

18 December 2008

RUSSIA: Who can and cannot conduct religious education?

By Geraldine Fagan, Forum 18, and Felix Corley, Forum 18

The seminary of Moscow's Emmanuel Pentecostal Church cannot gain a licence as it does not have stable premises, Forum 18 News Service has found. The seminary is one of 22 religious organisations on a Justice Ministry list whose liquidation has been sought through the courts. The Church itself has faced obstruction from local officials in attempting to use or reconstruct its building, and the seminary is one of a few religious organisations on the Justice Ministry list which is not defunct or otherwise obsolete. Ten of these organisations are Moscow-based religious educational organisations listed as liable for liquidation, apparently for unlicensed educational activity. Two of the 22 religious organisations decided to dissolve themselves: the Presbyterian Christian Theological Academy and the Institute of Contemporary Judaism. However, four others in the list have successfully challenged immediate liquidation. The latest update of a separate Justice Ministry list of centralised religious organisations slated for liquidation now features only 19 of the original 56 organisations, Forum 18 notes.

In the wake of a September Justice Ministry list of 22 religious organisations whose liquidation the Ministry has sought through the courts, four have successfully challenged immediate liquidation, Forum 18 News Service has learnt. Most of the others Forum 18 has contacted are defunct, but one – the seminary attached to the Emmanuel Pentecostal Church in Solntsevo on the outskirts of Moscow – has voiced concern.

According to the Justice Ministry's 29 October 2008 suit to dissolve Emmanuel's seminary, it is breaking the law by operating without an education licence. Although registered in 2001, the seminary has in fact never operated, however. "We planned to have it in our building – but the building must be put right in order to meet the criteria for an education licence," Emmanuel Church's Assistant Pastor Bakur Azaryan told Forum 18 on 14 December.

Pastor Azaryan said that the Justice Ministry attempt to dissolve their seminary is just the latest offensive in the authorities' long-running campaign against the Church. The Church faces continuing obstructions from local officials in Solntsevo in its efforts to use or reconstruct its building it bought back in 2002 (see F18News 18 December 2008 http://www.forum18.org/Archive.php?article_id=1232). And without stable premises, Emmanuel cannot license its seminary.

Anxious not to lose the seminary's legal status, the Church argued at a 2 December Solntsevo District Court hearing that the law does not stipulate a deadline for obtaining such a licence, "only that you can't conduct educational activity without one." To the astonishment of Justice Ministry representatives, the court ruled not to dissolve the seminary, Azaryan continued. As the full verdict has yet to be released, the judge's grounds for doing so are not known, however.

Forum 18's calls to Solntsevo District Court went unanswered on 16 and 17 December.

The list of 22 religious organisations against which the Justice Ministry has filed suits for liquidation in 2008 was published on the Ministry website on 16 September.

In addition to Emmanuel's seminary, nine of these are the Moscow-based religious educational organisations previously listed as liable for liquidation by the city's Department of Justice, apparently for unlicensed educational activity (see F18News 10 September 2008 http://www.forum18.org/Archive.php?article_id=1185).

Forum 18 has spoken with representatives of 12 of the 22 organisations in recent weeks. Emmanuel was the only one to voice concern.

Five turn out to be obsolete: the Belgorod-based Central and Nizhny Novgorod-based Volga-Urals associations of Seventh-Day Adventists, the Moscow Higher Spiritual Islamic College, the St Petersburg-based Union of Churches of Evangelical Christians in the Spirit of the Apostles [Unitarians] and the Suzdal diocese of the Russian Orthodox Free Church (jurisdiction of the Russian Orthodox Church Abroad).

Two decided to dissolve themselves: the Presbyterian Christian Theological Academy and the Institute of Contemporary Judaism, both in Moscow.

Four have successfully fought liquidation proceedings. A Rostov-on-Don district court ruled in early November not to dissolve the Russian Union of Independent Churches of Evangelical Christian Baptists, Pastor Yuri Mikhailichenko of the organisation told Forum 18 from the southern regional centre on 20 November. He declined to comment further.

A Novosibirsk district court similarly decided not to dissolve the Theological Seminary of the Siberian Association of Evangelical-Lutheran Missions, Bishop Vsevolod Lytkin of the Siberian Evangelical-Lutheran Church told Forum 18 from the city on 18 November. The seminary – which has operated for 15 years and currently has 12 trainee pastors – had no education licence, he confirmed: "We didn't really need one before, but the law is getting stricter – the bureaucracy is terrible. We could probably still get away without one, but we don't want to go underground." Instead of pressing for liquidation, the court has given the Church until May 2009 to obtain an education licence.

A similar outcome was reached in the case of two Moscow-based yeshivas (Jewish schools), Torat Khaim and Ogalei Yakov. Neither held – nor met the criteria for – an education licence, Rabbi Zinovy Kogan of the Congress of Jewish Religious Organisations and Associations in Russia (known by its Russian acronym, KEROR) explained to Forum 18 on 20 November. They had also failed to file annual accounts, as required of all non-commercial organisations since 2007 (see F18News 17 April 2007 http://www.forum18.org/Archive.php?article_id=943).

In extensive negotiation with state officials, however, Rabbi Kogan argued for their retention of some sort of legal status, even if not as religious educational institutions. Local courts subsequently agreed not to dissolve them after each altered its self-description in its registered charter to a "religious institution" within KEROR. "I hope they will go on to get education licences – they are working to do so – but that is up to them," Kogan remarked to Forum 18.

Latterly, confusion has persisted over what type of religious activity requires an education licence. The 1997 Religion Law distinguishes between "educational" [obrazovatel'naya] activity - for which a religious organisation might require a licence - and "teaching" [obucheniyе], for which it definitely does not. A Pentecostal Bible centre in the Volga republic of Chuvashia lost its legal personality status for unlicensed educational activity in August 2007 (see F18News 15 November 2007 http://www.forum18.org/Archive.php?article_id=1048). It sent an appeal to the European Court of Human Rights in Strasbourg on 15 April 2008.

In March 2008, Smolensk Regional Court dissolved a local Methodist church for running a Sunday school - which has only four pupils - without an education licence (see F18News 26 March 2008 http://www.forum18.org/Archive.php?article_id=1104). A landmark 10 June 2008 ruling by Russia's Supreme Court overturned the Smolensk ruling, however, and also established that a licence is required for educational activity only if it is "accompanied by confirmation that the student has attained levels of education prescribed by the state" (see F18News 30 June 2008 http://www.forum18.org/Archive.php?article_id=1151).

Despite the Supreme Court judgment, the Prosecutor's Office in the North Caucasus republic of Kabardino-Balkaria reported on its website on 16 December that the local Grace Presbyterian Church in the regional capital Nalchik had violated the Religion and the Education Laws over the way it operated its Sunday school. It said that the Church had started the Sunday school in 2007 and currently has 18 children between the ages of 7 and 15.

Prosecutors complain that the Sunday school "is without the status demanded by the law and in a building not meeting the demands of building norms, protection of the health and safety of the students". It complains that the church building is only 15 metres (16 yards) from a car repair workshop and that the Sunday school takes place in a room of only 29 square metres (312 square feet) with one table and two benches which each seat only ten children.

Prosecutors also complain that the church building does not have a fire alarm system, has bars over the ground floor windows, wooden parts of the building are not coated with fire-resistant material "and much much more". The deputy prosecutor has ordered all these violations to be corrected.

The deputy prosecutor told Forum 18 from Nalchik on 18 December that he was unfamiliar with the case and could not discuss it by telephone.

Published on the Justice Ministry website on 15 October, a third list detailed 56 centralised religious organisations which the Ministry planned to refer for court liquidation (see F18News 12 November 2008 http://www.forum18.org/Archive.php?article_id=1216). All but two of 17 organisations contacted by Forum 18 proved to be defunct, unconcerned by their fate or confident of avoiding liquidation by correcting minor bureaucratic oversights, however.

Further to these 17, Pastor Azaryan told Forum 18 that the "Russian-American Assembly of God" is also obsolete.

An updated, 28 November list on the Justice Ministry website now features only 19 of the original 56 organisations. The four which remain on the list and whose former representatives were contacted by Forum 18 are defunct. (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.

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 printer-friendly map of Russia is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=russi>.

If you need to contact F18News, please email us at:
[f18news @ editor.forum18.org](mailto:f18news@editor.forum18.org)

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY