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RUSSIA: Proposed missionary restrictions - a paper tiger?

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

Justice Ministry proposed amendments to the 1997 Religion Law and the Administrative Violations Code imposing draconian controls on religious activity have provoked protest from religious communities and have now been removed from the Ministry's website. Andrei Sebentsov, secretary of the government's Commission for Issues Concerning Religious Associations, told Forum 18 News Service that the parliamentary Religion Committee has refused to consider the proposals, leading the Ministry to approach the parliamentary Security Committee. He says the proposed draft is "so clearly against the demands of the Constitution that the presidential administration would hardly support it." Yet Muslims, Old Believers, Protestants and some Russian Orthodox remain concerned. The draft echoes proposals the Ministry made unsuccessfully in 2006, but Vitali Vlasenko of the Baptist Union believes the threat of their adoption is now greater, since "society is scared by religious extremism".

Legal proposals which would severely restrict religious activity currently sought by the Justice Ministry are so blatantly unconstitutional that they are highly unlikely to succeed, opponents have told Forum 18 News Service. Crucially, key federal officials also appear unenthusiastic. But a Baptist Union representative warns that the Ministry's efforts to restrict mission are ongoing - and increasingly in keeping with the general political climate.

"I'll move to a village and become a beekeeper if they go through!" Moscow-based religious lawyer Anatoli Pchelintsev remarked to Forum 18 on 16 November. Seeing the proposals as "out of all proportion", however, he doubted they would reach even preliminary discussion stage in the Duma, or parliament, although he was unaware of their current status: "No one knows what's happening - there's some kind of under-the-carpet fight going on."

The proposals were published on the Justice Ministry's website on 12 October, but have since been removed. In questions faxed to the Ministry on 17 November, Forum 18 asked why the text is no longer on its website, what its current status is and who prepared it. There was no response by the end of the working day on 23 November.

The head of the Ministry's Department for Non-commercial Organisations, Sergei Milushkin had presumed the proposals would reach parliament by December 2009, Interfax reported on 12 March. Roman Silantyev, a vice-chair of the Ministry's Expert Council for Conducting State Religious-Studies Expert Analysis, has told Izvestiya newspaper he sees nothing wrong in authorising missionaries. There are "so many swindlers collecting money in cassocks", he commented on 13 October, that "anyone wearing a 'uniform' should have a document."

Will proposals reach parliament?

Andrei Sebentsov, now secretary of the government's Commission for Issues Concerning Religious Associations, told Forum 18 on 23 November that the proposals had gone no further than the Justice Ministry, and that procedurally they would have to pass his Commission before reaching the Duma. There, the first stage would ordinarily be discussion by the Duma's Religion Committee, which would decide whether the draft should proceed to the Duma itself.

According to Sebentsov, however, the Religion Committee has already refused to consider the proposals, leading the Ministry to approach the Duma's Security Committee, "who weren't opposed in principle, but they have a discipline." Since the proposals focus on religious activity, he explained to Forum 18, the Security Committee would not wish to meddle in the affairs of another Committee.

Publicly, Sergei Popov, who chairs the Religion Committee, has broadly supported the Ministry's initiative. While subject to revision, "there is no need to be alarmed by these amendments in general," he reportedly told Protestant clergy at a meeting he hosted in the Duma on 20 October, the Moscow-based Slavic Centre for Law and Justice reported.

The telephone of Religion Committee consultant Stepan Medvedko went unanswered on 20 and 23 November. The Security Committee provides detailed information on its website about draft legislation it is considering; the Justice Ministry's proposals do not feature as of 23 November.

Even if a group of Duma deputies were to back the draft, believes Sebentsov, "it's so clearly against the demands of the Constitution that the presidential administration would hardly support it." The Justice Ministry has not altered its basic approach from that of a failed 2006 draft, he pointed out. "If they are against harassing people and knocking on doors, then a draft law covering that in an economic and political - as well as religious - context is conceivable," he told Forum 18. "But why separate religion as something particularly dangerous and requiring special regulation? It's ridiculous! Dissemination of information is dissemination of information, and it's a right upheld by the Constitution."

Contrary to his public statement, Popov of the Religion Committee told Baptist Union representatives that such anti-constitutional proposals would pass "over his dead body", Union spokesperson Vitali Vlasenko told Forum 18 on 20 November. As no Protestant representative is close to it, however, he was uncertain how far they had got with the Security Committee. Vlasenko pointed out that while the Ministry's current proposals resemble its failed 2006 draft, the threat of their adoption is now greater, since "society is scared by religious extremism" and the Duma's majority "reflects the view of the authorities more than citizens".

Draconian proposals provoke protests

The proposals – which would amend the 1997 Religion Law and the Administrative Violations Code - are indeed draconian. Every religious community would have to make itself known to the state, including with a list of members. "Why does a justice organ need to know the names of grandmothers who gather to pray?" asked Irina Budkina on her Samara Old Belief website on 13 October. "What is the aim of this total control over the religious affiliation of each Russian citizen?" A crucial difference from more repressive religion laws in Belarus and Central Asia, the 1997 Law currently obliges religious communities to notify the state of their existence only if they intend to register.

Overshadowing even this proposal, however, is the draft's extensive regulation of "missionary activity", a term new to federal law. It is defined as "activity by a religious association aimed at disseminating its doctrines among persons who are not members, participants or followers of the given religious association, with the aim of drawing the said persons into the religious association, and conducted directly, publicly, through mass media or other legal means by religious associations or persons authorised by them."

Anyone conducting such activity must carry authorisation issued by the religious association being promoted, unless it is taking place at specifically religious sites - such as churches or cemeteries - or on premises provided to the religious association for worship.

Missionary activity by people without such authorisation, and by foreign citizens without religious work visas, would be banned. It must not be accompanied by "material, social or other benefits" or "psychological pressure". To be subject to missionary activity, persons under 18 would require their parents' consent. In such cases, punishment fines would range up to 5,000 Roubles (969 Norwegian Kroner, 116 Euros or 174 US Dollars) for individuals and 12,000 Roubles (2,324 Norwegian Kroner, 278 Euros or 417 US Dollars) for legal personalities – liable for the missionaries they authorise.

Protestants were quick to condemn the proposals. To Baptist Union leader Yuri Sipko, they recalled Soviet norms. "The same old pitfalls: 'Regulate', 'Monitor', 'Grant permission', 'Bring a document saying you need a document saying they need a document'," he remarked in an interview published by the Slavic Centre on 25 September. Sipko also guessed how the regulations might operate in practice: "I start talking to citizen N. At a certain point, our chat about the meaning of life leads me to tell him about the essence of faith. (...) Of course I'll try and paint the Baptist Church in glowing colours (...) I reach for a booklet with our address, the times of our services. At which point an omnipresent representative of the competent organs appears. 'Citizen! Your documents! What organisation are you from? Where's your permission for missionary activity? Come along with me!'"

In its 1 November protest, Philadelphia Pentecostal Church – with over 900 full members, one of Udmurtia Republic's largest Protestant congregations – alerted President Dmitry Medvedev to the likelihood that officials would use the regulations to supplement the local budget by levying fines. "This is only one step away from legally enshrined 'civilised' repression (...) and persecution of dissidents," the Church suggested. "This already took place with Stalin's repressions, which you, Mr. President, have said should never be justified or repeated."

Co-chairman of the Council of Muftis, Mukaddas Bibarsov also criticised the Justice Ministry proposals, predicting "chaos, lawsuits and investigations", should they be adopted, in comments published by the Slavic Centre on 29 October.

Some Russian Orthodox commentators were similarly incensed, most notably leading missionary Deacon Andrei Kurayev. "It doesn't say in the draft, 'This does not affect Deacon Kurayev', so I believe they're gagging me too," he wrote on his internet blog on 12 October. Among Kurayev's concerns are the draft's apparent extension to all believers - "If a granny starts up a conversation with fellow train passengers about her ailments and St Matrona, is she supposed to be fined?" – and a religious organisation's right to mission being contingent upon state registration – "our duty of mission was given to us by Christ, not the Justice Ministry".

Deacon Kurayev also voiced doubt over a proposed bar on persons convicted of extremism from participating in religious organisations. "Every parishioner is a member or participant in a religious organisation, after all," he stated in Gazeta newspaper on 12 October, "and we do not know who has been convicted or what for, nor can we close church doors to particular parishioners,

especially as we preach in prisons."

Official Moscow Patriarchate representatives have praised the Ministry's initiative, however. Fr Vsevolod Chaplin of the Department for Church Relations with Society suggested that missionary activity should be conducted only in the name of specific organisations and found its definition in the draft "very correct", Interfax reported on 14 October. "Many people are inconvenienced by missionaries pestering them on the street [who] often hide their true confessional affiliation or sometimes mimic Orthodox," he claimed.

Patriarchate legal adviser Kseniya Chernega also favours regulation of missionary activity. This would prevent "non-traditional confessions and people without a connection to the Russian Orthodox Church" from conducting mission in its name and so "leading citizens astray", she told Russkaya Liniya Orthodox news service on 14 October. Chernega struggled to explain how law enforcers would differentiate between speaking about faith and trying to draw a person into a specific religious community, however. While initially claiming these were "quite different", she quickly noted that, "of course, it's very difficult to draw a distinction between speaking about faith and drawing into a religious association on the level of the law."

Both Fr Vsevolod and Chernega suggested the Ministry's draft still required discussion and refining.

Reworking of earlier proposals

The current proposals appear to be a reworking of a Justice Ministry draft made public in September 2006, and are thus an initiative preceding both this year's controversial revision of the Expert Council and Konovalov's 2008 appointment as Justice Minister (see F18News 2 June 2009 http://www.forum18.org/Archive.php?article_id=1303).

Key differences in the current draft are: firstly, its narrower definition of mission as drawing non-followers into a specific religious association; and secondly, the absence of a requirement to inform the state authorities about plans to conduct mission in addition to internal authorisation from the relevant religious association. Whereas the current draft – which she broadly supports – otherwise corresponds to the 2006 proposals, Chernega described them at the time as "massively deficient" (see F18News 15 November 2006 http://www.forum18.org/Archive.php?article_id=870). (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=1196.

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>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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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