An All Too Typical Political Precedent in Russia: Yarovaya Laws Hit Minority Faiths First

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On July 7, 2016, Russian President Vladimir Putin signed into law a package of amendments with the declared purpose of countering terrorism and ensuring public safety. These amendments, known as the Yarovaya law, which went into effect July 20, present a number of severe restrictions to religious freedom, essentially banning preaching, praying, proselytizing, and disseminating religious materials outside of officially-designated locations.

The realities of religiously motivated terrorism present a security challenge that all governments must address. Do these laws represent a legitimate response to security concerns or serve as an excuse to introduce new restrictions on the free exercise of religious groups?

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Students of Russia know that court decisions there do not have precedential value, but that doesn’t mean there aren’t precedents in Russian legal practice. One of the most typical and desppicable is now very much on public view: the application of harsh new laws to minorities lacking in support, in order to define the limits of the permissible and set the stage for attacks on other larger and more popular faiths later, effectively recreating the situation Pastor Niemoeller described in Nazi Germany.

The first targets in this campaign, in full conformity with past practice, have been foreigners acting on an individual basis to promote their Protestant faiths in Russia, people who have no institutional support within Russia and are viewed as dangerous “sectarians” by the Russian Orthodox Church. These are likely to be followed by government moves against faiths like Islam or Buddhism that have a domestic presence but that the Kremlin and the Patriarchate don’t particularly like. And then, in the culmination of the campaign, the last set of targets will be within the Orthodox world itself, first against dissidents outside the Patriarchal church, then against those within the church whose loyalty to the patriarch is questioned, and finally against the Patriarchate and its own people.

Russian journalists and experts have already recognized the likelihood of such a course of events. Writing in Vedomosti, Elena Mukhametshina notes that “the first victims off the Yarovaya law have become the representatives of religious minorities,” with the very first being individual Baptist missionaries acting on their own and unattached to any particular Baptist church. Indeed, the very first victim, an American Baptist who has been living in Russia since 2005, said that he knew about the law but did not believe it applied to him because he is “not a representative of a religious
community” but instead simply promotes his personal views, something that the Russian Constitution says is his right.

Vitaly Vlasenko, a representative of the Russian Union of Evangelical Christian-Baptists, added that the Baptists who are part of his organization observe the Yarovaya law but “do not always agree with its interpretation by the courts,” an indication that he too can see the way this poorly drawn and highly elastic piece of legislation is already being extrapolated far beyond the struggle against extremism, the ostensible cause for its adoption.

Roman Lunkin, a specialist on religious issues at the Moscow Institute of Europe, points out that several other representatives of religious minorities have already become “victims of the law,” including a Pentecostal from Ghana in Tver, another Pentecostal in Mari El, and the organizers of a Baptist youth camp in Yamalo-Nenets. What is going on, he says, is the use of this new legislation against those whom “the state earlier had not been able to control but who had been permitted to exist without registration.” That suggests the next round of victims will likely be members of as yet unregistered religious communities that are part of faiths that do have some officially registered bodies.

According to Mikhail Frolov, a Moscow lawyer who specializes in religious cases, the law is likely to be applied in this way so as to make it impossible for those outside of registered religious communities to engage in missionary activities and then to require that those communities get official permission for such activities, something that the authorities are not going to be willing to give. Thus, he says, “a vicious circle has been set up,” one in which only the registered can apply for permission without much hope that they will be able to obtain it, again a clear violation of Russia’s constitution and an arrangement that if the authorities carry through will at a minimum put a damper on much of the religious life of those outside of Orthodoxy and, ultimately, those within it as well. Aleksandr Verkhovsky of the SOVA religious monitoring center says that he has no doubts that outcome is exactly what those behind this legislation intended.

Just how massive this crackdown is likely to become can be seen by considering the number of Christian religious groups outside of Orthodoxy in Russia (some 15,000), the number of those registered with the government (about 5,000), and the number of Russian Orthodox groups (16,000). At present, the non-Orthodox Christian organizations are thus almost as numerous as the number of Orthodox ones, but if this law is used to close down the unregistered, the position of the non-Orthodox will be much weakened and that of the Orthodox much strengthened. Orthodoxy will also be strengthened if, and when, this crackdown extends to the large number of Muslim groups – there are approximately 8,000 of them and a majority are not registered – Buddhists, and Pagans (vedomosti.ru/opinion/articles/2016/08/26/654570-religiyu-ispovedovat-rossii).

When the Yarovaya legislation was drafted, the Duma deputies did not consult any religious or legal experts or with any religious group except the Moscow Patriarchate, which alone was able to introduce provisions from which its leadership clearly expected to benefit if the state punishes and closes down its religious competitors and allows the Patriarchate to claim an even more disproportionate role for itself in religious and state life than its numbers justify. But this victory is likely to prove short-lived or even Pyrrhic because the same laws that are being used against minority religions can be used against it. Already, government officials have been discussing bringing charges against Orthodox priests who have called for “holy war” as extremists and church officials
have been free in labelling dissidents within the church itself as extremist, something prosecutors can use whenever they find it necessary.

All this is part of a familiar trend, and according to one Moscow observer, Nikolay Epple, it is about to get even worse: The legislature in the North Caucasus republic of Ingushetia has asked the Duma to require that all religious organizations be registered, something that even Yarovaya doesn’t make mandatory. If that happens, he says, “Russia which up to now has been oriented in the sphere of law about freedom of conscience toward Europe will be proceeding along the path of the post-Soviet states of Central Asia.”

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