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RUSSIA: Religious freedom survey, July 2012

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

Despite his liberal image, President Dmitri Medvedev introduced discriminatory measures on the basis of religion or belief, Forum 18 News Service finds in its general survey of religious freedom in the Russian Federation. So far, newly elected President Vladimir Putin has given mixed signals of his intentions in this area. The state's treatment of certain groups within Orthodoxy, Islam, Judaism and Buddhism as the nation's privileged "traditional religions" – to the exclusion of others – is now routine. This is seen in school education, the military and the ability to meet for worship. Yet the most threatening development is use of the 2002 Extremism Law against those the authorities dislike, addressed in a separate Forum 18 "extremism" survey.

This survey examines the general state of freedom of religion or belief in the Russian Federation since late 2008. It encompasses an increase in discriminatory practice under former President Dmitri Medvedev, and points to likely developments under newly re-elected President Vladimir Putin.

The most serious type of religious freedom violation - the use of "counter-extremism" measures against the exercise of the internationally-recognised right to freedom of religion or belief – is now extensive (see Forum 18's July 2012 "Extremism" Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=1724).

Background

The defining feature of post-Soviet Russia's federal policy on religious freedom has been the lack of such a policy. By the mid-1990s local government officials were acting unilaterally – and with impunity - to obstruct disfavoured religious communities such as Catholics, Hare Krishna devotees, Jehovah's Witnesses and Protestants. Many local administrations dissatisfied with the 1990 Religion Law, which protected freedom of religion or belief, enacted regional laws limiting the sharing of religious ideas. Efforts to push through a similarly restrictive law at federal level resulted in the October 1997 adoption of a hybrid text. Attempts to implement its more restrictive provisions have largely failed, however.

The 1997 Religion Law's preamble states that respect should be accorded firstly to Orthodoxy, secondly to Islam, Judaism, Buddhism and Christianity (oddly implying Orthodoxy to be different from Christianity). While there is no legal mechanism for according respect, that preamble has come to set the tone in religious affairs. Some state representatives interpret it as a licence to repress disfavoured groups, particularly at regional level. Many local officials similarly interpret symbolic support for the Russian Orthodox Church (Moscow Patriarchate) from Presidents Vladimir Putin and Dmitri Medvedev. While Russia's 1993 Constitution continues to proclaim all religious associations equal before the law, state-favoured organisations within the four faiths of Orthodoxy, Islam, Judaism and Buddhism are thus commonly now treated as the nation's privileged "traditional religions".

Political change?

Numerous draft laws have sought to toughen the 1997 Religion Law. Among the most recent, Justice Ministry proposals would have forced religious communities to issue licences to anyone wishing to promote their beliefs away from their premises (October 2009), and made state registration compulsory for all religious communities, possibly rendering illegal the exercise of the internationally-recognised right to freedom of religion or belief without state permission (October 2011). Like earlier initiatives, however, these stalled; largely uninterested in religious freedom, the Kremlin has proved content with the post-1997 legal status quo. Challenges to that status quo have been particularly weak since 2003, as United Russia, Putin's political party, steadily took control of the Duma, Russia's parliament, including its Committee on Social and Religious Organisations.

Putin's May 2012 return to the Kremlin has not signalled significant religious freedom change. June 2012 amendments to the Code of Administrative Offences massively increasing fines for demonstrations without state permission point to harsher treatment for wider civil society, following the emergence of mass opposition to Putin in late 2011. Yet leniency towards religious organisations still cannot be ruled out. Passing their first Duma reading in April 2012, extensive proposed amendments to the Civil Code would divide non-commercial organisations into two categories. If adopted, this could allow religious organisations to be dealt with less harshly than political parties.

The Kremlin's grip on the Duma has also loosened, however. In December 2011 the hardline Liberal-Democratic Party of Russia (LDPR) took control of its Committee on Social and Religious Organisations. Religious affairs are not a priority for the LDPR – on receiving this and other chairships, leader Vladimir Zhirinovskiy quipped that his party had been allotted "only rubbish". The LDPR's track record, however, is of backing forces wishing to curb "non-traditional" faiths.

Attempts to toughen the 1997 Law continue to reach the new Duma. Communist deputy Andrei Tychinin's May 2012 draft would raise the minimum membership of a religious organisation from 10 to 50, and the minimum composition of a centralised religious organisation from three to 30 communities. It would also subject religious worship in private homes to regional law, which opponents of religious freedom have found far easier than federal law to amend to their liking. Tychinin's initiative received positive preliminary recommendation in June, and is set to go before the Duma in December 2012. In Russia's new political climate of popular protest and government clampdown, the Kremlin has neither sufficient concern nor incentive to head off such proposals.

Medvedev's legacy

During his first two presidential terms from 2000 to 2008, Putin projected personal loyalty to Russian Orthodoxy (Moscow Patriarchate), as through his close support for the dialogue that led to part of the Russian Orthodox Church Outside Russia (ROCOR) joining the Moscow Patriarchate in May 2007. One branch of ROCOR with parishes inside Russia did not choose to join the Moscow Patriarchate. Yet Putin did not pursue privileged access to state institutions as sought by the Patriarchate. In late 2007 he even dramatically sidelined instruction of state school pupils in Orthodoxy via courses promoted by the Patriarchate.

Dmitri Medvedev continued Putin's ambivalence towards religion, but with less rhetorical focus on Russian Orthodoxy. While he declared that special relations with the Orthodox Church would be "preserved and developed" on the day of his May 2008 inauguration as President, Medvedev repeatedly highlighted Russia's identity as a multi-confessional country over the following 18 months. Contrary to his international image as a progressive liberal, however, he granted the Patriarchate key concessions it had not gained from Putin: the introduction of an Orthodox Culture course in state schools; military chaplaincy; and an improved mechanism for the restitution of historical religious property (see below). A concrete legal shift away from the 1993 Constitution's equality for all religious communities thus occurred under Medvedev rather than Putin.

This was likely due to even weaker Kremlin interest in religious affairs and the emergence of more forceful Patriarchate lobbyists during Medvedev's presidential term. Prominent among these are Russian Orthodox Patriarch Kirill I (enthroned February 2009), Medvedev's wife Svetlana Medvedeva, and Medvedev's appointee as Justice Minister, Aleksandr Kononov. The last two are trustees of a Patriarchate programme to introduce Orthodox Culture into state schools. Kononov also re-organised the Justice Ministry's Expert Council for Conducting State Religious-Studies Expert Analysis in 2009 to include campaigners against "non-traditional" faiths under the chairship of leading "anti-cultist" Aleksandr Dvorkin.

This marked the first time in post-Soviet Russia that such campaigners were appointed to a federal government body. It sparked an outcry from Muslim, Old Believer and Protestant representatives, who feared a new form of religious "inquisition".

Publicly, the re-organised Council has since conducted only innocuous analyses of the Armenian Catholic and Yezidi faiths. Informally, however, Dvorkin continues to enjoy strong backing from parts of the political elite. In November 2011 he appeared alongside the deputy governor of the northern region of Arkhangelsk to announce a state drive against "sects", named by the deputy governor as Jehovah's Witnesses, Hare Krishna devotees and "neo-Pentecostals". (Jehovah's Witnesses in Arkhangelsk indeed soon reported a rise in police harassment.) In March 2011, Dvorkin's non-governmental organisation became one of just six selected by the state to implement "socially significant projects". Its 2.5 Million-Rouble grant (about 475,000 Norwegian Kroner, 63,000 Euros, or 78,000 US Dollars) for aid to "victims of totalitarian sects" is administered by a social organisation headed by the wife of senior presidential aide Konstantin Kostin.

Under both Putin and Medvedev, the development most threatening to religious freedom has been misapplication of the federal 2002 Extremism Law. Those most commonly targeted so far are Muslims who read the works of theologian Said Nursi, and Jehovah's Witnesses. Such cases have dramatically increased since 2007 (see Forum 18's July 2012 "extremism" survey at http://www.forum18.org/Archive.php?article_id=1724).

Religion in education and the military

While already widespread, the notion of "traditional religions" was finally formalised only in late 2009. In a July televised meeting with establishment Orthodox, Muslim, Jewish and Buddhist leaders, President Medvedev announced the introduction of religious education in schools and military chaplaincy at their suggestion. An April 2010 pilot scheme obliged 10-year-old pupils in 19 Russian regions to choose one of six modules on the cultures of Orthodoxy, Islam, Judaism, Buddhism, World Religions or Secular Ethics. All such pupils across Russia will do the same from September 2012.

Unlike course materials used in earlier, regional initiatives, those in the federally sponsored scheme appear broadly to focus on religion as an aspect of culture. Fears remain, however, that unofficially teachers will be able to encourage hostility towards those of "non-traditional" faith, particularly Protestants. This occurred during regional tuition of Orthodox Culture.

With respect to the armed forces, Medvedev promised that a relevant chaplain would be employed if more than 10 per cent of a military unit were "representatives of peoples traditionally linked with one or other confession". The Defence Ministry's January 2010 decree regulating military chaplaincy specified neither confessions nor proportions, however. Some have complained of solely Orthodox chaplaincy provision, such as Muslims in Nizhny Novgorod region, whose request for Islamic chaplaincy was reportedly refused after the Defence Ministry decree.

Property

President Medvedev also took steps towards granting another item on the Patriarchate's wishlist: the transfer from state control of historical religious property. Yeltsin-era legal mechanisms for this were weak, and religious communities often spent subsequent years fruitlessly lobbying the state for religious property seized by the Soviet authorities.

After Culture Ministry modification, Medvedev's November 2010 law still does not extend to items in archival, library or museum collections. Yet it does include structures designed for worship, religious education, monasticism and pilgrimage. Such property must now be transferred at the request of a corresponding religious organisation if its use would correspond with the aims of that organisation's registered charter, and conservation and public access are properly maintained. The law's full impact remains unclear. Following around 200 requests, 22 items of property had reportedly been transferred as of June 2012: 19 to the Russian Orthodox Church (Moscow Patriarchate), two to the Catholic Church, and one to a Muslim organisation.

To varying degrees, acquisition and retention of worship premises continues to be problematic for all religious confessions. A new trend, however, is opposition to new Orthodox construction from essentially non-religious local communities, especially if church construction replaces popular public amenities such as kindergartens and parks.

In April 2010 about 6,000 residents of the Urals city of Yekaterinburg demonstrated against the construction of a new Orthodox church on a local square. Moscow has around 250 Orthodox churches, but few are in Soviet-built suburbs. Patriarch Kirill consequently launched a programme to build a further 200 churches in Moscow following his enthronement. As of June 2012, nearly half the public hearings held to consider 81 of these churches were against construction. Yet the programme continues to enjoy powerful support within the political elite. Its co-ordinator is Vladimir Resin, until late 2011 advisor to Moscow mayor Sergei Sobyenin and now a Duma deputy for Putin's United Russia party on the Duma's Committee for Land Issues and Construction.

Putin's return

Since Putin's September 2011 announcement of his intention to return to the Kremlin, his attitude towards the Russian Orthodox Church has remained ambivalent. On the one hand, he has continued to speak in favour of strengthening the secular nature of the Russian state, as during his December 2011 telethon and in a January 2012 article on his manifesto website. Putin's overtures towards prominent religious leaders intensified during the later phase of his election campaign, however.

His January manifesto article also argued that state and society should support the role of "traditional religions" in the military, educational and social spheres. In early February - a month before re-election but as massive street demonstrations suggested his popularity was shrinking - Putin was the guest of high-profile religious leaders. Patriarch Kirill opened the meeting by describing Putin as "naturally the presidential candidate with the best chances" before extolling what he regarded as his huge personal role in correcting the course of Russian history. Other - including Protestant and Catholic - leaders offered at times even more effusive praise, as well as criticism of the ongoing pro-democracy protests.

Since his March 2012 election victory, Putin has further urged the state to facilitate social work by "traditional religions". Yet having obtained what he needed - support from religious leaders during the crucial run-up to election - it remains to be seen whether he will deliver on such promises. Even if not, Putin's position still amounts to greater patronage of "traditional religions" than during his previous presidential terms, as he has not contested the substantial gains made by the Patriarchate during his (nominal) absence from the Kremlin.

Worship restrictions

During that absence, localised bureaucratic obstruction of disfavoured faiths typical of Putin's earlier presidential terms continued. In February 2012 for instance, public prosecutors in Samara region protested against a provision in two Baptist churches' registered statutes stipulating that they operate in accordance with Holy Scripture (in addition to the Russian Constitution, current Russian law and international law). A prosecutor in Bashkortostan republic did the same in March 2010. Yet an identical reference in Chapter 1, Point 4 of the registered statute of the Russian Orthodox Church (Moscow Patriarchate) was not disputed.

New challenges to the exercise of the internationally-recognised right to freedom of religion or belief by followers of "non-traditional" faiths have also emerged, as well as battles they had thought long won.

Fines for holding religious meetings in private homes or at privately rented premises became more frequent from 2009. A strict

interpretation of Russian law would require organisers of communal worship to notify the state authorities in advance, as for political demonstrations. Corresponding fines under the Administrative Code (Article 20.2) were until June 2012 small, up to the equivalent of almost two weeks' minimum wage (2,000 Roubles). Following large-scale anti-Putin protests, however, they were massively increased in early June 2012, up to a maximum of 1 million Roubles (about 187,000 Norwegian Kroner, 25,000 Euros, or 30,000 US Dollars).

Russian courts usually apply this strict interpretation of the law against Jehovah's Witnesses and evangelical Protestants. The Jehovah's Witnesses reported 22 administrative convictions for failing to notify local state authorities in advance of group worship in 2010-11 (40 per cent of such prosecutions against them). An appeal lodged with the Strasbourg-based European Court of Human Rights in May 2011 challenges fines demanded in five of these cases (Application No. 19428/11). The Court has yet to decide whether the case is admissible, and it can be many years before it does so and hears a case.

Previous European Court experience is typically positive for religious freedom in Russia, but very slow. The Court most recently ruled in the Jehovah's Witnesses' favour in June 2010, in response to their December 2001 appeal against the long-running prosecution of their Moscow community (Application No. 302/02). The European Court rejected all the charges that resulted in the community being banned in 2004, including forcing families to disintegrate and refusing medical aid to the critically ill. While Russia paid European Court-ordered compensation of 20,000 Euros (about 782,000 Roubles, 161,00 Norwegian Kroner or 25,000 US Dollars) plus costs of 50,000 Euros (about 2 million Roubles, 400,000 Norwegian Kroner or 63,000 US Dollars) in spring 2011, the Moscow government authorities have flatly refused to re-register the Moscow community of Jehovah's Witnesses as required by the European Court ruling. This is despite the fact that they did so in response to an analogous October 2006 European Court ruling in favour of the Moscow branch of the Salvation Army (Application No. 72881/01), finally re-registering them in April 2009.

Arbitrary state decisions

Such lack of consistency highlights local state representatives' continued ability to act as they please with regard to religious freedom. The 22 administrative convictions of Jehovah's Witnesses for worship without state permission were secured even as four local courts considering analogous cases ruled that worship is not subject to the 2004 Demonstrations Law (in Kaliningrad, Orenburg and Smolensk regions, and Udmurtia republic). Evangelical Protestants have met the same arbitrariness. In September 2011 a Baptist church in the historic Siberian city of Tomsk was fined for holding worship in rented premises without notifying the local authorities. Yet Baptists in Tambov region were refused permission to hold a Christian concert in July 2010 when they attempted to follow the Demonstrations Law and notified the authorities in advance.

Allegations of damaging health and illegal educational activity - types of local state action previously successfully challenged by Protestants - are resurfacing.

In March 2012 Kurgan region's health departments warned that local Baptist leaders plan to practise mind control. Khabarovsk's regional public prosecutor continues to seek to dissolve Grace Pentecostal Church as a "destructive organisation". Yet courts in Kirov, Kostroma and Magadan roundly rejected similar allegations against Pentecostal churches in 1999-2000.

In July 2010 a Baptist church in the southern region of Rostov was fined 1,000 Roubles (about 2,000 Norwegian Kroner, 250 Euros or 320 US Dollars) for allegedly conducting unlicensed educational activity by organising a children's Bible club. Yet in a landmark June 2008 ruling in favour of Smolensk's Methodist church, Russia's Supreme Court determined that a licence is required for educational activity only if "accompanied by confirmation that the student has attained levels of education prescribed by the state".

Higher court decisions are sometimes heeded, even if this too points to the extent of officials' arbitrary decision-making. In February 2012 Krasnoyarsk's regional court overturned a fine of 170,000 Roubles (about 32,000 Norwegian Kroner, 4,300 Euros, or 5,300 US Dollars) against Krasnoyarsk city's central mosque for alleged unlicensed educational activity by its madrassah (religious school).

There have been occasional other positive developments. In March 2012 a Protestant candidate was elected mayor of Tolyatti (Samara region) despite a smear campaign playing upon popular perception of Protestants as "sectarians". In December 2011 Russia's Constitutional Court upheld a Moscow Baptist pastor's complaint by ruling that tax inspectorates may not automatically dissolve religious organisations appearing to be defunct. Numerous such incidents were reported in 2007-8.

North Caucasus

The restrictions on freedom of religion or belief outlined above may also be found in the North Caucasus. But the imposition of various forms of Islam by state representatives or Islamist insurgents (depending upon locality) results in a far greater reduction of religious freedom.

In the republic of Chechnya, Islam is both promoted and controlled to a far greater extent than religion or belief elsewhere in Russia. In 2010 republican President Ramzan Kadyrov effected the appointment for life of his appointee chief mufti, as well as religious instruction in secondary schools by the sole, state-sponsored Muslim board. A campaign intensifying from early 2009 obliges Chechnya's female public sector employees to wear headscarves. In July 2010 Kadyrov praised attackers who shot paintball pellets

at women whose heads were uncovered in public. The Kremlin has not criticised these developments.

For Protestants - the main religious minority in the North Caucasus – sharing beliefs is extremely hazardous, particularly by or among those belonging to "traditionally Muslim" ethnicities. Islamist reprisals are likely. An ethnic Avar, Pastor Artur Suleimanov of Hosanna Pentecostal Church – Dagestan republic's largest - was assassinated in central Makhachkala in July 2010.

Conclusion

The overall trend in Russian religious affairs continues to be inconsistency. Official approaches vary between and even within different regions, as well as federal government institutions. Medvedev's presidency saw the transformation of a loose tendency to regard certain faith bodies as "traditional" into their formal state patronage to the exclusion of "non-traditional" groups. Newly elected President Putin appears unlikely to address the consequent deterioration in religious freedom. (END)

For more background, see Forum 18's July 2012 survey of the dramatic decline in religious freedom related to Russia's Extremism Law at http://www.forum18.org/Archive.php?article_id=1724.

- Geraldine Fagan is Forum 18's Russia and Belarus Correspondent, and author of 'Believing in Russia - Religious Policy after Communism' <http://www.routledge.com/books/details/9780415490023/> (Routledge, 2013). This comprehensive overview of Russian religious policy argues that continuing failure to resolve the question of whether Russia is to be an Orthodox country with religious minorities or a multi-confessional state is destabilising the nation.

The Economist's review of the book is available here

<http://www.economist.com/news/books-and-arts/21571111-new-look-religion-post-1991-russia-question-faith>.

Previous Forum 18 Russia religious freedom surveys can be found at <http://www.forum18.org/Analyses.php?region=10>.

A personal commentary by Alexander Verkhovsky, Director of the SOVA Center for Information and Analysis <http://www.sova-center.ru>, about the systemic problems of Russian anti-extremism legislation, is at F18News 19 July 2010 http://www.forum18.org/Archive.php?article_id=1468.

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, is at F18News 26 May 2005 http://www.forum18.org/Archive.php?article_id=570.

More 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://education.nationalgeographic.com/education/mapping/outline-map/?map=Russia>.

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