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EXECUTIVE SUMMARY

ADF International is a global alliance-building legal organization that advocates for the right of people to freely live out their faith. 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 Fundamental Rights Agency of the European Union, and the Organization for Security and Co-operation in Europe.

This report outlines the human rights violations taking place in the Russian Federation with respect to Russia’s obligations under the International Covenant on Civil and Political Rights (ICCPR). The report focuses primarily on violations of the rights to freedom of religion (article 18), freedom of expression (article 19), and freedom of association (article 22). Because the examples included in this report indicate discrimination against minority Christian denominations in certain laws and the application thereof, the violations necessarily implicate other rights as well: guarantee of rights without distinction, including on the basis of religion (article 2), equal protection of the law and protection against discrimination on the basis of religion (article 26), and the right of religious minorities to profess and practise their own religion (article 27).

This report focuses on four key issues highlighted in the List of Issues:

- a. Discrimination against minority religions, in particular Christians (LOI para. 27(a));
- b. Anti-extremism measures targeting minority religions (LOI para. 27);
- c. A blasphemy law that hinders the ability of religious organizations to assert truth claims and evaluate other religions (LOI para. 23(c));
- d. Denial of registration of minority religious organizations and the rights that accompany registration (LOI para. 27(b)).

The report outlines three additional issues the Committee should consider in evaluating Russia’s adherence to its human rights obligations:

- e. The offense of failure to notify authorities in advance of holding worship services and the resulting fines;
- f. Forced dissolution of religious organizations at the discretion of the authorities;
- g. Forced termination of social services provided by religious organizations.

The report’s main recommendations to the Committee for the Government of the Russian Federation are:

- **Ensure that people of all faiths are guaranteed the rights to freedom of religion, freedom of expression, and freedom of association under the law and the application thereof;**
- **Recognize that assertion of truth claims and evaluation and criticism of other religions’ truth claims is an essential component of the right to freedom of religion and therefore should not be banned through extremism measures or a blasphemy law;**
- **Ensure that prosecutors, judges, and other authorities do not discriminate against minority religions.**

REPORT

(a) Discrimination against Christian Minorities (arts. 2, 18, 19, 22, 26, 27, LOI para. 27(a))

Special note on the examples presented in this report

1. The Committee must consider the discrimination and persecution experienced by minority Christian denominations in Russia, namely Pentecostals, Baptists, Evangelicals, and other Protestants, as well as Orthodox Christians that are not a part of the Moscow Patriarchate of the Russian Orthodox Church (MPROC), the predominant church in Russia. The examples in this report provide the Committee with evidence of this discrimination.
2. The Moscow-based SOVA Center for Information and Analysis reports that the government and security services most frequently discriminate against Protestant organizations and representatives of new religious movements, as they consider their religious teachings non-traditional and dangerous.¹ All of the examples in this report show a common theme regarding restrictions on freedom of religion: the arbitrary application of broad and vague laws to minority religious traditions, as well as the targeted discrimination against these faiths by prosecutors, judges, police, and other government authorities.
3. To the extent that government authorities discriminate against religious minorities through unequal and arbitrary application and enforcement of laws against them, as seen in the examples throughout this report, articles 2 (guarantee of rights without distinction, including religion), 18 (freedom of religion), 22 (freedom of association), 26 (equal protection of the law and protection against discrimination on the ground of religion), and 27 (the right of religious minorities to profess and practise their own religion) are violated.

Recommendation to the Committee for the Government of the Russian Federation

- Ensure that people of all faiths are guaranteed the rights to freedom of religion, freedom of expression, and freedom of association under the law and the application thereof.

(b) Anti-extremism Measures (arts. 2, 18, 19, 22, 26, 27; LOI para. 27)

Committee actions and reply of Russia

4. The Committee has repeatedly called for the Federal Law on Combating Extremist Activity in its concluding observations (para. 24, CCPR/C/RUS/CO/6; para. 20, CCPR/CO/79/RUS) to be amended. The Committee recommends defining “extremist activity” more precisely so that application of the law is not arbitrary. It also calls on courts to rely on independent experts to determine whether written materials are extremist. The List of Issues at paragraph 27 requests Russia’s response on what it has done to amend the definition of extremism so that it involves violence or hatred.

¹ See SOVA CTR. FOR INFO. & ANALYSIS, FREEDOM OF CONSCIENCE IN RUSSIA: RESTRICTIONS AND CHALLENGES IN 2013 (2014), <http://www.sova-center.ru/en/religion/publications/2014/06/d29645/>.

The Committee also asks Russia to comment on reports that the law is used to curtail freedom of expression and freedom of religion through criminal prosecution of religious groups and banning of their materials.

5. Paragraph 122 of Russia's seventh periodic report (CCPR/C/RUS/7) says that the law "was adopted for the purpose of defending human and civil rights and freedoms, the foundations of the constitutional order and the integrity and security of the Russian Federation." Its response to the List of Issues in paragraph 165 is that Russian law already sufficiently defines extremist activity and that law enforcement agencies and courts properly apply the law. An analysis of the law's definition and recent evidence of the application of the law are discussed below.

Relevant laws

6. Federal Law No. 114-FZ of 25 July 2002 on "Combating Extremist Activity" defines "extremist activity/extremism" as, among other points, "stirring up of social, racial, ethnic or religious discord," and "propaganda of the exceptional nature, superiority or deficiency of persons on the basis of their social, racial, ethnic, religious or linguistic affiliation or attitude to religion."
7. The law must be read in conjunction with provisions of the Criminal and Administrative Codes. Article 282 of the Criminal Code, "Incitement of National, Racial, or Religious Enmity," states,
 1. Actions aimed at the incitement of national, racial, or religious enmity, abasement of human dignity, and also propaganda of the exceptionality, superiority, or inferiority of individuals by reason of their attitude to religion, national, or racial affiliation, if these acts have been committed in public or with the use of mass media, shall be punishable by a fine in the amount of 500 to 800 minimum wages, or in the amount of the wage or salary, or any other income of the convicted person for a period of five to eight months, or by restraint of liberty for a term of up to three years, or by deprivation of liberty for a term of two to four years.
 2. The same acts committed: a) with the use of violence or with the threat of its use; b) by a person through his official position; c) by an organized group, shall be punishable by deprivation of liberty for a term of three to five years.
8. Article 20.29 of the Administrative Code prohibits "mass distribution" and "production or possession for the purposes of mass distribution" of materials on the Federal List of Extremist Materials. Convicted individuals are fined or detained for up to 15 days, and organizations, such as churches, can be fined and be required to cease operation for up to 90 days.

Analysis

9. Russia has not complied with the Committee's recommendation to narrow the definition of "extremist activity". The definition continues to be both vague and overbroad, and the extremism law therefore violates ICCPR articles 18 and 19.

10. ICCPR articles 18(3), 19(3), and 20 outline permissible restrictions on manifestation of religion or beliefs and on expression. Article 18(3) allows restrictions on manifestation of religion or beliefs if prescribed by law and “necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.” Article 19(3) similarly allows restrictions on speech if prescribed by law and necessary “for respect of the rights or reputations of others” or “for the protection of national security or of public order (ordre public), or of public health or morals.” Article 20 calls for prohibition by law of propaganda for war and of “advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.”
11. The Federal Law on Combating Extremist Activity’s prohibitions on expression does not meet these standards. While the law aims to protect national security and maintain public order, primarily through preventing terrorism, in actuality the law is vague and facilitates overbroad prosecutions of individuals and organizations, which suppresses religious expression.
12. The inclusion of “stirring up of social, racial, ethnic or religious discord” allows for the prosecution of a broad array of speech, particularly due to the exclusion of violence as a necessary requirement, as identified in List of Issues paragraph 27. The inclusion of a violence requirement would meet the threshold in ICCPR article 20, allowing prohibition of extremist activity. As noted by the Venice Commission, a Council of Europe body of constitutional law experts that analyzed the law, article 282.2 of the Criminal Code does rightly identify violence and threat of violence as aggravating factors, and the Commission calls on Russia to amend the law to require an element of violence.²
13. The inclusion of “propaganda of the exceptional nature, superiority or deficiency of persons on the basis of their social, racial, ethnic, religious or linguistic affiliation or attitude to religion” ignores a central element of the right to freedom of religion: the importance to many faiths or belief systems of presenting others’ truth claims as incorrect and persuading others of this through preaching and proselytism. Russia must not limit the truth claims of persons or organizations as those limits are not found in international law.
14. This definition also implicates the freedom of association, as it can be used to target and limit the speech of specific churches or religious organizations.
15. The vague definitions violate the principle of legal certainty. The rights-holder does not know when he is engaging in prohibited acts. One cannot know when one’s speech or possession of materials will likely lead to prosecution. An essential component of law is that those subject to a law know how to conform their actions in order to obey the law. Paragraph 25 of Human Rights Committee General Comment No. 34 suggests that a law:

Must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly and it must be

² See Eur. Comm’n for Democracy through Law (Venice Commission), Opinion on the Federal Law on Combating Extremist Activity of the Russian Federation, ¶ 35, 20 June 2012.

made accessible to the public. A law may not confer unfettered discretion for the restriction of freedom of expression on those charged with its execution. Laws must provide sufficient guidance to those charged with their execution to enable them to ascertain what sorts of expression are properly restricted and what sorts are not.

16. As seen in the following section, the broad definition of extremist activity in fact has conferred authorities discretion to determine when speech can be restricted, disproportionately affecting religious minorities.

Application of anti-extremism laws and other anti-extremism measures

17. The text of the Federal Law on Combating Extremism violates the ICCPR. Moreover, examples of how it is applied in practice raise further cause for concern.

Checks on religious organizations for extremist activities

18. Checks on the activities of minority religious organizations are frequent. For example, in spring 2013, there were 528 checks, with investigation of “extremism” the main motivation for the checks.³ Pentecostals claim that in 2013 there were checks on 1,500 Pentecostal communities.⁴ Most anti-extremism investigations do not turn into prosecutions,⁵ but both the threat of a potential investigation and the threat of potential government action after an investigation can seriously hamper the expression and activities of a religious organization, in violation of articles 18, 19, and 22.
19. In 2013, a Pentecostal man, Petr Tkalich, was investigated under article 282 of the Criminal Code.⁶ A member of Rock of Salvation Pentecostal Church, Tkalich criticized the Russian Orthodox Church in a two-part blog post called “Boiling Pot” in 2006. He criticized now-Patriarch Kirill for not citing or displaying the Bible in his state television addresses and said the Bible is not an authority for the “Soviet Orthodox.” On 21 May 2013, law enforcement agents searched his home and seized computer equipment. The blog post found on the computer equipment was then subjected to “psychological and linguistic legal analyses” by “experts.”
20. In 2013, a prosecutor accused a Pentecostal church in the Jewish Autonomous Region in the Far East of extremism because its statutes did not indicate that non-citizens could participate in activities.⁷

³ Geraldine Fagan, *RUSSIA: Why were hundreds of religious organisations checked?*, FORUM 18 NEWS SERVICE, 22 May 2013, http://www.forum18.org/archive.php?article_id=1839.

⁴ SOVA CTR. FOR INFO. & ANALYSIS, *supra* note 1.

⁵ Geraldine Fagan, *RUSSIA: Extremism religious freedom survey, July 2012*, FORUM 18 NEWS SERVICE, 23 July 2012, http://www.forum18.org/archive.php?article_id=1724.

⁶ Geraldine Fagan, *RUSSIA: Catholic and Protestant “extremism”?*, FORUM 18 NEWS SERVICE, 25 Nov. 2013, http://www.forum18.org/archive.php?article_id=1899.

⁷ Geraldine Fagan, *RUSSIA: Government checks on religious organisations seeks “extremism”*, FORUM 18 NEWS SERVICE, 29 May 2013, http://www.forum18.org/archive.php?article_id=1842.

21. On 9 April 2013, the Moscow office of the Catholic charity Caritas was inspected for extremism manifestations but nothing was found. In March 2013 the prosecutor's office inspected a Catholic parish in Saratov Region for extremist activities.⁸

Federal List of Extremist Materials

22. The Federal List of Extremist Materials, started in 2007, lists thousands of works banned after being found extremist by courts. As noted above, federal law prohibits mass distribution and production or possession of materials on the list, but possession of just one copy of a banned text has led to charges.⁹ Courts generally order the confiscation and destruction of extremist materials.
23. On 14 March 2013, a Moscow district court ruled extremist "The True Faith," a Ukrainian-language sermon from 1900 by Metropolitan Andrey Sheptytsky, a candidate for sainthood in the Catholic Church.¹⁰ The sermon was seized during a police raid on the Ukrainian Literature Library in Moscow in December 2010. On 4 October 2013, the sermon was added to the Federal List of Extremist Materials.
24. The Metropolitan, who headed the Ukrainian Greek Catholic Church, gave the sermon to Greek Catholics in a region that is now partly in western Ukraine, and its subject is faith and the Church as a divine rather than a national institution. He claims the Catholic Church is the true church because of the papacy. The sermon does not criticize any other religion and does not call for hatred or violence.
25. No information is available on why the sermon was ruled extremist by the Moscow court, as the court will not make the ruling available. The judge heard the case for only 10 minutes. A spokesman for the prosecutor refused to provide any information to Forum 18, a news source focused on freedom of religion.
26. On 22 June 2012, a city court ruled a breakaway Orthodox publication extremist for criticizing Patriarch Kirill's stance toward the Catholic Church and criticizing the Putin regime. The publication does not incite anyone to do anything against people who follow Patriarch Kirill.¹¹

Recommendations to the Committee for the Government of the Russian Federation

- **Narrow the definition of "extremist activity" to one that requires an element of violence or incitement to hatred.**
- **Recognize that criticism of religions and religious beliefs does not amount to extremism, and that evaluation of religion's truth claims is an essential component of the right to freedom of religion.**

⁸ *Id.*

⁹ Victoria Arnold, *RUSSIA: Further fines for religious literature*, FORUM 18 NEWS SERVICE, 8 Sept. 2014, http://www.forum18.org/archive.php?article_id=1994.

¹⁰ Fagan, *RUSSIA: Catholic and Protestant "extremism"?*, *supra* note 7.

¹¹ Fagan, *RUSSIA: Government checks on religious organisations seeks "extremism"*, *supra* note 8.

- **Ensure that prosecutors do not bring unfounded charges of extremism against religious minorities for criticizing or questioning other religions.**
- **Ensure that local, district, and regional courts follow the same definition and use a uniform and objective process to determine whether an activity or material is extremist.**
- **Ensure that prosecutors and other authorities do not arbitrarily conduct checks on minority religious organizations.**
- **Eliminate the Federal List of Extremist Materials.**

(c) Blasphemy Law (art. 2, 18, 19, 22, 26, 27; LOI para. 23(c))

Committee actions and reply of Russia

27. The Committee, in List of Issues paragraph 23(c), highlights the problematic “blasphemy law” and requests that Russia report on how this law is compatible with Russia’s article 19 obligations to guarantee freedom of opinion and expression, as interpreted in the Committee’s General Comment No. 34 on freedoms of opinion and expression.
28. Russia’s response, in paragraph 141 to List of Issues paragraph 23(c), is that the blasphemy law reflects the importance of state security and conservation of interreligious peace, and points out that other countries have similar laws. These do not justify the law, as discussed below.

Relevant law

29. Russia’s Federal Law No. 136-FZ of 29 June 2013 on “Amending Article 148 of the Russian Criminal Code and Certain Legislative Acts of the Russian Federation in order to counter the actions offending religious beliefs and feelings of citizens” is known as the “blasphemy law.” This law entered into force in July 2013, amending Criminal Code article 148 and punishing “public acts that manifest patent disrespect for society and are committed with the aim of offense to the religious feelings of believers.”¹²
30. Violation of this provision in places of worship can result in up to three years imprisonment, up to three years of forced labour, and fines of up to three years of the offender’s salary. Violation in places other than places of worship can result in fines of up to 300,000 rubles or up to two years of salary, forced labour for up to one year, or up to one year imprisonment.
31. The blasphemy law also punishes damage of religious literature or religious symbols, as well as obstruction of religious activities.

¹² *Russian upper house passes bill to punish offense to religious feelings (updated)*, INTERFAX, 26 June 2013, <http://www.interfax-religion.com/?act=news&div=10585>.

Analysis

32. According to the United States Commission on International Religious Freedom (USCIRF), three cases were charged under the law in 2014.¹³ It is unclear how the blasphemy law was enforced and how it will be enforced in the future. However, to answer the Committee's request, the law is not compatible with Russia's obligations to guarantee freedom of opinion and expression under ICCPR article 19.
33. Paragraph 48 of the Committee's General Comment No. 34 explicitly states,

Prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant, except in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant. Such prohibitions must also comply with the strict requirements of article 19, paragraph 3, as well as such articles as 2, 5, 17, 18 and 26. Thus, for instance, it would be impermissible for any such laws to discriminate in favour of or against one or certain religions or belief systems, or their adherents over another, or religious believers over non-believers. Nor would it be permissible for such prohibitions to be used to prevent or punish criticism of religious leaders or commentary on religious doctrine and tenets of faith.
34. International law allows restrictions on speech if prescribed by law and necessary in a democratic society. However, blasphemy laws the world over have consistently been shown to fall foul of these criteria.
35. First, like the anti-extremism law, the blasphemy law lacks legal certainty. People do not know when their speech will violate the law because it is unclear what "offense to the religious feelings of believers" entails.
36. Because it lacks specificity, the blasphemy law effectively allows the State to choose when blasphemy has occurred, leading to selective enforcement and prosecution of the law. Court rulings on what are essentially religious disputes will likely be influenced by the inclinations of judges. As there is no objective standard for when the "religious feelings of believers" are offended, this could be used as a justification for quashing views that dissent from majority or government-held positions, and for protecting certain religious beliefs.
37. As it is written, the law seems to allow someone who is offended by critical speech to bring a claim. Such offense is subjective, and the number of claims could in theory be immense. This leads to increased limitations on the freedom of speech. A fundamental component of the freedom of religion is the discussion of truth claims. That necessarily involves evaluating what various religions say is true, which can include criticism.
38. Second, the purposes of the blasphemy law are not legitimate. Although the purpose of the law, as stated in paragraph 141 of Russia's reply to the List of Issues, is to conserve interreligious peace, this purpose does not allow suppressing speech that

¹³ See U.S. COMM'N ON INT'L RELIGIOUS FREEDOM (USCIRF), ANNUAL REPORT 2014 143, *available at* <http://www.uscirtf.gov/sites/default/files/USCIRF%202014%20Annual%20Report%20PDF.pdf>.

questions or criticizes religious beliefs, which the law risks doing if people are too afraid they will be prosecuted to speak. In fact, likely selective application of the law would favour majority religions and further suppress minority religions, leading to religious strife.

39. Russia also states in its response that other countries have blasphemy laws to ensure people's rights to freedom of religion and protection of religious beliefs. Most countries that still have blasphemy laws do not use them, and the blasphemy laws that are in use likewise violate article 19 of the ICCPR and do not protect people's rights.
40. Third, the blasphemy law does not limit speech in a way that falls within any of the legal prohibitions required by international law.

Recommendations to the Committee for the Government of the Russian Federation

- **Repeal the blasphemy law in its entirety.**
- **Protect and promote broad rights of freedom of opinion and expression, and ensure that local authorities likewise respect these rights by not selectively enforcing the law against minority religious traditions.**

(d) Denial of Registration of Religious Organizations (arts. 2, 18, 22, 26, 27; LOI para. 27(b))

Committee actions and reply of Russia

41. The Committee calls on Russia in paragraph 27(b) of the List of Issues to explain its refusal to re-register some minority religions.
42. In paragraph 167 of its response to the List of Issues, Russia states that as of 1 October 2014 there are 27,315 religious organizations, and that there are exhaustive grounds for denial of registration in article 12 of Federal Law No. 125-FZ of 26 September 1997 on "the Freedom of Conscience and Religious Associations." This answer does not specifically address why minority religious groups are often denied registration as religious organizations.

Relevant law

43. To obtain legal personality and get such rights as opening bank accounts, hiring staff, owning property, developing religious material, carrying out charitable work, and establishing educational institutions, houses of worship must be registered as religious organizations, the requirements for which are listed in the 1997 Religions Law. To become a religious organization, a group must have been in existence for 15 years or more in a given territory, confirmation of which comes from the local administrative authority, and must have 10 or more Russian nationals.
44. The law also requires re-registration of religious organizations that were registered under Soviet Union laws.

Examples

45. Registration and re-registration are notoriously difficult for minority religions, and groups that are not registered are considered “religious groups” and do not have legal personality.
46. USCIRF reports that some Protestant churches and new religious movements had to submit more data or were refused registration.¹⁴ In 2006, the Salvation Army, denied re-registration, took its case to the European Court of Human Rights (ECtHR) and won,¹⁵ and Russia complied and allowed its re-registration. Yet a successful Church of Scientology appeal to the ECtHR in 2007 to get registration¹⁶ has not been followed, nor has a 2009 ECtHR ruling that Russia violates the European Convention on Human Rights (ECHR) by requiring local religious organizations to have met for 15 years before being able to register if they are not a branch of a centralized organization.¹⁷
47. In 2010, the ECtHR also ruled that Jehovah’s Witnesses must be re-registered,¹⁸ but Russia has not complied. An Armenian Catholic parish in Moscow has also been denied registration.
48. Failure to register, even if registration is denied by the authorities, has serious consequences. For example, in 2010, a Catholic church in Kaliningrad was given to the MPROC despite Catholics’ 20-year effort to regain title to the church.¹⁹

Analysis

49. The 15-year rule limits the freedom of association in the exercise of religion and thus is subject to articles 18(3) and 22(2), which limit restrictions on those freedoms. There is no clear justification for such a significant burden on the fundamental right to freedom of religion.

Recommendations to the Committee for the Government of the Russian Federation

- **Repeal the 15-year requirement for registration of religious organizations.**
- **Ensure that new religious groups and minority religions are able to register and re-register, allowing them to obtain legal personality and enjoy the extensive rights afforded to religious organizations.**

¹⁴ See USCIRF, ANNUAL REPORT 2013 256, *available at* [http://www.uscifr.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20\(2\).pdf](http://www.uscifr.gov/sites/default/files/resources/2013%20USCIRF%20Annual%20Report%20(2).pdf).

¹⁵ See *Moscow Branch of the Salvation Army v. Russia*, App. No. 72881/01, 5 Oct. 2006.

¹⁶ See *Church of Scientology Moscow v. Russia*, App. No. 18147/02, 5 Apr. 2007.

¹⁷ See *Kimlya and Others v. Russia*, App. Nos. 76836/01 & 32782/03, 1 Oct. 2009.

¹⁸ See *Jehovah’s Witnesses of Moscow v. Russia*, App. No. 302/02, 10 June 2010.

¹⁹ USCIRF, ANNUAL REPORT 2013, *supra* note 15, at 256.

(e) Failure to Notify Authorities of Holding Worship Services and Resulting Fines (arts. 2, 18, 19, 21, 22, 26, 27)

Relevant laws

50. Article 16.2 of the 1997 Religions Law, in conjunction with Federal Law No. 54-FZ of 19 June 2004 on “Assemblies, Meetings, Demonstrations, Marches and Picketing,” requires providing authorities advance notice of holding worship services if they take place somewhere other than religious buildings, private residences, and “places made available to religious organisations for [worship] purposes.”
51. Article 20.2 of the Administrative Code lists fines for violating “the established procedure for organising or conducting a gathering, meeting, demonstration, procession or picket,” found in the 2004 Demonstrations Law. In June 2012, the fines were raised tenfold.

Examples

52. Failure to provide advance notice of holding worship services is enforced especially where officials are hostile to faiths that do not follow the legal requirements. Religious leaders have been prosecuted for not notifying the authorities in advance of holding religious services at privately rented spaces, which should be included under the exception of “places made available to religious organisations for [worship] purposes.” Even landlords who rent space for religious services are pressured by the authorities.
53. In July 2012, in the North Caucasus, the police raided the Revival Pentecostal Church’s service at a rented hall. Police inspected the building and the worshippers’ identity documents, and charged Pastor Aleksandr Kravchenko with a violation of Administrative Code article 20.2. After being found guilty, he was fined 10,000 rubles, and the hall owners increased the rent for his church’s services.
54. Baptist preacher Aleksandr Bannykh was fined 20,000 rubles in Buzuluk on 8 November 2013 for preaching, distributing New Testaments, and holding public worship over several days, activities he believes the Bible commands.
55. Police accused Pentecostal pastor Vasily Romanyuk of holding an “unapproved meeting” on 9 September 2012 at the site of his former Moscow church, Holy Trinity, which had been bulldozed by authorities on 6 September. Workers who refused to identify themselves and who were accompanied by the police demolished the church in the middle of the night.²⁰ The church had been registered with the Soviet authorities in the 1970s, but the city forced it out of its building in 1995, and then refused to allow the replacement building to be connected to water, electricity, and sewage. The city had approved the plot of land for the church in 1992, but then authorities refused to allow the church to build on that plot. In 2010, a prosecutor successfully sued the church to remove construction from the site, and the Supreme Court upheld the lower court ruling in 2011. Another court ruled the church had to pay the city a large fine for unlawful land use.

²⁰ Geraldine Fagan, *RUSSIA: Shock at Moscow church demolition*, FORUM 18 NEWS SERVICE, 6 Sept. 2012, http://www.forum18.org/archive.php?article_id=1738.

Analysis

56. As provided by law, advance notification is not required for holding worship services at places of worship and in places made available for worship, which should include spaces rented for worship services. Therefore, prosecution and conviction of Protestant pastors for failure to provide such notification in these circumstances is targeted discrimination against Protestants, in violation of articles 18 (freedom of worship), 21 (freedom of peaceful assembly), and 22 (freedom of association). Because the law does not make it clear that providing advance notice is required in these circumstances, churches are not on notice that they will be prosecuted for not doing so.
57. Further, the fines pastors and churches are forced to pay, for offenses they are not aware they have committed, are an undue burden on their rights under these articles. The fines cripple churches' and pastors' ability to operate.

Recommendations to the Committee for the Government of the Russian Federation

- **Ensure that prosecutors and courts do not broaden existing law to shut down the worship services of churches.**
- **Repeal the significant increase in fines for failure to provide advance notice.**

(f) Dissolution of Religious Organizations (arts. 2, 18, 22, 26, 26, 27)

Relevant law

58. Section 14.1 of the 1997 Religions Act allows for the dissolution of a religious organization "by a judicial decision in the event of repeated or gross violations of the provisions of the Russian Constitution, of this federal act or of other federal acts."
59. Section 14.3 allows prosecutors, the federal registration authority and its regional offices, and local self-government authorities to apply to a court for the dissolution of a religious organization.

Examples and European Court of Human Rights analysis

60. The Biblical Centre of the Evangelical (Pentecostal) Christians of the Chuvash Republic, registered in 1991 as a religious organization, founded a Biblical College and a Sunday school, both unregistered, in 1996.²¹ The Sunday school was an unstructured, parent-led time of reading the Bible and instruction during the adult worship service. The Biblical College trained students free of charge in a number of Christian ministries and professions.
61. A prosecutor filed a claim for dissolution of the Centre, based on inspection findings of fire and sanitation violations, as well as allegations that the Centre was conducting educational activities without a licence. The prosecutor admitted the initial inspection

²¹ This background information is found in the 2014 ECtHR case *Biblical Centre of the Chuvash Republic v. Russia*.

was to investigate extremist activities. During proceedings, a Federal Registration Service representative stated that Orthodox parishes in the area were entitled to have Sunday schools due to the “standard Orthodox statute.”

62. On 3 August 2007, the Chuvash Republic Supreme Court ordered the dissolution of the Centre. On 16 October 2007, the Supreme Court of the Russian Federation dismissed the Centre’s appeal.
63. On 12 June 2014, the ECtHR ruled in favour of the Centre.²² The ECtHR held that Russia violated article 9 of the ECHR, interpreted in light of article 11. Article 9 closely tracks ICCPR article 18, and article 11 closely tracks ICCPR articles 21 and 22.
64. The ECHR stated that dissolution of a religious community interferes with the right to freedom of religion in light of the right to freedom of association.²³ The Russian courts’ apparent objectives of protecting the health and rights of others could be legitimate aims under the ECHR, but the immediate dissolution of the Centre required serious justification.²⁴ The Court found the Russian courts’ reasons insufficient.²⁵ The church operated the Biblical College and Sunday school for more than 10 years without a licence, and other religious organizations in the area did not have a licence for Sunday school, so the Centre’s dissolution was not foreseeable enough for it to adjust its conduct in accordance with the law. The Centre was also not given time to remedy its sanitation and hygiene violations.
65. The ECtHR found that authorities could have asked for less extreme measures, such as reorganization of the Sunday school and Biblical College.²⁶ It also found the dissolution stripped the Centre of its legal personality and the rights associated therewith, which are central to the exercise of the right to manifest religion.²⁷ Thus, “a group of Pentecostal Christians who were its members were divested of the right to manifest their religion in community with others and to engage in the activities which are indispensable to their religious practice.”²⁸
66. The ECtHR also considered Section 14 of the Religions Act problematic because it only provides courts the sanction of forced dissolution, rather than smaller sanctions of warnings or fines, and this could be used regardless of the seriousness of the offense committed.²⁹
67. Given the similarities between the relevant provisions of the ECHR and the ICCPR, using the analysis of the ECtHR, Russian authorities’ actions towards the Centre also violated the ICCPR.

²² See *Biblical Centre of the Chuvash Republic v. Russia*, App. No. 33203/08, 12 June 2014.

²³ *Id.*, ¶ 52.

²⁴ *Id.*, ¶ 54.

²⁵ *Id.*, ¶ 57.

²⁶ *Id.*, ¶ 59.

²⁷ *Id.*, ¶ 60.

²⁸ *Id.*

²⁹ *Id.*, ¶ 61.

68. Similarly, in March 2014, Harvest Pentecostal Church in St. Petersburg was dissolved for allegedly conducting educational work without a licence.³⁰ In May 2013, authorities performed an unannounced extremism check on the church, although this was reported to be pretext for another purpose. The church paid fines for fire and sanitary violations and renovated its premises, but then the pastor was summoned to a liquidation hearing on the grounds of providing general, rather than religious, education without a licence, since children and educational literature and equipment were at the church during the inspection. The church claimed it was not involved in the teaching in the classrooms on its premises, but that it was done in the children's pastor's spare time.
69. The Supreme Court denied the church's appeal on 5 March 2014. The church had argued that the prosecution failed to prove the church was engaged in unlawful activities and failed to ignore the church's written agreements with the children's pastor. The church's lawyer, from the Slavic Centre for Law and Justice, stated that the prosecution sought the most extreme punishment—liquidation—rather than simply requiring the church end the allegedly illegal activities. Liquidation means the church ceased to exist as a legal entity, and was then unable to own or rent property. If it continued as a religious group, as opposed to a religious organization, a distinction made in the 1997 Religions Law, it would have fewer rights.

Recommendations to the Committee for the Government of the Russian Federation

- **Amend section 14 of the 1997 Religions Act to provide for minor sanctions against religious organizations, including issuance of warnings and fines.**
- **Ensure that liquidation of religious organizations is only pursued as a remedy of last resort after the commission of serious crimes.**
- **Provide minority religious organizations with the same rights as majority religious organizations, such as the right to operate Sunday schools and religious education colleges without a licence.**

(g) Forced Termination of Drug and Alcohol Rehabilitation Work (arts. 2, 18, 22, 26, 27)

Examples

70. According to Forum 18, Protestant churches that engage in social work, such as drug and alcohol rehabilitation, are sometimes targeted by prosecutors and courts for

³⁰ Victoria Arnold, *RUSSIA: St Petersburg church liquidated, Rostov and Chelyabinsk drug and alcohol rehabilitation targeted*, FORUM 18 NEWS SERVICE, 26 Mar. 2014, http://www.forum18.org/archive.php?article_id=1943.

closure due to “unlawful” activity,³¹ often involving forced dissolution as in the above cases.

71. In late 2013, Exodus Pentecostal Church in Taganrog in the Rostov region ceased its drug and alcohol rehabilitation work because of alleged fire and sanitation violations that resulted in a civil court case. The church ended this work after charges were brought.
72. On 17 January 2014, a Baptist rehabilitation centre in Krasny Luch was inspected by police, migration officials, and sanitation officials without a search warrant.³² The inspectors did not find evidence of what they were looking for, including illegal detention, forced manual labour, drug possession, and illegal business activities, but still took the patients to the police for questioning for over five hours. No charges were brought.
73. On 26-27 March 2013, officials inspected another Baptist-run rehabilitation centre in Duvanovka, and allegedly found the centre was unregistered, violating sanitary regulations, and operating without a licence or qualified staff for medical and pharmaceutical work. A district court ruled on 4 June 2013 that the church should be closed. A regional court overturned the ruling on 22 August because the church was a religious group and the law on registration did not apply, and there was no evidence that the centre provided medical or pharmaceutical services. Authorities had already inspected the centre again in summer 2013 and checked the identity documents of all present. On 22 March 2014, they again inspected the centre and brought all present in for questioning, without a court order.
74. On 28 February 2014, officials inspected a rehabilitation centre run by Exodus Church, a New Generation Charismatic Church, in Chelyabinsk. The inspectors looked for evidence of illegal detention of addicts and they removed residents and seized computer equipment and religious literature. The church says it is not detaining addicts without their consent. As of 26 March 2014, the case is still under investigation.

Analysis

75. While legitimate fire, health, and sanitation violations should be remedied, they should not be used as means to force cessation of Protestant churches’ social work. This denies Protestants the rights to manifest their religion and to associate freely through offering social services as a church body, in violation of ICCPR articles 18 and 22.

Recommendation to the Committee for the Government of the Russian Federation

- **Ensure the freedom of religious organizations to carry out social work without arbitrary or excessive interference of the authorities.**

³¹ See Geraldine Fagan, *RUSSIA: Alternatives to “extremism” charges to punish freedom of religion or belief*, FORUM 18 NEWS SERVICE, 2 Dec. 2013, http://www.forum18.org/archive.php?article_id=1902.

³² Arnold, *RUSSIA: St Petersburg church liquidated, Rostov and Chelyabinsk drug and alcohol rehabilitation targeted*, *supra* note 31.