

Submission by Church of Scientology

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Religious Discrimination Targeting Scientology in Russia: 2009

Scientology Churches have faced their greatest difficulties in registering as religious organizations under a complex 1997 law "On Freedom of Conscience and Associations" (Religion Law) and in operating until registration can be obtained. The law requires religious groups to have had at least a 15-year presence in the country before becoming eligible to register as religious organizations. Scientology Churches have faced legal obstacles to registration under this law as well as arbitrary restrictions and harassing treatment by local officials for operating "unregistered" activities.

This memorandum provides a summary of matters relating to Scientology from July 1, 2008 to the present in Russia.

Moscow Church of Scientology Re-Registration Case: European Court of Human Rights

By way of background, the Church of Scientology of Moscow is a religious association and officially registered as such in January 1994. On 1 October 1997, a new Law on Freedom of Conscience and Religious Associations entered into force, requiring all religious associations previously granted the status of a legal entity to bring their articles of association into conformity with the Religion Law and to re-apply for registration with the competent Justice Department before 31 December 2000. Failure to obtain "re-registration" before the expiration of that time limit exposed the Church to the threat of dissolution by judicial decision.

The Church of Scientology of Moscow subsequently applied eleven times for re-registration to the Moscow Justice Department between August 1998 and May 2005. Each application was rejected.

The refusal to re-register the Moscow Church under the Religion Law placed its status as a legal entity in jeopardy. The consequences of non-registration as a religious organization within the meaning of the Law were extreme for the Church and its members. As a result of the arbitrary refusal to re-register, the rights of the Church and its parishioners essential to the conduct of their religious activities on anything but the most primitive level were seriously jeopardized, including the ability to own and operate

educational institutions including theological schools, to own and maintain religious buildings, to conduct charitable activities, the right to acquire, import and distribute religious literature and the right to invite foreign citizens to preach and conduct religious services.

In April 2007, the European Court of Human Rights (ECHR) ruled that Moscow authorities violated the religious freedom rights of the Church of Scientology by refusing to re-register the Moscow Church. The government appealed the decision.

In September 2007, the ECHR rejected the government's appeal and published its final judgment in the case of *Church of Scientology Moscow v. Russia*. The Human Rights Court ruled that Moscow authorities violated the religious freedom rights of the Moscow Church of Scientology under the European Convention on Human Rights by persistently refusing to re-register the Church. The government paid the fine stipulated by the ECHR.

In June 2008 the Ministry recorded the Church's address change, appearing to accept, for the first time, the legal existence of the religious organization, Church of Scientology of Moscow. However, the Ministry continues to refuse to accept registration of the Church's revised charter, rejecting it on numerous occasions since July 2008 for formalistic reasons that are clearly spurious and made in bad faith.

For example, one of the reasons given for the refusal was that the Church used a defined shorthand term ('the Church') in place of its full name throughout the Charter. The Justice Department claimed that this was 'illegal', insisting that the full name 'Religious Organisation "Church of Scientology of Moscow"' be used at every mention in the Charter.

In light of the government's bad faith in complying with the Church of Scientology Moscow ECHR decision, the Moscow Church has filed two submissions with the Subcommittee on Execution of Human Rights Court Decisions in the Council of Europe, requesting that the Council direct Russia to comply with the Moscow Scientology final decision. This request is pending.

Other Cases Pending in the European Court of Human Rights

15 Year Rule

The Religion Law requires religious organizations to exist for 15 years in order to register as religious organizations. Three Scientology religious organizations that were refused registration on the grounds that they were not in existence for 15 years now have their cases before the Human Rights Court after losing in Russian Courts.

On 9 June 2005, the European Court of Human Rights issued an important admissibility decision concerning issues relating to the registration of two of these Scientology Churches as a religious organization under Russian national law. In that case, *Kimlya, Aidar Sultanov and Church of Scientology of*

Nizhnekamsk vs Russia (Application nos. 76836/01 and 32782/03), the Court considered separate applications regarding the refusal of Russian authorities to register Scientology Churches as religious organizations filed by founding members of two Churches of Scientology, the Church of Scientology of Surgut City in the Khanty-Mansi Autonomous Region of the Russian Federation, and the Church of Scientology of Nizhnekamsk in the Tatarstan Republic of the Russian Federation.

In its admissibility decision, the European Court of Human Rights determined, after examining extensive submissions and arguments by the parties, that the founding members and the Church's complaint regarding the refusal of Russian authorities to re-register it was admissible.

“The Court considers, in the light of the parties’ submissions, that this part of the applications raises serious issues of fact and law under the Convention, the determination of which requires an examination of the merits.”

Along with the *Church of Scientology Moscow vs Russia* decision, this decision underlines the fact that the Scientology religion and Scientology religious organizations are entitled to the same rights and protections as other religions and religious organizations under international human rights treaties.

The Church of Scientology of St. Petersburg also filed an action in the European Court of Human Rights in November 2006 against the Russian Federation challenging the refusal to register it as a religious organization because of the 15 Year Rule.

These cases remain pending before the Court.

Forced Liquidation

Once Russian authorities decision to refuse to allow the St. Petersburg Church to register as a religious organization pursuant to the 15 Year Rule was upheld in Russian courts, authorities initiated actions designed to liquidate the Church, which was forced to register as a social organization due to the refusal, on spurious grounds. The government claimed that the Church should be liquidated for, among other reasons, not allowing psychiatrists to attend parishioners’ private religious minister-parishioner sessions and not allowing them to review confidential minister-parishioner files.

The Church litigated the liquidation matter in Russian courts and the trial court’s decision to force liquidation of the Church on these spurious grounds was upheld. In July, 2008, the Church of Scientology of St. Petersburg filed an application with the ECHR challenging this forced liquidation. This case remains pending with the ECHR.

Other incidents of discrimination

Because of the refusal of Russian authorities to register Scientology Missions and Churches as religious organizations under the 15 Year Rule, individual Scientology Churches in Chelny, Rostov, Ufa, Samara, Barnaul, Vladivostok, Novosibirsk, Surgut City, Penza, Ekaterinburg, and elsewhere have experienced discriminatory treatment by local officials. These include both civil and criminal charges that generally allege that the Scientology Churches are either practicing medicine or running unregistered schools. Authorities in Barnaul, Vladivostok, and Kaluga, for example, are attempting to liquidate the Scientology Missions in those cities for allegedly running unlicensed religious and educational activities, while at the same time refusing to register them. While the Churches have successfully challenged a number of these claims in court, it seems that for each one that is dismissed another one starts. Where decisions in the first instance have been negative, all necessary appeals are being pursued.

One of the most significant of these cases (in terms of its potential impact on the practice of the Scientology religion) involved the seizure of files and confidential parishioner confessional material from the St. Petersburg Church of Scientology. While the first investigator assigned to the case recommended that it be closed for insufficient evidence, he was replaced by another investigator who tried to "get new information" to support the case by running roughshod over a number of St. Petersburg Church staff members and parishioners. Several of our parishioners filed complaints against him and the police for their improper conduct and refusal to return their confessional files and, in a major victory last June, the court ruled that their actions were improper and ordered all the seized confessional files to be returned.

Authorities in Surgut City, Penza, Ekaterinburg and Novosibirsk and Moscow have initiated investigations seeking to block the importation of Scientology religious books under the spurious argument these books are "extremist" under the new law on "extremism". As of April 2009, the investigations in Penza and Ekaterinburg have been dismissed as groundless and the books released to the parishioners who purchased them. Other cases remain pending.

Conclusion

The Church of Scientology and Scientology organizations have been the target of systematic religious repression and discrimination by Russian authorities in contravention of OSCE Accords and international human rights law which Russia is obliged to follow.