

RUSSIA/EUROPEAN COURT: “Beware: Sects” campaign in the dock at the European Court

Hare Krishna accused the public authorities of dissemination of false information about their movement (Application no. 37477/11)

HRWF (23.10.2017) – Earlier this year, the European Court addressed a number of questions to the parties in the case “Centralised Religious Organisation Centre of Krishna Consciousness Societies in Russia and Mikhail Aleksandrovich FROLOV against Russia” (Application no. 37477/11) lodged on 29 May 2011.

The Krishna Centre complained under Article 9 of the Convention regarding a public campaign targeting and labelling them as a “totalitarian sect” and tarnishing their religious beliefs, presenting followers of the Krishna movement as inferior or disabled people and inciting religious hatred and enmity.

The Krishna Centre accused public authorities of disseminating false information about their movement in the form of a “Beware of Sects” project. The project provided guidelines to local secondary schools concerning the Krishna movement as well as Jehovah Witnesses, Mormons, Scientology and others.

Excerpt of the Communication of the European Court on 23 January 2017

On 23 September 2008 the first applicant (the Krishna Centre) lodged a complaint with the St Petersburg Office of the Federal Agency of Mass Communications (“the Agency”), alleging

that there was an adverse public campaign and that it fell within the purview of anti-extremist legislation, because it incited enmity and hatred on the grounds of religious belief. The Agency submitted the impugned material to a private company providing expert advice, and sought a report from it as to whether that material could be perceived as inciting racial, national or religious hatred or enmity. The company's report concluded that the material could not be perceived in that manner. On 28 January 2009 an official of the Agency dismissed the complaint, with reference to the above report. On 29 April 2009 a complaint against that dismissal, lodged by the first applicant with a higher authority within the same Agency, was dismissed. The first applicant sought judicial review of the decisions of 28 January and 29 April 2009 under the Code of Civil Procedure. By a judgment of 10 November 2009 the Taganskiy District Court of Moscow dismissed the judicial review challenge. On 30 November 2009 the Moscow City Court upheld the judgment.

As an example to indicate the existence of an adverse public campaign, the first applicant refers to the "Beware: Sects!" project which was carried out in 2008 in the Ulyanovsk Region. Information about the project was published on the website of the regional administration, specifying that the main goal of the project was to prevent the negative activities of destructive religious groups.

As part of the project's activities, at the regional government's request, staff members of Ulyanovsk State University compiled "Be vigilant: Sects!" guidelines which concerned the Krishna movement, as well as Jehovah's Witnesses, Mormons, Scientology, and others. As regards krishnaites, the document read:

"On the streets of our towns you can see colourful groups of people wearing white and yellow clothing and chanting hymns ... You should know that those are members of the International Society of Krishna Consciousness, a totalitarian religious

organisation ...

Their goals are frequently commercial, to procure money by any means. They beg for money, sell their literature; in some countries, they have been caught stealing or selling drugs. All income is submitted to the leaders of the sect ... Even a brief overview of their teachings brings us to the conclusion that such religious teaching is extremely destructive to our society. It is not connected to our people, genetically, historically or geographically. It is a specific spiritual culture of the East. Psychological manipulation and zombification constitute a serious threat to our future."

These guidelines were distributed to the teaching staff of local secondary schools.

The first applicant lodged a non-criminal complaint with the Prosecutor General's Office under the Prosecutors' Service Act. The complaint was then forwarded to the regional prosecutor's office for examination. On 29 December 2008 the regional prosecutor's office replied that: the public authorities had acted within their remit in relation to the "Beware: Sects!" project and guidelines; the primary objective of the project was to discuss acute issues relating to interfaith dialogue, and build the best possible framework for the relationship between the State and religious organisations; it remained open to the first applicant to institute civil proceedings, if they considered that the impugned guidelines impinged upon their rights or freedoms.

The first applicant's renewed complaints to a higher authority were dismissed on 26 March and 6 June 2009 by, among others, the Prosecutor General's Office.

The first applicant sought judicial review of those administrative decisions under the Code of Civil Procedure.

By a judgment of 27 October 2010 the Tverskoy District Court

of Moscow dismissed the first applicant's complaint, finding that the relevant decisions had been issued by a competent authority acting within its remit, and had disclosed the absence of sufficient grounds for action on the part of the prosecution service. On 16 March 2011 the Moscow City Court upheld the judgment.

Second applicant

The second applicant, Aleksandrovich Frolov, complained that he was prohibited from holding a public meeting to disseminate information about their values. The municipality ruled that the meeting ran counter to section 7 of the Public Events Act and the District Court dismissed the case.

Both applicants complain of Article 9 violations of the Convention. The Court questions whether the applicants exhausted domestic remedies, if they have standing, and if the interference with the public meeting was lawful under Russian law at the time.

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