Over nine months have passed since the new Federal law ‘on Freedom of Conscience and Religious Associations’ entered into force. Now it is time for an initial assessment of the law’s effects. Has the State achieved its goals in passing this law?

Russia has witnessed the collapse of communist ideology. The State is now faced with a difficult task — to build a new moral foundation for its society. To achieve this the State must guarantee its citizens open access to information on different moral-ethical norms, and religions. In Perestroika and the first years after the collapse of the Soviet Union, Russia made great strides in that direction. But, as recent events have shown, this move to freedom of religion was only temporary.

The Perestroika of church-state relations
In forming a new model of relations between the State and religious believers during Perestroika, Russia unfailingly held to the principles enshrined in the 1989 Vienna Document of the CSCE. The 1990 law ‘on Freedom of Religion’ relied on the most democratic international standards, such as those stated in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. As such, it gave Russian citizens genuine freedom of conscience. In accordance with its international commitments, appropriate changes were made to the Russian Criminal Code, creating various measures related to religious freedom. Among them were the means to prevent or prosecute: incitement of religious hatred, discrimination based on religious belief, legal obstacles to freedom of conscience, and affronts to one’s character in relation to religious beliefs. Also included were means to assure the right to organize religious and public associations and the right to conscientious objection to civil military service, should it conflict with one’s beliefs.

The amendments to Russian law regulated the creation and registration of religious organizations. In order to acquire the rights of a legal entity, a religious organization of no less than ten citizens should have registered its charter with the Department of Justice. In the process of registration the activity of each organization was scrutinized in terms of its compliance with the law. Any new confessional organizations that wished to achieve legal status were also required to submit information explaining their own particular doctrine of faith.

The procedure for registration, however, was merely declaratory. Religious organizations could carry out their activities in full even without registration. In cases of conflicts with public interest, criminal law would be employed. The very fact of registration was a recognition by the State that the religious organization existed within the law.

Russian believers, for many years persecuted for their beliefs, gladly accepted this new opportunity to emerge from hiding. Even so-called non-
registered Baptists or the Council of Baptist Churches, who suffered some of the harshest Soviet persecution and traditionally avoided all contact with State organs, entered into religious-State relations in this new openness. Thirty-four organizations from the Council of Baptist Churches received registration between 1990 and 1997. This was a sign of confidence in the State, which had officially declared its commitment to the separation of State and religion, equality before the law for all religious organizations, and equal rights for all citizens regardless of their religious affiliations. These principles were all secured in the 1993 RF Constitution.¹

The State imposed no limitations on missionary activities other than those typical of a democratic society. The State openly admitted that it did not have a monopoly on truth, and it was not for the government to interfere in religious life, so long as it does not conflict with the law. This was a novel notion. In Soviet Russia ideological development had always been at the heart of political life. The struggle against ‘insidious Western propaganda’ played a significant role in this ideological factory. The scourge of the West would destroy the ideal unity of society, and therefore presented a constant threat to the national security of the

¹ Article 14: 1) The Russian Federation shall be a secular state. No religion may be instituted as state-sponsored or mandatory religion. 2) Religious associations shall be separated from the state, and shall be equal before the law.

Article 19: 1) All people shall be equal before the law and in the court of law. 2) The state shall guarantee the equality of rights and liberties regardless of sex, race, nationality, language, origin, property or employment status, residence, attitude to religion, convictions, membership of public associations or any other circumstance. Any restrictions of the rights of citizens on social, racial, national, linguistic or religious grounds shall be forbidden. 3) Man and woman shall have equal rights and liberties and equal opportunities for their pursuit.

Article 28: Everyone shall be guaranteed the right to freedom of conscience, to freedom of religious worship, including the right to profess, individually or jointly with others, any religion, or to profess no religion, to freely choose, possess and disseminate religious or other beliefs, and to act in conformity with them.

Article 55: 1) The listing of the basic rights and liberties in the Constitution of the Russian Federation shall not be interpreted as the denial or belittlement of the other commonly recognized human and citizens' rights and liberties. 2) No laws denying or belittling human and civil rights and liberties may be issued in the Russian Federation. 3) Human and civil rights and liberties may be restricted by the federal law only to the extent required for the protection of the fundamentals of the constitutional system, morality, health, rights and lawful interests of other persons, for ensuring the defense of the country and the security of the state.

Article 56: 1) Individual restrictions of rights and liberties with identification of the extent and term of their duration may be instituted in conformity with the federal constitutional law under conditions of the state of emergency in order to ensure the safety of citizens and protection of the constitutional system. 2) A state of emergency throughout the territory of the Russian Federation and in individual areas thereof may be introduced in the circumstances and in conformity with the procedures defined by the federal constitutional law. 3) The rights and liberties stipulated by Articles 20, 21, 23 (part 1), 24, 28, 34 (part 1), 40 (part 1), 46-54 of the Constitution of the Russian Federation shall not be subject to restriction.