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RUSSIA: How likely are missionary restrictions?

By Geraldine Fagan, Forum 18 (<https://www.forum18.org>)

In early September 2006 Russian Justice Ministry proposals for a draft law, aimed at "Counteracting Illegal Missionary Activity," were published by the Slavic Centre for Law and Justice. The draft proposes wide-ranging restrictions on all "missionary activity." Vladimir Ryakhovsky, a lawyer with the Centre, told Forum 18 News Service this month that he hoped that it would not be considered by the Duma, Russia's parliament, "because it's absurd." Andrei Sarychev, a senior Justice Ministry official, stressed that the draft has no formal status. "It is still a proposal – it hasn't been taken up by the Duma or anything," adding that he did not know who was responsible for it. Stepan Medvedko, a consultant to the Duma Committee on Religious and Social Organisations, told Forum 18 that no such proposals have been taken up by his Committee for Duma consideration. "We are not considering any changes to the 1997 Religion Law right now." He also stressed that the Justice Ministry text was "just a proposal – it hasn't been sent to us so we can't comment on it" and added that all other suggested amendments "have either gradually been rejected or else became no longer necessary."

In early September 2006 Russian Justice Ministry proposals for a draft law, "On the Introduction of Amendments into Several Laws with the Aim of Counteracting Illegal Missionary Activity," were published by the Moscow-based Slavic Centre for Law and Justice. Slavic Centre lawyer Vladimir Ryakhovsky hoped that the draft would not be taken up for consideration by the Duma, Russia's parliament, he told Forum 18 News Service on 7 November. "Because it's absurd – against both common sense and the Constitution. But who would have guessed that the Religion Law would pass in 1997? That the anti-constitutional 15-year rule [under which religious communities must function for 15 years before obtaining legal status] would still be in force today? I don't think it has serious chances – but I'm basing my conclusion on international law and the Constitution. Anything could happen."

The Justice Ministry's draft would introduce wide-ranging changes into the 1997 Religion Law. It proposes a definition of "missionary activity" as that conducted "by religious associations [this term includes unregistered groups] and their representatives with the aim of disseminating and/or popularising their beliefs and/or religious practices and taking place outside houses of worship and their related territory or other places made available to religious organisations."

Anyone intending to conduct such activity would have to notify the local state authorities in advance and carry written authorisation from a religious association. Foreign citizens would have to have professional religious activity stipulated on their visas as the object of their visit to Russia. Missionary activity would not be allowed within 100 metres of places of devotion relating to a different religious organisation and could not be directed at people in "difficult life circumstances" when accompanied with promises to relieve them of their plight.

The 1993 Constitution guarantees the right to disseminate religious and other convictions freely, Vladimir Ryakhovsky pointed out to Forum 18, "and without any conditions attached. Every individual has the right – but here it is undermined by a limit to religious associations. A foreign citizen without a religious work visa would also have to remain silent on the question of belief." He criticised the 100-metre-radius restriction – "we're within 100 metres of an Orthodox church sitting here – the whole of Moscow city centre would be off limits" – and the proposal regarding those in "difficult life circumstances." "Christ's promise – 'come to me all you who labour and are heavily burdened and I will give you rest' – would be illegal."

Several regions have adopted similar local laws restricting missionary activity since that passed by Belgorod in March 2001 and upheld by the Supreme Court in December of the same year. So far they appear to be unenforced, however (see F18News 12 July 2004 http://www.forum18.org/Archive.php?article_id=360). Action against foreign religious workers have more usually taken the form of ad hoc expulsions and visa cancellations (see F18News 7 September 2005 http://www.forum18.org/Archive.php?article_id=644 and 3 May 2006 http://www.forum18.org/Archive.php?article_id=773).

According to Vladimir Ryakhovsky, the Justice Ministry sent its proposals to the government's Commission for Religious Associations in August 2006 – the government, along with the president and parliamentary deputies, having the right to initiate legislation. The Commission responded by recommending that the text be evaluated by religious organisations, he said. "To my knowledge the conclusions of the Moscow Patriarchate and the Pentecostal Union headed by my brother [Sergei Ryakhovsky] were negative."

While maintaining that the Justice Ministry proposals required "serious revision" as "massively deficient" in an interview with the official Orthodox website Patriarchia.ru in August, Moscow Patriarchate lawyer Kseniya Chernega emphasised that the initiative to regulate missionary activity was to be welcomed. She maintained that the sphere of missionary activity in the draft's definition was too broad: "An absurd situation is created - in order to give communion to a sick person at home or to conduct a funeral at a morgue, for instance, a priest would have to submit a whole batch of documents to the relevant state department." Chernega also criticised the requirement for a person to register with the local authorities if intending to conduct missionary activity outside his or her home region, "even for a one-off missionary lecture lasting a few hours." Russian citizens may normally spend up to 90 days in a region as a non-resident without registering. "On becoming familiarised with the text of this draft law," Chernega concluded, "the impression is created that the state intends to 'strengthen control' every year on the pretext of the fight against extremism. This could go as far as creating a system accounting for every individual religious believer."

In a letter to Deputy Justice Minister Oleg Khlupin cited by the official Baptist youth website www.baptistyouth.ru on 18 September, Baptist Union president Yuri Sipko complained that the proposals had not been formally sent to his organisation. He warns that the adoption of the draft would undermine Russian citizens' constitutional right to disseminate their religious convictions freely, and criticises in particular the suggested provisions restricting mission by foreign citizens to those with religious work visas and banning mission to those in "difficult life circumstances": "What about hospice patients? They need God and consolation more than anyone."

At a meeting of the Security Council in October 2005, Justice Minister Yuri Chaika reportedly first called for a reduction in the number of entry visas issued to foreign religious workers and maintained that, particularly with reference to Islam, the number of religious centres in Russia was "out of proportion with demand." Cited by Interfax at a Justice Ministry collegiate meeting in March 2006, he announced that Ministry proposals for the regulation of missionary organisations would be lodged with parliament in the second half of the year.

Speaking to Forum 18 on 9 November, the assistant head of the Federal Registration Service's department dealing with religious organisations [a subdivision of the Justice Ministry] stressed that the Ministry's suggested regulation of missionary activity has no formal status. "It is still a proposal – it hasn't been taken up by the Duma or anything," remarked Andrei Sarychev, adding that he did not know who was responsible for the draft.

The last significant move to alter the 1997 Religion Law was in May 2005, when members of the expert council attached to the Duma's parliamentary Committee on Religious and Social Organisations began to consider four draft amendments recommended by Committee chairman Sergei Popov. The proposals would define the legal term "dissemination of faith" as "missionary activity", allow expert religious analysis other than in connection with state registration, restrict the right to hold events in public places to registered religious organisations, and allow only centralised religious organisations to invite foreign citizens for religious purposes (see F18News 9 June 2005 http://www.forum18.org/Archive.php?article_id=580).

Speaking to Forum 18 on 9 November, Committee consultant Stepan Medvedko confirmed that neither these nor the Justice Ministry proposals have been taken up by his Committee for consideration by the Duma: "We are not considering any changes to the 1997 Religion Law right now." He stressed that the Justice Ministry text was "just a proposal – it hasn't been sent to us so we can't comment on it" and added that all other suggested amendments "have either gradually been rejected or else became no longer necessary."

At the highest level, state representatives have so far resisted Russian Orthodox pressure for legal provision of publicly funded military chaplains. In February 2006, Kommersant daily newspaper reported that the chief military procurator had forwarded such proposals for consideration by the Defence Ministry. Published the same month by Portal-Credo religious affairs website, a draft entitled "On Military Clergy" recognises the historical role of Orthodoxy and respects other, unspecified religions "traditional to Russia." "Counteracting extremist religious trends and sects" (also unspecified) is listed among the tasks of military chaplains, who are to be recommended by the Russian Orthodox patriarch "and the heads of other religious associations traditional to Russia."

In a statement published by Interfax news agency in March, Russia's Council of Muftis argued that "the crude attempt to push through the institution of military clergy is fraught with the gravest consequences for the fate of our multi-confessional army and society as a whole (...) questions of whose faith is 'more correct', who is a 'heretic' or 'sectarian' in barracks (...) could undermine the fighting capacity of the armed forces. Our concern is shared by representatives of all religious confessions - including Christian - apart from the Russian Orthodox Church."

Also cited by Interfax, Vice-premier and Defence Minister Sergei Ivanov spoke in April against the adoption of legal provisions governing the activity of religious personnel in the military. "In individual parts of the armed forces there is a mutual draw - common work - in this area, and no one is preventing it," he remarked. "But I believe it would be wrong to enforce this by law or an order - it should develop naturally." (END)

For a personal commentary by an Old Believer about continuing denial of equality to Russia's religious minorities see F18News http://www.forum18.org/Archive.php?article_id=570

For more background see Forum 18's Russia religious freedom survey at http://www.forum18.org/Archive.php?article_id=509

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<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=europe&Rootmap=russi>

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