

UK: 'Gay Cakes': Ashers Bakingheads for Strasbourg

– Law and Religion UK (15.08.2019) –
<https://bit.ly/2ZcbKlr> – The BBC reports that the judgment in *Lee v Ashers Baking Company Ltd & Ors* (Northern Ireland) [2018] UKSC 49 is to be appealed to the European Court of Human Rights. Regular readers will recall that the Supreme Court held that there had been no associative discrimination because “In a nutshell, the objection was to the message and not to any particular person or persons” [34] and that the McArthurs’ objection had not been to Mr Lee personally but to being required to promote the message on the cake: “The less favourable treatment was afforded to the message, not to the man” and Ashers had been quite prepared to serve Mr Lee in other ways [47]. We noted the judgment here.

According to the report on the BBC website, Mr Lee’s solicitors argue that the Supreme Court failed to give appropriate weight to his Convention rights and that “The Supreme Court ruling blurred the line, creates legal uncertainty for all of us in Northern Ireland, and the ECHR is the appropriate place to clarify this issue.” Further, there is no such a thing as a “Christian business”; and a claim that a commercial organisation can have principles of conscience that must be respected should not be given legal recognition. The first issue, presumably, is whether or not the ECtHR will declare the complaint admissible.

Recommended reading

'Gay Cakes': UK Supreme Court finds in favour of Ashers Baking
<http://www.lawandreligionuk.com/2018/10/11/gay-cakes-uk-supreme-court-finds-in-favour-of-ashers-baking/>

RUSSIA: Jehovah's Witnesses: 612 home raids since the 2017 ban

– HRWF (07.08.2019) – The state repression of Jehovah's Witnesses is accelerating month after month in Russia according to recent statistics provided by the headquarters of their movement in the US to Human Rights Without Frontiers, such as those about home raids: 612.

2018

281 (23.4/month)

2019 (Jan-July)

331 (47.2/month)

Over 100% increase from 2018

June/July 2019

139 (69.5/month)

Nearly 200% increase from 2018

As of July 31, 2019

241 JWs facing criminal charges

39 in detention (pretrial or prison)

27 under house arrest

As of Aug 5

244JWs facing criminal charges

39 in detention (pretrial or prison)

27 under house arrest

Over 100 under a variety of other restrictions

RUSSIA: Prosecutions against religious organizations and believers in June and July

SOVA Center (01.08.2019) – <https://bit.ly/33cL3Rb>– In July, we learned about several administrative prosecution cases related to religious literature that we consider inappropriately prohibited. Back in early June, the Orenburg District Court of the Orenburg Region ruled against Rustam Yerzhakovsky, a citizen of Kazakhstan, who intended to export to Turkey one copy of *The Fortress of a Muslim* – a book that has been recognized as extremist in Russia. Yerzhakovsky was fined one thousand rubles with confiscation of a banned book under Article 16.3 of the Code of Administrative Offenses (non-observance of interdictions and (or) restrictions on exportation of goods from the customs territory of the Eurasian Economic Union). *The Fortress of a Muslim* is a popular collection of prayers for every day, which, in our opinion, contains no signs of incitement to religious hatred, therefore the courts did not have grounds to recognize it as extremist.

In late July, Khava Shakhtamirova, a resident of Novy Urengoy, was fined two thousand rubles under Article 20.29 of the Code

of Administrative Offenses for the fact that she offered passersby to study the brochure "Women in Islam versus Women in Judeo-Christian Tradition." We regard the ban on this book as inappropriate since its text is respectful of Judaism and Christianity.

In mid-July, the Supreme Court of Russia reduced by three months the lengthy terms of imprisonment faced by each of the four Crimea residents convicted in the Bakhchysarai **Hizb ut-Tahrir** case: Enver Mamutov, Rustem Abiltarov, Zevri Abseitov, and Remzi Memetov. They were convicted under Article 205.5 Part 1 or Part 2 (organizing the activities of a terrorist organization or participation in it) and under Article 278 utilizing Article 35 Part 2 and Article 30 Part 1 of the Criminal Code (preparation for forcible seizure of power by an organized group by prior conspiracy). We believe that accusing members of Hizb ut-Tahrir of involvement in terrorist activities solely on the basis of their party activities (holding meetings, reading literature, etc.) is inappropriate. Qualifying any positive comments on Hizb ut-Tahrir activities as appeals for terrorism or justification of terrorism is also inappropriate.

Prosecutions against **Jehovah's Witnesses** continued in July. Early in the month, Alexander Solovyov, a follower of this doctrine in Perm, was found guilty of participation in the activity of an extremist organization (Article 282.2 Part 2 of the Criminal Code) and sentenced to a fine of 300 thousand rubles.

In the Nizhny Novgorod Region, cases under Article 282.2 Parts 1 and 2 of the Criminal Code (organizing the activity of an extremist organization and participation in it) were opened in July against nine Jehovah's Witnesses, two of whom – Alexei Oreshkov and Alexander Vavilov – were also incarcerated. Sergey Yavushkin and Alexander Bondarchuk were put under house arrest in Kemerovo under Article 282.2 Part 2 of the Criminal Code

Two Jehovah's Witnesses were arrested in Kaluga; one of them, Roman Makhnyov, stated that he had been subjected to inhuman treatment by the local FSB officers.

Searches in Jehovah's Witnesses' residences were conducted in a number of regions, including in the Trans-Baikal Region, which has never reported any information about criminal proceedings opened against Jehovah's Witnesses.

The decision to recognize the Administrative Center of Jehovah's Witnesses in Russia and 395 local organizations as extremist was made by the Supreme Court of Russia in April 2017. We believe that this decision, which entailed mass criminal proceedings against the believers under Article 282.2 of the Criminal Code, was legally unfounded, and regard it as a manifestation of religious discrimination.

Falun Gong and Faizrakhmanist community (Muslim new religious movement)

Sova Center (01.07.2019) – <https://bit.ly/20K9vGn>– We found out in June that the Nevsky District Court of St. Petersburg deemed the book *Nine Commentaries on the Communist Party* (Moscow, 2015) prohibited for distribution in Russia. The decision was made in late May upon request from the City Prosecutor's Office. This book has been distributed by the followers of the Falun Gong spiritual practice (its authorship belongs to the Epoch Times media project). The court relied on the expert opinion, which stated that the anthology contained psychological signs of incitement of hostility “against the Communist Party” and statements “aimed at inciting social enmity against followers of the Chinese Communist Party and communism in general.” In our opinion, the ban against *Nine Commentaries on the Communist Party* lacks legal justification, despite the sharp criticism of the CCP's activity contained in the book. No particular political party (especially a foreign one) and no particular ideology is entitled to protection from criticism. The authors of the book stay within the framework

of historical and political discussion, do not allow any manifestations of ethnic xenophobia, do not advocate violence, and, on the contrary, emphasize the importance of a “non-violent transition to a society liberated from the CCP.” We believe that the decision of the Yekaterinburg court, which had previously declined the [prosecutorial request](#) to ban the book for inciting hatred toward the Chinese supporters of the CCP, was appropriate, while the decision of the St. Petersburg court constitutes excessive interference with freedom of expression.

The Sovetsky District Court of Kazan in mid-June sentenced five residents of the republic, having found them guilty of continuing the activities of the banned **Faizrakhmanist community**. Depending on their respective roles, they were found guilty of committing crimes under Parts 1 and 2 of Criminal Code Article 282.2 (organizing activity of an extremist organization or participating in it), Part 1.1 of Article 282.2 (involvement of others in activities of an extremist organization), or Part 1 of Article 282.3 (financing activity of an extremist organization). As the spiritual leader of the community, 52-year-old Gumar Ganiev was sentenced to seven years in prison to be served in a minimum-security penal colony; 58-year-old Talgat Gizatullin and 41-year-old Rustam Galiev were sentenced to five years, 58-year-old Glimyan Khazetdinov to six years, and 61-year-old Mudaris Ibragimov – to five and a half years in a penal colony. The Faizrakhmanist community founded by former deputy Mufti of Tatarstan Faizrakhman Sattarov, was recognized as an extremist organization in 2013 after the relevant agencies found out that its members were leading an isolated way of life and did not seek help from medical institutions or send their children to schools. Such organizational features are not subject to anti-extremist legal regulation. As far as we know, the community led an insulated but not aggressive way of life; therefore the decision to recognize it as extremist was, in our opinion, inappropriate. Accordingly, we consider the

sentences to the Sattarov's followers inappropriate as well.

RUSSIA: Dvorkin, FECRIS vice-president, attacks Hinduism and Hindu Master Prakas Ji

– Alexander Dvorkin, a notorious anti-cult activist in Russia and vice-president of the France-based anti-cult umbrella organization FECRIS, will demonstrate this week in Moscow to ask for the deportation back to India of Sri Prakash, a respected Indian master who has been living in Russia for 29 years.

– Dr Massimo Introvigne, the managing director of CESNUR (Centre for Studies on New Religious Movements), visited their ashram in Vilnius, read their books, and found them a typical Hindu movement unfairly harassed by Dvorkin.

– Under the following statement titled “Another Minority Religion Under Threat in Russia: Who Is Afraid of Sri Prakash?”, a dozen organizations have already put their signature to protest Dvorkin's repeated hate speech targeting this religion but more support is expected.

“The situation of religious minorities in Russia has been a cause of serious concerns for several years. While Russia hosts high-level academic institutes and tolerant intellectuals, it is also home to radicals who believe that the Russian Orthodox tradition should be defended by cracking down on minority religions.

Notorious in this respect has been, again for years, one

Alexander Dvorkin, who heads an “anti-cult” center in Moscow and co-operates with international anti-cultists under the aegis of an organization known as FECRIS. Although rarely taken seriously abroad, Mr. Dvorkin has shown that he can be a real danger for religious minorities in Russia, unleashing against them friends in the media and in otherwise respectable institutions.

One of the obsessions of Mr. Dvorkin is Hinduism. He never really recovered from the international ridicule that targeted him in 2012 after he supported a ban against the ISKCON edition of the *Bhagavad Gita* as an “extremist book.” He believes that, through meditation and ritual, Hindu masters can “hypnotize” or “brainwash” unsuspecting Christian followers and turn them into Hindus overnight. Scholars of religion and Western courts of law have dismissed brainwashing theories as pseudoscience long ago.

A main target of Mr Dvorkin is the Hindu master Sri Prakash Ji, who has been living in Russia since 1990 and has a sizable Russian following, as well as disciples in several other countries. What particularly upsets Mr. Dvorkin is that Sri Prakash dared challenging his anti-cult center in a Russian court, obtaining on December 10, 2018 a declaration that some statements were indeed defamatory. Even more unacceptable in Mr. Dvorkin’s eyes are Sri Prakash’s projects for building a Hindu temple in Moscow.

Mr. Dvorkin has now started again a media campaign against Sri Prakash and his alleged “hypnotic” practices, calling for his deportation from Russia, a country where he and his family have been peacefully living for 29 years.

We fully understand that Mr. Dvorkin’s activities do not represent or express the voice of the majority of the Russian people and of the faithful members of the Russian Orthodox Church. They know that their tradition and identity are not well served by bigoted anti-minorities, anti-Hindu and anti-

Indian attitudes. It is for this reason that the most respected Russian institutions should urgently clarify that they are not on the same side of Mr. Dvorkin on the Sri Prakash issue.”

July 23, 2019

CAP-LC Coordination des Associations et des Particuliers pour la Liberté de Conscience

CESNUR – Center for Studies on New Religions

EIFRF European Inter-Religious Forum for Religious Freedom

Fedinsieme

FOB – European Federation for Freedom of Belief

FOREF – Forum for Religious Freedom Europe

HRWF – Human Rights Without Frontiers

LIREC – Center for Studies on Freedom of Belief, Religion and Conscience

ORLIR – International Observatory of Religious Liberty of Refugees

Osservatorio sul Pluralismo Religioso

Soteria International

Asociación por la Defensa de la Tolerancia y los Derechos Humanos

CHINA: Xi Jinping to teachers: Nourish the faith in the Chinese Communist Party

– In his “important speech”, the president asked educators to instill patriotism in young people and reject “misconceptions and ideologies”. Since 2012, a struggle against the spread of “Western values” and the ban on religious education for young people is underway in schools and universities.

AsiaNews (21.03.2019) – “Nourishing” faith in the Chinese Communist Party and rejecting “misconceptions and ideologies”: this is the program that Chinese president Xi Jinping proposed to a group of teachers gathered yesterday in the capital for a seminar on “ideological theory” and politics “.

According to Xinhua, Xi gave an “important speech”. In it, the party leader, who is also general secretary and head of the military commission, said that starting with toddlers China must “nurture generation after generation [of young people] who support Chinese Communist Party rule and China’s socialist system”.

“Most importantly,” he added “we must emphasise [taking the correct stance] on politics such that people who have faith [in the party] can preach what they believe in.”

He also asked all educators to instill patriotism in young people and reject “misconceptions and ideologies”.

Since Xi took power in 2012, the Party has launched [a battle against the spread of “Western values”](#) in schools and

universities, banning books that promote “Western ideas” such as democracy and the rule of law.

At the same time, those who spread “religious” ideas among students are prosecuted. In the name of “patriotism” students are required to reject religions, especially those that come “from the West”, that is Christianity, making students swear to fight them.

The new regulations on religious activities prohibit young people under 18 from going to church or receiving a religious education.

RUSSIA: Two US Mormons released from custody return home

– RFE/RL (21.03.2019) – <https://bit.ly/2Tob5ui>– Two Mormons who were detained in Russia and accused of violating immigration laws have been released and are returning home to the United States.

Americans Kole Brodowski, 20, and David Gaag, 19, “have been released” and were returning to the United States, Eric Hawkins, a spokesman for the U.S.-based Church of Jesus Christ of Latter-day Saints, said in an e-mail to RFE/RL on March 20.

Russian media reports said the two men had been deported. The regional news site Novaya Kuban quoted unnamed sources as saying they took a predawn flight from the southern city of Krasnodar to Istanbul and would travel from there to New York.

Brodowski and Gaag, described by the church as “volunteers,” were [detained by the authorities](#) on March 1 “while engaged in a meeting at a local meetinghouse” in the Black Sea coastal city Novorossiisk, Hawkins told RFE/RL in a previous statement.

A court in Novorossiisk ruled on March 7 that the two U.S. citizens must be deported for what it called violations of immigration laws.

The detentions come with growing scrutiny within Russia on religious groups that don’t qualify as one of the four formally recognized religions.

Freedom of religion is formally guaranteed in Russia, but the Russian government and the dominant Russian Orthodox Church frown on proselytizing by foreign-based religious communities.

Russian law sets out Orthodox Christianity, Islam, Judaism, and Buddhism as the country’s four traditional religions, and other faiths – including U.S.-based Christian communities – often face discrimination or restrictive action by state authorities.

Russia outlawed the Jehovah’s Witnesses in 2017, declaring it “extremist,” and the group says that seven of its members in Russia were [tortured by law enforcement officers](#) in the Siberian city of Surgut in mid-February.

A Danish Jehovah’s Witness, Dennis Christensen, was convicted on February 6 of “organizing the activity of an extremist organization” and sentenced to six years in prison by a court in the western city of Oryol.

In its annual report on human rights around the world, issued on March 13, the U.S. State Department said that human rights abuses in Russia included “severe restrictions on religious freedom.”

While in custody, Brodowski and Gaag “were treated very well and maintained regular contact with their families and mission president,” Hawkins said in the March 20 e-mail.

“The church is closely monitoring conditions in Russia for all volunteers and will continue to fully comply with Russian law,” he said.

The Church of Jesus Christ of Latter-day Saints, also known as the Mormon church, has long been a presence in Russia, with members teaching English classes and proselytizing.

According to church figures, registered Mormons grew from 300 in 1991 – the year the Soviet Union collapsed – to more than 14,000 a decade later. Today, the church claims 23,000 adherents in Russia.

Brodowski was “nearing the end of his service” and would return home to the state of California, Hawkins said.

Gaag “will return to the United States for a short time, receive any needed support, and then continue his service in a new mission,” he said.