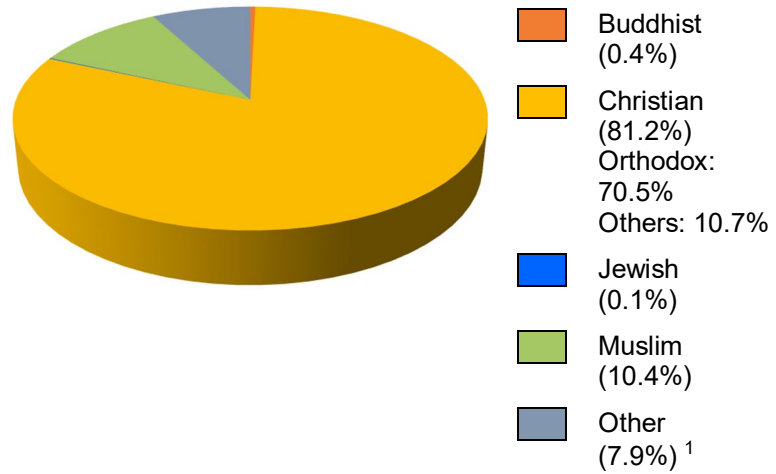


RUSSIA



Area:	Population:	Political system:	Major Language(s):
17 million km ²	142.7 million	Autocracy ²	Russian

Legal framework on freedom of religion and actual application

The constitution of 12th December 1993 declares that the Russian state is non-confessional, and guarantees freedom of religion. It states that each person is free to profess the religion of their choice, provided that it does not interfere with public order. According to the 2007 Law on Freedom of Conscience and Religious Associations, the state only recognises Eastern Orthodox Christianity, Judaism, Islam and Buddhism as Russia's "traditional religions". Although this overlooks the historical role of the Catholic Church and of the Protestant communities in Russia since the 16th century and gives the Russian Orthodox Church a position of privileged access to the public authorities, the Catholic and Lutheran churches enjoy almost the same full status of recognition, thus receiving almost the same government support as the "traditional" religions.

A 1997 Law on Freedom of Conscience and Association³ makes registration compulsory⁴ and establishes three broad categories of religious communities: "Religious Groups", "Local Religious Organisations" and "Centralised Religious Organisations".

Different legal status and privileges apply to each of these categories. "Religious Groups" can conduct religious rituals, hold worship services and teach religious doctrine. That said, they cannot be registered with the government and thus have no legal status. As such, they cannot open bank accounts, purchase or rent buildings, enjoy tax benefits or publish literature. In order for a "Religious Group" to go on to become a "Local Religious Organisation", it must have existed in this initial category for at least 15 years. "Local Religious Organisations" are required to have at least 10 individuals over the age of 18 who are permanently living in a given area. They are registered entities both federally and locally and are thus granted rights to the privileges and benefits which are not available to "Religious Groups".

The third category authorises the creation of "Centralised Religious Organisations" by uniting at least three "Local Religious Organisations". In addition to the privileges and benefits granted to "Local Religious Organisations", they are permitted to form additional "Local Religious Organisations" without having to pass through the 15-year waiting period. Also, once a "Central Organisation" has existed for more than 50 years, it may use the word Russia or Russian in its official title.

The 2002 law On Fighting Extremist Activity⁵ makes subject to criminal prosecution any religious speech, literature or activities that assert the superiority, inferiority or exclusivity of any citizen in respect to religion. The law also established a national listing for banned extremist materials.

Any court – whether local, regional or federal – can add materials to the federal list, making a ban on a particular item in one jurisdiction grounds for its interdiction across the entire country. For instance, in March 2015 the director of a village library was fined for having in the religion section of her library three books which had been banned by a District Court in Vladivostok some years earlier.

The law does not provide provisions for reversing the ban on such materials after they have been listed, although the government did remove a number of titles in 2015 after appeals by authors and publishers.

In 2006 the State Duma expanded the Extremism Law to include non-violent acts of civil disobedience as extremist activity.⁶ The law now defines extremist activity as “incitement to racial, nationalistic or religious enmity and also social enmity”. The vagueness of this definition leaves the door open for authorities to label any religious teachings which contradict those of the “traditional religions” as “incitement to religious enmity”.⁷

In 2012 the Venice Commission⁸ published a document stating its view that Russia’s 2002 Extremism Law fell short in several areas:⁹ vague definitions of violence that could invite abuse and arbitrary application; arbitrary procedures and harsh sanctions that offend the right to freedom of religion or belief and freedom of expression; and the lack of a precise, proportionate and consistent approach required by the European Convention on Human Rights. The commission called on the Russian Federation to amend the law to bring it into line with international human rights standards.

The Extremism Law has also been used to prosecute religious individuals and groups thought to be security threats, often with little justification. Article 282 of the Criminal Code concerning “Actions directed at the incitement of national, racial or religious enmity” carries stiff penalties for individuals and groups that have been judged to be extremist. Under Article 212.1, individuals can be prosecuted for “repeated infringement of the established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket”.

The Code of Administrative Offences likewise tightens restrictions on allegedly extremist groups. For instance, Article 20.2, Part 1 punishes violations of procedures for organising meetings and gatherings. Article 20.29 was added in 2007 to penalise the production or distribution of “extremist materials” by the confiscation of such material as well as prohibitive fines and detention.

Incidents

While the traditional religions – Orthodox, Jews, Muslims and Buddhists – and the almost fully recognised religious communities – Catholics and Lutherans – enjoy religious freedom and do not report cases of religious discrimination, members of “non-traditional religions” such as Jehovah’s Witnesses, Evangelical house churches and Muslim readers of the Turkish theologian, Said Nursi, are subject to religious freedom violations.

Russia’s vigilant legal structure toward extremism can be attributed in part to the conflict in Chechnya during the 1990s. Government troops fought Chechen nationalist and Islamist groups in a bloody bid for independence, resulting in thousands of casualties. Moreover, the threat of Islamist jihadism on a global scale has also led to greater monitoring and suppression of Russia’s Muslim population.¹⁰

In 2015 Seven Jehovah’s Witnesses were found guilty of “extremism” by the Taganrog City Court for continuing to meet together for prayer and Bible study. Four of the seven were given suspended prison terms of at least five years.

In May 2016 the Witnesses’ chief body in Russia were officially warned by the General Prosecutor’s Office that it may face dissolution as a result of its “extremist” activities. There are thousands of Jehovah’s Witness congregations across the country. This would be the first time that a “Centralised Religious Organisation” would be liquidated on grounds of “extremism”.¹¹

Possession of literature or other materials that have been banned by the government because of their allegedly extremist content: Jehovah's Witnesses and followers of Said Nursi are especially targeted for being in possession of banned literature. In 2015 raids on four Jehovah's Witnesses meeting halls took place in different cities in a coordinated operation. No banned items were found on the premises. Instead, the police confiscated a sound system, CD-players and recordings of religious music used during worship services.

In January 2016, a Jehovah's Witness worship service was interrupted in Birobidzhan by police and security forces wanting to search the premises. About 150 people were there at the time. A package was uncovered containing items on the federal list of extremist literature. Some present that day state that the package was planted there.¹²

In March 2015 the Jehovah's Witness community in Abinsk was dissolved by Krasnodar Regional Court on grounds of extremism.¹³

In February 2015, three Said Nursi readers – Bagir Kazikhanov, Stepan Kudryashov and Aleksandr Melentyev – were convicted of extremist activity by Ulyanovsk's Lenin District Court. The men were said to have met regularly in "conspiratorial gatherings".¹⁴ Prosecutions for public meetings and public manifestations of religion without government permission: In 2014 Protestant pastor Aleksei Kolyasnikov was fined 30,000 Roubles by the Krasnodar Regional Court for conducting a Bible study session in a Sochi café for his unregistered Christian group. The group met regularly on Sunday afternoons to pray and study the Bible together. The pastor was found in violation of Article 212.1 of the Criminal Code, which penalises the "established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket."

Similarly, other religious groups have been fined for exercising their freedom to assemble and to express their faith. In March 2015 a District Court in Rostov-on-Don found two Jehovah's Witnesses guilty of committing an administrative violation (Article 20.2) for failing to follow "the established procedure" for conducting a public event.¹⁵ In May 2015 eight Baptists were fined in central Crimea for holding an outdoor religious meeting.¹⁶

Prospects for freedom of religion

Notwithstanding the challenges, there are signs of hope, most decisively the historically unprecedented February 2016 meeting between Pope Francis and Russian Orthodox Patriarch Kirill in Cuba. The 30-point joint document signed by the two Church leaders – the first ever such declaration – was a significant step in opening the possibilities for a closer cooperation between the Churches, both in and outside Russia. Of note were common positions taken concerning the defence of Christian values and the institution of family in Europe, the defence of persecuted Christians in the Middle East and North Africa, and for a commitment to peace in the world.

The grave realities for religious minorities seeking legitimacy within Russia, however, persist. Police raids on homes and places of worship are on-going. Members of religious minorities are particularly at risk of court actions under Administrative Code 20.2. Of these prosecutions, many have led to fines, short-term detention, community service as well as longer prison terms. Relatively few defendants were acquitted.

In 2012 Russia's parliament adopted a law that required all NGOs to register as "foreign agents" with the Ministry of Justice if they engage in "political activity" and receive foreign funding. By June 2014, the Ministry of Justice had designated 126 groups as "foreign agents" and many have been subsequently been shut down.¹⁷ This development has also affected the country's religious minorities, as the term "political activity" is so vague that it may even be applied to religious activities. In 2015 the Russian Ministry of Justice drafted a bill requiring all religious groups that receive sponsorship from abroad to file detailed reports about their activities and personal information concerning those in leadership positions.¹⁸ The bill passed its first reading and is awaiting further action by the legislature.¹⁹

Russia's religious landscape is complex, forged through a vast territory, a wide variety of ethnic groups and diverse cultures while overcoming a Soviet past in which severe persecution of

religious believers occurred. Fears are also on the rise given the increasing Islamic radicalisation among certain parts of the Muslim populations in the Northern Caucasus. Although the religious freedom situation in Russia is improving, there are still rigid legal obstacles confronting minority religious groups as the State learns to deal with new religious groups.

¹ http://www.thearda.com/internationalData/countries/Country_186_2.asp , cf. Arena – 2012 Atlas of Religions and Nationalities in Russia (<http://sreda.org/arena>)

² "Since re-election of Vladimir Putin, Russia's authorities have further tightened control over the media, muffled opposition and adopted a stridently nationalist and anti-Western course", <http://www.bbc.com/news/world-europe-17839672> , cf. https://en.wikipedia.org/wiki/Democracy_Index

³ See <http://www2.stetson.edu/~psteeves/relnews/freedomofconscienceeng.html>

⁴ Despite the European Court on Human Rights' ruling that Russia's 15-years'-existence rule violated the European Convention of Human Rights, the Church of Scientology of St Petersburg (2011), the Moscow Community of Jehovah's Witnesses (2010) and an Armenian Catholic parish in Moscow (2010) are still denied registration. The Salvation Army had to litigate all the way to the European Court of Human Rights before being re-registered in 2009. Lack of registration has consequences. In September 2012, police presided over the destruction of the unregistered Holy Trinity Pentecostal Church near Moscow, which Pentecostals had reportedly been trying to register for more than 15 years.

⁵ The full text of the law may be found in Russian at <http://www.rg.ru/2002/07/30/extremizm-dok.html>

⁶ For a more detailed examination of the 2006 amendment and possible reasons for concern, see the first two articles on the webpage <http://halldor2.wordpress.com/2006/07/03/>

⁷ "Jehovah's Witnesses Victims of a New Harassment Campaign in Russia." The European Association of Jehovah's Christian Witnesses, page 8 (April 2009).

⁸ The European Commission for Democracy through Law - better known as the Venice Commission as it meets in Venice - is the Council of Europe's advisory body on constitutional matters. <http://www.coe.int/en/web/portal/home>

⁹ See "Venice Commission Opinion on Russian Extremism Law: Comments by Human Rights Without Frontiers" at <http://www.hrwf.org/images/forbnews/2012/Russia%202012.pdf>

¹⁰ "Religious Freedom Issues Timeline, Russia." Human Rights Without Frontiers International, (2016).

¹¹ http://www.forum18.org/Archive.php?article_id=1724).

¹² This incident was reported by <http://www2.stetson.edu/~psteeves/relnews/160205b.html> on February 5th 2016.

¹³ Information first reported on 28th August 2015, by Victoria Arnold of Forum 18, available at http://www.forum18.org/archive.php?article_id=2095&layout_type=mobile

¹⁴ Further information about this case can be accessed at

http://www.forum18.org/archive.php?article_id=2066&layout_type=mobile. Additional information can be found at http://www.hrwf.org/images/forbnews/2015/Russia_2015.pdf

¹⁵ Initial details were released by <http://www2.stetson.edu/~psteeves/relnews/150520a.html> with further information available at http://www.forum18.org/archive.php?article_id=2179

¹⁶ Up to date information on this incident can be attained from http://www.forum18.org/archive.php?article_id=2137

¹⁷ <https://www.hrw.org/russia-government-against-rights-groups-battle-chronicle>

¹⁸ <https://www.rt.com/politics/249541-russia-religion-foreign-rules/>

¹⁹ <http://www.refworld.org/docid/55fbb1894.html>