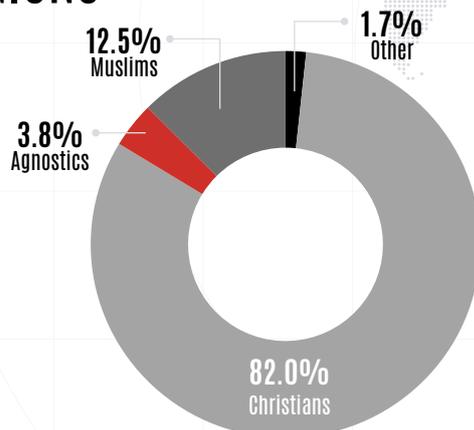




RUSSIA

RELIGIONS



Population

143,786,842

GDP per capita

24,766 US\$

Area

17,098,246 Km²

GINI INDEX*

37.5

*Economic Inequality

LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

The Constitution of Russia of 12th December 1993¹ 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) says: “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.”

Article 19 (2) guarantees the equality of human and civil rights and freedoms regardless of religion or beliefs adding “all forms of limitations of human rights on social, racial, national, linguistic or religious grounds shall be prohibited.”

Art. 13 (5) and Art. 29 (2) ban the promotion of hostility based on four different grounds. Art 13 (5) says: “insti-

gating social, racial, national and religious strife shall be prohibited”. Art 29 (2) 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 (1) asserts that “everyone shall have the right to association.”

Art. 59 (3) grants the right to conscientious objection in the case of military service. It states: “In the event that their convictions or religious beliefs run counter to military service and in other cases established by federal law, citizens of the Russian Federation shall have the right to replace it with alternative civilian service”.

The 1997 Law on Freedom of Conscience and Religious Association (with amendments through to 2019)² serves as the main pillar of the religious legislation.

In the preamble, the individual right to freedom of conscience, freedom of religious profession and equality before the law irrespective of religious affiliation and convictions are confirmed. Concerning religious groups, however, the law recognizes four “traditional religions” (Christianity [means: 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 her historical contribution to the country's spirituality and culture.

The law establishes three different categories of religious entities: Religious Groups (RGs), Local Religious Organizations (LROs) and Centralized Religious Organizations (CROs) (Art. 6).

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. Nevertheless, when the group first starts its activities, it has to notify local authorities. These cannot open a bank account, build, buy or rent premises or publish or import religious material, receive tax benefits or offer worship services in prisons, state-owned hospitals, or the armed forces (Art 7).³

In order to be recognized as a Local Religious Organization (LRO), a religious group must consist of no less than 10 persons over the age of 18 that permanently reside in a given area. The LRO must be 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, conduct worship services in prisons, hospitals, and armed forces, and so on.

Centralized Religious Organizations (CROs) must consist of no less than three LROs to be eligible for registration. 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 (Art. 8 (5)). Additionally, they can also create local religious organizations as affiliates without any waiting period.

Registration of an LRO or CRO requires an association to provide: "a list of the organization's founders and governing body, with addresses and passport information; the organization's charter; the minutes of the founding meeting; certification from the CRO (in the case of LROs); a description of the organization's doctrine, practices, history, and attitudes towards family, marriage, and education; the organization's legal address; a certificate of payment of government dues;

and a charter, or registration papers of the governing body, in the case of organizations whose main offices are located abroad"⁴.

On 6th June 2016, the 1997 Law was amended by the so called Yarovaya Package (374-FZ and 375-FZ).⁵ The Russian Deputy Irina Yarovaya, together with Senator Victor Ozerov, introduced a project of counter-extremism and counter-terrorism legislation. Citizens in general value security more than freedom, hence the characteristic of Russia's actual restriction of civil liberties under the guise of having to provide better security is not something completely unusual. In Russia, the threat of extremism and terrorism is real. This is due to at least two facts: attempts by foreign interests to radicalize the Russian Muslim community, and terrorist responses to Russian armed conflicts in Georgia and Ukraine. Nevertheless, this real threat is often a pretext for actions that aim to strengthen the security of the authoritarian power and ensure social stability by a more intense supervision and limiting of civil liberties. As part of the Russian "securitisation" policy, the competence of special services is expanded almost every year, and an increase in "digital authoritarianism" can be observed. A 2017-2030 Strategy for the Development of an Information Society in the Russian Federation adopted in 2017 shows that security is not the only political goal; the document also emphasises "traditional Russian spiritual and moral values and the observance of [corresponding] behavioral norms in the use of information and communication technologies."⁶ The Russian concept of security covers both material security and cultural security associated with the permanence of Orthodoxy. For this reason, usually "foreign" religious groups, even if they present no threat in material terms, are seen as representatives of a foreign, hostile culture.

The Yarovaya amendments increased restrictions for religion under anti-extremism laws. Under these amendments, "missionary activities" have been redefined forbidding preaching, praying, disseminating materials, and answering questions about religion outside designated locations, especially in residential premises (Art. 24 (1) (2-3)).⁷ Any missionary activity in the premises, buildings and structures belonging to another religious association, as well as on the land on which such buildings and structures are located, is prohibited without the written consent of the governing body of the

respective religious association (Art. 24 (1) (4)). In another amendment (Art. 24 (2) (3-5)) Russians must obtain a government permit through a registered religious organization in order to share their beliefs through missionary activities. Such restrictions also apply to activities in private residences and online (Art. 24 (1) (1)). Thus, to teach the Gospel on a street or to pray collectively in private houses, common practice for many Protestant denominations, is generally forbidden.

There also are restrictions on religious activities undertaken by foreigners. The Yarovaya Law states that foreign missionaries must prove that they have been invited by a state-registered religious organization and may only operate in the regions where their organizations are registered (Art. 24 (2) (3-4)). An amendment from November 28, 2015 requires religious organizations which receive foreign funding to report annually their activities, leadership, and budget plans to the Justice Ministry (art 25.1).⁸ The Justice Ministry and related bodies, in such cases, have the right to inspect the religious organizations' financial activities without prior warning.

People found guilty of violating the anti-extremism law face fines of up to US\$780 for an individual, and up to US\$15,500 for a group or organization. Foreign nationals also may be deported.⁹

Other laws

The Federal Law on Combating Extremist Activity adopted on 25th July 2002,¹⁰ grants the authorities the power to censor religious freedom and expression, and to criminalize 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 At the beginning of 2020, there were 5,018 items on the Federal List of Extremist Materials maintained by the Ministry of Justice.¹³

An opinion issued by the Venice Commission of the Council of Europe at its 91st Plenary Session (15-16th June 2012), stated that the manner in which the Extremism Law is pursued is problematic, 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

organizations" or "extremist materials" - are concerned, gives too wide discretion in its interpretation and application, thus leading to arbitrariness.¹⁴

On 29th June 2013, a so-called blasphemy law was enacted, criminalizing activities aimed at insulting the religious feelings of believers. Article 148 of the Criminal Code provides for a fine, or up to one year of imprisonment or forced labor, for "actions demonstrating disrespect to the society if performed with the purpose of insulting religious feelings of believers." "Insulting religious feelings" had previously been punished by the rarely used Administrative Code Article 5.26. When the offence was criminalized in July 2013, this article was amended to cover "deliberate public desecration of religious or liturgical literature, objects of religious veneration, signs or emblems of ideological symbols and paraphernalia, or their damage or destruction." The associated penalties increased from a fine of 500 to 1000 rubles up to 30 to 50 thousand rubles, or obligatory work up to 120 hours, and for officials from 100 thousand to 200 thousand rubles.¹⁵ The "blasphemy amendments" were added to the Criminal Code in reaction to a February 21, 2012 Pussy Riot performance at Moscow's Cathedral of Christ the Savior. Due to the vacuum in the Russian law the band members were sentenced to two years of imprisonment for "hooliganism motivated by religious hatred."¹⁶

According to a report prepared the Global Legal Research Center¹⁷ most blasphemy-related cases are prosecuted under article 282 of the Criminal Code, which bans "actions aimed at inciting hatred [or] enmity, or diminishing the dignity of a person or a group of people because of their religion, [that are] conducted publicly, or using mass media, or the Internet." These actions can be prosecuted by varied fines, compulsory labor, bans on specific professional activities, or imprisonment for a term of two to five years.¹⁸

INCIDENTS AND DEVELOPMENTS

Related to Protestants

Protestants are mainly targeted for proselytism on the basis of the anti-missionary Yarovaya laws. In early 2018 an unnamed Baptist, a Russian citizen, was found in violation of anti-evangelism laws after he had organized evangelistic activities in his apartment without

having registered with the authorities, reportedly distributing religious literature to persons outside of his religious group. He was ultimately found guilty and fined 6,000 rubles (c. US\$100).¹⁹

On 16th May 2018, Nosisa Shiba, a citizen of Swaziland (Africa) and a final-year student at the Nizhny Novgorod Medical Academy, 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, a Protestant since childhood, began attending an Evangelical church in Nizhny Novgorod upon her arrival in Russia. A video of Shiba singing about God in this church was found on YouTube by the Federal Security Service. The court ruled that she be fined 7,000 rubles (c. US\$110) and deported after the completion of her studies.²⁰

On 27th February 2020, a lawsuit brought by the Russian Educational Supervision Service (Rosobrnadzor) calling for the revocation of the license of the Moscow Theological Seminar of Evangelical Christians (a Baptist Theological Seminary established in October 1993), was granted by the arbitration court of the city of Moscow. The reason given was a “violation” of licensing requirements consisting of an “incorrect” form in a document describing the teaching load.²¹

A further case is related to the coronavirus pandemic and the Baptist Church in Briansk. The pastor of the Baptist church was infected, infecting in turn his parishioners, in Briansk and in Smolensk. The governor of Briansk oblast accused the Baptists on 2nd April 2020 of spreading the virus and, possibly in reaction, on the night of 7-8th April an attempt was made to set fire to the Baptist Church in the city of St. Petersburg located at No. 27 Bolshaia Ozernaia St.²²

Related to Muslims

Although Islam is considered a traditional religion in Russia, many Islamic groups are considered as “extremist”.

Among majority of the Muslim individuals arrested, many are supporters of a banned Islamist organization called Hizb ut-Tahrir (HT).²³ According to the European Court of Human Rights, HT (“Liberation Party”) is not a religious organization but a “global Islamic political party”.²⁴ The European Court dismissed a complaint by HT against its ban in Germany because, even if it does not incite violence, it “advocates the overthrow of govern-

ments throughout the Muslim world and their replacement by an Islamic State in the form of a recreated Caliphate.”²⁵ At the same time, it is not a political party in the Western meaning because it does not intend to stand for democratic elections. In Russia, many HT members are arrested solely on account of belonging to this group, without necessarily any evidence of their association with terrorism, and “the sentences handed down to suspected HT members are significantly more severe than those given to others deemed as extremists, typically ranging between 10 and 19 years. Throughout 2018, authorities arrested and prosecuted HT members nearly every month; in July alone there were 21 arrests.”²⁶

Followers of another Muslim group drawing security attention are those of the Qur’anic commentary of Said Nursi, a Turkish Islamic theologian of Kurdish origin. Nursi adepts are typically charged with belonging to a supposed “Nurdzhular” terrorist movement, banned in Russia in 2008 as an extremist group.²⁷

On August 28, 2018, the European Court of Human Rights declared that the ban on publishing and distributing Islamic books (read: Nursi’s works) violates Article 10 of the European Convention on Human Rights.²⁸ Nevertheless, in May 2018, Ilgar Aliyev, a Nursi follower from Dagestan in the Russian North Caucasus, received an eight-year prison sentence and two years additional restrictions for leading a Nursi study group. Colleagues Komil Odilov was sentenced to two years in prison, and Andrei Dedkov was fined the equivalent of more than six months wages. A fourth man, Sabirzhin Kabirzoda was given a two-year suspended sentence at the end of a trial lasting more than six months.²⁹ As of 9th April 2020, two more Muslims from the movement are facing criminal prosecution: 62-year old Nakiya Sharifullina who is under house arrest in Naberezhnyye Chelny in Tatarstan, and 53-year-old Ibragim Murtazaliyev from Izberbash in Dagestan, who is in pre-trial detention.³⁰

A further Muslim group frequently targeted by Russian authorities is the missionary movement, Tablighi Jamaat, originating from India. The group is widely considered to be pacifist and not involved in politics, however, “In May 2018, two residents of the Russian province of Bashkortostan were sentenced to two years imprisonment for membership in the group. In December, a Moscow court convicted four Tablighi Jamaat

members of missionary activity and sentenced them to two years and two months in a penal colony, followed by six months of additional restrictions.³¹

Related to Hindus

Throughout 2018 Hindus faced discrimination and harassment from anti-cult activists, in particular from Alexander Dvorkin, vice-president of the France-based European Federation of Centers 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 on the group's members and leadership, including a November 2017 raid on the home and spiritual center of the Hindu leader Shri Prakash Ji.³²

Related to Jehovah's Witnesses

The Jehovah's Witnesses, numbering approximately 170,000 in Russia³³ have been banned since 2017, designated under Russian law as an "extremist" organization. The group has, and continues to face, discrimination and persecution. The challenge for researchers is, due to the fact that the court case files are confidential and only in Russian, it is difficult to corroborate information from independent sources. This leaves researchers, particularly non-Russian speaking ones, relying predominantly on information provided by the religious group.

According to information supplied by the Jehovah's Witnesses, on April 20, 2017, the Supreme Court of the Russian Federation banned the Administrative Centre of Jehovah's Witnesses on grounds of "extremism". Since the ban, Jehovah's Witnesses have faced arrests, imprisonment, interrogation, travel restrictions and other kinds of discrimination. Prayer meetings in private homes have been interrupted and raided; witnesses have been dismissed from their jobs, interrogated and prosecuted and; a number of their properties and buildings have been vandalized and destroyed.³⁴ By the end of 2018 the estimated value of Jehovah's Witnesses property seized by the state was US\$90 million.³⁵ Since the ban, Jehovah's Witnesses no longer have the right to refuse military service and choose alternative services as conscientious objectors. The Russian authorities have also threatened to deprive Jehovah's Witnesses of parental rights.³⁶ At the end of 2018, there were 23 Jehovah's Witnesses in prison, 27 under house arrest, 41 forbidden from leaving their

hometowns, and 121 under investigation.³⁷

On 23rd May 2019, a Danish citizen detained since 2017, Dennis Christensen, was sentenced to six years in a penal colony of general regime for active profession of the religion of Jehovah's Witnesses. He was found guilty under Article 282.2 (1) of the CC of RF, since he allegedly "continued the activity" of the liquidated Jehovah's Witnesses.³⁸ Another EU citizen arrested was Polish national, Andrzej Oniszczyk, released after 11 months.³⁹

On 15th February 2019, at least seven Jehovah's Witnesses in northern Siberia were tortured at the hands of local police after being detained on extremism charges. Investigators demanded information about local membership, meeting places, and leadership.⁴⁰

The North Caucasus

After two wars in Chechnya (1994-1996 and 1999-2009), the North Caucasus is today a heavily militarized zone. Influence is divided between Ramzan Kadyrov, the Kremlin-appointed regional leader with his own view of Islam, and jihadist groups aligned with the so-called Islamic State and Al-Qaeda. The region remains in a state of low-level conflict. Kadyrov is proposing a model of "moderate" but strictly controlled Islam as a beacon for the entire Muslim world. Although officially an opponent of Wahhabism and Salafism he demands all Chechen women wear Islamic dress, that forced and polygamous marriages are not punishable by law, and a strict adherence to traditional Islamic values is required.⁴¹

In Dagestan and Chechnya, security forces have orchestrated the forced disappearance of those suspected of practicing a "non-traditional" Islam. The need to demonstrate success in the battle against Islamist terrorism has led security forces to target peaceful Muslim dissidents and innocent bystanders with no proven connection to politics.⁴²

In North Ossetia, a mostly Christian region, there were reports in 2018 of plans to convert the historic Persian Mosque in the capital of Vladikavkaz into a planetarium.⁴³

PROSPECTS FOR FREEDOM OF RELIGION

Since the last report, the situation of religious freedom remains without improvement. The 1997 law, as well as

the ideological stances and policies adopted by Russian authorities thereafter, are inspired to ensure the “spiritual security” of Russia - a new concept entrenching the role of the Russian Orthodox Church in safeguarding “national values”.

In Russia’s National Security Concept Presidential Decree No. 24 of 10th January 2000,⁴⁴ 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 organizations and missionaries.”⁴⁵

This concept is at the base of the religious restrictions that are imposed. In a press briefing in December 2018, when US Ambassador-at-large for International Religious Freedom, Samuel Brownback was asked

why Russia was put on their “watch list” underlined that Russia had engaged in and tolerated severe violations of religious freedoms, the most notorious being the suppression of religious expression following their 2016 law which criminalized missionary activity. Brownback mentioned these included 156 cases targeting groups such as the Salvation Army, Pentecostals, Jehovah’s Witnesses, Baptists, Lutherans, Church of Jesus Christ of Latter-Day Saints, and Ukrainian Reformed Orthodox Church. In addition, certain Muslim groups are included.⁴⁶

The European Council’s Venice Commission has voiced concerns that the laws against extremism and missionary activity have been amended in an ambiguous manner, making it easier to prosecute and sentence members of non-Orthodox religious communities and non-mainline Muslim communities of foreign origin. There are no prospects for change.

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