

30 June 2008

RUSSIA: Reprieve for Methodist Sunday school – but for who else?

By Geraldine Fagan, Forum 18

In a crucial development for religious organisations, Russia's Supreme Court on 10 June ruled that a Smolensk Regional Court decision dissolving a local Methodist church was "unlawful and without foundation". The Regional Court had dissolved the church for running a Sunday school without an education licence. Had the Supreme Court not overturned the earlier decision, "every religious organisation in Russia would have to be shut down for operating such schools," the church's lawyer, Vladimir Ryakhovsky told Forum 18 News Service. The Supreme Court noted that the Sunday school falls outside both the 1992 Education Law and state education regulations, so does not require a state licence. But confusion persists over what type of religious educational activity requires a state licence, and some adult Bible schools are fighting liquidation on similar grounds. One such case has been sent to the European Court of Human Rights in Strasbourg, but no admissibility decision has yet been made.

In a crucial development for religious organisations across Russia, the Supreme Court has declared "unlawful and without foundation" a 24 March ruling by Smolensk Regional Court dissolving a local Methodist church for running a Sunday school without an education licence. Viewed by Forum 18 News Service, the Supreme Court's 10 June verdict reverses the regional ruling even as adult Bible schools elsewhere fight liquidation on similar grounds.

If the Supreme Court had not overturned Smolensk Regional Court's decision, "It would follow that every religious organisation in Russia would have to be shut down for operating such schools," the Methodists' lawyer, Vladimir Ryakhovsky of the Moscow-based Slavic Centre for Law and Justice commented to Forum 18 on 19 June.

In determining that the Sunday school required an education licence, Smolensk Regional Court "wrongly interpreted the law," the Supreme Court decision concludes. Under the 1992 Education Law, it explains, educational (obrazovatel'naya) activity is "a goal-oriented process of education (vospitaniye) and study accompanied by confirmation that the student has attained levels of education prescribed by the state."

As the Methodist Sunday school's activity falls outside this definition, it does not require a state licence, the Supreme Court ruled. Smolensk Regional Court also failed to take note of 18 October 2000 government regulations stipulating that educational activity "in the form of individual lectures, training sessions and other types of tuition (obucheniye) not accompanied by final assessment and the issue of documentation certifying education and/or a qualification" does not require a licence.

The Supreme Court's Russian-language ruling may be read at .

Smolensk Public Prosecutor's Office had argued that the Methodist church's Sunday school was conducting unlicensed – and so illegal - educational activity after discovering that its four pupils were awarded "results of assimilation of religious knowledge (..) in the form of sea creature symbols (five points – whale or starfish, four points – dolphin or octopus, three points – fish, two points – shark)" (see F18News 26 March 2008 http://www.forum18.org/Archive.php?article_id=1104).

A series of check-ups on the Methodist church began in January 2008 at the instigation of Smolensk's auxiliary Orthodox bishop, Ignati (Punin). Writing to various local state departments, Bishop Ignati requested measures "to defend the inhabitants of our city, particularly youth, from this pseudo-religious organisation" (see F18News 28 February 2008 http://www.forum18.org/Archive.php?article_id=1095).

While court liquidation means loss of legal personality status rather than a complete ban, it would have barred the Methodists from maintaining or developing any form of public profile as an organisation, such as through missionary work.

Confusion persists in Russia over what type of religious educational activity requires a state licence. Even within Smolensk Region, local officials from the Federal Registration Service, Tax Directorate and Education and Youth Policy Department sided against the Public Prosecutor's Office in their testimony to the Supreme Court, the 10 June ruling shows.

Even less clear-cut is the situation surrounding adult religious education. Criticising the liquidation of Smolensk Methodist Church prior to the Supreme Court's ruling, Education Ministry specialist Yelena Romanova maintained to Forum 18 in Moscow on 31 March that religious educational activity – among any age-group - does not require a state licence if it culminates in purely internal qualifications.

In Samara Region, however, the 350-strong Light to the World Pentecostal Church is the latest religious organisation facing court liquidation due to adult religious education. After 14 years "without any problems whatsoever" – even a positive reputation for its drug and alcohol rehabilitation and other charitable work - the church was checked by regional Economic Crimes Police and Education Department representatives in February and March 2008, its pastor, Anatoli Kravchenko told Forum 18 on 20 June.

On questioning students of the church's Awakening Bible Institute and examining their study plans and other materials, Samara city's Kirov District Public Prosecutor's Office concluded that Light to the World was conducting unlicensed educational activity and filed suit for its liquidation, the website of Samara Regional Public Prosecutor's Office announced on 11 June.

At a 19 June preliminary hearing at Kirov District Court, however, Pastor Kravchenko argued that the Bible Institute does not require a licence because the certificates issued to its approximately ten students during the three years it has functioned simply confirm their completion of its eight-month courses. "They don't confer a theological degree or anything like that," he remarked to Forum 18.

Light to the World's pastor also pointed out to Forum 18 that Awakening Bible Institute is not in fact part of his church, being affiliated to a separate Russian Protestant association and simply using the same rented premises.

Court procedural irregularities mean the case is unlikely to be resolved for several months. However, Ryakhovsky of the Slavic Centre for Law and Justice (SCLJ) told Forum 18 he believes Light to the World is at real risk of losing its legal status, as the case is so similar to that of a Pentecostal Bible school in the Volga republic of Chuvashia.

The Pentecostal Bible Centre of Chuvashia was dissolved by the republic's Supreme Court on 3 August 2007 for following a timetable and issuing diplomas without an education licence. This verdict was upheld by Russia's Supreme Court on 16 October 2007 (see F18News 15 November 2007 http://www.forum18.org/Archive.php?article_id=1048).

An appeal over the Bible Centre's closure was sent to the European Court of Human Rights (ECtHR) on 15 April 2008, Roman Maranov of the SCLJ told Forum 18 on 20 June.

In their complaint to the ECtHR, viewed by Forum 18, the Chuvashia Pentecostals argue that the state authorities violated Articles 9 (freedom of thought, conscience and religion) and 11 (freedom of association) of the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms, which entered force for Russia in 1998. They also point out that the Bible Centre provides religious education not in general, but only to its own followers – a right expressly provided for by Russia's 1997 Religion Law. The Centre "does not purport to conduct professional education with externally recognised diplomas in any respect," stresses the appeal.

Maranov, their lawyer, is still awaiting confirmation that the ECtHR has registered the appeal, but this can take several months, he told Forum 18.

Breaking up an Embassy of God Bible school graduation ceremony in Tolyatti (Samara Region) on 20 January 2008, FSB security service officers insisted that the event was illegal without an education licence (see F18News 14 February 2008 http://www.forum18.org/Archive.php?article_id=1087).

In 2003 a charismatic Bible college in the Pacific region of Primorsky Krai was shut down for similarly failing to hold an education licence (see F18News 21 April 2003 http://www.forum18.org/Archive.php?article_id=35).

In other cases where the ECtHR has found against Russia on a religious freedom issue, the state has subsequently paid compensation in full, Forum 18 has found. Despite such a payment to the Salvation Army's Moscow branch in April 2007, however, Russia has still to address the legal situation which led to the violation of the Convention, Ryakhovsky, the lawyer, told Forum 18 (see F18News 12 October 2006 http://www.forum18.org/Archive.php?article_id=854).

Following the Jehovah's Witnesses' 11 January 2007 ECtHR victory, they finally received compensation in early August 2007, Matthew Pannell of the organisation's St Petersburg legal department told Forum 18 later that year. The complaint came in response to an isolated 16 April 2000 incident in the Urals city of Chelyabinsk and so does not call for an obvious remedy. The Chelyabinsk community has not encountered obstruction since, according to Pannell (see F18News 17 January 2007 http://www.forum18.org/Archive.php?article_id=900).

Pastor Petr Barankevich received compensation "almost immediately" after a 26 July 2007 ECtHR ruling in his favour became final on 26 October 2007, he told Forum 18 on 19 June. Christ's Grace Evangelical Church in the town of Chekhov (Moscow Region) has

chosen not to hold any public meetings since the local authorities barred it from holding a worship event in a local park, he said. Consequently, it is not clear whether the circumstances which led to the appeal still exist, Barankevich told Forum 18 (see F18News 1 August 2007 http://www.forum18.org/Archive.php?article_id=1001). (END)

For a personal commentary by Irina Budkina, editor of the <http://www.samstar.ru> Old Believer website, about continuing denial of equality to Russia's religious minorities, see F18News 26 May 2005 http://www.forum18.org/Archive.php?article_id=570.

For more background see Forum 18's Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=947.

Reports on freedom of thought, conscience and belief in Russia can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=10>.

A printer-friendly map of Russia is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=russi>.

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