FORUM 18 NEWS SERVICE, Oslo, Norway
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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

29 July 2003

RUSSIA: Religious Freedom Survey, July 2003

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In its survey analysis of the religious freedom situation in Russia, Forum 18 News Service reports on the extensive variations of religious freedom policy in Russia, noting that when decisions are made which violate believers' rights, they are largely informed by the political agendas and personal loyalties of local politicians. The particular nature of a religious belief seems to play little role in restrictions – such as visa bars being imposed - groups being far more likely to be targeted if they are dynamic and visible, whatever their beliefs. Centrally, the state is not so much concerned about actual control over the legitimate activity of citizens as in having potential control over activity, so violations of religious freedom may not appear as dramatic as in many other states in the region. The trend of low-level discrimination looks set to continue unchallenged.

Unlike most former republics of the Soviet Union, Russia still has no centralised state body dealing with religious affairs. The most senior federal officials who deal exclusively with religious issues are functionaries and not policy makers. Those in the Kremlin (where, under President Vladimir Putin, power has become increasingly concentrated) who are authorised to take decisions impacting upon religious freedom are normally immersed in mainstream political issues, which they no doubt consider to be far more pressing. Religious freedom concerns are consequently resolved in an ad hoc manner, if the Kremlin is involved at all, or are more usually left to government departments and/or regional administrations. All of Russia's main component regions have a state official dealing at least partially, and often solely, with religious affairs. Of the seven federal districts created by Putin in 2000 to form an additional tier of government between the Kremlin and the regions, at least two - those covering central European Russia and the Volga area - have set up special commissions dealing exclusively with confessional relations.

As a result of this state of affairs, there is extensive scope for variation in religious freedom policy. When decisions are made which violate believers' rights, they are largely informed by the political agendas and personal loyalties of persons in positions of power, who either bring sections of legislation into play when convenient or else act without reference to any law. A cinema owner might typically announce, under pressure from some local state body, that he can no longer rent out his hall to a Protestant congregation. A Muslim community might be refused permission to build a mosque. A Catholic parish might encounter staunch resistance in recovering its historical church building. Common perceptions of what the federal policy on religion is supposed to be, perhaps inferred from Putin's general ideological statements and his patriotic public image as consistently projected by the state media, may also play a part. The international human rights agreements to which Russia is a signatory are typically not of core concern. It remains unclear whether the Putin regime views this situation as ideal. It is certainly in no hurry to change it.

This piecemeal nature of the current religious freedom situation in Russia sooner resembles the early 1990s than the years 1996-2000. During this latter period the national legislative body, the State Duma, carried more clout, and the Moscow Patriarchate attempted, through its allies on the religion committee there, to secure legislation which would protect its interests. While it potentially succeeded with the 1997 law on religion, successively lenient official interpretations of this law at the federal level neutralised some of its harsher provisions. Thus, following complaints by local communities of Pentecostals and Jehovah's Witnesses in 1999, Russia's constitutional court determined that the deprivation of various legal rights from groups unable to prove 15 years' existence did not extend to those affiliated to religious organisations registered at the federal level. A host of newer Protestant organisations swiftly found protection by enrolling into centralised Protestant unions as a result, even if for some this meant jettisoning a principled opposition to hierarchical structures. In response to a further complaint by the Moscow branch of the Salvation Army in 2001, communities registered before the 1997 law came into effect were also explicitly made exempt both from its restrictions on rights and from being liquidated for failing to re-register, as the constitutional court ruled that it did not have retroactive force.

A significant factor in these developments has been the largely benign stance of Russia's Ministry of Justice and many of the local officials responsible for religious affairs. In an interview with the Moscow Patriarchate's weekly newspaper in 2002, Orthodox Metropolitan Vladimir of St Petersburg and Ladoga remarked: "Sectarians and schismatics of various stripes poured into our country. We sometimes asked representatives of the local authorities not to register them, but they replied that they could not do so, as we have religious freedom according to our constitution."

This is not to say that there have not been casualties of the 1997 law. While the Jehovah's Witnesses successfully re-registered the vast majority of their congregations, for instance, a long-running court case initiated by anti-cultists still seeks to ban their Moscow

community as destructive under Article 14 of the law and so set a precedent for the denomination throughout Russia. And while registration is not compulsory, a group without it has the right only to worship in premises provided by its own members (that is, not held as the property of the group in an official capacity) and teach its existing followers. The most dramatic clashes over this provision relate to the unregistered Baptists (Council of Churches). This body broke away from the mainstream Russian Baptist Union in the 1960s over compromises with the Soviet regime and has refused to register ever since on the principle of declining to have anything to do with the state. Its communities, which have few links with Baptists abroad, routinely report fines and property confiscation when they stage evangelisation campaigns in provincial areas. As an unregistered group, they are not allowed to preach in public.

Registration, however, is perhaps the only part of the 1997 law to have been applied systematically. While its non-implementation may have been welcomed, the drawback of a return to the sort of informal decisions described above is that they are not open to public scrutiny or legal challenge.

For all the fuss about sects and cults in Russia over the past decade, the particular nature of a religious belief seems to play little role in restrictions on religious believers in practice. Groups are far more likely to be targeted if they are dynamic and visible, whatever they believe. For the most part, these are evangelical Protestants, but they may also be Catholic or alternative Orthodox communities. While suspicious of state co-operation and having a virulent dislike for the Moscow Patriarchate, the Old Believers, by contrast, do not appear to encounter any problems more serious than discrimination in property restitution. In all likelihood, this is because they are neither conspicuous nor experiencing dynamic growth.

While having a similar number of communities, moreover, the Old Believers have long got away with having dioceses (and even a Metropolitan of Moscow and All Rus) on the Moscow Patriarchate's "canonical territory", whereas the Catholics have not. The turmoil suffered by the Catholic Church in Russia in 2002 highlights a more recent method employed by the state against disfavoured religious bodies - that of barring foreign religious workers from participating directly in their spiritual life and development. While this policy is more frequently applied to Protestants, it is felt more acutely by groups such as Buddhists and Catholics. (It is quicker to train up an indigenous Protestant leader than a Buddhist spiritual teacher or Catholic priest, and the position is open to a broader category of people.) So far none of the seven Catholic clergy known to have been denied entry to Russia since the beginning of 2001 have been able to return. A year after Polish citizen Bishop Jerzy Mazur had his visa revoked in April 2002, the Catholic Church ended up having to transfer Bishop Cyryl Klimowisz from Belarus to the Irkutsk-based diocese for which he had been consecrated.

To date, there are over 30 reported cases of foreign religious workers of various confessions who have been barred from Russia from the mid-1990s onwards. It should be stressed, however, that these are persons about whom full details are known and who are willing to make them public. Forum 18 continues to hear anecdotal mention of similar cases and suspects that there are many more which have not been publicised, especially dating from before 2000. While official grounds for expulsion are rarely given, one occasion on which they were offered points to an apparent inconsistency behind this policy. One government official cited state security considerations shortly after Bishop Mazur's visa was revoked, while a year later another implied that he had been barred for engaging in commercial activity. It is not clear how alleged commercial activity (if illegal) could constitute a risk to state security warranting expulsion rather than ordinary court proceedings.

This policy of visa denials may have its origins in Putin's National Security Concept of January 2000, which warned of the negative impact upon Russia of foreign missionary activity. Against a general background of concern about a lack of national consolidation, a fear persists within some quarters of the political establishment that believers, especially young people, will adopt foreign values and allegiances if they belong to a confession based outside Russia. The state has sought to stem the flow of young Muslims travelling to Middle Eastern countries to study in Islamic educational institutions by setting up and supporting rival indigenous establishments, such as the Russian Islamic University in Tatarstan. In 2000 a civil service professor formally suggested to a government committee that heightened activity by foreign missionaries in far north-eastern Siberia was part of a US government plan to seize control of the whole of Russia's Far East. In the same year, his religion faculty colleague publicly advised presidential administration personnel to support the missionary activity of the Moscow Patriarchate as a counterweight to foreign missionary "expansion." The Communist chairman of the State Duma religion committee continues to call for a more stringent state policy on "spiritual security." While much more comprehensive and restrained in tone, an October 2002 draft report on religious extremism by a government working group co-ordinated by Minister Without Portfolio Vladimir Zorin repeated and amplified the same ideas.

Observers sometimes maintain that Putin supports the return of a state Orthodox Church. The current regime indeed selects and utilises symbols from Russia's imperial (and more recent) past with which the public mainstream identifies in order to galvanise support and enhance its own legitimacy, an essential task for any post-Soviet political and economic elite. The Russian Orthodox Church is thus co-opted as the only all-national social institution to have survived both these periods in history. During his recent annual open press conference, for example, Putin remarked that his forbears had attended the same village church for generations: "Now there's stability for you!" A crucial factor here, however, is that the Kremlin is seeking to reach out to the nominal Orthodox majority who have only a tacit support for the Church. It is with this sizeable section of the population that Putin seeks to identify himself when he makes an occasional public - and slightly awkward - appearance at an Orthodox church service, and not the two per cent of the population who regularly participate in its sacramental life and whose values are typically very different from their nominally Orthodox compatriots. Under the Kremlin-inspired 2002 law on extremism, for example, Orthodox religious

organisations who fervently hold the traditional view that Russia should ideally be led by a divinely-appointed monarch could conceivably have their activity halted if they are deemed even to be planning "activity aimed at the undermining of the assumption of the governing powers of the Russian Federation."

That the Putin regime merely pays lip service to a state-supported Orthodox Church is also evident from the slow progress of attempts to establish a legal traditional religion status which would allocate prime position to the Moscow Patriarchate. Following on from two 2001 draft religious policies supporting such a status and parliamentary religion committee vice-chairman Aleksandr Chuyev's 2002 bill on traditional religious organisations, Communist opposition deputy Sergei Glazyev publicised a similar draft law in 2003. While none of these initiatives has come close to succeeding, rising political star Glazyev now represents the Orthodox on a new cross-party parliamentary association 'In Support of Traditional Spiritual and Moral Values', which is openly supported by key religious leaders. This may prove to be a lobby force so potent that the Kremlin will find it difficult to block entirely some future legislation in this vein.

There is an inherent complex of problems associated with the possibility of a traditional religion status in Russia, however. Following the preamble of the 1997 law, which may be regarded as the catalyst of these initiatives, would enshrine "the special contribution of Orthodoxy" to Russia, but this would encompass rival Orthodox groupings at odds with the Moscow Patriarchate. The alternative criterion of a set number of years' existence would also prove difficult to introduce, since the Lutheran presence in Russia pre-dates the Buddhist, for instance, by as much as half a century. There is also disagreement among generally accepted candidates for traditional status about whether they would be on a par with one another. Leading Orthodox churchman Metropolitan Kirill of Smolensk and Kaliningrad insists that Russia is not a multi-confessional nation, but an Orthodox country with national and religious minorities. Leaders of the very sizeable Muslim minority of 12 million would disagree, and the Kremlin would hesitate to provoke their following.

While it should be emphasised that the official figures giving the numbers of registered religious organisations in each of Russia's seven federal districts do not indicate numbers of individual believers, they nevertheless show a marked regional discrepancy between confessions which is not in keeping with Metropolitan Kirill's statement. While the Orthodox easily dominate in the Central and North-Western districts of European Russia, for instance, they have less than half the total number of registered organisations in the other five. In the Volga and Southern districts the Muslims have approximately one-third of the total, while in the Far Eastern district, which has notably fewer organisations overall, Protestant organisations outnumber the Orthodox. Perhaps in view of this situation, the Putin regime appears to adhere to the tried-and-tested latter Soviet-era status quo of calling upon a multi-confessional coalition of politically loyal leaders to represent the religious community. In a recent explanation of the presidential administration's use of the term "representatives of the main confessions" to describe those invited to Putin's annual address to the federal assembly, a senior Kremlin official cited the mention of Orthodoxy, Christianity, Islam, Buddhism and Judaism in the 1997 religion law's preamble, in accordance with which, he maintained, Orthodox [but not other Christian], Muslim, Buddhist and Jewish representatives had received invitations. Since the Moscow Patriarchate must be aware that it is unlikely to attain a most favoured religion status in law, it may prove content with continuing to circulate the idea until it becomes common currency in practice.

Indeed, now that the 1997 law no longer poses a serious restriction to disfavoured religious communities, those who do not find Russia's constitutional guarantees of equality before the law to their liking have begun to switch to this form of tactic - the pursuit of inequality without recourse to the law. Without any change in legislation or the constitution to provide for them, there has been a steady increase over the past seven years in concordat-style agreements between the Russian Orthodox Church and various organs of state, such as the Ministries of Defence, Education and Health, which grant the Church privileged access to certain areas of public life. One provincial official dealing with religious affairs recently cited an analogous regional agreement to Forum 18 as the basis for collaboration between the local Patriarchate diocese and various state organs in her republic, including in the financing of a new Orthodox cathedral.

Here again, it is not entirely clear whether the Kremlin approves of this practice. It may be that the lack of an overall policy on the issue indicates that the Putin regime chooses to admit this kind of co-operation only in contexts where it considers protection of the Moscow Patriarchate's interests to be advantageous. Whereas previous post-Soviet political developments in the religious sphere predominantly affected religious organisations (and hence Russia's relatively small percentage of regularly practising believers), however, the recent proposal for the systematic introduction of an optional subject on Orthodox Culture into state schools was the first time that the Moscow Patriarchate publicly laid claim to state-assisted influence in the everyday lives of ordinary citizens. Debate on this issue consistently revealed - and continues to reveal - a deep divide in public and professional opinion. While such a development is unlikely to occur in the immediate future, this suggests that the Kremlin would probably move to contain the Russian Orthodox Church if it began to insist upon extensive influence in mainstream public life.

In the course of conversation with representatives of religious minorities in different parts of Russia, Forum 18 has frequently found that they claim not to encounter any particular problems from the state. On closer questioning, however, they might volunteer a few lesser restrictions, which, when considered together, indicate that they do not in fact enjoy full religious freedom: obstructions in inviting a foreign preacher, in renting or building a place of worship, in working with local state social agencies. In Russia religious freedom is thus - currently loosely - circumscribed. This appears to be in keeping with other spheres of public life under Putin, where the state is not so much concerned about controlling the legitimate activity of citizens, but in having potential control over it. In this context, violations of religious freedom may not appear as dramatic as in many other states in the region. Severe persecution

has the potential to spark sudden radical change, however, while Russia's trend of low-level discrimination looks set to continue unchallenged.

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