

1 October 2008

RUSSIA: Religious freedom survey, October 2008

By Geraldine Fagan, Forum 18 (<https://www.forum18.org/>)

The gravest current threat to freedom of religion or belief in Russia comes from the federal government's approach to combating religious extremism, Forum 18 News Service finds in its survey analysis of religious freedom. In the wake of the 2002 Extremism Law, moderate Muslim literature has been outlawed as inciting religious extremism - despite the reasoning behind this being questionable. This has led to harassment and sometimes prosecution of alleged authors, distributors or simply readers. The authorities have subsequently begun to level religious extremism charges against other confessions, including traditional pagans, Jehovah's Witnesses and a Baptist. Some religious communities continue to complain of restriction through petty bureaucracy, such as the loss of legal status for unlicensed educational work or not engaging in financial activity, even though the law is ambiguous on these points. Long-running problems – such as state disruption of religious events, obstruction of access to and retention of property for worship and bureaucratic visa problems for foreign religious personnel - persist.

Ahead of the Universal Periodic Review (UPR) of Russia by the United Nations (UN) Human Rights Council in February 2009, Forum 18 News Service has found a new and escalating threat to religious freedom from indiscriminate prosecutions for religious extremism. This is against an established background of persistent, low-level bureaucratic obstruction of some religious communities.

Previously, the defining feature of Russia's federal policy towards freedom of religion or belief, from the end of the Soviet period, was the lack of a federal policy. By the mid-1990s, local government officials were acting unilaterally – and with impunity - to obstruct religious communities, usually those perceived as "foreign spies", such as Catholics and Protestants, or simply "troublemakers", such as Hare Krishna devotees and Jehovah's Witnesses. Dozens of regions dissatisfied with the 1990 Religion Law, which protected freedom of religion or belief, even enacted their own local laws limiting missionary activity. Attempts to push through a similarly restrictive law at the federal level resulted in the adoption of a hybrid text in October 1997. The 1997 Religion Law's more restrictive provisions have either since been toned down or are not strictly enforced, however.

The 1997 Religion Law's preamble states that respect should be accorded first to Orthodoxy, then to Islam, Judaism, Buddhism and Christianity, although the 1993 Constitution declares all religious associations equal before the law. While there is no legal mechanism for according respect, the preamble sets the tone for official dealings with religious communities, and is viewed by some state representatives – particularly at the local level - as granting permission for repressing minority groups. Prominent symbolic support for the Russian Orthodox Church by former President Vladimir Putin is similarly regarded. There has been no indication of substantial change with the election of Dmitri Medvedev as President.

Extremism charges

Without doubt the gravest current threat to freedom of religion or belief comes from the federal government's approach to combating religious extremism. The June 2002 Extremism Law's lengthy definition of extremism contains a number of clauses describing such activity in a religious context: incitement of religious hatred; propaganda of the exclusivity, superiority or inferiority of citizens according to their attitude towards religion or religious affiliation; obstruction of the lawful activity of religious associations accompanied by violence or the threat of violence; committing a crime motivated by religious hatred.

While such formulations are quite defensible, the government's record in seeking to apply them has caused grave concern to some. For local human rights defenders, the February 2003 ban of the radical Islamic group Hizb ut-Tahrir prompted alarm about how the Law was being implemented. Hizb ut-Tahrir's website has voiced virulently antisemitic views warranting prosecution under the 2002 Extremism Law (see F18News http://www.forum18.org/Archive.php?article_id=170 for an outline of the group's views). Russia, however, chose to outlaw the group as a terrorist organisation, in a closed session of the Supreme Court whose verdict did not cite evidence of terrorist activity.

Subsequent prosecutions of dozens of alleged Hizb ut-Tahrir members across Russia hinged not on proven participation in terrorist acts, or even membership of the organisation, but the content of the group's literature alleged to have been circulated by suspects. In a 2005 case in Tobolsk (Tyumen Region), for instance, five young Muslims were handed down sentences ranging up to six years for extremism, as well as aiding and abetting terrorism, solely on the basis of literary evidence.

The Hizb ut-Tahrir texts in question were not those whose content invites prosecution for religious extremism, however, and the experts whose analysis secured convictions did not identify such elements. Rather, in assessing this literature, a former scientific atheism lecturer concluded that its "call to the universal Islamisation of humanity signifies nothing less than propaganda for coups d'etat and violent change in the state and order of every country." Vladimir Viktorov also maintained that the literature "propagandises the idea of the superiority of Islam, and therefore Muslims, over other religions and the people who adhere to them."

This latter assertion features prominently in every subsequent ban or attempt to ban allegedly religious extremist literature known to Forum 18. Its flaw is to confuse claims that those citizens holding a particular belief are superior - which is defined as extremism by the 2002 Law - with claims that a particular religious or non-religious belief itself is superior to other beliefs. The right to be able to make this kind of claim and to criticise religious and non-religious beliefs of all kinds is, in international human rights law, a fundamental part of the right to religious freedom.

The trials of suspected Hizb ut-Tahrir members heralded a move towards banning more mainstream Islamic literature. Previously, in early 2003, assertions about the supposedly extremist nature of declaring the superiority of a faith by the very same former scientific atheism literature, Vladimir Viktorov, failed even to reach court in Yekaterinburg (Sverdlovsk Region).

Four years on, however, the text at issue in that instance – Muhammad Ali al-Hashimi's "The Personality of a Muslim" – was banned as extremist by Buguruslan City Court (Orenburg Region). The work – which Forum 18 has read in full – is a manual of Koran-based etiquette whose sole emphasis is on kindness and generosity, including towards non-Muslims. In May 2008 a criminal case was opened against the head of Moscow Islamic University's publishing department, Aslambek Ezhayev, for distribution of "The Personality of a Muslim".

A similar change – reversing a previously unsuccessful prosecution attempt – involves the work of moderate Turkish theologian Said Nursi (1876-1960). In April 2005 a court in the Siberian city of Omsk failed to convict a local Muslim of religious extremism for distributing "Fruits of Faith", one part of Nursi's Risale-i-Nur (Messages of Light). In May 2007, however, a Moscow court banned in closed session all parts of Risale-i-Nur in Russian translation, again relying solely upon literary analysis by psycholinguists and linguists. A group of women who form a study group centred on Nursi's works in the Russian republic of Tatarstan have complained to Forum 18 that they were hounded by the local FSB security service for two years as a prelude to the ban, suffering raids, book confiscations and forced psychiatric examinations. In December 2007, officials from regional public prosecutors' offices and the FSB searched homes of Nursi readers across Russia.

First published in July 2007 and updated every few months, Russia's Federal List of Extremist Materials contained 255 named items by the end of August 2008. These include "The Personality of a Muslim" and all 14 books of Risale-i-Nur. A city or district court ruling anywhere in Russia is sufficient for a work to be entered onto the List and so banned throughout the country.

Russia's Ombudsman for Human Rights, Vladimir Lukin, denounced the Nursi literature trial even before its verdict. "It is very important that we do not allow interference in the convictions and beliefs of millions of citizens on the poorly grounded, unproven pretext of fighting against extremism," he warned, "as this really could provoke wide-scale violations of their right to freedom of belief."

Handed a list of the 16 publications – including "The Personality of a Muslim", outlawed as extremist by Buguruslan City Court in August 2007 - Moscow-based Islam specialist Aleksei Malashenko told Forum 18 that they were simply Islamic history and philosophy. He described the ban as "stupidity".

Several of the works banned by Buguruslan City Court featured on a 2005 list of "sectarian (Wahhabi-fundamentalist) literature" drawn up by the Bashkortostan-based Central Spiritual Directorate of Muslims of Russia. Accusations of Islamic extremism – commonly termed "Wahhabism" in Russia after Sheikh al-Wahhab, whose teachings form the religious basis of the present-day kingdom of Saudi Arabia – often colour disputes between the country's rival Muslim organisations. The potential danger of such allegations is graphically illustrated by the situation in the North Caucasus republic of Kabardino-Balkaria. Local Muslims here have told Forum 18 that the state's backing of one Muslim faction in such a dispute, and brutal treatment of the other Muslim faction, contributed to a bloody uprising in October 2005.

Latterly, Russia's "religious extremist" category has widened ever further. In April 2008, the authorities in Tatarstan issued official warnings about extremist activity to its Tatar-Turkish lycees – non-selective secular secondary schools – in connection with the region's criminal investigation into followers of Said Nursi. In December 2006, one of the main traditional pagan priests in the Volga republic of Mari-El was sentenced to 120 hours' labour, partly for inciting religious hatred, for writing and distributing a brochure criticising world religions. In June 2008, a Moscow district public prosecutor issued an extremism warning to a local Baptist pastor without specifying its grounds for doing so.

In late 2007, the authorities in Rostov-on-Don Region ordered investigations into local communities of Jehovah's Witnesses after an expert literary analysis declared some of their well-known tracts extremist. In May 2008, the public prosecutor's office in the town of Asbest (Sverdlovsk Region) issued warnings to a local Jehovah's Witness community on the same grounds.

While a district court in the Russian capital failed to find the Jehovah's Witnesses' local religious organisation in Moscow guilty of extremism, it succeeded in banning it on other grounds in 2004. The Jehovah's Witnesses made an appeal against this long-running prosecution to the European Court of Human Rights (ECtHR) on 11 December 2001, updated by supplementary material on 15 December 2004. The ECtHR has yet to pronounce on the admissibility of the complaint.

Large-scale disruptions of religious activities

Despite the ban, Moscow Jehovah's Witnesses have broadly been able to function under the legal umbrella of their federal organisation. While they have faced some rental restrictions and occasional impediment to their preaching activity, their summer 2007 stadium congress in the Russian capital met with no obstruction, for example. However, if Asbest Town Court – or any other court – were to succeed in banning Jehovah's Witness literature as extremist, this would prevent its distribution across Russia and could even lead to a ban on the federal organisation and all its affiliates.

The authorities have recently stepped up their action against Jehovah's Witnesses in other ways, too. In what the organisation's representatives describe as an unprecedented, co-ordinated campaign in 2008, state officials prevented at least eight Jehovah's Witness regional summer congresses from taking place, while a further 30 went ahead despite similar attempts to obstruct them. Previously, a handful of congresses were blocked or disrupted in 2003-5, but all went ahead in 2007.

In cases where the ECtHR has found against Russia on a religious freedom issue, the state has subsequently paid compensation in full. The Moscow branch of the Salvation Army, a community of Jehovah's Witnesses in the Urals city of Chelyabinsk and an evangelical church in Chekhov (Moscow Region) all received such payments in 2007. However, in the case of the Salvation Army – the only one where the legal situation which led to the violation could be changed – Russia has taken no action, even though this is an ECtHR requirement. The Salvation Army thus continues to function in Moscow using the legal personality status it had before the 1997 Religion Law, as this has not been annulled as was threatened. However, it is still unable to re-register in line with that law, however, as the deadline has expired.

Liquidation concerns

Following the 1997 Law's end of 2000 deadline, some 2,000 religious organisations were subject to liquidation for failing to re-register. Without legal personality status, a liquidated organisation would still have the right to worship on premises provided by its members and teach its own followers as a "religious group", but nothing more (although this is not generally policed). Most of the dissolved organisations were presumably defunct, however, as no wave of complaints ensued.

Particularly since the Justice Ministry's Federal Registration Service (FRS) was allocated wider monitoring powers in 2004, religious communities have complained of a marked increase in state scrutiny and bureaucracy. Concern arose, therefore, when the FRS demanded more detailed annual accounts from religious organisations under the 2006 so-called NGO Law. The Russian Orthodox Church achieved a notable concession for all confessions in April 2007, when the law's accounting procedure was substantially simplified for religious organisations.

Nevertheless, worries about liquidation resurfaced from the end of 2007, when regional FRS departments began to announce the court liquidation of notable numbers of religious organisations: 11 in Chuvashia, seven in Moscow and at least 25 in Tyumen Region, for example. In Nizhny Novgorod, 55 religious organisations received official warnings in 2007, mostly for failing to submit annual accounts on time. Tax inspectorates may also remove a religious organisation from the Single State Register of Legal Personalities without a court order if it fails to submit a tax return and has not conducted financial transactions for a year. Here again, however, the majority of affected organisations appear to be either defunct or unconcerned by the loss of legal personality status. The office of Russia's Human Rights Ombudsman has told Forum 18 that it has not received a single complaint on this issue, and the Moscow-based Slavic Centre for Law and Justice, which specialises in religious freedom issues, has dealt with only a handful.

In one such case, a local tax inspectorate's decision to remove a Baptist church in Krasnodar Region from the Single State Register in March 2007 was declared unlawful in May 2008. The church's activity does not require formal financial transactions, so it had thought submission of accounts to be unnecessary. In another case, a small Methodist church in Belgorod Region was dissolved by court order in February 2008 for failing to file a report about its annual activities on time. As officials in this region insist that religious communities cannot use a private home as a legal address and obstruct the use of public and commercial premises, the church is likely to find it very difficult to regain legal personality status.

The impact of the 14 July 2008 abolition of the FRS and transfer of its powers back to the Justice Ministry proper is not yet clear.

Religious education controversy

In some cases, a functioning religious organisation may find itself dissolved for educational activity which local officials believe should be licensed. A Pentecostal Bible Centre in Chuvashia was dissolved for unlicensed educational activity in August 2007 and

has subsequently sent an appeal to the ECtHR. In January 2008, FSB officers broke up an Embassy of God Bible School graduation ceremony in Tolyatti (Samara Region), claiming that the church requires a licence for educational activity. In March 2008, Smolensk Regional Court dissolved Smolensk United Methodist Church for running a Sunday school – which has only four pupils – for not having an education licence.

Confusion has persisted over what type of religious activity requires such a licence. The 1997 Law distinguishes between "education" – for which a religious organisation appears to require a licence - and "teaching", for which it definitely does not. Quashing Smolensk Regional Court's verdict against the local Smolensk church in a landmark 10 June 2008 ruling, Russia's Supreme Court determined that a licence is required for educational activity if "accompanied by confirmation that the student has attained levels of education prescribed by the state." A yeshiva (Jewish school) which the Moscow city authorities announced in March 2008 would be dissolved, for not having an educational licence, now hopes that it will legally be able to continue its activity as "teaching".

In recent years there have been complaints by non-Orthodox parents – with different or no religious beliefs - that the Foundations of Orthodox Culture course in state schools is compulsory catechetical education, rather than voluntary cultural education. Provision of the course across Russia is patchy. Its imposition has gone furthest in Belgorod Region, where it was introduced as a compulsory subject for all pupils in 2006. In September 2007, however, then President Vladimir Putin publicly rejected this approach while on a visit to Belgorod. He stated that: "Our Constitution says that the Church is separate from the state. You know how I feel, including towards the Russian Orthodox Church. But if anyone thinks that we should proceed differently, that would require a change to the Constitution. I do not believe that is what we should be doing now." While it is unclear how the situation will develop, the federal authorities are now unlikely to support anything more than strictly optional study of religious subjects.

Foreigners' visa problems

The Ukrainian pastor of a Kiev-based charismatic church was deported from a Moscow airport in February 2008, but no further cases of visa denials or deportations of foreign religious personnel are known to Forum 18 from the past two years. Over 50 foreign religious workers – including Catholics, Protestants, Muslims, Buddhists and a Jew – have been barred from Russia since 1998. A small number of those who had earlier been barred have since managed to return.

While not targeted at religious communities, new visa rules introduced in October 2007 allowing foreigners with a business or humanitarian visa – which includes religious work – to spend only 90 out of every 180 days in Russia have had a harsh impact on many religious organisations, particularly those which for historical reasons depend upon foreigners, such as the Catholic Church. The difficulties are avoidable, but the procedures for obtaining temporary residency or a work permit – which allow an unbroken stay in Russia – are lengthy and time consuming.

Property problems

A major problem for all confessions, in varying degrees, continues to be the acquisition or retention of places of worship. A new factor in such situations is commercial pressures, particularly in the economically more successful parts of Russia. In the Far Eastern city of Khabarovsk, for example, a parish of the Russian Orthodox Church was forced out of a historical church in October 2007 when the hospital complex to which it belongs was bought by a commercial enterprise. In Kaluga, Word of Life Pentecostal Church has similarly come under sustained pressure after it found its land and building surrounded by the construction of a shopping centre.

In other cases, places of worship are threatened when officials question whether they have been built with proper approval or to safety standards, in what the religious communities concerned believe to be a pretext for harassment. In the southern city of Astrakhan, demolition of an unfinished mosque was postponed in 2007 due to a case pending at the European Court of Human Rights. In the Siberian republic of Khakassia, however, Glorification Pentecostal Church was forced to demolish its prayer hall in June 2007.

In Moscow, Molokans (an indigenous Russian Christian confession), the Hare Krishna community and Emmanuel Pentecostal Church are waging long-running bureaucratic battles for approval to construct houses of worship. Other groups, such as an Old Believer parish in Tambov Region, continue to face obstruction in trying to reclaim their historical places of worship. (END)

For a personal commentary by Irina Budkina, editor of the <http://www.samstar.ucoz.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.

Analysis of the background to Russian policy on "religious extremism" is available in two articles: 'How the battle with "religious extremism" began' (F18News 27 April 2009 http://www.forum18.org/Archive.php?article_id=1287) and 'The battle with "religious extremism" - a return to past methods?' (F18News 28 April 2009 http://www.forum18.org/Archive.php?article_id=1288).

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>.

The previous Forum 18 Russia religious freedom survey can be found at http://www.forum18.org/Archive.php?article_id=947.

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

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY