

Russia's Law on Religion

1. The new Russian law on religion entered into force on 1 October 1997, abrogating and replacing a 1990 Russian law — generally considered very liberal — on the same subject. The new law caused some concern, regarding both its content and its implementation. Some of these concerns have been addressed, notably through the judgments of the Constitutional Court of the Russian Federation of 23 November 1999, 13 April 2000 and 7 February 2002, and the religious communities' re-registration exercise at federal level successfully completed by the Ministry of Justice on 1 January 2001. However, other concerns remain.
2. The law itself, while posing an acceptable basis of operation for most religious communities, could still be ameliorated. Although the Russian Constitutional Court has already restricted the application of the so-called "fifteen-year rule," which initially severely limited the rights of religious groups that could not prove their existence on Russian territory for at least fifteen years before the new law entered into force, the total abolition of this rule would be considered an important improvement of the legislative basis by several of these groups.
3. Most of the problems reported concern the lack of uniformity in the implementation of the law. While no religious community has alleged systematic discrimination or harassment by the state, in some regions, difficulties plainly persist. One of the reasons mentioned for these difficulties is that some subjects of the federation have adopted their own laws on religion, which are not always in conformity with the federal law. The presidential administration is reportedly looking into this problem.
4. Another problem seems to be posed by local officials who, in certain cases (but not systematically), discriminate against or harass certain religious communities, in particular faiths which are in a minority in a certain locality. Sometimes a preferential attitude by local officials is displayed towards the Russian Orthodox Church, and other religious communities are obliged by these officials to obtain the agreement of the local representative of the Orthodox Church before they can realize their projects (such as the renting/building of a church or mosque). Sometimes complaints by religious communities filed with the competent authorities, such as the prosecutor's office in the case of physical attacks or church torchings, are not followed up; and the communities in question are forced to take their complaints to court themselves.
5. Moreover, some regional and local departments of the Ministry of Justice have refused to (re)register certain religious communities, despite their registration at federal level. The federal Ministry of Justice does not seem to be in a position to control these regional and local departments in accordance with the requirements of the rule of law, preferring to force religious communities to fight these local departments over registration in the courts rather than taking remedial action within the ministry. The case of the Moscow branch of the Salvation Army deserves particular attention in this respect, and should lead to an internal disciplinary inquiry by the federal Ministry of Justice into the workings of its Moscow department. The Moscow Department of Justice tried to close down this branch of the Salvation Army (despite federal registration) for allegedly failing to re-register by the law's deadline. The Constitutional Court ruled in favor of the Salvation Army on 7 February 2002.

6. Therefore, the Assembly recommends to the Russian authorities that:
- i. the law on religion be more uniformly applied throughout the Russian Federation, ending unjustified regional and local discrimination against certain religious communities and local officials' preferential treatment of the Russian Orthodox Church, and, in particular, their insisting in certain districts that religious organizations obtain prior agreement for their activities from the Russian Orthodox Church;
 - ii. the federal Ministry of Justice become more proactive in resolving disputes between its local/regional officials and religious organizations before disputes are brought before the courts, by taking remedial action within the ministry in case of corruption and/or incorrect implementation of the law on religion, thus rendering it unnecessary to take such cases to the courts;
 - iii. when the courts close down a religious community in conformity with the law on religion, no property be forfeited until all legal avenues have been exhausted (including national and international judicial appeal mechanisms);
 - iv. in cases of differences between local authorities and other officials and religious communities within the Russian Federation, an independent, non-judicial control body be established to which religious communities would be represented, with a view to mediating and resolving problems;
 - v. the consideration of the current project being debated in the Russian Parliament for the setting up of an alternative civilian service to military conscription should be accelerated in order to offer an alternative to citizens whose religious convictions forbid them to do military service;
 - vi. as regards state media, religions are guaranteed regular air time.
7. The Assembly further calls on the authorities of the Russian Federation to take into account the principles contained in Recommendations 1396 (1999) on religion and democracy and 1412 (1999) on illegal activities of sects when dealing with issues concerning religion.

1. Assembly debate on 23 April 2002 (10th Sitting) (see Doc. 9393, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr McNamara; Doc. 9407, opinion of the Political Affairs Committee, rapporteur: Mrs Gatterer; and Doc. 9409, opinion of the Committee on Culture, Science and Education, rapporteur: Mr Roseta).

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