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RUSSIA: How will extra training of foreign-trained clergy be implemented?

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

From October, when new Religion Law amendments come into force, all clergy, religious teachers and missionaries working for registered religious organisations who have trained abroad will need to undertake a course in "state-confessional relations in the Russian Federation". They will then need to be re-certified by a centralised religious organisation before being permitted to begin work for the first time. How the amendments will be applied in practice "is a big question", commented Stanislav Kulov of the Slavic Centre for Law and Justice.

On 5 April, President Vladimir Putin signed into law a set of amendments to Russia's Religion Law which will impose extra training and re-certification requirements on clergy, religious teachers and missionaries working for registered religious organisations who have trained abroad. The requirement will apply to all individuals – whether Russian or foreign citizens – who take up such roles for the first time after the amendments enter legal force on 3 October 2021.

The amendments stipulate that clergy, religious teachers and missionaries who have undergone professional training abroad must undertake a course in "state-confessional relations in the Russian Federation". They will then need to be re-certified by a centralised religious organisation before they will be permitted to begin work for the first time in Russia. The amendments speak only of "personnel", so it remains unclear if this applies only to contracted staff or also to unpaid volunteers who exercise these roles (see below).

Most aspects of how this will work in practice remain unclear, and the majority of religious educational establishments appear to be ineligible to offer such courses. Most such establishments lack the necessary state accreditation, and Baptist, Pentecostal, and Lutheran seminaries, for instance, have all recently lost their higher education licences. While it will be possible to take the courses at secular universities, no list of secular providers has yet been published (see below).

It is also unclear how local religious organisations unaffiliated with any centralised religious organisation will have foreign-trained personnel certified to begin work in Russia. Forum 18 asked the Duma's Committee for the Development of Civil Society and Issues of Public and Religious Organisations how this will be managed, but has received no response as of 12 May (see below).

The Religion Law amendments also tighten restrictions on "religious groups" and bar certain categories of people from meetings for worship (https://www.forum18.org/archive.php?article_id=2659). This includes people who have not been convicted of any crime. They also ban legal entities, including companies and NGOs, from using religious words or designations in their names without permission (https://www.forum18.org/archive.php?article_id=2659).

The Duma may make corresponding changes to the Administrative Code in order to introduce explicit penalties for non-compliance. Lawyer Konstantin Andreyev believes that this will happen, although lawyer Vasily Nichik of the Seventh-day Adventist Church points out that this is not obligatory, and prosecutors could use the existing Article 19.7 ("Failure to provide information"), Article 19.4 ("Disobedience to a lawful order by an official of a state or municipal supervisory body"), and 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"). The various Parts of these Articles carry penalties ranging from a few hundred Roubles for private individuals, to a few thousand for people in an official role, to tens of thousands for legal entities.

The Religion Law amendments are the biggest increase in legal state control over the exercise of freedom of religion and belief since the introduction in 2016 of anti-missionary legislation (https://www.forum18.org/archive.php?article_id=2197) as part of the Yarovaya package of anti-terrorism laws.

While the number of people affected by the extra training requirement is likely to be small, as most clergy, religious teachers and missionaries in Russia now undergo any formal training inside the country, the burden for those individuals and communities which are affected may turn out to be considerable in terms of costs, bureaucracy and potential problems with state agencies.

Some communities will also be affected more than others – the majority of Russia's Buddhist leaders (whether Russian or foreign), for example, have trained in India, Mongolia or Nepal.

Legislators made some changes to the bill between its first and second readings (15 December 2020 and 23 March 2021) in response to criticism from religious leaders and other commentators, most notably with regard to re-training for foreign-educated clergy. Nevertheless, a lack of clarity remains, both over how religious communities will be expected to comply with the new requirements and how state bodies, police, and prosecutors will enforce them.

"The law has been atrociously written," Stanislav Kulov of the Moscow-based Slavic Centre for Law and Justice commented to Forum 18 on 29 April, and is "an attempt to regulate unnecessarily the activities of religious associations". How the amendments will be applied in practice "is a big question", he added. He particularly pointed to potential problems over the extra training and re-certification requirements.

The law is among "new legal instruments [crafted] to put pressure on religious organisations", according to Olga Sibiryova's 29 April religious freedom report for the Moscow-based SOVA Center for Information and Analysis. It "will complicate the lives of all religious associations".

"Protecting the spiritual sovereignty of Russia"

The requirement for extra training and re-certification of foreign-educated clergy is "aimed at protecting the spiritual sovereignty of Russia", Sergey Gavrilov, head of the State Duma's Committee for the Development of Civil Society and Issues of Public and Religious Associations, stated in a press release of 5 April 2021.

"The Committee supports this provision of the bill and considers it very important," the Committee said in its conclusions of 16 September 2020, "since practice shows that the religious education received in foreign centres quite often does not take into account Russian legal, moral, and cultural traditions, which in a number of cases contributes to the radicalisation of the activities of individual religious organisations, up to the involvement of their participants in extremist activity."

"Protecting spiritual sovereignty" is not among the legitimate reasons for restricting the exercise of freedom of religion or belief under Russia's legally binding international human rights obligations.

Extra training and re-certification

The amendments require that clergy and other personnel of religious organisations who have undertaken "educational programmes aimed at training ministers and religious personnel" abroad must receive "additional professional education in the field of the basics of state-confessional relations in the Russian Federation".

It appears that the requirement will affect both Russian and foreign citizens, and both members of the clergy and non-ordained religious teachers and missionaries. Individuals who visit to give lectures or perform one-off ceremonies will be exempt.

The mandatory courses must take place in "spiritual [religious] educational organisations which are registered in accordance with [the Religion Law] and implement state-accredited basic educational programmes of higher education, or in federal state educational institutions of higher education of the Russian Federation, the list of which is approved by [federal education inspectorate Rosobrnadzor]".

After they have completed the course, individuals must then "undergo certification by the governing body (centre) of a centralised religious organisation registered in the territory of the Russian Federation".

Centralised religious organisations can be founded by three or more local religious organisations by applying to the regional branch of the Justice Ministry (if they are all in the same region) or the federal Justice Ministry (if they are in two or more regions).

The necessary documents include a list of founders and notarised copies of their statutes and registration documents; copies of the decisions of their governing bodies to found a centralised religious organisation; and proof of payment of the state fee for registration of a legal entity (4,000 Roubles).

According to Article 12 of the Religion Law, registration may be refused if the proposed centralised organisation's aims and activities are deemed unconstitutional or unlawful; if incorrect or insufficient documentation has been provided; if the organisation is not actually religious; or if an organisation of the same name has already been registered. Any refusal may be challenged in court.

How simple and fair a process the creation of a centralised religious organisation turns out to be "depends on the attitudes of local authorities", Aleksandr Verkhovsky of the SOVA Center told Forum 18 on 7 May. The recent amendments do simplify the registration process by removing the requirement to provide certain documents.

Preventing import of "extremist" ideas?

Ostensibly aimed at preventing the importation of undefined "extremist" ideas, the extra training requirement will nevertheless affect clergy and registered communities of all religious affiliations, regardless of whether they have ever been accused of involvement in "extremist" activity, which is itself ill-defined under Russian law.

Before the bill was considered in the Duma, Damir Mukhetdinov, First Deputy Chair of the Spiritual Administration of Muslims of the Russian Federation, argued that re-certification of clergy would not protect believers from "extremists": "The bearers of such views are convinced opponents of the very principle of centralising religious activity .. therefore they themselves avoid serving in large and established religious structures."

Pentecostal Bishop Sergey Ryakhovsky was also among those sceptical about whether the amendments would meet even the authorities' proclaimed aim. "Underground preachers do not need any permits, certifications, etc.," he told RIA Novosti on 21 September 2020. "They will not suffer from the new law."

Problems and uncertainties remain ..

Despite the later alterations which have gone some way towards easing and clarifying the requirements, problems and unanswered questions remain, the burden of which is likely to fall principally on religious communities themselves.

Lawyer Stanislav Kulov commented to Forum 18 on 24 March that the amendments remain "replete with vague wording" and may be "safely viewed as unjustified interference in the activities of religious associations by the state and an encroachment on the constitutionally enshrined principle of separating religious associations from the state".

– Lack of eligible religious educational institutions

As implied in the text of the amendments, religious educational institutions offering the necessary course in state-confessional relations must have a higher education licence and state accreditation, lawyer Konstantin Andreyev confirmed to Forum 18 on 28 April.

Only a few such institutions in Russia fulfil these criteria, including a dozen Russian Orthodox (Moscow Patriarchate) seminaries, and the Seventh-day Adventist University in the Tula Region. Two other institutions with both higher education licences and state accreditation - the Russian Islamic Institute in Kazan and the Jewish University in Moscow - are registered as private higher educational institutions, rather than religious organisations, so it is unclear whether they will be eligible.

Given that the course in state-confessional relations is described as "additional professional education", institutions will also have to have a licence for additional professional education, though this is relatively easy to obtain and several of the above already have it.

Other religious educational establishments, meanwhile, have been struggling to retain their higher education licences. Since 2018, Rosobrnadzor has stripped such licences from the flagship seminaries of the Baptist Union, the Pentecostal Union, and the Theological Institute of the Evangelical-Lutheran Church of Ingria, and the Theological Seminary of the Evangelical-Lutheran Church of Russia is still fighting Rosobrnadzor's attempt to annul its licence through the arbitration courts (https://www.forum18.org/archive.php?article_id=2651).

"In light of the adopted amendments, the earlier [Rosobrnadzor] inspections, as a result of which a number of Protestant seminaries were deprived of licences that gave the right to implement higher professional education programmes, look like part of some kind of 'repressive' plan to reduce the number of religious educational institutions that have the ability to conduct re-training and re-certification for their fellow believers and clergy," lawyer Stanislav Kulov commented to Forum 18 on 24 March.

Most religious educational institutions have also never sought state accreditation, as this would oblige them to abide by Federal State Educational Standards for each of the subjects they offered, rather than the requirements of their own religious organisations. While any institution would be free to apply for state accreditation in order to offer the necessary course for foreign-educated clergy, this would involve a serious overhaul of the structure and management of its existing courses.

Forum 18 asked some religious educational institutions whether they now intended to apply for state accreditation. None responded specifically on this point.

Father Kirill Gorbunov of the Catholic Archdiocese of Moscow said that "very few priests currently come to serve in Russia from abroad", and he hopes that those who do will be able to undergo the necessary extra training at the Catholic seminary in St Petersburg (which has neither a higher education licence nor state accreditation). "If this is not possible for some reason, other options will have to be considered," he told Forum 18 on 27 April.

Fr Gorbunov said that in the past, Catholic priests coming from abroad "often did not get an adequate understanding of the

state-confessional relations in the Russian Federation", which caused difficulties both in their ministry and in the life of communities. "We hope that a programme will be developed that will allow clergymen to get the necessary knowledge in this area without undue hindrance to their ministry."

– No indication of which secular universities will offer courses

The amendments state that the federal education inspectorate Rosobrnadzor will maintain a list of "federal state educational organisations of higher education" offering the necessary courses. No such list has yet been made public, though it is likely that it will be published before the amendments come into force in October.

Many secular (and religious) universities already offer modules on "state-confessional relations" as part of their undergraduate degrees in theology or religious studies. The Higher School of Economics in Moscow even has a diploma of professional extra training in the subject. It is unclear, however, whether any of these existing courses will be deemed suitable for the extra training of foreign-educated clergy, or who will decide this.

Lawyer Konstantin Andreyev told Forum 18 on 23 April that he believes programmes will be developed from scratch, "the purpose of which will be the formation of a loyal clergy".

– No detailed information on course requirements

There has so far been no indication of course content, costs, length, or format (ie. whether distance-learning options would be available), or of whether these will be centrally determined by Rosobrnadzor or the Justice Ministry, or decided by educational institutions or religious organisations.

Forum 18 wrote to the Duma's Committee for the Development of Civil Society and Issues of Public and Religious Associations on 21 April, asking what the courses should contain, how long they should last, and how they will be funded. Forum 18 also asked how it will be decided which secular universities will offer courses, and whether it will be ensured that there is at least one in each region, given the scarcity of eligible religious educational institutions. Forum 18 had received no reply by the end of the working day in Moscow of 12 May.

– How will re-certification work?

From the text of the law, the certification of foreign-educated personnel will be the responsibility of centralised religious organisations. There is no indication as yet of what form this will take, how it will be overseen by state authorities, how it might interact with visa requirements for foreign citizens, or what consequences there might be for a religious organisation if an individual is subsequently prosecuted under the Extremism Law.

This may be partially clarified by corresponding changes to the Administrative Code, though there is as yet no indication of if or when these might be introduced.

It is also unclear how an individual trained abroad will be certified if he or she is to work for one of the many local religious organisations which are not part of a centralised religious organisation. It may be possible for such local religious organisations to come to an agreement with a centralised organisation of the same denomination, Aleksandr Verkhovsky of the SOVA Center pointed out to Forum 18 on 7 May.

- How will officials oversee compliance?

Pentecostal Bishop Konstantin Bendas has questioned how state authorities will check that the law is obeyed. "Soon it will be necessary to give authority to some agencies to check and demand diplomas, to investigate whether the person leaving the pulpit has secretly passed some kind of educational course while abroad on holiday or on a pilgrimage tour," he wrote in "Novaya Gazeta" on 21 March 2021.

"We will have to include a representative of the [state] authorities in the certification commissions at religious educational organisations and somehow control things so that 'the enemy does not go to the altar'. And how to check for the presence or absence of foreign education among millions of missionaries, I have no idea. But I am sure that they will come up with something - and soon."

"The new rules will be applied as needed to create additional pressure even on loyal organisations," Aleksandr Verkhovsky of the SOVA Center commented to Forum 18 on 7 May.

Some concessions made

The re-training requirement initially provoked a mixed, though largely negative response from religious communities, particularly

Buddhist organisations. Their concerns stemmed primarily from the initial extreme vagueness of the amendment's wording, which implied that the re-training requirement would apply to all personnel who had been educated abroad, regardless of how long they had already been practising in Russia, and that it might constitute training again from scratch. There were also fears for those communities without any educational establishments of their own.

All these concerns were to some extent addressed by the changes introduced between the first and second readings of the bill.

The Duma delayed its first reading of the bill from September to December 2020 in order to consult with religious organisations after they raised objections to its original version. Parliamentarians passed the bill unaltered on its first reading, but made changes in response to the protests before the second reading in March 2021.

They added the possibility of taking courses at secular universities, and clarified that the requirement applies only to those starting work for the first time in Russia after the amendments enter legal force, and that it includes only a course on state-confessional relations, not a repeat of a full programme of training for a professional role as a member of the clergy, a teacher or a missionary.

In its review of the amendments, seen by Forum 18, the Federation Council's Committee for Constitutional Law and State Construction, noted on 9 September 2020 that several religious communities do not have their own religious educational institutions, making particular mention of the Buddhists of Kalmykia, who follow a different school of Buddhism from that of the only Buddhist higher education establishment in Russia (which in any case is more than 6,000km away in the Republic of Buryatiya).

The Committee suggested a register of "approved" foreign religious educational institutions, graduation from which would not require re-training or re-certification. This suggestion was not, however, taken up.

In a letter to the Duma quoted by RIA Novosti on 17 September 2020, the Union of Buddhists of Kalmykia argued that the amendments in their original form would "negatively affect the development and state of Buddhism both in the Republic of Kalmykia and in the Russian Federation as a whole, lead to a decrease in the quality of education of Buddhist priests as a result of the breaking of traditional ties with generally recognised world centres of Buddhist religious education, [and] lead to an infringement of the religious rights of Buddhist believers".

The Union noted that the "world centres of Buddhist religious education" are in India, Mongolia, Nepal and China.

In its appeal to the Duma, also quoted by RIA Novosti on 17 September 2020, the Arya Sangkha Association of Buddhist Communities noted that the amendments could make it impossible for Buddhist priests to work in Russia given that they have "nowhere to receive additional professional education in the Russian Federation due to the absence of religious educational organisations that correspond to their creeds". The Association called this "an unjustified and disproportionate interference with their constitutional rights".

Unconstitutional?

Fifteen members of the Institute of Oriental Studies of the Russian Academy of Sciences also wrote to the Duma in autumn 2020, arguing that the re-training requirement contravened Article 28 of the Constitution, which guarantees freedom of conscience and religion.

The amendments do not conform to the Constitution, Aleksandr Verkhovsky of the SOVA Center told Forum 18 on 7 May. "The state should not interfere in the internal life of religious associations, and that is exactly what this is."

Any challenge to the constitutionality of the amendments would, however, have to wait for someone who believes their rights have been violated to bring a case, having already sought redress in the lower courts.

Cautious welcome for extra training

Some religious leaders noted that the extra training by centralised religious organisations requirement could have some benefits.

"Since our religious leaders are now modern young professionals who have studied abroad, we sometimes come across the fact that they do not quite know Russian legislation and are not adapted to the multinational, multi-religious system, [in which] they will be preaching," Mufti Albir Krganov, Chair of the Spiritual Assembly of Muslims of Russia, commented to the TASS news agency on 22 September 2020. "In this regard, of course, there is nothing reprehensible in carrying out such re-certification."

Anton Tikhomirov, Rector of the Theological Seminary of the Evangelical-Lutheran Church of Russia, commented to TASS that the requirement would "contribute to the contextualisation of theological education, increasing the competence of ministers".

Tikhomirov warned, however, that "a religious organisation must necessarily have the right to determine independently the form and volume of such additional professional education in accordance with its needs, interests, and agreements with foreign educational or

church organisations, as well as the level of education of the candidate".

Some Buddhists cautiously welcomed the introduction of changes between the first and second readings. Alexander Bugayev, President of the Arya Sangha Association of Buddhist Communities, now considers the amendments balanced, since "after numerous appeals from Buddhist religious organisations, some comments were taken into account" and "a certain compromise was found", he told RIA Novosti on 22 March 2021.

Andrey Lomonosov, Director of the Ganden Tendar Ling Moscow Buddhist Centre, added: "As far as the amendments themselves are concerned, now, reading the text from a layperson's (not legal) perspective, everything seems OK and realistic for us, albeit not easy to implement – but only [putting it into] practice and living with the law already in place will show how it will really work".
(END)

Full reports on freedom of thought, conscience and belief in Russia
(<https://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
(https://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 (https://www.forum18.org/archive.php?article_id=2215)

A personal commentary by Alexander Verkhovsky, Director of the SOVA Center for Information and Analysis
<https://www.sova-center.ru>, about the systemic problems of Russian anti-extremism legislation
(https://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
(https://www.forum18.org/archive.php?article_id=1351)

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