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RUSSIA: Anti-missionary law déjà vu

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

In a revival of the practice of the mid-1990s, several Russian regions are again producing anti-missionary laws, mostly modelled on the 2001 law adopted in the southern Belgorod region. The neighbouring Kursk region is the latest, with a law adopted on 10 June, while Magadan region in the Far East is set to adopt an anti-missionary law in the autumn. "The law would make it very difficult for foreign missionary workers to enter the territory," foreign Protestants based in Magadan complained to Forum 18 News Service in June. "Those who enter under other types of visas will do so under threat of fines and punishment." But believers have told Forum 18 that the Belgorod, Smolensk and Kursk regional laws do not appear to be enforced so far, while restrictions on missionaries in Primorye on the Pacific coast – where six Catholic priests and nuns have been denied the possibility to return – have come in a region with no anti-missionary law.

In a repeat of the restrictive anti-missionary laws adopted in dozens of Russia's regions between 1993 and 1997 and subsequently annulled, several regions have taken their cue from the 2001 law adopted in the southern Russian region of Belgorod and are now producing their own. Parliament in the neighbouring Kursk region adopted a law on missionary activity on 10 June, parliamentary press secretary Lali Kryzhnevskaya confirmed to Forum 18 News Service on 6 July, while at the other end of Russia Magadan's regional parliament intends to adopt a similar local law in the autumn, foreign Protestants in the region told Forum 18 in June. However, the Belgorod law, a Smolensk regional law adopted in 2003 and the Kursk law appear to be unenforced so far, local believers have told Forum 18, while missionaries have most difficulties in regions without an anti-missionary law.

According to 20 May information on the regional parliament's website, the Kursk law was proposed by regional governor Aleksandr Mikhailov in the interests of "a unified national religious freedom policy in the face of an increase in the number of religious organisations, believers and the sphere of their activity in the region". Forum 18 has not seen a text of the law, which has so far appeared only in the 30 June paper edition of regional newspaper Kurskaya Pravda. According to Kursk and Rylsk Orthodox diocesan website, however, the law differs from that adopted in Belgorod only in allocating the region's religious studies expert council a constant rather than occasional role as consultative organ.

Both local and foreign Protestants in Magadan told Forum 18 they were highly concerned about the proposed new regional law there. "The law would make it very difficult for foreign missionary workers to enter the territory," one foreign Protestant maintained. "Those who enter under other types of visas will do so under threat of fines and punishment." One local Magadan Protestant told Forum 18 on 2 July that a visiting foreign missionary recently remarked to her that it was already "impossible" to obtain a religious work visa. Several local Protestant churches are working to oppose this planned law.

Approximately one third of Russia's 89 provincial governments enacted laws on missionary activity between 1993 and 1997, in which year the federal law on religion superseded them. Then, as part of his drive to strengthen Russia's "vertical axis of power", President Vladimir Putin ordered regional public prosecutors to bring local laws into line with federal laws by the end of June 2000. Typically peppered with anti-constitutional provisions - such as a ban on renting state property and a requirement for special accreditation - most of the local missionary laws were consequently annulled.

In launching the comeback, the law adopted in Belgorod region in March 2001 defined missionary activity as "aiming directly or indirectly to disseminate doctrines and religious practices .. among those of another faith or non-believers." In order to perform such activity, residents of other Russian regions as well as foreign citizens are obliged to submit to the Belgorod authorities documentation confirming their affiliation to a local registered religious organisation, a copy of their invitation to the region, an itinerary of their stay, and proof of local registration. In addition, foreigners are not permitted to conduct missionary activity if they have officially come to Belgorod for a different reason. Russia's Supreme Court upheld the validity of this law in December 2001.

Viewed by Forum 18, the text of the Magadan draft turns out to be identical to that of the Belgorod law, with the exception of a provision ruling that missionary activity among northern native peoples "should not violate legal norms on the preservation of their culture, ethnic, linguistic and religious distinctiveness". According to the official explanatory text accompanying the Magadan draft, the absence of a provision regulating missionaries' activity in the 1997 federal religion law "allows uncontrolled missionary activity throughout the region," particularly by "neo-Protestants". This has attracted complaints from residents and representatives of social organisations, it states.

The Magadan explanatory text also refers to the precedent of both the Belgorod law and the virtually identical law "On Missionary Activity on the Territory of Smolensk Region," adopted on 10 June 2003. Smolensk regional parliament's approval of that law was announced in the 5 June 2003 news bulletin of the local Orthodox diocesan website under the title "Smolensk Diocese and Regional Authorities Strengthen Co-operation". The new law will "limit the activity of sects, whose activity is damaging to both physical and psychological health," the website maintains.

Despite such claims, new local missionary laws appear to be unenforced. Andrei Rakovsky of the evangelical Smolensk Open Church told Forum 18 from Smolensk on 2 July that he had never heard of the region's missionary law, and confirmed that his church carries out evangelisation without impediment.

On the same day, Pastor Vladimir Rybant of Belgorod's New Life Pentecostal Church also told Forum 18 that his region's missionary law was not being enforced. "Telephone law [in which state officials govern by informing subordinates of their or their superiors' decisions by telephone] is what works here, not the law," he remarked. A Pentecostal congregation did have an all-but-agreed rental contract cancelled in 2003, said Rybant, but added that an apparently spurious sudden necessity to carry out repair work was cited by the proprietor as the reason, and not the local missionary law.

Kursk region's new missionary law would also appear to be unenforced, since local senior Baptist pastor Gennadi Likhikh told Forum 18 on 2 July that he was certain it had not been passed. On being shown a draft of the law "a long time ago", explained Likhikh, Kursk Baptists made a single, confidential proposal to state officials, following which the law was not adopted, he maintained. Asked whether his community currently experienced any form of control on preaching activity, Likhikh remarked that the Baptists were "unable to make use of all the freedoms we presently have due to our own failings".

Even more paradoxically, recent attempts to restrict foreign religious workers of which Forum 18 is aware have occurred in regions without local missionary laws. Resident for over two years in the village of Yadrin in the Russian republic of Chuvashiya – which has never adopted a local law on missionary activity - Ukrainian citizen and Pentecostal missionary Mikhail Malyshevsky told Forum 18 that he was inexplicably refused local registration by low-level officials for several weeks at the end of 2003, even though he holds a valid visa. He has since received registration, a neighbour told Forum 18 on 5 July.

The Pacific region of Primorye overtly followed federal directives by annulling its own 1996 law on missionary activity in December 2000 because, as justice department official Dmitri Vladimirov acknowledged in a May 2000 report, it "does not entirely correspond with federal legislation". In November 2003, however, a "local interpretation" of the 1997 religion law suddenly appeared only in this Far Eastern region, Vladivostok-based Catholic priest and US citizen Fr Daniel Maurer told Forum 18 on 5 July. According to this interpretation, the Primorye authorities permit foreign citizens without permanent residency status to be the de facto leaders of registered religious organisations, he said, but do not allow such foreign leaders to invite other foreign religious workers to the region.

Consequently, Fr Maurer told Forum 18, an Indian Catholic priest previously working in Primorye region for two years has been waiting to return for seven months "because we can't invite him back", while a nun who first came to work in Primorye region in 1999 and who went on holiday to her native Spain in December 2003 "is still there for the same reason". Two South Korean nuns are likewise unable to return to their Franciscan parish in the Primorye town of Ussuriisk, he added, and two South Korean priests who are meant to relieve Fr Maurer and his US colleague Fr Myron Effing from their duties in one of the region's five Catholic parishes are also unable to enter the country: "We're running ragged."

Prior to 1997, the adoption of numerous local missionary laws fuelled campaigns to toughen Russia's federal law on religion. Currently, however, a similar initiative appears to be making only slow progress. Arguing that there are insufficient legal grounds in the 1997 religion law for regulating the missionary activity of religious organisations and that the "intrusive activity" of the 400 foreign missionaries who officially visit Krasnodar region annually "regularly result in violations of citizens' rights and freedoms", a 12 May 2003 amendment to the 1997 federal law proposed by Krasnodar's legislative assembly would make missionary activity the subject of regional legislation.

In his 23 April 2004 conclusion on this proposed amendment, federal Duma [parliamentary] official Mikhail Demenkov states that its definition of missionary activity corresponds with the dissemination of religious convictions. This is a right guaranteed to all by the 1993 Russian Constitution, he points out, which also stipulates that human rights and freedoms in Russia are exclusively federal provisions. On 13 May 2004 the Duma's Committee for Religious and Social Organisations sent the Krasnodar proposed amendment to various federal departments for further comment.

For more background information see Forum 18's latest religious freedom survey at

http://www.forum18.org/Archive.php?article_id=116

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<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=russi>

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