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RUSSIA: New restrictions in the religious law: What should believers expect?

By Olga Sibireva

ICLRS (23.12.2020) – <https://bit.ly/3nmYaI5> – In Russia, religious discrimination is often directed at new religious movements and Protestant organizations, and this trend has only intensified over the years. Increasingly strict state policies towards religious minorities are manifested, primarily, at the legislative level.

The Russian Law On Freedom of Conscience and Religious Associations provides basic regulations for religious life. It was adopted in 1997 and has been amended almost every year since then; many of these amendments have worsened the plight of freedom of religion and belief in Russia.

At the end of 2018, new amendments aiming to impose new restrictions on freedom of religion or belief were announced by the Ministry of Justice. The draft law was officially submitted to the State Duma (the Russian Parliament) in July 2020. The authors of these new amendments claim that the draft law will strengthen Russia's fight against religious extremism. But what are these new provisions; what will they do; and why are they being criticized by both lay believers and experts?

The new amendments prohibit religious groups from having connections with persons suspected of financing terrorism, as well as foreign citizens and stateless persons, whose stay in Russia is recognized as undesirable or whose activities are considered extremist by Russian courts. These persons are prohibited from being leaders or members of religious organizations in Russia. This same ban constrains individuals whose bank accounts were frozen by the Russian Interdepartmental Commission on Countering the Financing of Terrorism. This Commission can freeze the funds of organizations and individuals about whom there is information implicating their involvement in terrorist activities, even when there is no legal ground to include them on the List of Terrorists and Extremists operated by the Federal Financing Monitoring Service (Rosfinmonitoring).

Previously, these norms were accepted for nonprofit

organizations, but the new amendments extend these norms to religious organizations. Although fighting against terrorism is itself a legitimate, compelling government interest meant to protect human rights and public safety, the inherent vagueness of these provisions may lead to arbitrary interference into the activities of religious minorities and unpopular religious groups, masked as efforts to counter terrorism.

The amendments also complicate the reporting of religious groups: currently, a religious group is required to notify the Ministry of Justice of its activities every three years. If the amendments are adopted, religious groups will be forced to do this annually.

Also, the amendments suggest that priests and employees of religious organizations who have received spiritual education abroad should pass mandatory recertification and re-education in Russia. Finally, the amendments would change the term "member" of a religious group to "participant."

The Russian Orthodox Church is the only religious organization that has supported the new draft law. Representatives of other religious organizations consider the draft law a threat to freedom of religion and its norms as an attempt of the state to strengthen its ability to interfere with the internal activities of religious organizations. Also, according to many leaders of religious minorities, the new amendments will not help in the fight against extremism because real extremists and terrorists usually do not seek formal membership in official religious organizations.

The mandatory recertification of the persons educated abroad and the replacement of the term “member of a religious group” with “participant” have provoked the most public discussion. Religious organizations and human rights advocates see a danger in replacing the term “member of a religious group” with “participant” because believers, at least Christians, consider the concept of “church member” very important. They will continue to use this phrase even if the required word “participant” is written in the official documents of their organization or group, but this incongruity alone can create additional obstacles for exercising religious freedom, including the denial of registration for religious organizations that do not abide by such changes.

As Bishop Sergei Ryakhovsky, Chairman of the Russian Union of Christians of Evangelical Faith (Pentecostals), noted:

The sad experience of law enforcement practice ... says that law enforcement officials will not understand the details. For them, everyone who will attend the service or even a friendly tea party, where the Bible is being discussed, are participants in religious activities. If there is a person among them who has been recognized as a member of a banned extremist organization, even if he has already served his or her sentence, then the church (or religious group) will be recognized as breaking the law.

The requirement for recertification is simply excessive. It is obvious that if religious organizations have not yet introduced such a procedure, it means that they recognize the qualifications of clergy educated outside of Russia. So, there is no reason for the state to doubt these qualifications either. For some religious organizations, it does not matter

where exactly a person received spiritual education. For example, the president of the Russian Jewish Congress, Yuri Kanner, emphasized that "in Judaism, the educational institution you graduated from is not so important as the name of the rabbi who blessed you to be a rabbi."

In this situation, the state's demand for recertification and re-education of clergy constitutes interference into the internal affairs of religious organizations. The vagueness of these provisions, including the lack of rules regulating the institution which will perform recertification and the procedure of recertification, can result in the abuse of these provisions by law enforcement agencies.

Mandatory recertification also means that every foreign religious leader or priest will be required to receive confirmation of his or her education from Russian authorities, and the state will obtain broad discretion not to approve this education and, thus, prevent any undesirable priest from serving in Russia. This may result in a situation where at some point some religious organizations could have no priests at all because the main spiritual schools of their religions are located out of Russia. Buddhist organizations even sent a letter to the State Duma to explain that Russian Buddhist clergymen

have no opportunity to receive additional professional education in the Russian Federation due to the absence of religious educational organizations corresponding to their creed, registered in Russia in accordance with the Federal Law On Freedom of Conscience and Religious Associations.

Russian lawmakers argue that mandatory recertification would protect Russian believers from extremist preachers. But as Bishop Sergei Ryakhovsky notes, “underground preachers do not need any permits, certifications, etc.” Damir Mukhetdinov, the First Deputy Chairman of the Spiritual Administration of Muslims of the Russian Federation, added that supporters of radical movements “are convinced opponents of the very principle of centralizing religious activity... therefore they themselves avoid serving in established and large religious structures.” The vicar of the Roman Catholic Archdiocese of the Mother of God in Moscow, Kirill Gorbunov, expressed the joint position of many religious minority groups: “The state should not interfere in the internal affairs of the education of clergy. As long as they do not violate the law, this should be left to the religions themselves.”

Even the head of the Russian Orthodox Church’s legal department, Abbess Ksenia Chernega, who is supportive of all other amendments, believes that the point about mandatory recertification should be changed. In her opinion, recertification “should be subject only to those clergymen and persons from among the religious personnel trained abroad who will begin to carry out religious and teaching activities in the country after the entry into force of the new law.”

In December 2020, the State Duma adopted the draft law in the first reading; the proposals from religious organizations seemed to have made no difference in that version and were not taken into account. Sergei Gavrilov, Chairman of the Committee on Development of Civil Society, Public and Religious Organizations, promises that the amendment on recertification of clergy will be changed for the second reading. The other amendments obviously will be approved in their current form, and the new restrictions will soon take effect.

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