



Religious Freedom Report

Discrimination / Worsened ↓

Religion

Population

Area

- Christians : **82.2%**
- Muslims : **11.8%**
- Agnostics : **4.1%**
- Others : **1.9%**

143.440.000

17.098.246 Km²

Legal framework on freedom of religion and actual application

The Russian constitution of 12th December 1993^[1] declares in articles 14 and 28 that the Russian Federation is a secular state which guarantees freedom of religion or belief: Article 14 (1) states: "The Russian Federation shall be a secular state. No religion may be established as the State religion or as obligatory." Article 14 (2) states: "Religious associations shall be separate from the State and shall be equal before the law." Article 28 states: "Everyone shall be guaranteed freedom of conscience and religion, including the right to profess individually or collectively any religion or not to profess any religion, and freely to choose, possess and disseminate religious and other convictions and act in accordance with them."^[2]

Article 19 guarantees the equality of rights regardless of religion or beliefs adding "all forms of human rights on social, racial, national, linguistic or religious grounds shall be prohibited".

Article 29 states that "propaganda or agitation which arouses social, racial, national or religious hatred and hostility shall be prohibited" and that propagating supremacy is forbidden on the same grounds. Article 30 asserts that "everyone shall have the right to association".

The 1997 Law on Freedom of Conscience and Religious Association^[3] (with amendments through to 2016) serves as the main pillar of the religious legislation.

The law recognises four “traditional religions” (the Russian Orthodox Church, Islam, Judaism and Buddhism). For practical purposes, the Roman Catholic Church and the Lutheran Church are generally treated as traditional Russian religions, being invited to participate in official events. The law stresses the special role of the Russian Orthodox Church because of its historical contribution to the country’s spirituality and culture.^[4]

The law establishes several categories of religious entities: Religious Groups (RGs), Local Religious Organisations (LROs) and Centralised Religious Organisations (CROs).

De facto religious groups (RGs) have the right to conduct religious rituals and ceremonies, hold worship services, and teach religious doctrines. They are not registered with the government and have therefore no legal personality. They cannot open a bank account, build, buy or rent premises or publish or import religious material.

In order to be recognised as a Local Religious Organisation (LRO), a religious group must prove that it has existed as such for at least 15 years.^[5] It must consist of no less than 10 persons over the age of 18 that permanently reside in a given area. It is registered at both the federal and the local level. An LRO can open a bank account, buy and own or rent buildings for religious purposes, acquire, import, export and disseminate religious literature, enjoy tax and other benefits, and so on. Additionally, they can also create local religious organisations as affiliates without any waiting period.^[6]

Centralised Religious Organisations (CROs) must consist of no less than three LROs to be eligible for registration.^[7] They enjoy the same rights as LROs. After 50 years of existence and activity in the country, they can include the word ‘Russia(n)’ in their official title.^[8]

In November 2015, the 1997 Law was amended to require religious organisations that receive foreign funding to report their activities, leadership, and budget plans to the Justice Ministry. Under this amendment, the Justice Ministry and related bodies have the right to inspect religious organisations’ financial activities if they receive foreign funding, or if there is concern of “extremism”, or unlawful activity, without any prior warning.^[9]

The 2002 Law On Countering Extremist Activity^[10] grants the authorities the power to censor religious freedom and expression and to criminalise a broad spectrum of religious activities.^[11]

Article 13 of this law provides for the establishment of a federal list of banned extremist materials. Since any court may add materials to the federal list, a judicial ban on a particular item in one city or region on the grounds that it has been found ‘extremist’ can be enforced across the country.^[12]

An opinion issued by the Venice Commission at its 91st Plenary Session, dated 15th – 16th June 2012, stated that the manner in which the Extremism Law is pursued is problematic:

In the Commission’s view, the Extremism Law, on account of its broad and imprecise wording, particularly insofar as the “basic notions” defined by the Law – such as the definition of “extremism”, “extremist actions”, “extremist organisations” or “extremist materials” – are concerned, gives too wide discretion in its interpretation and application, thus leading to arbitrariness. ^[13]

and the Venice Commission added:

[...] the activities defined by the Law as extremist and enabling the authorities to issue preventive and corrective measures do not all contain an element of violence and are not all defined with sufficient precision to allow an individual to regulate his or her conduct or the activities of an organisation so as to avoid the application of such measures. Where definitions are lacking the necessary precision, a law such as the Extremism Law... can be interpreted in harmful ways. The assurances of the authorities that the negative effects would be avoided thanks to the guidelines of the Supreme Court, the interpretation of the Russian Institute for Legislation and Comparative Law or good faith are not sufficient to satisfy the relevant international requirements.^[14]

Other laws:

In 2013, a law was enacted, imposing a maximum three-year prison sentence and/or the confiscation of up to three years' salary for "offending religious convictions and feelings".^[15]

In May 2015, a law on foreign agents came into force that banned foreign and international organisations which allegedly present a threat to constitutional order or state security. While the law is aimed at NGOs, its vague wording makes it applicable to religious organisations as well.^[16]

In July 2016, amendments, known as the Yarovaya Law, increased restrictions for religion under anti-extremism laws. Under these amendments, "missionary activities" have been redefined and forbid preaching, praying, disseminating materials, and answering questions about religion outside designated locations.^[17] Under this legislation, Russians must obtain a government permit through a registered religious organisation in order to share their beliefs through missionary activities. Such restrictions also apply to activities in private residences and online.^[18]

Those found guilty of violating the anti-evangelism law face fines of up to US\$780 for an individual, and up to US\$15,500 for a group or organisation. Foreign nationals who violate this law may be deported.^[19]

Furthermore, the Yarovaya Law states that foreign missionaries must prove that they have been invited by a state-registered religious organisation and may only operate in the regions where their organisations are registered.^[20]

The North Caucasus

In Dagestan and Chechnya, the local government has been draconian. In these areas security forces have orchestrated the forced disappearance of those suspected of practicing "non-traditional" Islam. Russia's anti-extremism legislation is not often used in the North Caucasus. In Chechnya, Ramzan Kadyrov, the Kremlin-appointed regional leader, imposes his own views of Islam, requiring all women to wear Islamic dress. Furthermore, forced and polygamous marriages are not punishable by law.^[21]

Peaceful Muslim dissidents and innocent bystanders with no connection to politics have been targeted in the region.^[22]

Crimea

After Russia's annexation of Crimea in March 2014, Russia imposed its laws on the peninsula and religious organisations in Crimea were required to re-register under Russian law. Many of them had to restructure themselves to meet the new requirements; including cutting ties with fellow-believers in Ukraine. Under the Yarovaya law, Christians and other religious groups experienced raids, fines, literature seizures, government surveillance, etc.^[23]

In 2016, Forum 18 recorded 13 cases in Crimea against individuals on charges relating to missionary activities, including Jehovah's Witnesses, Protestants and a Muslim. Individuals were fined amounts equivalent to approximately 10 days' average local wages. Fourteen other cases were brought forth against seven religious communities and seven individuals for failing to indicate the official name of a registered religious community. Eight cases resulted in fines of between 30,000 – 50,000 Russian Rubles (between US\$500 – 830).^[24]

All 22 registered Jehovah's Witness communities in Crimea were liquidated and their property seized.^[25]

Greek-Catholic Churches from Ukraine and Ukrainian Orthodox Churches (Kiev Patriarchate) were deemed "persona non grata" in Russian Crimea and were ultimately forced to leave the area. Currently, Orthodoxy is exclusively represented by the Russian Orthodox Church.

| Incidents

Related to Jehovah's Witnesses

On 20th April 2017, the Supreme Court of the Russian Federation banned the Administrative Centre of Jehovah's Witnesses and all 395 LROs on grounds of "extremism". Since that decision, Jehovah's Witnesses have faced arrests, imprisonment, discrimination and mistreatment. Prayer meetings in private homes have been interrupted and raided; witnesses have been dismissed from their jobs, interrogated and prosecuted. A number of their properties and buildings have been vandalised and even destroyed. [26]

On 25th May 2017 Danish national and EU citizen, Dennis Christensen was arrested by armed officers from the Federal Security Service during a raid on a private worship service being held by Jehovah's Witnesses. Christensen was the first Jehovah's Witness to be detained following the ban of the religious group. [27] One year later, he was still in pre-trial detention.

In August 2017 the New World Translation of the Holy Scriptures was declared an extremist publication. [28]

As of May 2018 over 20 criminal cases had been opened against Jehovah's Witnesses, seven of them were in pre-trial detention, and two were sentenced to house arrest. [29] All could face possible prison sentences of up to ten years for meeting for worship. In addition to the criminal cases, around 90-100 properties belonging to Jehovah's Witnesses have been confiscated by the Russian state based on court decisions, and an additional 100 properties are currently in court proceedings. The Russian authorities have also threatened to deprive Jehovah's Witnesses of parental rights. [30]

In May 2018, the delegations of the European Union and the United States to the OSCE issued statements condemning the harsh policy of repression targeting Jehovah's Witnesses in Russia. [31]

Related to Protestants

Protestants are mainly targeted for proselytism on the basis of the anti-missionary Varovaya laws.

On 23rd November 2016 a local prosecutor's office conducted an inspection of the Salvation Army in Vladivostok. A case was opened on the grounds that the organisation "in its missionary activity uses and distributes literature and printed materials without identifying labels of the religious organisation". On 20th December 2016, the Salvation Army of Vladivostok was found guilty of having religious literature, including 36 copies of the Bible and collections of religious songs in the worship hall, that did not identify the name of the denomination. The decision concerning destruction of the Bibles evoked such a great public outcry that the decision was appealed. On 30th December 2016, the magistrate's order was amended: the section about destruction of the confiscated items was removed but the rest of the order remained unchanged. The case was eventually dismissed by the Constitutional Court. [32]

Indian-born Protestant pastor Victor-Immanuel Mani, who is married to a Russian and has a Russian-born child, was the first foreigner to receive a deportation order under Administrative Code Article 5.26, Part 5 ('Foreigners conducting missionary activity'). On 20th December 2016, Naberezhnyye Chelny City Court found him guilty of advertising religious gatherings on social media and allegedly giving religious literature to a non-member of his Church. He was also fined 30,000 Roubles (US\$480). [33]

In early 2018 an unnamed Baptist, a Russian citizen, was found in violation of anti-evangelism laws after he had organised evangelistic activities in his apartment without having registered with the authorities. He also had reportedly distributed religious literature to persons outside of his religious group. He was ultimately found guilty and fined 6,000 Roubles (c.US\$100). [34]

On 16th May 2018 Nosisa Shiba, a final-year student at Nizhny Novgorod Medical Academy, who is also a citizen of Swaziland (Africa), was charged on the basis of article 18.8, part 4 of the Code of Administrative Violations of Law of the Russian Federation. The young woman, who has been a Protestant since childhood, began attending an Evangelical church in Nizhny Novgorod upon her arrival in Russia. A video of Shiba singing about God and his love for people in her

church was found on YouTube by the Federal Security Service. The court ruled that she be fined 7,000 Roubles (c.US\$110) and deported after the completion of her studies.^[35]

Related to Muslims – Said Nursi followers

As of May 2018 four members of the banned Muslim movement Nurdzhular were in prison, two in pre-trial detention and two have been sentenced for being involved in the activities of a banned organisation: Ilgar Vagif-ogly Aliyev (in pre-trial detention since April 2017), Ziyavdin Dapayev (in pre-trial detention since March 2016), Bagir Kazikhanov (sentenced to three years and six months) and Yevgeny Lvovich Kim (sentenced to three years and nine months).^[36]

Related to Hindus

In 2018 Hindus continued to face discrimination and harassment from anti-cult activists, in particular from Alexander Dvorkin. Dvorkin is the vice-president of the France-based European Federation of Centres of Research and Information on Sectarianism (FECRIS), which receives funding from French public institutions. The activities of Dvorkin are suspected to have led to physical assaults to the group's members and leaders, including the November 2017 raid on the home and spiritual centre of Hindu leader Shri Prakash Ji.^[37]

Related to Other Minorities

On 6th June 2017, Sakhib Aliev, Ivan Matsitskiy, Galina Shurinova, and Anastasia Terentieva, members of the Church of Scientology, were arrested in St Petersburg. They were accused of participating in an extremist organisation, running an illegal business, inciting hatred, and violation of human dignity. They were charged with violating article 171 of the criminal code, which prohibits unregistered commercial activities, and under articles 282 and 282.1, which prohibits participation in extremist organisations or carrying out related activities. As of May 2018, they were still in pre-trial detention.^[38]

Prospects for freedom of religion

The situation of religious freedom has worsened in the last two years and there is no sign that this trend will come to an end or slow down in the near future.

The 1997 Law as well as the ideological stances and policies which were thereafter adopted by Russian authorities were all inspired by the desire to ensure the "spiritual security" of Russia, a new concept expressing the role of the Russian Orthodox Church in safeguarding "national values".

In the *National Security Concept* Presidential Decree No 24 of 10th January 2000,^[39] the administration stated: "Ensuring the national security of the Russian Federation also includes protection of the cultural, spiritual and moral legacy, historical traditions and the norms of social life, the preservation of the cultural wealth of all the peoples of Russia [...] along with counteraction against the negative influence of foreign religious organisations and missionaries."

This concept explains the religious cleansing that is now being carried out and gaining momentum.

Despite the negative opinion of the Venice Commission, laws against extremism and about missionary activities have been amended in such a vague way that members of non-Orthodox religious communities and non-mainline Muslim communities of foreign origin can easily be prosecuted and sentenced for the legitimate and peaceful exercise of their religious freedom. The ban of Jehovah's Witnesses, the confiscation of all their property in the country and the imprisonment of their members – a first since the collapse of the Soviet Union – sends a strong signal to other minority religious movements competing with the Russian Orthodox Church and mainstream Islam.

A positive element that can be highlighted is the common view shared by Pope Francis and Patriarch Kirill of Moscow and all Russia that they need to unite their efforts for the protection of and assistance to Christians in the Middle East.

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