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THE STATE OF RELIGIOUS FREEDOM IN RUSSIA: TOWARDS ORTHODOX MONOPOLY

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Abstract: *This paper explores the state of religious freedoms in Putin's Russia, with a special emhasis on the Kremlin's intensifying efforts at establishing Orthodox monopoly. It is an in-depth case analysis that uses policy and discourse analysis to examine the state of religious freedoms in Russia. It suggests that anti-extremism law has become an instrument of state control over a wide array of speech or activity. Through state-supported legislation, the authorities censor religious life to prevent the rise of anti-government sentiments. The groups most affected by the government's anti-religious policy are "non-traditional" religious groups, facing hardships in exercising their rights and freedoms. Their activities are increasingly banned on the grounds of "extremism" and "terrorism". Russia's tightening of legislation on extremism has been combined with its withdrawal from the Council of Europe, which poses additional threats for religious communities by eliminating any international scrutiny over the government's actions. This paper concludes that while Russian history has been traditionally characterized by religious intolerance towards small denominations, the intensifying crackdown on religious freedoms is part of the Kremlin's policy of ensuring a monopoly across the country for the Russian Orthodox Church.*

Keywords: *Religious Freedom; Religious Minorities; Russian Orthodox Church; Extremism*

INTRODUCTION

The revival of religious life in post-Soviet Russia was short-lived. Although, after the breakup of the Soviet Union, freedom of religion became a guaranteed right under the Constitution, religious minorities still faced a series of problems. The government suspects smaller denominations' religious activities and maintains surveillance mechanisms that monitor believers at home and abroad.

The groups most affected by the government's anti-religious policies are non-traditional religious minorities. The Extremism Law provides the authorities with discretionary powers to interfere in religious matters and to prevent the spread of anti-government sentiments. Minority groups are targeted with criminal charges, detentions, and imprisonment under the legal framework for combating extremist activities.

Russia's withdrawal from the Council of Europe, and the closure of many human rights institutions operating across the country, pose serious threats to religious minorities. These deprived those minorities of international guarantees to freely exercise their rights and freedoms by eliminating the mechanisms of international scrutiny over the government's action.

A significant role in protecting minority rights is also attached to the Russian Orthodox Church, which has traditionally sought a monopoly position in religious life.

The situation is compounded by the Russian Orthodox Church's mounting monopoly in religious life. Although its role was weakened in the early 1990s, the Church soon regained its privileged position. The laws subsequently adopted stressed the government's intent to provide more powers to the Church as an institution that guarantees its historical and cultural legitimacy. In the meantime, those laws severely limit the activities of other religious communities under the pretext of fighting extremism and terrorism.

This paper addresses the following questions:

1. What is the state of religious minorities in Russia?
2. What mechanisms are being applied to restrict the rights of non-traditional religious groups?

THE STATE OF RELIGIOUS MINORITIES IN RUSSIA

During the Soviet period, religious minorities in Russia were severely suppressed due to the state's anti-religious policy. Nevertheless, there is a consensus that in the early 1990s, Russia underwent a "religious revival" (Evans and Northmore-Ball 2012, 795; Mancini 2020, 243). The 1990 Law "On Freedom of Conscience and Religious Organizations" provided wider opportunities for the activities of various religious organizations, granting them the status of legal entities. The law also established the separation of church-state relations and significantly weakened state interference in the activity of religious organizations. No significant restrictions were imposed on religious associations' registration and missionary activities (Lunkin 2020).

All these changes resulted in a curtailment of the monopoly position of the Russian Orthodox Church, which has traditionally provided the Russian government with historical and cultural legitimacy. However, the weakening role of the Church within society did not last long.

The widening of opportunities for religion has driven the emergence of new religious groups. This has brought resistance from the Russian Orthodox Church, which was vulnerable to foreign missionary activities (Mancini 2020, 243). Two changes, in particular, demonstrated the Church's renewed dominance in the post-Soviet period. Firstly, in the 1990s, the state began returning lands formerly belonging to Church. Secondly, the 1997 law on "Freedom of Conscience and Religious Association", which replaced the 1990 Law, implicitly provided more powers to the Church by significantly limiting the activities of other religious organizations (Lamoreaux and Flake 2018, 2). Though the preamble mentions Christianity, Islam, Judaism, and Buddhism as traditional religions, it was widely considered an attempt to strengthen the position of Orthodoxy within society (Potts 2016, 38). Currently, there are between five and 15 million practicing Orthodox believers in Russia, ten million Muslims, three million Protestants, 500,000 Buddhists, 200,000 Jews, 150,000 Jehovah's Witnesses, 100,000 Hindus, and 100,000 followers of other religious faiths (Lunkin 2020). Thus, invoking the concept of "traditional religion" ignored the idea of religious diversity in Russia and pit believers against each other.

Throughout Russian history, religious discrimination has taken various forms: anti-Semitism, anti-Muslim, anti-Catholic and anti-Protestant sentiments. Religious minorities face a series of problems related to the registration of religious organizations, access to places of worship, obtaining visas for church members abroad, etc. Non-traditional religious minorities are particularly affected by the government's anti-religious policy. Although their rights are well

protected under the Constitution, they are being prosecuted and punished under the pretext of national security.

Since 1997, Russian legislation on religion has been increasingly tightened. The government has enforced many vague laws against religious extremism and foreign funding of non-government organizations. These laws have authorized law enforcement agencies to regulate the activities of religious organizations and to ban them under the name of combating extremism and terrorism.

The series of laws started in 1997 when President Yeltsin signed a new Russian law on religion restricting the activities of religious minorities and foreign missionaries. It replaced the October 1990 law, widely recognized for its safeguards of religious freedom (Elliott and Corrado 1999, 109). The law distinguished between "religious groups" and "religious organizations" and severely limited the rights of the former. It gave the local authorities broad discretion to determine whether a religious community could be labeled as a "group" or an "organization". It established a fifteen-year waiting period for religious groups seeking to gain the status of an organization (HRW 1997). Since the law was passed, religious communities have encountered a series of problems, such as religiously motivated violence, difficulties registering with the authorities, problems with building and owning places of worship, harassment from local authorities, etc. (UNHCR 2004). The adoption of this law has been perceived as a political victory for the Russian Orthodox Church over multi-confessional forces (Potts 2016, 41).

Furthermore, the Federal Law on Combating Extremist Activity was adopted on 25 July 2002, which granted the authorities overly broad powers to censor and criminalize religious activities (ACN International 2021, 3). Since 2002, the Extremist Law has been amended several times. In addition to provisions addressing the measures for combating and punishing extremism, the law contains formulations on extremism-related ideas and a list of actions or purposes qualifying activity as "extremist" (Venice Commission 2012, 3).

Still, the concept of extremism is extremely broad in Russian legislation. Besides ideologically motivated violence and speech-related provisions, it also contains other specific offenses, such as the prohibition of the rehabilitation of Nazism or of insulting the religious feelings of believers (Szymanska, Hueting, and Kravchenko 2019). An opinion (2012) issued by the Venice Commission considered how the Extremism Law is pursued as problematic, given its broad and ill-defined wording on extremism, which may lead to arbitrariness. It also stressed that the law affects many human rights enshrined in customary law and international treaties binding Russia (Venice Commission 2012, 3-5). The PACE Monitoring Committee of the Council of Europe (2012) and the UN Human Rights Committee (2015) have also expressed their concerns about the vagueness and overly broad nature of the extremism law (PACE 2012; UN Human Rights Committee 2015). The number of reports can be regarded as an indicator that the law is increasingly used to restrain the freedom of expression and freedom of religion.

In May 2005, the "undesirable organization" law was adopted, which banned the activities of numerous international NGOs that allegedly threatened state security and public order.

It required all religious communities without legal status to notify state officials of their existence and activity (USCIRF 2015). Under the law, groups were declared "undesirable" and formally banned by the Ministry of Justice. More than a dozen foreign groups have been

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banned under this legislation. The Church of Scientology has also been declared "undesirable", paving the way for its closure in 2016 (Reuters 2021).

On 29 June 2013, the so-called blasphemy law was enacted, criminalizing activities aimed at insulting the religious feelings of believers (ACN International 2021, 3). It allowed fines of up to 300,000 rubles and imprisonment for up to two years for public acts that "manifest patent disrespect for society and are committed with the aim of offense to the religious feelings of believers" (Catholic Culture 2013). As to the findings of USCIRF (2020), in Russia and other post-Soviet countries, acts of blasphemy are enforced through, or in conjunction with, the existing criminal laws and, as such, often carry more severe punishments than the blasphemy law itself (USCIRF 2020, 22).

Furthermore, on 6 July, 2016, Russia passed the "Yarovaya Law", a set of anti-terrorism amendments to existing legislation. Again, the law was presented to combat terrorist activities, but it was perceived internationally as an "anti-missionary" law (World Watch Monitor 2017). Under these amendments, "missionary activities" have been redefined, forbidding preaching, praying, disseminating materials, and answering religious questions outside designated locations, especially in residential premises (ACN International 2021, 3). The new legislation targeted all Christian groups outside the Russian Orthodox Church. It established strict rules for foreign missionaries, who had to prove a state-registered religious group invited them; otherwise, they would face deportation and major fines (Human Rights Without Frontiers Int'l 2016, 2).

The entrenchment of digital authoritarianism is further restricting religious freedom in Russia. It has brought new dimensions to political repression. On the one hand, digital technologies empower civil society and provide an additional platform for fulfilling fundamental human rights and freedoms. On the other hand, these same technologies are deployed by autocrats to persecute, silence, and punish regime critics, activists, and other civil society members.

On 4 March 2022, Russia enacted two laws criminalizing independent war reporting, with penalties of up to 15 years of imprisonment (HRW 2022). Also, since 2012, Russia's Federal Service for Supervision of Communications, Information Technology, and Mass Media, commonly known as Roskomnadzor, has maintained a centralized internet blacklist. The agency was established on 3 December 2008, following the passing of presidential decree no. 1715 and was granted only censorship powers (Sherman 2022). Nevertheless, reporting on thousands of leaked Roskomnadzor documents shows that it acts as an element of a repressive apparatus (New York Times 2022).

Since 2017, the US Commission on International Religious Freedom (USCIRF) has recommended that the US Department of State designate Russia as a "Country of Particular Concern" (CPC) for engaging in ongoing violations of religious freedom. In 2021, the State Department implemented this recommendation, recognizing the Russian government as one of the world's worst violators of religious freedom. This blacklisting paves the way for sanctions if the countries listed do not improve their records (RFE/RL 2021).

Traditionally, minority denominations in Russia have been viewed with hostility. The data on violence against religious minorities in Russia may be misleading for two reasons: firstly, many people do not report such violence to law enforcement agencies, especially in cases when

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the police committed the violence; and secondly, the available statistics report ethnic violence rather than religious violence (Laruelle 2021, 14).

The prosecution of minorities has intensified since the wave of 2011 anti-government protests. The Russian government has progressively tightened control over non-Muslim denominations, specifically targeting those historically viewed with reservations by the Russian Orthodox Church, such as the Jehovah's Witnesses or Scientologists.

The Jehovah's Witnesses are particularly targeted by the government. The legal basis for most of the pressure has been the broad law on extremism approved in 2002. In 2017, Russia's Supreme Court banned the activities of Jehovah's Witnesses, labeling the Church as an "extremist organization" (USCIRF 2022, 2). In the meantime, the government claimed that although it banned the activities of legal entities, individual Witnesses would be free to practice their faith (EEAS 2018). However, this claim has mostly been inconsistent with the government's actual policy. Since the April 2017 ban, hundreds of Witnesses have been sentenced to pretrial detention or imprisonment under the charge of extremism (RFE/RL 2022). USCIRF considered the persecution of the Jehovah's Witnesses a strong indicator of rising authoritarianism in the country (USCIRF 2022). After losing many court appeals in Russia, the Jehovah's Witnesses applied to the European court (Washington Post 2022). In a letter to Russia's Minister of Foreign Affairs dated 9 December 2022, the Secretary General of the Council of Europe (COE) urged Russia to comply with recent European Court of Human Rights judgments. Such judgments include the June 2022 landmark decision that declared Russia's ban on Jehovah's Witnesses unlawful (ECHR 2022).

The followers of Scientology are also being subjected to tightened regulations. In 2012, the regional court of Moscow declared books on Scientology as extremist materials and banned publications from Scientology founder Ron Hubbard (RFE/RL 2012). Furthermore, in 2016, the Russian court banned the activities of the Moscow branch of the Church Scientology, partly because the authorities argued it had registered its name as a US trademark (The Guardian 2016). The deepening confrontation with the Western world has intensified the battle against Scientology as a "foreign" movement endangering Russian cultural values. In 2021, Russia designated two more California-based organizations linked to the Church of Scientology as "undesirable" (Reuters 2021). The European Court of Human Rights has repeatedly ruled that Scientology is recognized as a religion (until 2014) in Russia, and denying its re-registration across the country is unlawful (ECHR 2007; ECHR 2021). However, it is assumed that the Court's decisions will have a symbolic effect given Russia's withdrawal from the Council of Europe.

Regarding Islam, it attracts the attention of researchers for two primary reasons. Firstly, Russia possesses the largest Muslim minority population in Europe, including a significant number of labor migrants from Central Asia. Secondly, Islam has spread and established itself as an official religion within the territory of modern Russia since the early years of the faith (Akhmetova 2018, 7). However, despite this historical and statistical data, many Islamic groups are deemed "extremists". The majority of the Muslims arrested are supporters of an Islamist fundamentalist organization called Hizb ut-Tahrir (Freedom House 2022), the stated aim of which is the re-creation of a world caliphate. In 2003, the Supreme Court of Russia officially classified Hizb ut-Tahrir as a terrorist organization, severely punishing its followers (HRW 2020). While the European Court of Human Rights recognizes it as a "global Islamic political party"

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(ACN International 2021, 4), it appears that it does not conform to the Western model of a political party.

Two other Islamic movements - Tablighi Jamaat and the Nurcu network - are also classified as extremist by Russian legislation, although they are not perceived as such in many European countries (Laruelle 2021, 12). The first is a fundamentalist Islamic association, the activity of which was banned in Russia in 2009. Nevertheless, it is argued that it does not spread violence and, therefore, persecuting its adherents is unlawful (HRWF 2022). The Nurcu movement (disciples of Said Nursi and Fethullah Gülen) is similarly not known for violence but has become partially radicalized during its confrontation with the Erdoğan regime in Turkey (Laruelle 2021, 12).

Since the Crimean events of 2014, religious groups, formerly legal in Ukraine, have been subjected to Russian legislation. The Mejlis was banned in Crimea and subsequently labeled as an extremist organization (Zasztowt 2019, 29). The Crimean Tatars are mostly affected by the government's anti-religious policy for their purported involvement in Hizb ut-Tahrir (US Department of State 2022). According to HRW (2017), this is primarily aimed at silencing dissent, and those portrayed as extremists are merely politically active Crimean Tatars (HRW 2017). Many religious communities were essentially driven out of the peninsula through registration requirements under newly imposed Russian laws. There were roughly 2,200 religious organizations, both registered and unregistered, in Crimea before the events of 2014. As of September 2017, only 800 remained (May and Reese 2018).

Russia also has a long history of anti-Semitism. It dates back to the pogroms of the late 19th century, the First World War and the Bolshevik revolution, and the anti-Jewish campaigns in the late Stalinist USSR. Throughout the 1990s, with the emergence of free and democratic political rhetoric, anti-Jewish conspiratorial speculations became more common (Yablokov 2019, 291). After coming to power, President Putin weakened the idea of anti-Semitism that nearly all his predecessors had either encouraged or tolerated. He even considered the anti-Jewish policy to be one of the mistakes leading to the collapse of the Soviet Union (Borshchevskaya 2018). In 2014, Putin signed a law denying Nazi crimes a criminal offense punishable by up to five years in jail (Reuters 2014).

Nevertheless, while the general environment seemed more favorable for Jews, it was still far from perfect. Russia's military operation in Ukraine, and the tough sanctions imposed by the West, raised new fears among the Russian Jews that they would be re-targeted by the Kremlin. One of the appalling examples of anti-Semitic rhetoric came in May 2022, when Russia's Minister of Foreign Affairs Sergei Lavrov said that "Hitler also had Jewish blood" and that "most ardent anti-Semites are usually Jews" (BBC News 2022). Although Putin later apologized for these claims, this was not the last incident of anti-Semitic statements (BBC News 2022).

The Russian-Ukrainian war has further deteriorated the state of religious minorities in the country. The UN warned of the dangers of using religion to fuel the conflict (UN Press 2023). The strong and overt support of the Russian Orthodox Church for President's Putin policy deepened divisions within the wider Orthodox world, including a formal split with the Ukrainian Orthodox Church and strong tensions with the Ecumenical Patriarchate of Constantinople (Europe.eu 2022). Thousands of Russian Jews have emigrated since Russia's invasion of Ukraine began in 2014. Since then, Israel has seen its biggest outflow of Russian Jews since the fall of the USSR

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(Jewish Journal 2022). The same tendency is observed concerning Muslims of Russian origin that left Russia for various reasons - war in their home cities, persecution in Russia for their faith, threats from co-religionists, etc. (ICG 2021). Since 2014, many of those with ties with Islamist groups fled to Ukraine. Unlike Russia and Germany, Ukraine has not banned Hizb ut-Tahrir (ICG 2021).

In recent years, the government has initiated a series of shutdowns of international human rights organizations, which strongly indicates rising authoritarianism. In December 2021, two months before the invasion of Ukraine, Russia's Supreme Court ordered the closure of Memorial International, the country's oldest human rights organization, which is also an active supporter of religious freedom (The Guardian 2021). The Memorial documented religious freedom abuses and maintained extensive lists of current political prisoners in Russia (USCRIF 2022, 31). Furthermore, in April 2022, Human Rights Watch, Amnesty International, and 13 other foreign nongovernmental organizations and foundations were forced to shut down their offices in Russia (HRW 2023). Another major event drastically affecting human rights and freedoms was Russia's withdrawal from the Council of Europe. In June 2022, the Russian Parliament passed a pair of bills ending the jurisdiction of the Court in the country, with former President Dmitry Medvedev saying that Russia's exit from the organization represented an opportunity to restore the death penalty, which the Council of Europe's rules prohibit (Aljazeera 2022).

These shutdowns cause significant concerns from a human rights perspective. First and foremost, this means Russia's disengagement from international mechanisms such as the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the European Committee for Social Rights. By withdrawing from the Council of Europe, Russia also ceased to be a High Contracting Party to the European Convention on Human Rights**,** which means that the rights and freedoms of Russian citizens will no longer be protected under this document.

In 2020, the country initiated a series of constitutional amendments that, according to President Putin, "would improve the balance of power and adapt the Constitution to the changes that had taken place since 1993" (Europa.eu 2020). One of the more controversial amendments - invoking God in the Russian Constitution - was proposed by Patriarch Kirill, head of the ROC (Blitt 2021, 2). Government officials said the invocation would have symbolic importance a century after the imposition of Communist rule and dismissed criticisms that it would undermine church-state separation and secular norms (Church Times 2020). Meanwhile, it was obvious that, among others, these amendments have strengthened the church-state partnership and further entrenched the role of the Moscow Patriarchate. In addition, this has strengthened the Kremlin's campaign against the perceived civilizational threat coming from the West.

CONCLUSION

Thus, in Russia, the freedom of religion is disproportionately upheld. Minority religious groups encounter various challenges concerning registration requirements, religiously motivated violence, and the establishment of places of worship. Frequently, anti-extremism laws are employed beyond their legitimate boundaries to censor religious activities and suppress the

emergence of anti-government sentiments. This partly reflects the regime's concerns about various accumulated domestic issues in recent years.

Non-traditional religious groups are particularly affected by the government's anti-religious policy. Among the most vulnerable groups are Jehovah's Witnesses and the followers of the Church of Scientology, the activities of which have been banned in Russia. Regardless of the government's claims that the ban only applies to the activities of legal entities, individual Witnesses also face detention or imprisonment under the charge of extremism. Some Islamic movements are banned for belonging to Hizb ut-Tahrir, which Russia believes to be a terrorist organization. Since 2014, Crimean Tatars have also been severely prosecuted for their purported involvement in extremism-related organizations. As to Jews, while the general environment seemed to be more favorable compared to the early 1990s, it is still far from perfect. The Russian military operation in Ukraine, and the tough sanctions imposed by the West, raised new fears among Russian Jews that they would be re-targeted by the Kremlin.

The newly adopted laws and the 2020 constitutional amendments have stressed the government's intentions to provide more powers to the Russian Orthodox Church, bringing back its monopoly position within society. In the meantime, these laws severely limit the activities of other religious communities.

The series of shutdowns of human rights institutions initiated by the government, coupled with Russia's withdrawal from the Council of Europe, have significantly reduced the government's accountability towards its citizens and pose additional threats to the country's religious minorities. The lack of international mechanisms and the tightened anti-extremism legislation allow more space for the nationwide persecution of smaller denominations.

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