008.

- (4) The law is particularly stringent regarding religious organizations' influence on others. For example, organizations may be liquidated² if they encroach on citizens' individuality, rights, and freedom, as well as if they harm citizens' morality and health (14.ii). The law provides several examples of dangerous practices, such as the use of narcotic and psychotropic drugs and hypnosis for religious purposes. Similarly, it is forbidden to exert any kind of coercion upon a person's definition of 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.
- (5) In order to register, a local religious organization must present, among other things, 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 entities through registration enables those entities to keep track of and even persecute the members of a religious organization. A religious organization may register as a central religious organization if they have three local religious organizations, which follow the same creed (9.ii), and present authorities with a list of its founders (10.vii).
- (6) Representatives of a foreign religious organization may not carry out any religious activities (13.ii). This severely limits the work of missionaries and visiting religious leaders. Moreover, this contradicts Article 20, which states that religious organizations have the right to establish and maintain foreign contacts for religious purposes (i). In fact, the law gives religious organizations the exclusive right to invite foreign visitors for religious purposes (ii).
- (7) The other principal law regulating religious liberty is "On counteracting extremist activity," passed in 2002. Article 9 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."
- (8) If a religious organization carries out such "extremist activity" or threatens to do so, 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. When such a petition is filed, the religious organization in question must immediately suspend its activity until the court decision is made (10). This clause presupposes the guilt of the religious organization and encourages the court to rule against it. Moreover, this suspension prevents the religious organization from

² The word "liquidate" and all its variants are used in this report to imply the dissolution of a religious organization.

defending itself in the public eye. While awaiting the court's decision, the organization cannot utilize its own means of mass media, or those of the state and municipal government. It is not allowed to hold any meetings or demonstrations and its financial activity is restricted to regular business expenses, compensation payments, taxes, and fines.

- (9) Furthermore, according to the 1997 law, religious organizations that have been liquidated or whose activity has been prohibited cannot reregister (27). This severely restricts organizations that may have been wrongfully reprehended by the authorities.
- (10) In addition, the law stipulates that when a court finds any informational materials to be extremist, it must notify the Ministry of Justice. The Ministry then adds the materials to the Federal List of Extremist Materials prohibiting them at the national level (13.c). The law also requires that this list be published twice annually in the mass media.
- (11) Another law that significantly impacts religious communities is the 2004 law "On meetings, rallies, demonstrations, processions, and picketing." This law makes it clear in several instances that religious organizations may participate in (6.i) and organize (2.i; 5.i) such activities. They may not do so only if their activity has been suspended or outlawed or if they have been liquidated (5.ii).

Instances of Discrimination

- (12) Regrettably, official discrimination is becoming more widespread, particularly in regard to religious organizations' registration, publications, educational activity, meetings, and use of land and buildings.
- (13) For many groups, problems begin with the registration process. Groups are often denied registration due to bureaucratic wrangling or false accusations. These groups are later shut down on the grounds that they are acting like a religious organization and are not registered as such. For instance, officials denied registration to a Methodist church in Stary Oskol twice, first claiming that its paperwork was deficient and later claiming that the church was a cover for an illegal business.³ When the church continued to hold services, it was threatened and eventually shut down by the FSB.
- (14) However, even groups that are able to register often encounter problems when they try to procure land. For example, although the Emmanuel Pentecostal 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

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³ Levy, Clifford J. "At Expense of All Others, Putin Picks a Church." *The New York Times*. 24 Apr. 2008.

plot. Today, over a decade later, this situation is still unresolved. The church is still searching for a suitable location because the only plots that the government has offered are small and inconveniently located.⁴

- (15) 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."
- (16) 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 Jehovists 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 Jehovist publications' blasphemous pronouncements on things they consider sacred." Yet the assessment cites no examples from the texts.
- (17) 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

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⁴ Fagan Geraldine. "Building places of worship in Moscow still a struggle." *Forum 18 News Service*. 4 Dec 2007. http://www.forum18.org/Archive.php?article_id=1056.

⁵ Fagan, Geraldine. "Reprieve for Methodist Sunday school—but for who else?" *Forum 18 News Service*. 30 Jun. 2008. http://www.forum18.org/Archive.php?article_id=1151.

⁶ Fagan, Geraldine. "Jehovah's Witness tracts feared harmful in asbestos town." *Forum 18 News Service*. 14 July 2008. http://www.forum18.org/Archive.php?article_id=1159.

⁷Fagan, Geraldine. "What evidence that banned Islamic books are extremist?" *Forum 18 News Service*. 17 July 2008. http://www.forum18.org/Archive.php?article_id=1160.

presence, the need to struggle for the sake of ideas and a concrete biographical example of an idealized personality."

- (18) 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" (I.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.
- (19) 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

(20) 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.

(21) 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

⁸ Fagan, Geraldine. "Is mass disruption to Jehovah's Witness congresses coordinated?" *Forum 18 News Service*. 22 July 2008. http://www.forum18.org/Archive.php?article_id=1161.

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).

- (22) 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.
- (23) 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.