

As discussed in several sessions yesterday – religious freedom regulated by the state.

Two – isms.

Slide 1

Russia just like any country is facing serious terrorist threat that either comes through religion or perceived by the Russian society to be coming through religion.

The concerns that are shared by the Russian general public and Russian legislators alike have generated in the past numerous proposals for changes to the law in order to protect people from this threat. Some of these proposals are being formalized and passed by the Russian Duma as federal laws affecting various elements of the society.

Slide 2

The new Law contains a number of provisions affecting the activities of religious organizations, especially minority religious groups and those associated with foreign religious organizations or that rely on the work of non-Russian nationals.

Slide 3

The new law speaks solely of missionary activity carried out by religious associations directly or on their behalf. Therefore private conversations of the members of the Church with individuals who are not followers of the Church may not be deemed missionary work.

Slide 9

Article 24-2 of the Religious Law going into effect states that foreign nationals who have entered the territory of the Russian Federation at the invitation of religious organization in accordance with Article 20 of this Federal Law shall have the right to carry out missionary work. This provision, however, does not specify under which paragraph of Article 20 they have entered the country.

Court practice

- Ghana citizen and member of Pentecostal Church was fined RUR 50,000 for “illegal missionary activity” that constituted in being in a swimming pool that he leased for a few hours and performance of religious ordinances, including baptism and posting information about his beliefs

- Baptist priest, a U.S. citizen was found guilty of unlawful conduct of missionary activity and fined RUR 50,000. The priest who has been residing in the country since 2005 based on temporary residency permit was detained in his own apartment where the police discovered “an illegal meeting of the group, which gathered for prayer and Bible reading”. The court also accused foreign national of illegally placing invitations to his Bible group in the mailboxes.

In its ruling the court stated that a Bible study in the apartment cannot be considered just a personal profession of faith. The judge has considered a violation of the law that the leader of a

group that did not file an official notification of its establishment in the manner proscribed by the law carried missionary work among people who are not members of the group. Meanwhile the absence of a notification of the group's establishment was considered by the judge as an omission of de facto existing group.

- Head of the Adventist Church LRO was charged with engaging in illegal missionary activities for distributing religious literature to the employees of the city district administration. This distribution was a part of the cultural-spiritual program of the Church where similar sets of Christian literature were set to be delivered to several city district administrations.

- Local authorities demolished playground for members of the Baptist community near their meetinghouse deeming it an "illegal summer camp for minors" without proper personnel and licensing. As a result of the location being in a near proximity to religious building where children could have heard prayers and preaching as well as had access to religious literature the head of the community was fined for illegal missionary activities

- Pastor of the local Protestant community was fined for conducting missionary activity at village festivities where he briefly spoke from the stage citing the Bible twice and blessing everyone present. Apparently his offense was found in the fact that prior to his talk he did not introduce himself as one that has an authority to carry out missionary work.

Positive

- Local court dismissed the case against Krishna follower for conversation with passers-by about religion and giving them religious literature. The court cited the absence of elements of a offense in his actions. It appears that the ruling derives from the fact that the court had hard time establishing a connection between individual's actions and religious organization (only missionary activities of religious organizations are subject to the new law).

This contradicting practice seems to indicate that the interpretation and as a result an application of the law at least in the near future will be formed by court precedents, including those of Supreme and Constitutional courts. Another hope to receive clarifications on the application of the law would be explanatory interpretations from the Constitutional Court that may be issued based on appeals from individuals and religious organizations.

In an attempt to find common grounds Russian Public Chamber has already hosted the meetings between representatives of several religious denominations and the police in order to establish common grounds for administration of the law.

Во многих государствах Европейского Союза есть похожие положения, правила публичной миссионерской деятельности. Однако в настоящее время, по крайней мере, европейские законы в отдельных странах не сопровождаются ксенофобией, борьбой с иностранным западным влиянием и приезжими миссионерами. Даже при наличии исторической конфессии, которую поддерживает государство, приоритетом остается Конституция и Европейская конвенция по правам человека. That is alarming.

Bans on religious activity similar to the ones implemented during Soviet times create the illusion of security from unknown ideology. In fact, the germs of enmity and hatred, resentment and injustice grow after such laws in a geometrical progression. Ordinary believers, Orthodox, Muslims, Protestants, will be forced to be silent, or be fined.