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RUSSIAN FEDERATION

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Introduction

1. ADF International is a global alliance-building legal organization that advocates for religious freedom, life, and marriage and family before national and international institutions. As well as having ECOSOC consultative status with the United Nations (registered name "Alliance Defending Freedom"), ADF International has accreditation with the European Commission and Parliament, the Organization for Security and Co-operation in Europe, and the Organization of American States, and is a participant in the FRA Fundamental Rights Platform.
2. This report explains why the Russian Federation must ensure that the right to freedom of religion is fully respected and protected within its borders.

(a) Religious Freedom

3. Russia's religious heritage has been dominated for over a millennium by Eastern Orthodox Christianity, following the tenth-century conversion of Kievan Rus' via the baptism by Byzantine missionaries of Grand Prince Vladimir of Kiev in 988 AD. Russian Orthodoxy was the official religion of all iterations of the Russian state up until the Bolshevik Revolution in 1917, the establishment of the Union of Soviet Socialist Republics (USSR), and the imposition of *de facto* state atheism.
4. Since the dissolution of the Soviet Union in 1991, the situation of religious freedom in Russia has significantly improved, and the Russian Orthodox Church of the Moscow Patriarchate has regained a large measure of its social influence and prestige. Nevertheless, communist-era restrictions on the right to freedom of religion have left a mark on Russia's governance, and the situation for other religious groups remains less favourable, having become increasingly more intrusive in recent years.
5. A 1997 law identifies Christianity (presumably mainly Orthodoxy, followed by Roman Catholicism and possibly certain Protestant confessions), Islam, Buddhism, and Judaism as the four religions of historical and cultural importance to Russia. A conservative estimate places around 40% of the Russian population to be adherents of Eastern Orthodoxy (although other sources have placed this proportion as high as 70%), as well as 6.5% Muslim, 13% atheist, and the remainder a mix of other Christians, traditional Slavic beliefs, Buddhism, and "spiritual but not religious."
6. In 2016, the State Duma passed the so-called "Yarovaya package" comprised of two bills which amended pre-existing counter-terrorism legislation and created new supplementary legislation. The amendments, signed into law by President Vladimir Putin on 7th July of that year, impose penalties of up to six years' imprisonment and fines equal to several years' annual salaries on individuals convicted of "extremism." These amendments were allegedly aimed at cracking down on recruitment efforts

by jihadist groups, but were worded in such a way that missionaries from non-traditional sects would be at risk of being severely limited in their activities.¹

7. These include restrictions on foreign citizens leading worship or preaching without a contract executed under Russian law, restrictive conditions on visa categories available to visitors, and private evangelisation in residential premises.² This particularly affects Protestant groups and Jehovah's Witnesses, who often do not have official premises and meet in the homes of their members on an ad hoc basis.³ It also reportedly restricts promoting one's religion over the internet.⁴
8. It also effectively requires the acquiring of permits by missionaries and prohibits the opening of house churches and the carrying out of religious activities outside of registered houses of worship. At its strictest level of enforcement, it would basically require anyone engaged in evangelisation to carry documents that prove their connection to a registered religious group.⁵ Fines for engaging in missionary work or in sharing one's beliefs can lead to fines of up to US\$765 for Russian citizens and US\$15,000 for organisations, as well as deportation for foreigners.⁶
9. A Protestant pastor of Indian origin, Victor-Immanuel Mani, married to a Russian woman with whom he has a child, was also deported in January 2017 after being convicted of advertising his church on social media, allowing non-members to attend his services held in unregistered premises, and giving religious literature to visiting non-members.⁷
10. Donald Ossewaarde, an American missionary living with his wife Ruth in the city of Oryol, was arrested and charged in August 2016 for conducting "illegal missionary activity" due to holding a prayer service and Bible study in his home after allegedly advertising them on noticeboards in nearby blocks of flats. He was found guilty and fined 40,000 roubles (around US\$600) and is currently appealing the ruling in the European Court of Human Rights, which the Russian government may ignore in the event that the Court rules in Ossewaarde's favour.⁸

¹ Victoria Arnold, *Forum 18*, "Russia: Putin signs sharing beliefs, 'extremism', punishments," 8th July 2016, available at: http://forum18.org/archive.php?article_id=2197.

² Janelle P, *Open Doors USA*, "Passed religious bill in the Russian Federation," 16th July 2016, available at: <https://www.opendoorsusa.org/take-action/pray/passed-religious-bill-in-the-russian-federation>.

³ Victoria Arnold, *Forum 18*, "Russia: Putin signs sharing beliefs, 'extremism', punishments," 8th July 2016, available at: http://forum18.org/archive.php?article_id=2197.

⁴ Kate Shellnutt, *Christianity Today*, "Russia's Newest Law: No Evangelizing Outside of Church," 8th July 2016, available at: <http://www.christianitytoday.com/news/2016/june/no-evangelizing-outside-of-church-russia-proposes.html>.

⁵ Sarah Eekhoff Zylstra, *Christianity Today*, "Russia's Ban on Evangelism Is Now in Effect," 21st July 2016, available at: <http://www.christianitytoday.com/news/2016/july/russia-ban-evangelism-effect.html>.

⁶ Vitaly V. Proshak, *International Mission Board*, "Religious Liberty in the Russian Federation: Church Between State and Society," 2nd January 2017, available at: <https://www.imb.org/2017/01/02/russia-proselytization-laws>.

⁷ Victoria Arnold, *Forum 18*, "Russia: Alleged 'missionary activity' prosecutions continue," 1st March 2017, available at: http://www.forum18.org/archive.php?article_id=2261.

⁸ Victoria Arnold, *Forum 18*, "Russia: Religious freedom survey, January 2017," 13th January 2017, available at: http://www.forum18.org/archive.php?article_id=2246; ADF International, "Russian 'counter-terrorism' law challenged at the European Court of Human Rights," 28th March 2017, available

11. The original version of the Russian law on religion, passed in 1997, did not contain express limitations on sharing one's faith (though some local measures doing so were already in place). In 2012 a law came into force criminalising "offending religious feelings," largely in response to a demonstration by a feminist punk protest group in Moscow's Cathedral of Christ the Saviour. The new restrictions, however, have gone even further than this, and effectively criminalize the existence of unapproved religious groups altogether, as opposed to specific acts considered "offensive."⁹
12. At first, the Russian government did not appear to support further changes, with Deputy Prime Minister Sergei Prikhodko stating earlier in the year that proposed legislation ran the risk of being found unconstitutional by virtue of violating citizens' rights to be free to disseminate their beliefs. As the provisions were eventually bundled within an overall "anti-terrorism" package of laws, however, their passage was ultimately more or less assured.¹⁰
13. The Russian Orthodox Church of the Moscow Patriarchate is specifically exempted from the anti-proselytization provisions, in distinction to every single other religious community resident in Russia (including other churches self-identifying as Orthodox which have been deemed uncanonical, schismatic, or heretical). The concern is that the law is being used to label anyone who does not adhere to the Moscow Patriarchate as an extremist if they actively attempt to spread their beliefs, and that the purported aim of targeting radical Islam is actually undermined as a result due to the inefficient apportioning of resources.¹¹
14. In April 2017, the Supreme Administrative Court ruled in favour of the government's labelling of the Jehovah's Witnesses as "extremists," effectively requiring their St. Petersburg headquarters and almost 400 church buildings to be forcibly liquidated and for all church-related activities to cease. The government took this view on the grounds of testimony from former Witnesses who claimed that the denomination's leaders would take complete control of every aspect of their lives, and that the group was a threat to public order and security. These allegations were denied by the group's legal representatives.¹² In spite of serious theological differences with them, the Catholic Church in Russia spoke out in defence of the Jehovah's Witnesses and

at: <https://adfinternational.org/detailspages/press-release-details/us-missionary-challenges-russian-counter-terrorism-law-at-european-court-of-human-rights>; Laurence Wilkinson, *Forbes*, "The Innocent Casualties of Russia's 'War On Terrorism'," 21st June 2017, available at: <https://www.forbes.com/sites/realspin/2017/06/21/the-innocent-casualties-of-russias-war-on-terrorism>;

⁹ Victoria Arnold, *Forum 18*, "Russia: Putin signs sharing beliefs, 'extremism', punishments," 8th July 2016, available at: http://forum18.org/archive.php?article_id=2197.

¹⁰ Ibid.

¹¹ Fred Lucas, *Newsweek*, "Putin goes to war with Russia's free churches," 23rd July 2016, available at: <http://www.newsweek.com/putin-goes-war-russia-free-churches-482730>.

¹² Amanda Erickson, *The Washington Post*, "Russia just effectively banned Jehovah's Witnesses from the country," 20th April 2017, available at: <https://www.washingtonpost.com/news/worldviews/wp/2017/04/20/russia-just-effectively-banned-jehovahs-witnesses-from-the-country>.

against their branding as “extremist,” due in part to their resolute dedication to non-violence.¹³

15. The OSCE has provided guidelines about the registration and legal personality of religious associations, and has made clear that international human rights law affords protection to religious or belief communities regardless of whether or not they enjoy legal personality. Criminal sanctions for “failure” to register are contrary to international human rights law and religious freedom, and such registration must be made available on a voluntary basis as opposed to a mandatory one.¹⁴
16. All of these issues constitute violations of international human rights law, especially the right to freedom of religion under Article 18 of the ICCPR, including the right to manifest one’s religion or belief in worship, observance, practice, and teaching, as well as the rights to freedom of opinion and expression under Article 19 and the right to freedom of association under Article 22.
17. In order to comply with these international human rights obligations, the Russian Federation must respect the right of all religious individuals and communities, whether they belong to the Orthodox majority or a non-Orthodox minority, to live in peaceful co-existence with each other. Anti-terrorism concerns must not be cynically utilized to crack down on religious groups which have not demonstrated any propensity to violence or criminality under reasonable and justifiable law.

(d) Recommendations

18. In light of the aforementioned, ADF International suggests the following recommendations be made to Russia:
 - a. Remove burdensome and oppressive registration requirements and rescind intrusive governmental practices, including monitoring and raiding, which infringe upon the right to freedom of religion or belief;
 - b. Remove criminal prohibitions on religious or belief communities operating on an unregistered basis, as international human rights law does not allow the enforcement of any such alleged obligation;
 - c. Foster an environment of religious harmony and cooperation, and do not invidiously discriminate against individuals or communities on the basis of their denominational affiliation;
 - d. Cease all restrictions on the right to freedom of opinion and expression, and ensure that the right to manifest one’s religion in private or in public is fully protected and realized; and

¹³ Laurence Wilkinson, *Forbes*, “The Innocent Casualties of Russia’s ‘War On Terrorism’,” 21st June 2017, available at: <https://www.forbes.com/sites/realspin/2017/06/21/the-innocent-casualties-of-russias-war-on-terrorism>.

¹⁴ OSCE/ODIHR, “Guidelines on the Legal Personality of Religious or Belief Communities,” 4th February 2015, available at: <http://www.osce.org/odihr/139046?download=true>.

- e. Repeal all laws which place unjustifiable limitations on the legal ability of religious individuals, especially those who are not members of the Russian Orthodox Church of the Moscow Patriarchate, to evangelize and share their faith with others, and refrain from enforcing any permissible regulatory laws in a discriminatory, inconsistent, and cynical manner.



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