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Contribution for session 11 «Freedom of thought, conscience, religion or belief»

Esteemed Chairman, distinguished participants,

In my speech I would like to address several freedom of conscience issues that, as we believe, are of relevance not only to Russia, but to a number of other OSCE countries as well.

Despite the formal equality of religious organizations before the law, in fact, they are not all treated the same way by the government. Many of them, most frequently Protestant groups, new religious movements, and a number of Islamic movements face discrimination from the authorities.

Jehovah's Witnesses and followers of Turkish theologian Said Nursi represent the two groups facing the most pressure from officials and law enforcement agencies. The pressure takes various forms, most often related to inappropriate use of anti-extremist legislation - the courts declare the Jehovah's Witnesses literature and books by Nursi to be extremist, and ban on their distribution; those, who distribute or, sometimes, simply keep these materials, face prosecution. In 2011 alone, nine people were convicted of membership in "Nurdzhular", the banned organization of Nursi followers, merely for distributing Nursi's books, which are well-known all over the world, and despite the fact, that the very existence of such an organization in Russia is highly questionable. In official rhetoric, amplified by the media, Islam and the new religious movements are often associated with extremism, and their foreign nature is emphasized. It is important to remind here, that the only argument for declaring these movements extremist is that their texts claim their teaching to be the one and only true religion.

As a result, a large segment of the population has developed an increasingly negative attitude toward Jehovah's Witnesses. While hate-motivated attacks against representatives of other confessions have significantly decreased in number, attacks on Jehovah's Witnesses are recorded quite frequently in various regions of the country.

Russian authorities maintain a list of printed and other materials that are banned for distribution as extremist. In some cases, these restrictions are clearly unjustified. The list contains many religious texts, including the texts, written in a very different era. The things got as far as the ban of books by al-Ghazali, one of the founders of Sufism.

Also recorded were some cases of preferential treatment toward certain religious organizations, most often the Russian Orthodox Church. This preferential treatment takes the form of financial support, transfer of property, not previously owned by a religious organization (to the detriment of other organizations, including cultural institutions), or administrative pressure used to defend the interests of a religious organization. Possibly, excessively broad discretion officials have in these matters constitutes one of the reasons for such unequal treatment.

In response to preferential treatment of the Russian Orthodox Church, interpreted by many observers as a departure from the principle of secular state, a growing anticlerical sentiment has emerged within the Russian society. The public discussion of the freedom of conscience issues is becoming increasingly confrontational, especially when viewed against the backdrop of the criminal case against the punk-rock band «Pussy Riot».

Our Recommendations:

For the OSCE:

1. Summarize the law enforcement practice of the OSCE states, as it pertains to the relationship between freedom of expression and freedom of conscience and analyze it in the light of the OSCE commitments.

For the OSCE Participating States:

1. Legislatively establish the principle of exclusion of religious debate as such from the scope of the legislation that deals with incitement to hatred. As the Supreme Court of Russia correctly pointed out, criticism of religious beliefs, religious organizations and religious practices should not be considered a crime.

2. Do not use lists of banned literature as an instrument for protecting tolerance, including religious tolerance. This instrument has already demonstrated its complete inefficiency; meanwhile, it generates a lot of human rights violations.

3. Use more transparent decision-making processes with regard to religious organizations. When expecting a serious conflict over an issue, make these decisions only after a public debate.