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RUSSIA: Changes to religion law?

By Geraldine Fagan, Forum 18

In what seems the most serious proposal in recent years to tighten up Russia's 1997 religion law, parliament's religion committee has begun to consider four draft amendments, Forum 18 News Service has learnt. These would make it impossible for unregistered religious organisations to hold large-scale religious meetings and allow only centralised religious organisations to invite foreigners for religious work. "If we invite a priest to Moscow as the centre of the diocese and he is to work in a completely different place, such as Kaliningrad, it will take a long time to explain to officials there why the invitation came from Moscow," Catholic Metropolitan Tadeusz Kondrusiewicz warned. Aleksandr Verkhovsky, editor at Sova Centre in Moscow, complained of another "dangerous" amendment allowing all religious communities applying for registration to have their religious doctrines analysed. "This is undesirable by its very nature in a secular society – a state should not determine which Islam (Orthodoxy, Pentecostalism and so on) is right and which is not." But religious rights lawyer Anatoli Pchelintsev remains sceptical that these proposed amendments stand a chance of being adopted.

The Russian parliament's committee on social and religious organisations has begun to consider four draft amendments to the 1997 federal religion law, Forum 18 News Service has learnt. While the process of adopting the text is still at a preliminary stage, the changes could have a significant impact on foreign missionaries and unregistered religious associations.

On 26 May the Moscow-based religious affairs website Sova Centre reported that members of the committee's expert council met the same day to discuss the proposals, which are being recommended by the committee's chairman, Sergei Popov. Popov, like all parliamentary committee chairmen, is a member of the pro-Kremlin United Russia party. He took over the post from Communist Party deputy Viktor Zorkaltsev following parliamentary elections in December 2003.

In recent years a number of initiatives have emerged to change the 1997 religion law, but none has made significant progress (see F18News 12 July 2004 http://www.forum18.org/Archive.php?article_id=360). A 3 June 2005 report by rapporteurs of the Parliamentary Assembly of the Council of Europe urges the Russian authorities "to guarantee the exclusion of any legal, administrative and fiscal discrimination against so-called non-traditional confessions and to bring the federal law on freedom of conscience and religious associations in line with Council of Europe standards".

Viewed by Forum 18, the first of the proposed amendments would further define one of the existing legal characteristics of a religious association – dissemination of faith – as "missionary activity".

The second would allow expert religious analysis by the state not only when considering registration applications unsupported by a centralised religious organisation, but also "to confirm the religious character of an organisation and to determine the presence or absence of legal grounds to refuse registration of the religious organisation with a corresponding title; to identify in the particularities of the doctrine and practice of a religious association the presence or absence of links to illegal acts committed by the association's participants with the aim of filing suit to ban the activity of the religious association and the additional liquidation of a religious organisation; to ascertain whether it is necessary to curtail the activity of a religious association, including in connection with the carrying out of extremist activity."

Under the third proposed amendment, religious activity conducted outside specially designated places of worship and their related territory, other premises offered for use by religious organisations, private homes and state institutions such as hospitals and orphanages would take place "in accordance with the internal regulations of a religious organisation" following written notification to the local state authorities no more than seven days in advance. Such notification is to include the date of submission, the name of the religious organisation, the full name of the person responsible for the religious event, its format, timetable and location, details of measures taken to ensure public order and medical provision and whether amplification is to be used.

The fourth proposed amendment would allow only centralised religious organisations to invite foreign citizens to work within their structures.

The official explanatory notes supporting the text of the proposed amendments state that it is intended to homogenise Russia's legislative base, improve the law on religion and provide a precise legal definition of issues related to missionary activity. It notes

that foreign missionary activity in Russia "has led to the significant growth of new religious movements – from 20 to 69 registered confessions over the past decade. The intensive growth of new religious associations is destroying the country's confessional balance, creates a basis for the penetration of extremist and radicalist ideas, arouses justified alarm and concern within society and among adherents of the traditional confessions of Russia."

The explanatory text also states that the first proposed amendment is a clarification. In relation to the second, it notes that "borderline" groups such as Falun Gong display religious characteristics but circumvent the 1997 law by registering as social organisations. The third proposed amendment, it explains, would remove the confusion introduced by the July 2004 demonstrations law. This stated that religious events in public places are to be regulated by the 1997 religion law, which in turn states that they are to be regulated by the law on demonstrations. The same amendment, continues the text, would also bar unregistered religious groups from holding mass public religious services.

Regarding the fourth proposed amendment, the explanatory text notes that current practice "allows all local organisations to invite religious workers, who at times preach extremist ideas posing a threat to the security of Russian society (e.g. Wahhabi). Legal practice has shown that numerous uncontrolled invitations from religious organisations result in abuse by some, particularly in the North Caucasus. This practice leads to a reduction in the authority of centralised structures, as well as to the absence of a system of effective control over the activity of invited persons and of responsibility for them."

In a 26 May report on the expert council meeting – to which he was invited – Sova Centre editor Aleksandr Verkhovsky comments that the first proposed amendment appears to be intended for use in future legislation. Proponents of the second, he adds, suggested at the meeting that expert religious analysis could identify organisations wrongly describing themselves as religious, and cited Hizb-ut-Tahrir (banned as a terrorist organisation by Russia's Supreme Court in February 2004) as an example: "One can therefore expect that, in practice, it will be determined whether the understanding within an organisation of its declared religious affiliation is 'correct'. This is a very dangerous prospect undesirable by its very nature in a secular society – a state should not determine which Islam (Orthodoxy, Pentecostalism and so on) is right and which is not." According to Verkhovsky, Moscow Patriarchate lawyer Kseniya Chernega warned at the meeting that, while the religion law's existing legal concept of "participant" is very vague, the amendment would increase a religious association's responsibility for any illegal activity conducted by its "participants".

Verkhovsky maintains that the fact that unregistered religious groups are not mentioned in the third proposed amendment does not in fact mean that they would be deprived of their constitutional right to hold mass meetings de jure, but "would undoubtedly create serious difficulties in practice." He remarks that the fourth amendment would benefit both centralised religious organisations (by giving them greater influence over local organisations) and state institutions dealing with religion: "The more centralised the 'subdepartmental' sphere, the easier it is to co-operate, conflict or have other relations with it."

Catholic Metropolitan Tadeusz Kondrusiewicz expressed concern at the draft amendments during a 1 June Kremlin meeting of the presidential Council for Co-operation with Religious Organisations. The proposed provision to allow only centralised religious organisations to invite foreign religious workers "could cause many problems for Catholics," Metropolitan Kondrusiewicz was quoted by the religious affairs website portal-credo.ru as declaring. "If we invite a priest to Moscow as the centre of the diocese and he is to work in a completely different place, such as Kaliningrad, it will take a long time to explain to officials there why the invitation came from Moscow."

Speaking to Forum 18 in the Volga city of Saratov on 6 June, Bishop Clemens Pickel of the southern Catholic diocese of St Kliment – which spans 26 regions of the Russian Federation – shared this concern. He pointed out that, since authority in Russia exists primarily at the regional and central level, officials in a region such as Rostov-on-Don would consider themselves answerable only to Moscow, and not to Saratov, where his diocese is based.

Co-chairman of Russia's Council of Muftis, Mukaddas Bibarsov told Forum 18 that a restriction to centralised religious organisations of the right to invite foreign religious workers would not affect his Volga Region Spiritual Directorate of Muslims. Speaking in Saratov on 5 June, however, he voiced concern that the state was already determining the religious nature of some organisations. He pointed to a 13 May news agency report quoting Vladimir Tatarchuk, aide to presidential representative in the Volga Federal District Sergei Kiriyenko, that "three representatives of the international extremist organisation Tabligh have been identified in Saratov region." "It is simply ridiculous to call Tabligh extremist – and they aren't banned here," Mufti Bibarsov remarked.

Regarding expert religious analysis, he pointed out to Forum 18 that it was a complex matter to determine whether something was Muslim or not. "An academic cannot get to the heart of doctrinal issues. In the current Russian situation, such experts would have to be totally independent, from outside our country – but the state doesn't have that facility."

But religious rights lawyer and expert council member Anatoli Pchelintsev told Forum 18 in Moscow on 9 June that he remains sceptical that these proposed amendments stand a chance of being adopted. He believes that the religious situation is stable at present, so few politicians will see a need to back the proposed changes. He suspects the move is designed to raise the public profile of the religion committee and Popov himself.

For a personal commentary by an Old Believer about continuing denial of equality to Russia's religious minorities see F18News

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=509

A printer-friendly map of Russia is available at

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

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