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RUSSIA: Obstructions to Protestant theological education "systemic, intentional"?

By Victoria Arnold, Forum 18 (<https://www.forum18.org>)

The Pentecostal Union's Eurasian Theological Seminary's licence was annulled in October 2018 after inspectors questioned its theology course. The Baptist Union's Moscow Theological Seminary was suspended for 60 days from January 2019, and banned from admitting new students. Pentecostal Union lawyer Vladimir Ozolin says these actions are "systemic, intentional".

Several religious educational establishments in Russia, including two flagship seminaries of the Baptist Union and of the Pentecostal Union in Moscow, have faced fines, suspension of their activities and student admissions, and in the worst case scenario, loss of their licence, as a result of routine inspections carried out by federal education inspectorate Rosobrnadzor. The institutions themselves insist that they committed no violations.

"Unfortunately, none of the documents of the commission presented specific claims about the deficiencies identified in the work of the seminary," the Baptist Union's Moscow Theological Seminary complained. "They are all given in the form of reiterations of articles of the Education Law, or rather as alleged lack of compliance with the requirements of some articles of this law."

Churches fear that these state measures against their educational institutions – which seem to have been stepped up since summer 2018 - are becoming yet another means by which the authorities are attempting to curtail their activities and place them under even greater official scrutiny.

The Russian Pentecostal Union's Eurasian Theological Seminary was obliged to stop offering certificated courses when its licence was annulled in November 2018 after a series of court cases brought against it by Rosobrnadzor over the administration of its undergraduate theology degree (see below).

The Baptist Union's Moscow Theological Seminary is coming to the end of a 60-day suspension of all its activities, which began on 25 January 2019. A Moscow court imposed the suspension after Rosobrnadzor also found fault with the organisation of its theology bachelor's degree and the qualifications of its staff. In February 2019, the Seminary was also banned from admitting new students (see below).

The North Caucasus Bible Institute, also part of the Baptist Union, is still functioning but is undergoing follow-up inspections after being fined in November 2018 over similar alleged problems with the internal organisation of its courses, as well as alleged health and safety violations. It has also been banned from admitting new students since November 2018 (see below).

The religious educational institutions argue that courses for training clergy and other staff may be either state-accredited or non-state-accredited, and that when they are not, they are not obliged to conform to the same organisational requirements as courses which are. In such cases, their structure and administration need only be approved by the relevant centralised religious organisations (see below).

Of 16 planned inspections of religious educational institutions scheduled to take place between January 2018 and the end of March 2019, only one case resulted in a suspension of activity (that of the Baptists' Moscow Theological Seminary), and only one ultimately led to the annulment of a licence (that of the Pentecostal Union's Eurasian Theological Seminary).

Inconsistent, systemic, intentional?

"Inspections of Evangelical universities in 2018-2019 have shown the inconsistency of legislation on education and freedom of conscience, which has created a lot of problems for our educational institutions," Eurasian Theological Seminary Rector Aleksei Gorbachev commented to Forum 18.

"I believe these actions have a systemic, intentional character, under the pretext of supervision of educational activities," Pentecostal Union lawyer Vladimir Ozolin told Forum 18. "In this way, pressure is being exerted on the non-traditional confessions; this is

perhaps another act of intimidation."

This situation has arisen only recently, Ozolin added, "literally, since the summer of 2018. Before that there were no problems."

Forum 18 wrote to Rosobrnadzor on 19 March 2019. It asked why inspectors had treated the courses offered by these religious educational establishments as if they were state-accredited and therefore obliged to abide by state requirements, when according to the law (see below), such institutions have the right to offer non-state-accredited programmes which must conform only to the standards of the responsible religious organisation.

Forum 18 had received no reply as of the end of the Moscow working day of 25 March.

Rosobrnadzor inspections

The Federal Service for Supervision in Education and Science (Rosobrnadzor) is the government body responsible for overseeing schools, colleges and universities, and for deciding whether to issue licences and grant state accreditation. It carries out inspections (either document checks or site visits) of all educational institutions, usually every few years.

Inspections take place according to a schedule drawn up at the beginning of each year, and encompass state, private, and independent institutions, both secular and religious, and both state-accredited and non-state-accredited. Institutions are given three days' notice of such "planned", routine inspections (although the timetable is usually available online up to three months in advance).

If inspectors identify violations, Rosobrnadzor will conduct "unplanned" follow-up inspections, for which it gives 24 hours' notice.

In addition to religious colleges, Rosobrnadzor frequently finds "violations" at secular institutions, which sometimes leads to suspension or annulment of their licences or state accreditation. In some cases, this has led to fears among the international academic community for academic freedom in Russia – as in the case of the European University in St Petersburg, which lost its licence for two years, and the Moscow School of Economic and Social Sciences, which had its accreditation revoked in 2018.

Rosobrnadzor inspections may identify a wide range of violations, ranging from failure to upload course timetables to an institution's website, to poor provision of sporting and cultural facilities. They can include areas in which it is reasonable that oversight is exercised and shortcomings dealt with, e.g. fire safety and sanitation, the provision of sufficient numbers of textbooks, and the proper checking of distance-learning students' identities during examinations.

Yet such inspections also cover areas in which somewhat vague legislation may be misapplied, e.g. in the two parallel systems of state-accredited and non-state-accredited religious educational institutions (see below).

This leads to the possibility of disproportionate punishment for infractions which are minor or which institutions themselves insist they have not committed. Such punishments include suspension of admissions, suspension of activities, and revocation of licences – all of which arguably have a greater longer-term impact on an institution's functioning than a fine.

The law: Licensing and accreditation

To offer education which meets state requirements in Russia, an organisation must have a licence, which is applied for through and granted by Rosobrnadzor. (Religious associations may also offer non-certificated religious instruction to their own members under their own internal rules - see below.) If a Rosobrnadzor licence is annulled, the institution is obliged to halt its educational activities indefinitely. Loss of a licence does not necessarily mean liquidation of a legal entity. It is possible for an institution to apply for a new licence, even after losing its original one.

Liquidation of a legal entity can also happen. In 2007 the Pentecostal Chuvash Bible Centre lost its legal personality status for unlicensed educational activity (http://www.forum18.org/archive.php?article_id=1048) after alleged violation of education, fire and sanitary regulations. In 2008 it appealed to the European Court of Human Rights in Strasbourg and won its case (Application No. 33203/08) on 12 June 2014 (http://www.forum18.org/archive.php?article_id=1982).

Rosobrnadzor also grants state accreditation. This is not a prerequisite for educational activity, but a means of certifying that an institution complies with federal state standards. Accredited institutions may issue Education Ministry-approved diplomas and guarantee their male students deferment of military service. If accreditation is withdrawn, an institution may continue teaching.

Religious educational institutions are under no obligation to acquire state accreditation, and many have operated for years without it, including the Baptist and Pentecostal seminaries discussed here, the Catholic Church's Mary, Queen of the Apostles Higher Seminary in St Petersburg, and the Lutheran Church Seminary in Novosaratovka, near St Petersburg.

Other religious educational institutions, meanwhile, do seek accreditation. Rosobrnadzor's database includes Russian Orthodox seminaries, Islamic institutes, a Seventh-day Adventist university, and Seventh-day Adventist, Protestant, and Catholic private

schools.

The Education Law and Religion Law

Both the Religion Law (Article 19, Paragraph 3) and the Education Law (Article 87, Paragraph 9) state: "Religious educational organisations implement educational programmes aimed at training clergy and religious personnel of religious organisations, and have the right to implement educational programmes of secondary professional education and higher education in accordance with the requirements of federal state educational standards."

This gives religious educational institutions a right, "but not an obligation", lawyer Vladimir Ozolin explained to Forum 18. "It means that religious educational organisations decide for themselves whether or not they will implement educational programmes which conform to federal state requirements."

Education Law Article 89 Paragraph 10 states: "Model educational programmes [Primerniye obrazovatelniye programmy], in terms of academic subjects, courses, [and] disciplines (modules) providing religious education (a religious component), as well as model educational programmes aimed at training clergy and religious personnel of religious organisations, are approved by the relevant religious organisation or centralised religious organisation. Educational and methodological support of these academic subjects, courses, [and] disciplines (modules), as well as model educational programmes, is carried out by the relevant religious organisation or centralised religious organisation."

The Education Ministry provides approved models for the structuring and implementation of state-accredited programmes. Courses offered by state-accredited institutions must conform to them, and are named and numbered on an institution's documents and website according to the Education Ministry's List of Areas of Higher Education Preparation.

The Religion Law distinguishes between "educational" [obrazovatel'naya] activity - for which a religious organisation might require a state licence - and "teaching" [obucheniye], for which it does not require a licence (http://www.forum18.org/archive.php?article_id=1231). The Law also states that religious associations may also offer non-certificated religious instruction (obucheniye religii i religioznoye vospitaniye) to their own members and under their own internal rules. According to Article 5, Paragraph 5, such teaching is not considered to be educational activity (obrazovatel'naya deyatel'nost) and therefore does not require a licence.

A religious educational institution which has chosen not to offer state-accredited courses need conform only to its own internal requirements for how it organises its courses. In 2008 the Supreme Court ruled that a licence is only required for educational activity if it is "accompanied by confirmation that the student has attained levels of education prescribed by the state" (http://www.forum18.org/archive.php?article_id=1151). That ruling followed an appeal from a Methodist Church in Smolensk against its 2004 legal liquidation for running a Sunday school for four children without a state education licence (http://www.forum18.org/archive.php?article_id=1104). However, this did not stop similar Sunday school cases happening elsewhere (http://www.forum18.org/archive.php?article_id=1231).

Moscow: Eurasian Theological Seminary

The Eurasian Theological Seminary in Moscow, run by the Russian Pentecostal Union, is Russia's principal establishment offering training for Pentecostal clergy. It also offers undergraduate and postgraduate courses in theology, counselling, education, and church administration.

Rosobrnadzor had its licence revoked on 23 November 2018 (having already suspended it), and has therefore had to stop offering all its degree and diploma courses. It is currently in the process of applying for a new licence, Pentecostal Union lawyer Vladimir Ozolin told Forum 18 on 19 March 2019. This is the only way it will be able to resume operating fully.

In the meantime, it remains a registered religious organisation, and is therefore able to continue teaching students on an informal basis, although it cannot issue them with any documents certifying completion of their studies, Rector Aleksei Gorbachev explained to Forum 18 on 25 March.

After a routine inspection on 19-22 February 2018, Rosobrnadzor issued the Seminary with orders to "eliminate the violations identified". It gave a deadline of 22 March 2018.

According to the record of the inspection, available on Rosobrnadzor's website, most of these related to how the seminary was run day-to-day, including an apparent lack of consultation with student representatives, lack of provision of sporting and cultural activities, and the absence of particular documents on its website.

Rosobrnadzor also accused the seminary of failing to show that it offered a "developed and approved" educational programme in theology at the undergraduate level – specifically, that it "does not contain the main sections defining the educational programme as set out in Article 2, Part 9 of the Education Law, namely, the planned results of the programme, organisational and pedagogical

conditions, a teaching calendar, [and] evaluation and teaching materials".

According to court documents, seen by Forum 18, the Seminary wrote to Rosobrnadzor on 21 March 2018 addressing the inspectors' points, but "analysis of [this] did not permit any reasonable conclusion about the complete elimination of the violations".

Rosobrnadzor therefore took the Seminary to court under Administrative Code Article 19.20, Part 3 ("Implementation of non-profit activities with gross violation of the requirements and conditions of a special permit (licence)"). On 25 April 2018, Lyublino District Court imposed a fine of 150,000 Roubles, which Moscow City Court upheld on 2 July 2018.

Pentecostal Union lawyer Ozolin explained to Forum 18 that Rosobrnadzor was treating the Seminary's non-state-accredited theology bachelor's degree [Bogosloviye (Teologiya)] as if it corresponded to the degree of theology [48.03.01 Teologiya] on the Education Ministry's formal "List of Areas of Higher Education Preparation – Undergraduate".

This was despite the materials submitted to the inspection clearly indicating that the course was intended for the training of clergy and church personnel, and was therefore not subject to the same organisational and administrative requirements as a state-accredited programme. The Seminary and the Pentecostal Union did not agree with Rosobrnadzor's evaluation, and so did not intend to "eliminate the violation".

Rosobrnadzor carried out a further, unplanned inspection between 30 April and 4 May 2018 and gave the Seminary a new deadline of 4 June 2018. On 1 June 2018, it suspended admissions to the Seminary. On 9 August 2018, Rosobrnadzor suspended the Seminary's licence and, on 31 August 2018, lodged a request at Moscow City Arbitration Court to have it annulled. The court granted this on 10 October 2018, thus ending the Seminary's ability to engage in higher educational activities.

The Pentecostal Union considers Rosobrnadzor's actions to be unlawful, Ozolin told Forum 18. "Due to the fact that this programme is a vocational religious education programme aimed at training clergy and the personnel of religious organisations, which is not subject to state accreditation and for which there are no Federal State Educational Standards, to compare the structure of this programme with the programme requirements in areas of training approved by the "List of Areas of Higher Education Preparation – Undergraduate", is incorrect."

Ozolin insisted that the structure of this programme, in accordance with the legislation of the Russian Federation, is governed by the regulations of the religious organisation itself or by the regulations of the centralised religious organisation, in this case the Centralised Religious Organisation of the Russian Union of Evangelical Christians (Pentecostals).

"This educational programme complies with the requirements of the [Pentecostal Union]," Ozolin added, "therefore, in its development and approval there is no violation of the legislation of the Russian Federation. In addition, the programme contains all sections required by the Education Law."

Moscow Theological Seminary (Baptist Union)

All activities and student admissions at the Russian Baptist Union's Moscow Theological Seminary are currently suspended, after Rosobrnadzor allegedly found similar violations during a routine inspection in October 2018. None of the institution's 138 students on licensed courses, or the approximately 1,500 other students, including on distance-learning courses, is able to attend classes.

"The news of the suspension of the Seminary's activities was a surprise," Rector Pyotr Mitskevich told Forum 18. "The Seminary students are spiritual people, and during the entire period of punishment, they have prayed and supported the staff."

The period of suspension of activities is due to end on 26 March 2019. It is unclear whether the Seminary will be able to reopen. Although it claims to have fulfilled all the inspectors' orders and this appeared to have been confirmed in an appeal court verdict, Rosobrnadzor concluded after a follow-up inspection that the violations remain unresolved.

"I hope that the Seminary will not only resume its work, but will indeed boost its commitment to its important task - the training of clergy for [Baptist] churches," Mitskevich added. "I hope for assistance from secular state supervisory authorities, so as not to create tension between secular and spiritual education."

The Seminary's licence remains valid, according to Rosobrnadzor's licence database, and Rosobrnadzor has made no known attempt to have it annulled through the arbitration courts.

The Seminary is challenging Rosobrnadzor's actions through Moscow City Arbitration Court. Its suit is due to be heard on 10 April 2019.

The Rosobrnadzor inspection of 16-18 October 2018 resulted in two orders. According to the Seminary, the first covered matters of occupational health and safety – for example, one lecturer did not have a medical record (medknizhka), and the inspectors concluded from this that staff had not undergone the required medical examinations. The second order, as at the Eurasian Theological

Seminary, referred to the absence of a "developed and approved" educational programme, as well as apparent shortcomings in the qualifications and experience of teaching staff.

In a 2 January 2019 statement, the Seminary argued that Rosobrnadzor had not taken into account the provisions of the Education Law and the Religion Law which "permit religious educational institutions to develop programmes based on confessional standards", ie. non-state-accredited courses which are not subject to the same organisational requirements as state-accredited equivalents.

"Unfortunately, none of the documents of the commission presented specific claims about the deficiencies identified in the work of the seminary," the January statement added. "They are all given in the form of reiterations of articles of the Education Law, or rather as alleged lack of compliance with the requirements of some articles of this law."

The Seminary also insisted that it had submitted responses to both Rosobrnadzor's orders within the stipulated time periods (up to 19 November 2018 for most of the violations, and up to 28 December 2018 for the question of "developed and approved" educational programmes).

Nevertheless, Rosobrnadzor lodged a case against the Seminary under Administrative Code Article 19.20, Part 3 ("Implementation of non-profit activities with gross violation of the requirements and conditions of a special permit (licence)"). This was initiated on 18 October (the day the inspection ended) and registered at Perovo District Court on 6 November. On 27 December, the Seminary was found guilty and sentenced to a 60-day suspension of its activities.

Such administrative suspensions begin on the day that activities are de facto halted and the building temporarily sealed by bailiffs. The Seminary's suspension therefore began on 25 January 2019, after an unsuccessful appeal on 16 January.

In its appeal against the suspension, the Seminary argued that it had eliminated the violations by the deadline, "and therefore there were no grounds for imposing an administrative penalty in the form of suspension of activities".

The appeal judge, however, disagreed, stating that the defendant is required to prove that all necessary measures were taken to comply with the law. The judge added that the Seminary "did not show a sufficient degree of care and prudence and did not take all the measures incumbent upon it to comply with the rules and regulations [under] Administrative Code Article 19.20, Part 3".

Nevertheless, the judge appeared to acknowledge that by the time of the appeal, the Seminary had indeed eliminated the violations: "The fact that, at the time of consideration of the present case by the court of appeal, the detected violations were eliminated by the Seminary, cannot serve as a basis for changing the decision of the judge regarding the administrative punishment imposed."

Despite this, Rosobrnadzor's follow-up inspection on 15-17 January appeared to find that the alleged violations had not been eliminated. Both the Seminary and its Rector, Pyotr Mitskevich, were charged under Administrative Code Article 19.5, Part 1 ("Failure to comply within the prescribed period with a legal order on the elimination of legal violations, issued by a body exercising state supervision"). This carries possible fines of 1,000 to 2,000 Roubles for people in official positions and 10,000 to 20,000 Roubles for legal entities.

These hearings are due on 26 March 2019 at Perovo District Magistrate's Court No. 1.

On 1 February 2019, at Perovo District Court, the Seminary failed to have its suspension of activities ended early (as is permitted if violations can be shown to have been eliminated). The judge agreed with Rosobrnadzor that the Seminary had not shown it had dealt with the problems identified by the inspection. On 26 February, Moscow City Court upheld this ruling, the city court press service told Forum 18 on 20 March.

In February, Rosobrnadzor also suspended admissions to the Seminary, according to a notice on the Rosobrnadzor website on 15 February 2019.

Forum 18 wrote to Rosobrnadzor on 12 March 2019, asking if it could clarify whether the alleged violations had now been resolved, whether the Seminary will be allowed to resume its activities and admissions once the 60-day suspension is up, and why such a harsh punishment had been imposed in the first place.

Forum 18 had received no reply as of the end of the Moscow working day of 25 March.

Prokhladny: North Caucasus Bible Institute (Baptist Union)

Rosobrnadzor also found an alleged lack of "developed and approved" educational programmes at the North Caucasus Bible Institute, a Baptist Union college in Prokhladny (Republic of Kabardino-Balkariya).

Prokhladny District Court fined the institute 150,000 Roubles under Administrative Code Article 19.20, Part 3 ("Implementation of

non-profit activities with gross violation of the requirements and conditions of a special permit (licence)") on 27 August 2018. The Supreme Court of Kabardino-Balkariya upheld the fine on appeal on 23 November 2018.

Admission of new students to the institute has been suspended since early November 2018 while Rosobrnadzor carries out follow-up inspections, Baptists told Forum 18 on 6 March 2019. The institute's licence remains valid, according to Rosobrnadzor's database, and it appears to be otherwise operating normally.

According to the initial court verdict, seen by Forum 18, a routine inspection on 27-28 June 2018 concluded that the institute's course for the training of clergy and other religious personnel lacked defined modules and proper teaching and assessment tools. It also allegedly found sanitation, first aid, and fire safety issues on the premises.

Rector Mikhail Chizhma and defence lawyers argued that the institute had done nothing to warrant an administrative prosecution, and that all violations had been eliminated by the time of the court hearing. The judge acknowledged this circumstance in his decision to impose the minimum fine.

Nevertheless, a further inspection by Rosobrnadzor on 15-19 October 2018 concluded that there were violations still outstanding, and both the institute and Rector Chizhma were charged under Administrative Code Article 19.5, Part 1 ("Failure to comply within the prescribed period with a legal order on the elimination of legal violations, issued by a body exercising state supervision").

These cases were dropped on 11 December 2018 and 24 January 2019 respectively because the time allowed for administrative prosecutions had run out.

At both hearings at Prokhladny District Magistrate's Court No. 1, the defence insisted that all violations had been dealt with by 20 July 2018.

It is unknown when Rosobrnadzor's follow-up inspections will be over, Baptists told Forum 18 on 5 March 2019, and they "can only speculate" why officials deem them necessary.

Other cases

These three institutions are not the only religious educational establishments to have had "violations" identified by Rosobrnadzor in 2018-19.

According to Rosobrnadzor records, 16 planned inspections of such institutions were scheduled to take place between January 2018 and the end of March 2019, as well as 15 unplanned inspections (three of these were part of the assessment process for granting an initial licence, the rest following up on earlier routine inspections).

All 16 planned inspections (of two Russian Orthodox seminaries, three Muslim universities, three Baptist seminaries, one Seventh-day Adventist university, two Pentecostal seminaries, and five other Protestant institutions) resulted in inspectors identifying violations – with the exception of the inspection of the Russian Islamic University, which concluded on 21 March 2019 and whose outcome remains unknown.

Eleven inspections led to court cases, with outcomes including fines, warnings, and acquittals. Only one case resulted in a suspension of activity (that of the Baptists' Moscow Theological Seminary, above), and only one ultimately led to the annulment of a licence (that of the Pentecostal Union's Eurasian Theological Seminary, above). (END)

Full reports on freedom of thought, conscience and belief in Russia
(<http://www.forum18.org/archive.php?query=&religion=all&country=10>)

For more background see Forum 18's survey of the general state of freedom of religion and belief in Russia (http://www.forum18.org/archive.php?article_id=2246), as well as Forum 18's survey of the dramatic decline in this freedom related to Russia's Extremism Law (http://www.forum18.org/archive.php?article_id=2215).

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
(http://www.forum18.org/archive.php?article_id=1468)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments
(http://www.forum18.org/archive.php?article_id=1351)

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