

13 April 2021

RUSSIA: Flagship Protestant colleges stripped of right to offer higher education

By Victoria Arnold, Forum 18 (<https://www.forum18.org>)

The Evangelical-Lutheran Church of Ingria's Theological Institute lost its higher education licence on 6 April, the third flagship Protestant educational institution to lose the right to conduct formal religious education. Another Lutheran seminary is fighting against the stripping of its licence through the courts. "The issue has been serious and has caused a lot of extra work and expense," a staff member of one of the institutions told Forum 18. State education inspectorate Rosobrnadzor has not replied to Forum 18's questions. Religion Law changes will from October make extra training of foreign-educated clergy compulsory, but if a religious community has no educational institutions in Russia it is unclear where or how such extra training is possible.

On 6 April, two days after the Evangelical-Lutheran Church of Ingria celebrated Easter, its Theological Institute was stripped of its higher education licence, leaving it unable to conduct formal religious education. The Theological Seminary of another Lutheran Church, the Evangelical-Lutheran Church of Russia, is still fighting attempts through the arbitration courts to have its higher education licence annulled. State education inspectorate Rosobrnadzor had already barred both colleges from admitting students to diploma courses, and suspended both their licences in 2020.

Two of Russia's other flagship Protestant educational institutions – the main colleges of the Baptist Union and the Pentecostal Union – have also suffered bans on admissions and the suspension and annulment of their higher education licences. Both have had to gain new licences under a lower level of education provision (see below).

Admissions to certified courses were barred:

- at the Pentecostal Union's Eurasian Theological Seminary in Moscow from June 2018;
- at the Baptist Union's Moscow Theological Seminary from February 2019;
- at the Theological Institute of the Evangelical-Lutheran Church of Ingria in Kolbino near St Petersburg from October 2019;
- and at the Theological Seminary of the Evangelical-Lutheran Church of Russia near St Petersburg from December 2019.

Although the Baptist Union's North Caucasus Bible Institute in Kabardino-Balkariya did not lose its higher-education licence, Rosobrnadzor inspectors banned it from accepting new students from November 2018 to November 2020 (see below).

So far, Forum 18 has not found persistent attempts to annul licences of higher education institutions of other religious communities.

The suspension and annulling of licences stem from routine inspections carried out by Rosobrnadzor, in which inspectors expect religious educational establishments to abide by Federal State Educational Standards, which by law they are not obliged to observe (https://www.forum18.org/archive.php?article_id=2465) Rosobrnadzor is also responsible for granting licences (see below).

The institutions themselves insist that such penalties are unwarranted and excessive, and that the alleged infractions found by Rosobrnadzor inspectors simply do not apply to them as providers of professional ministerial training (see below).

"To compare the structure of these programmes with the requirements for programmes in areas of study approved by the [Education Ministry's] List of Areas for Higher Education Preparation – Undergraduate (or other level of education) is incorrect and unlawful. The structure of such programmes, in accordance with the [Education Law], is governed by the regulations of the religious organisation itself or the regulations of the centralised religious organisation," lawyer Stanislav Kulov told Forum 18 (see below)

Challenging Rosobrnadzor inspectors' decisions in repeated court hearings takes up time and money that the institutions would prefer to devote to education. "The issue has been serious and has caused a lot of extra work and expense," a staff member of one of the recently affected institutions told Forum 18 in April 2021.

Rosobrnadzor has not answered Forum 18's questions as to why its inspectors treated courses offered by religious educational establishments as if they were state-accredited - and therefore obliged to abide by state requirements - and whether suspension or annulment of licences was a proportionate punishment for violations (see below).

At least two institutions – the Baptist Union's Moscow Theological Seminary and the Pentecostal Union's Eurasian Theological Seminary – have managed to obtain new licences at a lower level of education provision. The Theological Institute of the Evangelical-Lutheran Church of Ingria might have to follow a similar path if it fails to gain a new higher education licence (see below).

While they do not think that this incurs any disadvantage in terms of what they can offer students, this lower-level status may now exclude such institutions from offering the required extra training to foreign-educated clergy. This extra training is made compulsory under Religion Law changes which come into force on 3 October (see below).

"In light of the adopted amendments, the earlier [Rosobrnadzor] inspections, as a result of which a number of Protestant seminaries were deprived of licences that gave the right to implement higher professional education programmes, look like part of some kind of 'repressive' plan to reduce the number of religious educational institutions that have the ability to conduct re-training and re-certification for their fellow believers and clergy," lawyer Stanislav Kulov of the Moscow-based Slavic Centre for Law and Justice told Forum 18 (see below).

If a religious community has no educational institutions in Russia, it is unclear where or how its personnel will undergo the extra training (see below).

The Theological Seminary of the Evangelical-Lutheran Church of Russia remains at risk of losing its licence, as the arbitration courts consider Rosobrnadzor's applications to have it annulled (see below).

Rosobrnadzor licence annulments

Without a Rosobrnadzor licence, it is illegal in Russia to conduct structured educational activity (*obrazovatel'naya deyatel'nost'*) leading to the attainment of formal qualifications. The statutes and regulations of many religious organisations require individuals to have undergone formal professional education and gained formal qualifications in order to be ordained as clergy or to be considered for other roles, such as teaching or mission work.

According to the Religion Law and their constitutions, religious organisations may carry out short-term, informal teaching (*obucheniyе*) without a licence, but would be unable to issue any formal certification as a result.

Annulment of a licence is the culmination of a process which begins when a Rosobrnadzor inspection concludes that an educational establishment has violated the conditions of its licence or the requirements of the Education Law.

The various stages of this process (which may overlap or be repeated) impose escalating penalties on the institution – court cases with possible fines and suspension of activities, bans on admission of new students, suspension of the institution's licence, and annulment of the licence through the arbitration courts. Each stage can interfere with or halt the normal workings of the institution.

The entire process may take many months, even years, and presents a considerable bureaucratic burden. It may end at any stage should Rosobrnadzor be convinced that the institution has dealt with the problems found by inspectors.

State education inspectorate Rosobrnadzor

The Federal Service for Supervision in Education and Science (Rosobrnadzor) issues licences and grants state accreditation to educational institutions (both secular and religious), and carries out routine inspections every few years. Regional-level education departments can also issue licences for particular kinds of educational activity (but not for higher education).

Rosobrnadzor inspections often identify violations in areas in which it is reasonable that oversight is exercised and shortcomings dealt with, e.g. fire safety and sanitation, the provision of sufficient numbers of textbooks, and the proper checking of distance-learning students' identities during examinations.

Such inspections also, however, cover areas in which somewhat vague legislation may be misapplied, e.g. in the two parallel systems of state-accredited and non-state-accredited religious educational institutions (see below).

After identifying violations, Rosobrnadzor issues "orders" for their elimination, which institutions must fulfil by a given deadline. If this is not done on time and to Rosobrnadzor's satisfaction, the inspectorate begins to impose a series of penalties and carry out follow-up inspections (see below).

Licensing and accreditation

A licence from Rosobrnadzor is required to conduct formal educational activity in Russia. If this is annulled, the institution is obliged to halt all its certificated courses and will eventually be closed. It may continue to exist as a legal entity and apply for a new licence, even after losing its original one, but is also obliged to arrange the transfer of students to another institution if they wish.

State accreditation is not a prerequisite for educational activity, but a means of certifying that an institution complies with the Federal State Educational Standards. Accredited institutions may offer both accredited and non-accredited courses. They are able to issue Education Ministry-approved diplomas and guarantee male students deferment of military service. If accreditation is withdrawn from an institution or course, teaching may continue, but the institution is obliged to transfer students to another educational establishment if they wish.

Religious educational institutions are under no obligation to acquire state accreditation. Many have operated for years without it, including the main seminaries of the Baptist Union, the Pentecostal Union, the Evangelical-Lutheran Church of Russia, the Evangelical-Lutheran Church of Ingria, and the Roman Catholic Church, as well as several Islamic colleges. (http://www.forum18.org/archive.php?article_id=2465)

Other religious educational institutions do have accreditation. Rosobrnadzor's database includes Russian Orthodox seminaries, Islamic institutes, the Seventh-day Adventists' University, and Seventh-day Adventist, Protestant, and Catholic private schools.

Education Law and Religion Law requirements

Both the Religion Law (Article 19, Paragraph 3) and the Education Law (Article 87, Paragraph 9) state: "Religious educational organisations implement educational programmes aimed at training clergy and religious personnel of religious organisations, and have the right to implement educational programmes of secondary professional education and higher education in accordance with the requirements of federal state educational standards".

This gives religious educational institutions a right, "but not an obligation", lawyer Vladimir Ozolin explained to Forum 18 in March 2019. "It means that religious educational organisations decide for themselves whether or not they will implement educational programmes which conform to federal state requirements." (http://www.forum18.org/archive.php?article_id=2465)

Education Law Article 89, Paragraph 10 states: "Model educational programmes [Primerniye obrazovatelniye programmy], in terms of academic subjects, courses, [and] disciplines (modules) providing religious education (a religious component), as well as model educational programmes aimed at training clergy and religious personnel of religious organisations, are approved by the relevant religious organisation or centralised religious organisation. Educational and methodological support of these academic subjects, courses, [and] disciplines (modules), as well as model educational programmes, is carried out by the relevant religious organisation or centralised religious organisation."

The Religion Law distinguishes between "educational" [obrazovatel'naya] activity - for which a religious organisation might require a state licence - and "teaching" [obucheniye], for which it does not require a licence (http://www.forum18.org/archive.php?article_id=1231). The Law also states that religious associations may also offer non-certificated religious instruction (obucheniye religii i religioznoye vospitaniye) to their own members and under their own internal rules. According to Article 5, Paragraph 5, such teaching is not considered to be educational activity (obrazovatel'naya deyatel'nost) and therefore does not require a licence.

A religious educational institution which has chosen not to offer state-accredited courses need conform only to its own internal requirements for how it organises its courses. In 2008 the Supreme Court ruled that a licence is only required for educational activity if it is "accompanied by confirmation that the student has attained levels of education prescribed by the state" (http://www.forum18.org/archive.php?article_id=1151). That ruling followed an appeal from a Methodist Church in Smolensk against its 2004 legal liquidation for running a Sunday school for four children without a state education licence (http://www.forum18.org/archive.php?article_id=1104). However, this did not stop similar Sunday school cases happening elsewhere (http://www.forum18.org/archive.php?article_id=1231).

The Education Ministry provides approved models for the structuring and implementation of state-accredited programmes. Courses offered by state-accredited institutions must conform to them, and are named and numbered on an institution's documents and website according to the Education Ministry's List of Areas of Higher Education Preparation.

"Incorrect and unlawful" insistence by Rosobrnadzor

Rosobrnadzor inspectors' insistence that courses at religious educational institutions must follow the same structures and methods as the Education Ministry's approved models, when in fact they do not have to, is the basis for many of the problems religious educational institutions encounter.

"The programmes of religious educational organisations are programmes of professional religious education aimed at training ministers and religious personnel of religious organisations, that are not subject to state accreditation and for which there are no Federal State Educational Standards," lawyer Stanislav Kulov explained to Forum 18.

"To compare the structure of these programmes with the requirements for programmes in areas of study approved by the List of Areas for Higher Education Preparation – Undergraduate (or other level of education) is incorrect and unlawful. The structure of such programmes, in accordance with the [Education Law], is governed by the regulations of the religious organisation itself or the regulations of the centralised religious organisation."

Forum 18 wrote to Rosobrnadzor on 25 March 2021, asking why its inspectors treated courses offered by religious educational establishments as if they were state-accredited and therefore obliged to abide by state requirements, when according to the law, such institutions have the right to offer non-state-accredited programmes which must conform only to the standards of the responsible religious organisation.

Forum 18 also asked whether suspension or annulment of licences was a proportionate punishment for violations such as the absence of information on a website or the lack of a sports hall or canteen at a distance-learning institution (see below). Forum 18 received no reply by the end of the working day in Moscow on 13 April.

Rosobrnadzor inspectors decided in February 2018 (https://www.forum18.org/archive.php?article_id=2465) that the Pentecostal Union's Eurasian Theological Seminary had failed to show that it offered a "developed and approved" undergraduate programme in theology – specifically, that the course did not contain "the main sections defining the educational programme as set out in Article 2, Part 9 of the Education Law, namely, the planned results of the programme, organisational and pedagogical conditions, a teaching calendar, [and] evaluation and teaching materials". They also identified problems with how the seminary was run day-to-day. The Seminary responded to Rosobrnadzor's report but ultimately lost its higher education licence (see below).

Lawyer Vladimir Ozolin (then of the Pentecostal Union, now of the Slavic Centre for Law and Justice) explained to Forum 18 in March 2019 that was treating the Seminary's non-state-accredited theology bachelor's degree [Bogosloviye (Teologiya)] as if it corresponded to the degree of theology [48.03.01 Teologiya] on the Education Ministry's formal "List of Areas of Higher Education Preparation – Undergraduate" (http://www.forum18.org/archive.php?article_id=2465).

This was despite the materials the Seminary submitted to the inspection clearly indicating that the course was intended for the training of clergy and church personnel, and was therefore not subject to the same organisational and administrative requirements as a state-accredited programme, but governed by the regulations of the religious organisation itself or by the regulations of the centralised religious organisation, in this case the Centralised Religious Organisation of the Russian Union of Evangelical Christians (Pentecostals).

"Due to the fact that this programme is a vocational religious education programme aimed at training clergy and the personnel of religious organisations, which is not subject to state accreditation and for which there are no Federal State Educational Standards, to compare the structure of this programme with the programme requirements in areas of training approved by the 'List of Areas of Higher Education Preparation – Undergraduate', is incorrect," Ozolin told Forum 18.

Rosobrnadzor's inspection of the Baptist Union's Moscow Theological Seminary in October 2018 similarly concluded that it lacked a "developed and approved" educational programme, as well as noting issues of occupational health and safety (https://www.forum18.org/archive.php?article_id=2465).

Rosobrnadzor did not take into account the provisions of the Education Law and the Religion Law which "permit religious educational institutions to develop programmes based on confessional standards" (ie. non-state-accredited courses which are not subject to the same organisational requirements as state-accredited equivalents), the Seminary argued. In a statement on its website on 2 January 2019. It insisted that it had responded to Rosobrnadzor's claims by the stipulated deadlines.

Similarly, according to arbitration court documents seen by Forum 18, a follow-up inspection of the Theological Institute of the Evangelical-Lutheran Church of Ingria in May/June 2020 concluded that its bachelor's and master's courses lacked practical elements and assessment materials mandatory for "developed and approved" programmes for the training of ministers and religious personnel.

Rosobrnadzor inspections of religious educational institutions also find other types of infraction. In its initial inspection of the Church of Ingria's Institute in July 2019, Rosobrnadzor decided that its website did not meet requirements (lacking information, for example, on numbers of students, the language of instruction, and the location of the Institute's subdivisions – despite its having none), and that contracts between the Institute and students did not indicate the type of certificate received if only part of a course is successfully completed.

A routine documentary inspection of the Theological Seminary of the Evangelical-Lutheran Church of Russia in June 2019 listed a series of alleged violations, including: a lack of sporting, cultural, catering, and healthcare facilities; the lack of internal regulations

for the provision of subjects other than those covered in the main courses; and the absence of particular information on the Seminary's website (about information resources, accommodation, opportunities for staff to improve their qualifications).

Rector Anton Tikhomirov told Forum 18 on 16 March 2021 that Rosobrnadzor's allegations fell into two categories: firstly, "absolutely far-fetched and false, for example: that there is no information on the website about the organisation (there is), or there is no information about the deputy director (we simply do not have such a position); and secondly, "the technically correct, but inapplicable to us, since we conduct only distance learning (no gym, no canteen, etc.)".

Administrative prosecutions: fines, suspension of activities

If an institution does not convince Rosobrnadzor that it has dealt with alleged infractions before the stipulated deadline, the inspectorate may take it to court under Administrative Code Article 19.20, Part 3 ("Implementation of non-profit activities with gross violation of the requirements and conditions of a special permit (licence)").

Moscow's Lyublino District Court fined the Pentecostal Union's Eurasian Theological Seminary 150,000 Roubles on 25 April 2018. The Seminary had written to Rosobrnadzor before the deadline of 22 March 2018, addressing the inspectors' claims (https://www.forum18.org/archive.php?article_id=2465). According to court documents seen by Forum 18, however, "analysis of [this] did not permit any reasonable conclusion about the complete elimination of the violations". This was followed by further inspections, further penalties, and the ultimate loss of the Seminary's licence (see below).

Instead of a fine, the Baptist Union's Moscow Theological Seminary received a sixty-day suspension of its activities when Perovo District Court found it guilty under Article 19.20, Part 3 on 27 December 2018. This was despite the Seminary's insistence that it had responded to Rosobrnadzor's orders within the stipulated time periods (https://www.forum18.org/archive.php?article_id=2465).

After an unsuccessful appeal, bailiffs sealed the Seminary's buildings on 25 January 2019, and none of its students was able to attend classes for the subsequent two months. The Seminary's licence remained valid throughout this time and it reopened on 26 March 2019, but soon faced further obstacles (see below).

Admissions barred

Another early penalty Rosobrnadzor imposes is a ban on admissions. The exact impact of this depends on when in the academic year it is imposed, the admissions policy of the institution itself, and the courses it offers. In all cases, however, it results in new students being unable to begin courses leading to formal qualifications, and potential students having to apply elsewhere.

If there is no equivalent institution (which is often the case for smaller religious communities), potential students may have to defer their studies or consider studying abroad (which will be newly complicated by the adoption of the most recent amendments to the Religion Law – see below).

Although the Baptist Union's North Caucasus Bible Institute in Prokhladny (Republic of Kabardino-Balkariya) did not ultimately lose its licence, it was barred from admitting new students for two years from November 2018 to November 2020.

A Rosobrnadzor inspection in June 2018 concluded that the Institute's course for the training of clergy and other personnel lacked defined modules and proper teaching and assessment tools (https://www.forum18.org/archive.php?article_id=2465), and that there were allegedly sanitation, first aid, and fire safety issues on the premises.

Despite the Institute eliminating the violations (acknowledged by a judge), admissions were suspended in November 2018 after a follow-up inspection. "Rosobrnadzor sent us a notification in November 2020, according to which it considers the previously issued orders to be invalid," Rector Mikhail Chizhma told Forum 18 on 17 March 2021. "Thus, all restrictions have been removed from the North Caucasus Bible Institute, and the institute can start recruiting students."

Admissions to diploma courses at the Eurasian Theological Seminary were barred from 1 June 2018, to the Moscow Theological Seminary from mid-February 2019, to the Theological Institute of the Evangelical-Lutheran Church of Ingria from 28 October 2019, and the Theological Seminary of the Evangelical-Lutheran Church of Russia from 11 December 2019.

Magistrate's court cases, fines

Rosobrnadzor may also bring prosecutions under Administrative Code Article 19.5, Part 1 ("Failure to comply within the prescribed period with a legal order on the elimination of legal violations, issued by a body exercising state supervision").

In some cases, there are simultaneous prosecutions of both the legal entity and its director. After Rosobrnadzor's follow-up inspection of the Baptist Union's Moscow Theological Seminary in January 2019, it decided that the "violations" had still not been dealt with, and took both the Seminary and its Rector, Pyotr Mitskevich, to court.

On 26 March 2019, Novogireyevo District Magistrate's Court No. 289 fined Mitskevich 1,000 Roubles (one day's average wage) and the Seminary 10,000 Roubles (both fines were upheld by Perovo District Court on 18 June 2019). This was despite the fact that, in upholding the Seminary's earlier fine under Administrative Code Article 19.20, Part 3 on 16 January 2019, the appeal judge at Moscow City Court appeared to acknowledge that no violations were outstanding (https://www.forum18.org/archive.php?article_id=2465).

Rosobrnadzor sometimes initiates separate prosecutions for each "order" it claims is still unfulfilled.

For example, Vsevolozhsk Magistrate's Court No. 86 (Leningrad Region) twice fined Rector Anton Tikhomirov of the Theological Seminary of the Evangelical-Lutheran Church of Russia 1,000 Roubles on 5 February 2020 and 11 March 2020 – despite the fact that the Seminary had written to Rosobrnadzor explaining why it had missed the first deadline and had sent evidence of the elimination of violations before the second deadline.

On 26 November 2019, the same court also fined Rector Ivan Laptev of the Theological Institute of the Evangelical-Lutheran Church of Ingria 1,000 Roubles for non-fulfilment of each Rosobrnadzor order.

Procedure for suspending and annulling licences

If Rosobrnadzor remains unsatisfied that an institution has resolved the alleged problems with its courses, website, or buildings, it will seek the ultimate penalty of annulment of its licence and eventual closure. This must take place through the arbitration court system and can last several months; the first-instance court's decision enters legal force when an appeal ruling is issued, though either party may then appeal at the cassational level.

Arbitration courts note that "The application of a specific penalty restricting constitutional law must meet the requirements of justice, [and] be proportionate and appropriate to the nature of the act committed. As the revocation of a licence limits the legal capacity of a legal entity, since it stops it from engaging in a certain type of activity, this measure should also be necessary to protect the economic interests of the Russian Federation, [and] the rights and legitimate interests of consumers and other persons. Therefore, the presence of formal signs of a violation cannot serve as a sufficient basis for a court to make a decision to revoke a licence."

"Deprivation of a licence is an extreme measure used by the state when an organisation through its activities grossly violates the law and threatens society, the state, or citizens," the Moscow Theological Seminary's Deputy Rector Aleksey Markevich commented on Facebook on 27 February 2020. "Apparently the judge saw some kind of threat in our seminary."

Without a licence, an educational institution cannot issue any certificates testifying to a student's satisfactory completion of a course. While it could continue to exist as a legal entity, it could no longer conduct formal, structured, examined educational activity, and would soon be forced to close. Upon losing its licence, an institution is legally obliged to arrange the transfer of its students to equivalent organisations (if they wish).

Apart from the question of certification, having a licence matters because it gives an educational establishment status and legitimacy, a staff member at one of the recently affected institutions told Forum 18 in April 2021. This allows it to attract good teachers and means its graduates are taken more seriously in the outside world.

Without a licence, a religious organisation can teach its own members informally, but if it is found to be conducting any teaching which could be deemed structured or which involves formal tests of knowledge, or if it issues any documentary evidence of completion (ie. the characteristics of legally defined "educational activity"), it could be subject to prosecution for carrying out educational activity without a licence.

Depending on circumstances, this could take place under Administrative Code Article 14.1, Part 2 ("Conducting entrepreneurial activities without a special permit (licence)"), Administrative Code Article 19.20 Part 1 ("Conducting non-profit-making activities without a special permit (licence)"), or Criminal Code Article 171 ("Conducting entrepreneurial activities without registration or without a licence .. if this act caused major damage to citizens, organisations, or the state, or is associated with the generation of profit on a large scale").

Before pursuing full annulment, Rosobrnadzor suspends an institution's licence. This suspension may be lifted if the institution manages to convince Rosobrnadzor that it has dealt with the issues raised by its inspectors. While a licence is suspended, religious education institutions may continue teaching informally, but cannot hold examinations or issue certificates to their graduates, as this would constitute formal "educational activity".

Licences suspended

The Eurasian Theological Seminary's licence was suspended from 9 August 2018 to 10 October 2018, when it was annulled. The Moscow Theological Seminary's licence was suspended between 2 July 2019 and 10 September 2019, and again from 10 October 2019 to its annulment on 22 June 2020.

Rosobrnadzor suspended the licence of the Evangelical-Lutheran Church of Ingria's Theological Institute between 19 February 2020 and 20 April 2020, and again from 23 July 2020.

Rosobrnadzor suspended the licence of the Theological Seminary of the Evangelical-Lutheran Church of Russia between 7 April 2020 and 2 December 2020; it was then obliged to renew it when the arbitration court's ruling in the Seminary's favour entered legal force (see below), but suspended it again in relation to its second "order" on 10 December 2020.

The Baptist Union's Moscow Theological Seminary lost its licence on 22 June 2020, after arbitration courts upheld Rosobrnadzor's request to have it annulled. The education inspectorate argued that the Seminary had failed to eliminate violations identified by its inspection in October 2018. The Seminary insisted that it had done so (https://www.forum18.org/archive.php?article_id=2465).

"Although the Seminary answered all the bureaucratic claims, the [arbitration court] judge decided not to take this into account," Deputy Rector Aleksey Markevich wrote on his Facebook page on 27 February 2020. "For example, the main claim of 'violation' of licensing requirements is the 'incorrect format' of the document describing the workload of teachers, although, according to the law, this format is developed and approved by the educational organisation. And we developed our own by analogy with the format [used by] another university."

Maintaining that the violations inspectors had identified had still not been dealt with, Rosobrnadzor suspended the Seminary's licence on 2 July 2019. It then lodged a suit at Moscow City Arbitration Court on 22 November 2019 to have the licence annulled, which was upheld on 27 February 2020. The Seminary appealed unsuccessfully at the 9th Arbitration Court on 10 June 2020 (after which the ruling entered legal force) and at the Arbitration Court of the Moscow District on 13 October 2020. Throughout this period, the Seminary remained operational, but was unable to issue certificates or admit new students.

Deputy Rector Markevich blamed the Seminary's loss of its licence on "the carte blanche given to the Russian bureaucracy and the lack of an independent judiciary".

Markevich added on 3 March 2020: "I don't believe in conspiracy theory, and I don't advise anyone to believe in it. We do not know who is or isn't behind these unfair decisions regarding our seminary. As I have already written many times, I personally see that the reason for this is the unbridled Russian bureaucracy, which does not act for the sake of any lofty goals, but simply fulfils the commands: 'catch' and 'forbid'. And this does not apply only to Rosobrnadzor."

Rosobrnadzor applied twice to the Arbitration Court of St Petersburg and Leningrad Region with requests to annul the licence of the Theological Seminary of the Evangelical-Lutheran Church of Russia (once for each "order" it issued after inspection). The court refused to uphold its first suit on 28 July 2020. Rosobrnadzor appealed unsuccessfully at the 13th Arbitration Court on 17 November 2020. At this point, the ruling entered legal force and Rosobrnadzor was obliged to renew the Seminary's licence – which it did on 2 December 2020, but suspended it again eight days later in relation to the second order, which it still maintained the Seminary had not fulfilled by the latest deadline of 21 September 2020.

On 30 March 2021, the Arbitration Court of the North-Western District sent the case back for re-examination; it is unknown when this may take place. This means that the Seminary is still in danger of losing its higher education licence.

Rosobrnadzor's second attempt to have the licence annulled was heard on 18 March 2021 and was also refused by a different judge. The inspectorate has the right to appeal within a month of the publication of the full written verdict – that is, by 25 April 2021.

Both first-instance judges dismissed most of Rosobrnadzor's claims as not applying to a distance-learning institution, and concluded: "The materials of the case confirm that, in fact, [the Seminary] took measures to eliminate the violations identified, [and] no evidence of damage to public interests or other negative consequences was presented."

The Seminary's licence remains suspended as the latest court decisions have not yet entered legal force. "At the moment, we are not officially conducting educational activities," Rector Anton Tikhomirov told Forum 18. "However, where possible, we are giving lectures, conducting academic work, and maintaining close contact with our students."

The Rector added that the institution has a flexible graduation timetable, so there are no problems with delays to students' completion of their courses. "The problem is in the usual bureaucracy, which, on the one hand, does not bother itself with a really thorough study of the issue, and on the other, cannot flexibly adapt to new and unusual realities (like distance learning)."

The Seminary is currently completing its move from Novosaratovka to St Petersburg. Because of its change of address, including a change from one federal subject to another, it will in any case need to undergo re-licencing, Rector Tikhomirov pointed out to Forum 18.

On 13 November 2020, the Arbitration Court of St Petersburg and Leningrad Region upheld Rosobrnadzor's request to annul the licence of the Theological Institute of the Evangelical-Lutheran Church of Ingria. This ruling came into force on 6 April 2021 when

the Institute appealed unsuccessfully at the 13th Arbitration Court, according to court records.

While the Evangelical-Lutheran Church of Ingria is itself able to continue teaching informally, it is unable to issue certificates or admit students to diploma courses. The Institute is now planning to appeal at the cassational level. It is also preparing an application for a new higher education licence, as well as one for an additional professional education licence, should that fail.

Obstructing aims for "highly educated, qualified ministers"?

Many religious organisations require their clergy and sometimes other staff to have particular qualifications, for which training in specialised institutions is necessary. The loss of educational licences and consequent impossibility of providing the necessary certificated courses is therefore a serious obstacle to the supply of appropriately qualified staff for religious organisations.

The Baptist Union's strategy and vision document, for example, states that "church pastors and senior presbyters should be highly educated, qualified ministers", and bible studies teachers, Sunday school teachers, preachers, and missionaries should all have higher education. The Church "makes every effort to organise systematic spiritual education at all levels".

Muslim religious life in Russia is governed by many regional and local organisations, which may or may not be part of one of the major federal-level bodies (the Central Spiritual Administration of Muslims of Russia and the Spiritual Administration of Muslims of the Russian Federation). Orenburg Region's Spiritual Administration, for instance, stipulates that clergy serving in its local communities must have received a theological education at an institution run by the Central Spiritual Administration of Muslims of Russia or one of its regional subsidiaries, or must have passed an examination and received a certificate from the Central Spiritual Administration's Russian Islamic University in Ufa. Clergy must also undergo re-certification by the Russian Islamic University every three years.

According to its statutes, candidates for ordination in the Evangelical-Lutheran Church of Ingria must have trained at its own Theological Institute, or have been examined and certified by the Institute after graduation from another institution, or have a certificate of theological education from another institution approved by the Church's Synod.

From higher education to additional professional education

On 2 August 2019, the Eurasian Theological Seminary's founder organisation, the "Church of God" Association of Christians of Evangelical Faith (Pentecostals), registered a new educational institution: the "Religious organisation – Spiritual educational organisation of additional professional education of Christians of Evangelical Faith (Pentecostals) Eurasian Theological Seminary". This received a licence for additional professional education from the Moscow City Department for Education and Science on 7 November 2019. The Seminary was thus able to resume full operations in this new form.

The Seminary initially tried to re-apply for the same higher education licence it had lost in November 2018, but "The answer surprised us greatly", Rector Aleksey Gorbachev told Forum 18 on 16 March 2021. "As we understood later, this answer reflected a decision that specified the place of confessional education in the national education system of the Russian Federation .. that under a licence to train ministers and religious personnel, students cannot study for Bachelor's and Master's degrees".

Gorbachev added that Rosobrnadzor inspectors had told another Christian institution that it could continue to teach students to BA and MA level under a licence for the training of ministers and religious personnel, "but it will not last that long".

"Realising that the managers of the national education system of the Russian Federation have decided finally to separate confessional education from the rest of the national education system, we decided that there was no need for us to work under the supervision of Rosobrnadzor," Gorbachev added.

Noting that degrees from a religious education institution do not allow students to go on to postgraduate study at secular universities, Gorbachev commented: "Why should Christian higher educational institutions, which train ministers, be guided by the standards of national higher educational systems and take on unnecessary obligations to Rosobrnadzor?"

The Seminary now issues certificates for the training of clergy and other religious personnel according to national standards of additional professional education, the Rector explained to Forum 18, but has its theology degrees confirmed by the Euro-Asian Accreditation Association (an international organisation of Evangelical educational bodies which aims to "help educational institutions of Eurasian countries achieve international standards and confirm their academic and spiritual level with appropriate accreditation", according to its website).

In order to resume its full programme of courses, on 28 November 2019 the Baptist Union's Moscow Theological Seminary also established another legal entity: the "Autonomous Non-profit Organisation for Additional Professional Education 'Theological Seminary', Moscow". Moscow City Department for Education and Sciences granted it a licence for "additional professional education" and "additional education of children and adults" on 28 May 2020.

The shift from "higher education" [vyssheye obrazovaniye} to "additional professional training" [dopolnitelnoye professionalnoye obrazovaniye] may have some benefits for religious institutions, which are able to obtain licences for the latter from regional education departments, which "do not create such difficulties" as Rosobrnadzor does, according to Aleksey Gorbachev, Rector of the Eurasian Theological Seminary.

It also clarifies the distinction between theology courses as the secular academic study of religion and as preparation specifically for ordination or other work within a religious organisation, which can include both scriptural and practical elements. A blurring of these understandings appears to have been at the root of many of Rosobrnadzor's claims that institutions were failing to abide by federal state standards.

Compulsory extra training of foreign-educated clergy

On the other hand, this seems likely to cause difficulties for religious organisations which appoint staff and clergy who have trained abroad, who will soon be required to undergo further training at educational establishments which have both a higher education licence and state accreditation.

Seminaries with licences for "additional professional education" (rather than "higher education") will be unable to offer the necessary courses, lawyer Stanislav Kulov of the Slavic Centre for Law and Justice told Forum 18 on 30 March.

Meanwhile, many religious colleges have not so far sought state accreditation; among Protestant institutions, only the Seventh-day Adventist University in the Tula Region is state-accredited.

On 5 April 2021, President Vladimir Putin signed the latest set of amendments to the Religion Law, altered only slightly after religious leaders' criticism of its proposal to oblige clergy educated outside Russia to undergo re-training and re-certification before being allowed to practise in the country. The set of amendments will enter legal force on 3 October 2021, according to government newspaper "Rossiyskaya Gazeta".

Among other changes (https://www.forum18.org/archive.php?article_id=2657), the amendments require that clergy and other staff of religious organisations who have undertaken "educational programmes aimed at training ministers and religious personnel" abroad must receive "additional professional education in the field of the basics of state-confessional relations in the Russian Federation".

In its current form, this requirement will apply only to those who have yet to begin working in Russia. In its earlier draft, it would have applied to all personnel educated abroad, regardless of how long they may have been practising in Russia.

It appears that the requirement will affect both Russian and foreign citizens, and both members of the clergy and non-ordained religious teachers and missionaries. Ostensibly aimed at preventing the importation of extremist ideas, the amendment will nevertheless affect clergy and communities of all religious affiliations, regardless of whether they have ever been accused of involvement in extremist activity (which is itself ill-defined under Russian law).

Before the bill was considered in the Duma, Damir Mukhetdinov, First Deputy Chair of the Spiritual Administration of Muslims of the Russian Federation, argued that re-certification of clergy would not protect believers from extremists. "The bearers of such views are convinced opponents of the very principle of centralising religious activity .. therefore they themselves avoid serving in large and established religious structures," he argued.

How can foreign-educated clergy be given extra training without Russian institutions?

The mandatory extra training must take place in "spiritual educational organisations which are registered in accordance with [the Religion Law] and implement state-accredited basic educational programmes of higher education, or in federal state educational institutions of higher education of the Russian Federation, the list of which is approved by [Rosobrnadzor]". Individuals must then "undergo certification by the governing body (centre) of a centralised religious organisation registered in the territory of the Russian Federation".

It seems likely that this will cause particular difficulties in the light of religious educational institutions' recent struggles to retain their licences and the fact that some – including the flagship institutions of the Baptist Union and the Pentecostal Union – are now no longer licensed for higher education, as the amendment appears to require.

Lawyer Stanislav Kulov commented to Forum 18 on 24 March that the amendments are "replete with vague wording" and may be "safely viewed as unjustified interference in the activities of religious associations by the state and an encroachment on the constitutionally enshrined principle of separating religious associations from the state".

Kulov added: "What are these programmes of additional professional education in the field of the basics of state-confessional relations? Are there many spiritual educational organisations that implement programmes of higher professional education that have

state accreditation?"

"In light of the adopted amendments, the earlier [Rosobrnadzor] inspections, as a result of which a number of Protestant seminaries were deprived of licences that gave the right to implement higher professional education programmes, look like part of some kind of 'repressive' plan to reduce the number of religious educational institutions that have the ability to conduct re-training and re-certification for their fellow believers and clergy."

If a religious community has no educational institutions in Russia, it is unclear where or how its personnel will undergo the extra training, or whether secular universities will be expected to develop the relevant courses to compensate for this. (END)

Full reports on freedom of thought, conscience and belief in Russia
(<https://www.forum18.org/archive.php?query=&religion=all&country=10>)

For more background see Forum 18's survey of the general state of freedom of religion and belief in Russia
(https://www.forum18.org/archive.php?article_id=2246), as well as Forum 18's survey of the dramatic decline in this freedom related to Russia's Extremism Law (https://www.forum18.org/archive.php?article_id=2215)

A personal commentary by Alexander Verkhovsky, Director of the SOVA Center for Information and Analysis
<https://www.sova-center.ru>, about the systemic problems of Russian anti-extremism legislation
(https://www.forum18.org/archive.php?article_id=1468)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments
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