

RUSSIAN FEDERATION

Submission to the UN Universal Periodic Review

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I. Background. After the fall of the Soviet Union there was an initial burst of religious freedom. Since then, there has been a gradual return to former relationships with the state Russian Orthodox church and a general, gradual erosion of actual religious freedom. Senior Russian leaders give the impression of supporting traditional religions, but actually religion is a low priority in today's Russia. One exception is that the government tends to support religious leaders that support them. Decisions are usually made at a low level of government, but these decisions have far-reaching effect across the country. Acknowledged discrimination by the government is rare and usually confines itself to making it difficult for foreign religious missionaries or ministers. Policies that make it difficult for foreign religions include very short term visas, trouble building and holding onto meeting places, difficulty holding meetings, and bureaucratic red tape. There are also widespread acts of religious discrimination which are treated mostly with indifference by the central authorities. It is not clear if there is orchestration in these incidents.

II. Outline of this Submission:

A. In this submission, we provide information under sections A, B, C, and D.

B. Under section B, we raise these concerns:

1. The religious law in Russia from 1997 grants privileged status to four founding religions recognized by the state, the Russian Orthodox Church, Buddhism, Islam, and Judaism. Other religions must accept registration and tighter control.
2. The central government of the Russian Federation takes little interest in religious problems.
3. The religious law discriminates against religions labeled as "foreign," new, and small.
4. Religious minorities are deprived of rights all religions should have such as owning property.
5. Visa requirements have become more difficult hampering operations for "foreign religions".
6. The new NGO law has fostered repression of civil society.

C. Under section C, we express these concerns:

1. Violent persecutions of some groups occur, such as the arson of a Jehovah's Witnesses building.
2. So-called cult watchers spread defamation and hatred toward non-Orthodox religions.
3. Religious congresses are being prevented and hampered.
4. Jehovah's Witness religious magazines are being investigated to prove them extremist even though they are routinely used throughout the world.
5. Persecutions of Muslims in outlying areas are pushing people into terrorist groups.
6. Churches are being dissolved for seemingly trivial bureaucratic reasons.
7. Schools are becoming "clericalized,".

D. Under section D, we make recommendations in reference to the concerns raised by NGOs.

III. B. Normative and institutional framework of the State

1. Religious law in Russia, since 1997, grants privileged status to four founding religions recognized by the state (Russian Orthodox, Islam, Buddhism, and Judaism). Other religions must be registered and accept greater controls. The Russian Orthodox Church is turning into a de facto official religion. Prime Minister Putin makes frequent television appearances with Patriarch Alleksei II on Kremlin controlled national television. An unspoken rule for anyone with government or military ambitions is to be a practicing Russian Orthodox churchgoer. Reasons for the developing alliance between the Russian government and the church seem to center on three factors:

1. Rediscover Russia's cultural roots in its traditional religion;
2. Hostility toward religious groups based in the USA or other western nations due to anti-western sentiment and security concerns;
3. Wariness toward all independent organizations not allied with the government.

Proselytizing by Protestants has diminished and Protestant worship has been discouraged through harassment. Most religious complaints received by Mikhail Odintsov, senior aide in the office of Russia's human rights commissioner, involve Protestants. He says, "In Russia, there isn't any significant, influential political force, part of any form of organization that upholds and protects the principle of freedom of religion." Despite this, although 75% of Russians claim to be Russian Orthodox, only 5% attend services regularly. Many smaller religions are called "totalitarian" by hostile Russians.

2. The central government of the Russian Federation takes little apparent interest in religious problems. This is not so bad in itself, but local administrations and courts are allowed to make regulations and rulings that have influence over the entire country. There could be more training to encourage best practices among administrators.

3. Court and administrative decisions frequently discriminate against "foreign," new, and small religions. Religions are often used as political scapegoats depending on current foreign relations. For instance, Jehovah's Witnesses are charged with producing literature that spreads hatred and denigrates other people, although this literature is judged harmless in many countries. Discrimination against newer, smaller religions impoverishes the whole society. The normal competition among religions is artificially reduced. State religions do not have to serve their members well because their place is assured. Even the members of these large faiths suffer because religious workers are not motivated to serve them well.

4. Religious minorities are deprived of rights all religions should have such as owning property. There are constant efforts to limit their ability to promote their religion. How does a religion become large if it cannot do these things? This is how the status quo is artificially supported. Not only are small religions disadvantaged by these rules but the population as a whole is deprived of hearing about interesting, small religious groups that may have innovative solutions to religious issues.

5. Visa requirements introduced in October 2007 allow foreigners with a business or humanitarian visa (including religious work) to spend only 90 out of any 180 days in Russia. These harsh terms force workers to go outside the country to effect this renewal. This is a serious imposition on Catholic priests and other groups that have a large proportion of foreign workers in their church. Religions that

registered a complaint to Forum 18 are Russian Catholics, Protestants, Lutheran, Pentecostals, and Baptists. Visa limitations have led the Church of Jesus Christ of Latter-day Saints (Mormon) to stop sending new missionaries to Russia from North America. Existing North American missionaries are allowed to finish their term. Missionaries called from Russia are not directly affected. Religious workers complain they are subject to general regional quotas for all foreigners as well. In these churches, religious workers have important humanitarian functions to perform among resident members.

6. A new so-called NGO law came into effect in April 2006. The Moscow Helsinki Group and Human Rights Without Frontiers have published a report examining the impact of this law. The report calls the law "a tool of repression against civil society in Russia." The provisions of the law are vague allowing broad discretionary powers as the government makes decisions about NGOs. As a result, there appears to be arbitrary and selective interpretation of the law. Registration requirements are increasingly onerous, as are reporting requirements. As many as 60% of all officially registered NGOs failed to hand in reports about their activities in 2007. Local registration authorities have been granted broad powers to supervise and review the activities of NGOs. Intrusive and lengthy inspections of activities have crippled NGOs. Thousands of NGOs have been threatened with termination of their legal status because of alleged failures to submit required information. In many cases, courts have approved requests for de-registration of NGOs although the organizations have been known to be actively operating and no evidence has been presented to support allegations of reporting violations. NGOs dependent on foreign funding are often accused of undermining "national interests".

Many provisions of this law are inconsistent with international human rights standards and may result in violations of freedom of association and other fundamental rights. More than two years after its implementation, it is clear that the law has had a far-reaching, adverse impact on Russia's civil society. It has been used selectively to punish NGOs thought to be critical of the local police. It is used to impede, restrict, and punish legitimate NGO activities and has contributed to insecurity and vulnerability of NGOs. Registration of new NGOs is now more difficult. Numerous foreign NGOs missed an October 2006 deadline for compulsory re-registration largely because of technical and bureaucratic obstacles created by registration authorities. Several well-known foreign organizations were forced to suspend their activities while their applications were pending. People involved in "extremist" activities may not found, join, or participate in NGOs. Misuse of Russia's vague anti-extremism legislation to punish opponents and critics of the regime further stifles legitimate NGO activities.

IV. C. Implementation of Russian Federation's's human rights obligations

1. Violent persecutions of groups such as Jehovah's Witnesses occur. On 11 July 2008 a "kingdom hall" in the town of Chekhov, 40 miles south of Moscow, was destroyed by arson. The crime occurred following inflammatory statements against non-Orthodox religious groups. Some of those who make such statements are Orthodox priests and their hierarchs. Firefighters, when called to the blaze, stood nearby for 20 minutes rather than fighting the fire. They only used part of their equipment and left before the fire was extinguished. Such actions indicate official hostility. Local police refused to investigate even after several weeks, claiming they had not received a report from the fire investigator.

2. According to Alexander Dvorkin, who chairs the Department of Sectology of St. Tichon's Orthodox Theological Institute in Moscow, there are over 80 "big sects" active in more than half of Russian

regions and minor sects number "in thousands". He says sects are by nature lacking in ethics, operate in secrecy and have a totalitarian social organization. Dvorkin's anti-sect organization, St. Irenaeus of Lyon Center, is sponsored by the Russian Orthodox Church and is a member of FECRIS, a European network of associations campaigning against new religious movements. In France and Austria, FECRIS member-organizations and/or their leaders have been repeatedly sentenced on grounds of defamation toward various new religions. Statements such as these incite to hatred and violence in the population and would seem to fall under "extremist" legislation now in place in Russia. We call for an investigation of Dvorkin's organization, FECRIS, and the sources of their funding, some of which may be outside Russia.

3. The authorities have prevented eight Jehovah's Witness congresses from taking place this summer while approximately 30 have taken place in the face of official resistance. Marina Topuriya of the Jehovah's Witnesses said FSB security service, local administrations and Prosecutor's Offices have been involved in the cancellation of congresses in Kernerovo and Kirov. Representatives of the faith believe these efforts are coordinated because the same methods are used in different places. FSB security service in Moscow refused to discuss these events with Forum 18 News Service. The president of the Russian Union of Evangelical Christians-Baptists, Yury Sipko, has complained against the action of the head of administration of the Istra Region, A. N. Shcherba. Shcherba interfered with the conduct of a congress. Citing concerns for the health of those at the camp, Shcherba shut off the electricity in the camp. This action itself put the health of the camp members at more serious risk than the original complaint.

4. A pending legal case in Sverdlovsk Region is attempting to declare many Jehovah's Witness magazines, including Watchtower, extremist and to have them banned. Religious freedom lawyer Anatoli Pchelintsev says, "I feel [the authorities] want to close down the Jehovah's Witnesses in Russia..." In Asbest, a town in the Urals, a court chose not to consider a lawsuit accusing Jehovah's Witnesses of distributing "extremist" religious literature. The public prosecutor Aleksei Almayev said to Forum 18 a criminal investigation is continuing. An analysis of several publications including Watchtower is being conducted by a local university. They are hoping the court will be more sympathetic next time. If found extremist, the publications will be added to a lengthening Federal list of Extremist Materials which already includes traditional Mari pagan and Muslim literature. Those distributing any literature on this list risk a four-year term in prison. Extremist materials are being defined more and more broadly. It must be stressed that the publications at issue are distributed by Jehovah's Witnesses in numerous countries around the world without any problem.

5. There is increasing tension and discrimination towards Muslims in outlying parts of Russia. One such area is Kabardino-Balkaria where Muslims are often branded "Wahhabi" extremists. Recent crackdowns and persecution have pushed some of these people into terrorist activity. It does not help to ban moderate Muslim texts as has been done recently.

6. Belgorod Regional Court dissolved a functioning Methodist congregation on 19 February 1908 for failing to file a report about its annual activities on time. Deprived of legal personality, the church may now only gather for worship at premises provided by its existing members. Local officials insist that religious bodies cannot use a private home as a legal address. This will make it difficult for the congregation to regain legal personality status. A 2002 Constitutional Court decision sought by the Salvation Army established that a religious organization may be dissolved only if "properly proven to have ceased its activities" or to be in violation of its constitutional rights as a legal personality. In this

instance, a witness, Vladimir Pakhomov, was present at the 19 February hearing. No attempt was made to ascertain whether his United Methodist Church was defunct. Its only crime was its failure to submit the annual report on time. The local Baptist Church committed the same offense but was only fined 300 roubles. This shows selective application of the statute on arbitrary grounds. Despite the 2002 Salvation Army ruling, current practice does not check if the organization is defunct; not filing reports is sufficient cause. In this case the reason for failure to register was inability to obtain a legal address. A church may be caught in a bind. They cannot use a private address. They are denied rental in public buildings. They therefore do not receive the government's warnings of closure.

On 24 March 2008 the Smolensk Regional Court liquidated Smolensk United Methodist Church for having a Sunday school without a separate education license. This could affect thousands of religious organizations that do not have such a license. The Sunday school taught four children under the age of 14. Check-ups on Methodists were requested by the auxiliary Orthodox bishop. Plans for a missionary college have also been cancelled. There is confusion as to whether lay teaching, as in most Sunday schools, requires a license at all. Natalya Kuzmenkova told Forum 18 on 26 March that her children attended the Orthodox Sunday school in Smolensk. It did not have an education license. Prior to this, Orthodox Bishop Ignati Punin of Vyazma asked the Prosecutor's Office to take measures "to defend the inhabitants of our city, particularly youth from this pseudo-religious organization," Smolensk United Methodist Church.

8. There is increased clericalization of Russian public schools. Children from a wide variety of faiths are being compelled to study confessional, Orthodox religion taught by priests. First experience suggests this may not be a good idea. A first grade Russian boy from Moscow was kicked and punched by classmates when he refused to kiss the cross presented by the Orthodox priest. The boy's family belonged to the Community of Christ. Others in the community felt their children were forced to take the Orthodox religious school program. Prosecutors determined that Voronezh School No. 3 violated the boy's religious rights by holding the service, and his parents are now suing the public school in court. We recommend moving away from confessional style religious instruction in the public schools. Religious instruction should be offered outside the schools by each church that wants to do it.

D. Recommendations

1. Reduce the linkage between the government and the Russian Orthodox Church.
2. The Russian government should introduce best practice training for local administrators dealing with religions and NGOs so that they become more impartial, more standardized, and more just.
3. Religions should not be disadvantaged because they are new, small or foreign in origin. Their books should not be banned. Congresses should not be impeded. Their organizations should not be dissolved.
4. Hate speech should not be tolerated by anyone, even those in the employ of the Russian Orthodox Church or FECRIS.
5. Remove onerous, new visa requirements on foreign churches or develop a separate category of visa to accommodate those who are caring for the Russian populace.
6. Perpetrators of violence against minority religions should be apprehended with all due diligence. Local firefighters are trusted by all the people to render service impartially in case of emergency as are police and other services. Investigation of deviance should occur.
7. Religious teaching should not be offered in public schools, especially confessional education.
8. A defender of religious freedom, or an ombudsman, in Russia should be established and given independent power to investigate abuses of religious freedom.

9. The Russian Federation should invite and encourage a visit from the Special Rapporteur for Religious Freedom in the near future.

Note: All quotes in the report are from Forum 18 News Service. Email: info@hrwf.net –
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