

# CRS Report for Congress

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## Russia's Religion Law: Assessments and Implications

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### Summary

This short report provides an overview and assessment of the Russian religion law. On September 26, 1997, Russian President Boris Yeltsin signed the religion bill into law, and implementing regulations were promulgated in early 1998. The Administration and Congress have raised concerns that the law may restrict religion and have urged Russia to uphold its international commitments to religious freedom. The FY1998 Foreign Aid Appropriations Act (P.L. 105-118) prohibits Freedom Support Act aid to Russia unless the President determines and certifies that the Russian government has not discriminated against religious groups in violation of its international commitments. The determination was released on May 26, 1998, finding that Russia has not violated such commitments, but that U.S. officials would continue to monitor the situation.

### Background

Since the collapse of the Soviet Union in 1991, most people in Russia have eschewed atheism and professed at least nominal adherence to a religious faith. Although most Russians profess to be Russian Orthodox, there has been an explosive growth in membership of other faiths, including those relatively new to Russia, and in the work of foreign missionaries. Faced with this activity, the Russian Orthodox Church has been at the forefront in lobbying the Russian government and legislature to impose restrictions on what it widely defines as "false faiths." Many hardliners, ultranationalists, and others in Russia also have argued that many faiths and foreign missionaries threaten Russia's "traditional" cultural and religious values. Elements of the Russian government have been sympathetic to these views. The Russian Ministry of Health issued a report warning that there are 6,000 sects in Russia, and the ministry set up a service to aid "victims" of these sects. The Interior Ministry (MVD), as part of its anticrime efforts, declared that several sects were involved in criminal acts and would be closely monitored.

**Passage of the Religion Bill.** In the latest of several attempts to amend the existing, relatively liberal, 1990 religious law, Communist deputy Viktor Zorkaltsev and the government co-sponsored a bill "On Freedom of Conscience and Religious Association"

which received its “first reading” (introduction) in July 1996. The bill was criticized by Yeltsin in September 1996 as unconstitutional. The Committee on Affairs of Public Associations and Religious Organizations, chaired by Zorkaltsev, continued work on the bill, however, and in June 1997 reported it to the floor for its “second reading” (substantive debate). Zorkaltsev stated that the bill, totally recast as a replacement to the 1990 law, would introduce state control over “pseudoreligious” and “destructive cults,” which are “tearing the fabric of society.” The bill was quickly and overwhelmingly approved by the legislature, but Yeltsin vetoed it on July 22, 1997, rather than sign it into law. As he explained, the bill did not respect constitutional provisions prohibiting the government from giving preferences to one faith or another, and did not accord with Russia's international commitments. However, he also agreed that a strong law was needed “to protect the moral and spiritual health of Russian citizens and put up secure barriers against the infiltration of radical religious sects.” Zorkaltsev and some other Duma leaders denounced Yeltsin’s veto as allowing Western influences to “trample on Russia” and “brainwash the younger generation,” alluding to political and generational divisions in Russia which also animated advocacy for the bill.

Advocates of the bill strongly urged Yeltsin to soften his objections. In talks between Yeltsin and Orthodox Church Patriarch Alexey II on August 6, 1997, Yeltsin reportedly agreed to support major provisions of the bill backed by the Patriarch. Andrey Loginov, presidential advisor on domestic affairs and executive secretary of the presidential Council on Relations with Religious Associations, played a primary role in guiding the deliberations within the government. According to reports, at a meeting in early September 1997, the Council managed to get several representatives of minority faiths to sign a memorandum that Loginov represented later as indicating their support for the presidential draft. However, the draft that reached Yeltsin did not take the concerns of the Catholic, Pentecostal, Baptist, and Adventist emissaries into account, according to a letter they later sent to Yeltsin. On September 4, 1997, Yeltsin approved the draft and sent it to the legislature for its perusal. The bill had few substantive changes from the earlier version he had vetoed. The State Duma overwhelmingly approved the presidential draft with few changes, the Federation Council unanimously followed suit, and the bill was signed into law by Yeltsin on September 26, 1997

**Key Features.** The main characteristics of the law are as follows. (Some characteristics that raised initial Western concern appear to have been partly addressed in an informal fashion during early implementation -- see below.)

- It affirms the separation of church and state and freedom of religious opinion, including nonbelief. The preamble mentions Islam, Buddhism, Judaism, and “Christianity” as part of Russia’s heritage. However, it also highlights “the special role of Orthodoxy in the history of Russia and in the establishment and development of its spirituality and culture.” Beyond mentioning “Christianity,” the preamble does not cite other faiths long practiced in Russia, such as Roman Catholicism, Baptism, or Pentecostalism.
- The bill requires the registration of all religious associations by December 31, 1999, by local and central offices of the Ministry of Justice. A congregation must register at the local level. A faith that has congregations in two or more regions or republics, which often occurs, must also register with the central Justice Ministry.

- The bill affirms the 1990 law in distinguishing between “religious groups” and “religious organizations,” but changes registration requirements and the rights of the former. “Religious organizations” are those that have been registered by the Russian government. In order to be registered, a group must prove that it has existed in Russia for at least the past fifteen years. Groups existing for at least fifty years with congregations registered in at least half of the 89 federal subunits, or if ethnically-based, in at least three subunits, are accorded the special status of “All-Russian religious organizations.”
- If registration is denied, the rights of a religious association are circumscribed to those allowed to “religious groups,” or it may even be banned by court order. “Religious groups” may choose whether to inform the authorities about their “formation and commencement of activity,” depending on whether they seek later to become “religious organizations.” “Religious groups” are forbidden to own property, publish religious literature, host foreign guests, set up schools, or carry out charitable work, among other restrictions.
- A change introduced by Yeltsin (Article 27(3)) permits religious associations that cannot prove through “documentation” that they have existed for fifteen years in Russia to appeal for provisional, yearly registration. If granted, they are allowed to conduct charity work, but the law otherwise treats them as “religious groups” prohibited from carrying out many activities.
- Besides the requirement that a “religious organization” show that it has existed for fifteen years, registration is dependent on governmental approval of the aims and activities of the group. A group will not be registered if it does not abide by all provisions of the constitution and laws or if its petition “contains information that has not been confirmed” (does not reflect what the government views as the real aims and activities of the group).
- The new law allows a foreign “religious organization” to open offices in Russia upon the approval of the authorities. However, they are forbidden to engage in any “cultural and other religious activity.” If a Russian “religious organization” wishes to sponsor a foreign group, it must provide the government with the charter and confirmation of the group’s legality abroad, spell out the purpose of the group’s activities in Russia, and disclose its beliefs, history, and practices.

**Areas of Concern.** Some features of the bill appear unobjectionable, including provisions restating a Constitutional provision that alternative service be provided for conscientious objectors, and proclaiming the protected status of the confessor-confessee relationship. The bill also states that, if a religious association is denied registration, it can appeal the decision in court. Once a “religious organization” is registered, it has legal rights to own buildings, hold meetings, publish literature, run schools and businesses, and carry out charitable work within the territory where it is recognized to operate.

On the other hand, religious rights concerns are heightened by vaguely written and contradictory provisions that appear to greatly increase the role of the government in regulating religious practice. The Keston Institute, a U.K.-based religious rights organization, suggests that religious associations will be increasingly vulnerable to the caprice and graft of central and local Russian bureaucrats. All religious associations

must report to the authorities, except those groups never intending to seek the full rights accorded by registration. Reports include changes in a “religious organization’s” charter or activities, and a report every two years to renew its registration.

Expert councils composed of representatives of privileged faiths will help judge the registration materials as necessary, furthering the possibility of bias against some faiths. Registration may be denied or revoked, and religious groups may be proscribed, based on a broad but vague list of offenses that some also warn may single out some faiths, including violating public order, promoting “religious enmity,” using drugs and “hypnosis” in services, performing lewd and “illegal” actions, and promoting non-medical forms of healing. Offenses are referred to the courts, which may order the “liquidation” or “prohibition” of the faith and possible prosecution of its members. Other provisions seem to restrict the freedom of a religious association to disseminate its faith to non-members, especially minors, or to set up new congregations where it is not already registered.

Opponents of the law have pointed to language that seems to give special status to certain faiths as violating the Constitution. Article 14 of the Constitution stipulates that “religious associations are separated from the state and are equal before the law,” and Article 19 prohibits the restriction of citizens’ rights on the grounds of religious affiliation. Article 28 stipulates that “each person is guaranteed freedom ... to choose, hold, and disseminate religious and other convictions and to act in accordance with them.” Opponents of language that seems to give special status to certain faiths also can point to the Constitution's Article 29, which prohibits propaganda of religious supremacy. Many in Russia and elsewhere have criticized the law’s apparent violation of Russia’s international commitments, including the Helsinki Final Act and Vienna Concluding Document, the European Convention on Human Rights, and the International Covenant on Civil and Political Rights.

The provision requiring that foreign representatives may not engage in religious activities threatens to restrain the over 4,000 foreign missionaries working in Russia. The provision that all “religious organizations” be headed by and composed of Russian citizens or permanent legal residents may affect some faiths where the parent church or center is abroad or where local congregations are headed by or composed of foreigners. Even some groups able to prove their existence for more than fifteen years in Russia, such as some Anglican parishes, may face problems. In such cases, a congregation must have the foreign center provide Russian authorities with its charter and a confirmation of its legality by the home government. The provision that “religious groups” may only be composed of citizens seems to restrict religious observance by non-citizens.

In January 1998, regulations for reviewing applications for registration of branches of foreign religious associations were promulgated, followed in March by regulations for other religious associations. Disappointingly to many in the West, the regulations closely follow the letter of the law. Guidelines for implementation issued by the Justice Ministry provide a more liberal interpretation of the law and regulations, but the guidelines are not legally binding. The guidelines suggest that most religious organizations registered under the 1990 law should be re-registered, that the 15-year rule not apply to centralized religious organizations and their branches, and that unofficial documents such as news clipping may be used to satisfy the 15-year rule. Some registration decisions made by mid-1998 have eased some concerns about how harshly the law would be implemented.

These registrations include those of Pentecostal, Roman Catholic, and Mormon groups. However, it is unclear whether all faiths will receive similar treatment. Schismatic and independent religious associations that cannot meet the 15-year rule may be discriminated against, since they eschew affiliation with centralized religious organizations.

About one-third of Russia's federal subunits have passed laws restricting certain religious activities. While the new federal law supersedes local laws, it also provides a major role for the localities in judging whether groups should be registered. While many observers have suggested that the law may not be implemented in a harsh fashion in Moscow and other major urban areas, some localities may view the new law as a "green flag" to restrict religious activities of which they disapprove. According to the Keston Institute, evidence during early 1998 indicates that foreign missionaries have not yet generally suffered restrictions on their activities, though some Russian minority faiths have suffered harassment at the local level. Keston warns that increased religious discrimination and repression remain possible as long as the law and its implementing regulations remain in force. Several individuals and groups have asserted that they will petition Russia's Constitutional Court to examine and overturn objectionable parts of the law (such as Article 27(3)). Critics note that, during the Soviet period, vague religion laws were interpreted liberally or restrictively depending on political expediency, and warn that the current law similarly falls short of rule of law standards.

## **U.S. Response**

The United States has generally praised religious freedom in Russia while closely monitoring Russian behavior and urging it to abide by international human rights commitments. During the April 1996 U.S.-Russia Summit in Moscow, President Clinton stated that "it is a real sign of the health of the Russian democracy that religion is respected and people are free to pursue it and express their honest convictions." In November 1996, the Administration formed an Advisory Committee to the Secretary of State on Religious Freedom Abroad, which has counseled the Administration on the ramifications of the passage of Russia's religion bill. President Clinton reportedly sent a letter to Yeltsin in mid-September 1997 urging him not to sign the revised religion bill. Vice President Gore, during his September 1997 meeting with then-Prime Minister Chernomyrdin, reported that he was unsuccessful in convincing the Russian leadership to reconsider the bill, and in his meeting in March 1998 reported that he urged Russia to uphold its religious rights commitments. During 1997-1998, Secretary of State Madeleine Albright, National Security Council Director for Russia William Courtney, and Ambassador at Large for the NIS Stephen Sestanovich, also have worked with U.S. religious groups to exhort Russian authorities to uphold religious freedom.

Congress has had some long-term concerns about religious freedom in Russia and the former Soviet Union, including those reflected in the Lautenberg amendment in 1989 (P.L. 101-167, Sec. 599D), which established enhanced opportunities for Soviet Jews, Evangelical Christians, Ukrainian Catholics, and Ukrainian Orthodox Church members to qualify for admission to the United States as refugees. The Jackson-Vanik Amendment (P.L. 93-618, tying trade to Soviet emigration standards) has required the President to report on Russian emigration policies, which includes assessments of religious tolerance. The Congressional Commission on Security and Cooperation in Europe (Helsinki Commission) has held hearings dealing with religious freedom in Russia and other New Independent States of the former Soviet Union. Congress also has

raised concerns about acts of religious intolerance such as Russian government moves in 1996 against Jewish organizations and negative remarks about certain faiths made by then-Security Council head Aleksandr Lebed. The issue of religious persecution of Christians (H.R. 2431, passed the House on May 14, 1998; S. 1868, introduced March 26, 1998), has included discussions of possible repercussions of Russia's religion law.

After the Russian legislature's June 1997 passage of the religion bill, many in Congress signed or sent letters to Yeltsin strongly urging him to veto the bill. After President Yeltsin signed the religion bill into law in September 1997, many in Congress sent letters urging Russia to uphold religious freedom and suggesting changes to the law. The Senate approved S.Con.Res. 58 on November 8, 1997, condemning the potential restrictiveness of the Russian religion law and calling for Russia to uphold its commitments to religious freedom. Members of Congress also visited Russia in late 1997 and early 1998 to make their concerns known, and met with Loginov and other visiting Russian officials in January 1998. Among other proposals, some Members of Congress and others urged Russia to establish an ombudsman office or other means to monitor religious rights violations during implementation of the religion law. Perhaps taking these proposals into account, an Oversight Working Group with this function was formed, chaired by Loginov, and held its first meeting on May 21, 1998.

The FY1998 Foreign Aid Appropriations Act (P.L. 105-118) contains a provision prohibiting Freedom Support Act aid to Russia unless the President certifies that the Russian government "has implemented no statute, executive order, regulation, or similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups . . . in violation of accepted international agreements on human rights," to which Russia is a party. As explained by the conferees (H.Rept. 105-401), the provision becomes effective in May 1998, to give the Administration some time to determine whether "the Russian government's actions are discriminatory." According to estimates, about \$15-25 million in unobligated aid to Russia for FY1998 was at risk. In introducing the amendment in July 1997, Senator Gordon Smith stated that Congress should send "a strong signal to President Yeltsin that American tax dollars will not find their way to support any country that treats religious freedom in such a manner." Some in Congress have called for the provision to become an annual requirement, in order to maintain some leverage on Russia, while others argue that, while the provision has appeared useful, Russia is also subject to censure and other sanctions internationally if it violates its obligations to uphold religious freedom.

On May 26, 1998, the President determined and certified to Congress that Russia has applied the religion law "in a manner that is not in conflict with its international obligations on religious freedom. However, the issue requires continued and close monitoring as the Law on Religion furnishes regional officials with an instrument that can be interpreted and used to restrict the activities of religious minorities." A separate justification document released on May 28 cited awareness of about 25 cases of religious harassment by local Russian officials since the law was enacted. These cases appear somewhat isolated, do not appear to reflect a discriminatory policy by the central government, cannot be attributed to the effects of the new law, and do not appear to constitute violations of Russia's international obligations to uphold religious freedom. The Administration pledges to monitor implementation of the law, call on the Russian government to reverse discrimination at the local level and to ensure that the localities

abide by Russia's international obligations, and urge the ultimate replacement of the flawed law.