



Russian Federation: New Law on Religious Organizations

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On June 23, 1997, the Russian Federation State *Duma* (lower chamber of the Russian Parliament) almost unanimously passed the Law on Freedom of Conscience and Religious Organizations which was approved by the Federation Council (upper chamber) on July 4, 1997. The law was strongly backed by the Russian Orthodox Church and drafted with the participation of the Russian Orthodox Church representatives. Although the new Law confirms that the Russian Federation is a secular state and no religion shall be declared an official or compulsory religion, it states in its Preamble that Orthodoxy is the leading religion of the country because it is determined as an "inalienable part of the Russian historical, spiritual, and cultural heritage." Islam is given equal status with the Orthodox faith, but without being included in the common Russian heritage, while Judaism, Buddhism and other traditional religions are deemed *respectable*.

Although this Act was approved by the Russian Federation Parliament and got the status of a law, it did not enter into force. On July 21, 1997, Russian President Boris Yeltsin vetoed that controversial legislation. Because this Law did not enter into force, it has no official number, and its text has not yet been officially published. The unofficial version of the Law which was distributed by the Russian Federation State *Duma* Press Service was used in the preparation of this report.

In a letter to the Chairman of the State *Duma*, the Russian President, for the first time in his legislative tenure, gave a detailed analysis of all provisions of the new law which contradict the guarantees of religious freedoms provided for by current Russian legislation and international agreements to which Russia is a signatory. Those documents include the Universal Declaration of Human Rights; the International Covenant of Civil and Political Rights; the Council of Europe Convention for the Protection of Rights and Fundamental Freedoms; Helsinki Final Act; and the U.N. Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

A major unconstitutional provision of the new Law has been called a deviation from the principle of the equality of religious associations before law. The Federal Law stipulates that foreign religious organizations may only open missions under the auspices of established Russian religious organizations. This norm makes the missions of foreign religious organizations directly dependent on the attitudes of local government officials and Russian religious organizations. Such organizations and local officials will act in the capacity of state authorities with regard to foreign religious organizations. Before foreign religious organizations can obtain state registration for their missions in Russia, they must obtain the official consent of an established Russian religious organization to open a mission.

Despite the fact that the Russian Constitution determines international legal acts as an integral part of Russian Federation legislation, this condition is omitted from the new Federal Law. The Law contains only an indication of the auxiliary use of the provisions of international treaties for the purpose of interpreting Russian Federation legislation on freedom of conscience.

The new Law includes government-proposed provisions that would make it difficult for foreign and minority religious groups to function. Such groups include Catholic and Protestant groups traditionally popular in the Western part of Russia. Under the Law, only religious groups that can prove that they have existed in Russia for at least fifteen years can be officially registered as a religious organization. The order of registration is also changed. The Law requires that a "commission of state experts to review the doctrines and practices of groups applying for registration" will be established. Decisions on registration shall be made by the conclusion of the commission. The Law does not determine conditions for recognition of those religious organization currently active in Russia. During the Soviet period different religious groups were banned and some citizens were sentenced to prison for belonging to officially unregistered religious organizations. It is unclear whether such punishments for religious activities will be considered as proof of existence for particular religious groups.

Only religious groups that have been officially active in Russia for at least fifty years, have registered branches in at least half of 89 Russian provinces, and can produce 100,000 signatures in order to be registered could be granted the status of an "all-Russian organization" by the federal Government. Religious groups that have been operating in Russia for less than fifteen years would be denied the rights of legal entities including property rights. If the legislation is enacted, depending on the legal status of the organization, religious groups would be allowed to own property, employ workers, maintain a bank account, or invite a foreign speaker or visitor, provide charitable programs and run educational institutions.

The new Law contains restrictions on the rights of Russian Federation citizens predominantly resident outside the Russian Federation and also of persons who are not Russian citizens. The Federal Law stipulates that only Russian Federation citizens who are permanently resident in one locality can profess and propagate their faith collectively in the form of religious organizations. Foreign citizens are not entitled in Russia, under the new Law, to profess or propagate their faith collectively, but may satisfy their religious needs as individuals only, even though the Constitution of the Russian Federation declares that foreigners and stateless persons residing in Russia enjoy the rights enshrined in the Russian Constitution on equal terms with Russian citizens.

Because this Law is strongly supported by Members of the Russian Parliament and local governors, there is a very good chance that Parliament will be able to override President's veto. Although the President in Russia continues to keep procedural and technical possibilities to facilitate necessary decisions including his pressure on the Constitutional Court, it seems that, because of a strong popular support for this Law, President Yeltsin is not going to use them. The Chairman of the State *Duma* predicted that when the Law is amended to lessen Western resistance, Catholicism will be named among Russia's *traditional religions*. During his last public appearance with President Yeltsin, the Patriarch of Moscow and All Russia said the revised version of the controversial Law on Religious Organizations should retain a passage noting the special role and significance of the Russian Orthodox Church. After meeting the President, the Patriarch expressed confidence that the *high evaluation* of the Church will remain in the Law's Preamble. It seems that under pressure from leaders of all the main religious confessions presently existing in Russia, President Yeltsin wants to expedite the passage of this Law. The conciliatory commission of representatives from the Russian Orthodox Church, the Government, and the presidential administration is to agree on a revised version of the Law by September 1, 1997.

Currently, even though more than one-third of the Russian provinces have passed provincial laws which openly violate constitutional guarantees of religious freedoms, Russia's liberal Law on Freedom of Conscience which was passed in 1990 is still in force and is used as federal legislation.

Prepared by Peter Roudik
Legal Specialist
Eastern Law Division
Law Library of Congress
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