



EAST-WEST CHURCH & MINISTRY REPORT

SPRING 2017

Vol. 25, No. 2

Making Sense of the Anti-Missionary Provisions of Russia's 2016 Anti-Terrorism Legislation

Lauren B. Homer

The Duma, Russia's legislature, enacted "anti-terrorism" legislation on 7 July 2016, which President Vladimir Putin signed into law. It contains significant amendments to the 1997 Law on Freedom of Conscience and Religious Organizations ("1997 Law"), further restricting "missionary activities" and "extremist" religious literature. The religious activities provisions in the future Federal Law 374-FZ, here called "the Anti-Missionary Law," or "AML," appeared suddenly in mid-June 2016 within a broader package of "anti-terrorism" legislation that had been under Duma review for months. (In Russia this larger legislation came to be called the "Yarovaya Package" after its main Duma sponsor, Irina Yarovaya.) It was adopted without input and despite protests from many Russian religious organizations and legal experts. Even the Russian Orthodox Church Moscow Patriarchate (ROC-MP) had no advance knowledge of the provisions before they appeared in the draft law. However, its chief legal officer, Abbess Kseniia Chernega, did state that after changes, the ROC-MP was satisfied with the adopted version.¹

Fears about the Law Confirmed: A Summary

On 1 July 2016, Mikhail Fedotov, Chair of the Presidential Council on Civil Society Development and Human Rights, had cautioned against its adoption stating that it created "unjustified and excessive restrictions on freedom of conscience." Its provisions produced an explosion of concern, particularly within Protestant and non-traditional religious groups that now feared that sharing their faith could lead to prosecution and crippling fines.² Sadly, these concerns have proven to be well-founded due to misapplication of the already overly broad provisions of the law by over-zealous local officials. Believers have been charged under the AML for participation in religious worship (attending and speaking but not preaching), holding worship services without informing authorities of the existence of a religious group (not required under the AML or the 1997 Law), and sharing their faith on an individual basis, not as part of any organized religious group. However, some legal victories have mitigated the effect of state actions,

leading to a situation in which targeted groups and individuals must prepare to fight in court to achieve even minimal space for religious expression and activities that are not "missionary" in nature.

A Pattern of Increased Legal Restrictions on Religious Expression

The AML did not come as a complete surprise. Anti-missionary legislation has been proposed on numerous occasions since the early 1990s and has been presented to the Duma frequently since 2015. However, Forum 18 News Service reports that as recently as 18 May 2016, Deputy Prime Minister Sergei Prikhodko stated that sufficient restrictions on dissemination of beliefs already existed in law and that further legislation would unduly restrict the rights of religious believers. Why the government changed its mind in less than one month is unclear.³

Many other laws restricting religious associations and their adherents have appeared or have been proposed since my previous article on this subject in the *East-West Church & Ministry Report* in 2014.⁴ Notably, amendments to existing laws in 2015 give security services the right to conduct "inspections" of religious groups that receive funds from abroad or that engage in "extremist activity." Originally religious organizations were expressly exempted from these laws. In 2015, a change to the 1997 Law was enacted setting up a procedure for unregistered religious groups (RGs) to notify the government of the existence of their activities. This provision was thought to be entirely voluntary, as registration is not a requirement for group religious activities under the 1997 Law. Instead, these rules were understood as intended to help RGs to begin the ten-year period of activity that is a pre-requisite to registration as a religious organization (RO), which has greater legal rights than an RG. However, concurrent with the passage of the AML, local authorities have begun to claim that filing the notice is mandatory for RGs. A 2015 law on "undesirable organizations" has enabled Russia to ban activities by a large number of prominent NGOs as dangerous to the stability of the government.⁵ Toward the end of 2015, the ROC-MP held a conference at which some of its representatives recommended including ROs as targets of the undesirable agents and foreign agents

(continued on page 2)

Contributing Editors

Canon Michael Bourdeaux

Keston Institute,
Oxford

Dr. Anita Deyneka

World Without Orphans,
Wheaton, Illinois

Father Georgi Edelstein

Russian Orthodox Church,
Kostroma Diocese

Bishop Eduard Khegay

United Methodist Church
in Eurasia, Moscow

Miss Sharon Mumper

Magazine Training
Institute, Colorado Springs,
Colorado

Rev. Nick Nedelchev

Bulgarian Evangelical
Theological Institute,
Sofia, Bulgaria

Dr. Peter Penner

Euro-Asiatic Accrediting
Association, Bielefeld,
Germany

Dr. Walter Sawatsky

Associated Mennonite
Biblical Seminary,
Elkhart, Indiana

Mrs. Katya Smyslova

attorney at law, Moscow

Mr. Lawrence Uzzell

International Religious
Freedom Watch,
Fishersville, Virginia

Dr. Alexander Zaichenko

Gazeta Protestant,
Moscow

laws, arguing that Protestant religious groups were special threats to the stability of the government. Some religious literature has been included on “extremist publications” lists. While sacred texts such as the Bible and the Koran have been exempt from that law since November 2015, translations deemed objectionable by law enforcement have nonetheless been seized as “extremist.”

Since 2014, the Russian government has strengthened its control over all media outlets and has sought to close opposition media and political parties and to muzzle their leaders. Increasingly, the Russian public is left with only official state media as its source of information. Russian government personnel either follow the Kremlin line or suffer consequences for their disobedience. The Yarovaya Package contains additional severe restrictions on social media platforms and mandates that they preserve data for the review of law enforcement authorities. (Labeling male headship of the family as “nonsense” in a Facebook comment led to one person being charged under this law.)

The overall propaganda campaign branding some religious groups as dangerous has increased in the wake of Russian military action in Ukraine. In particular, “foreign” faiths that are non-ROC-MP religious groups are increasingly deemed to be unpatriotic and subversive, threatening the unity of the Russian people and the Russian state. False accusations of horrendous misconduct have been leveled at both the Ukrainian government and its presumed Protestant and non-Moscow Patriarchate Orthodox backers, while the ROC-MP has been elevated to the status of the de facto Russian state church.

Despite these reverses, it is still the case that the 1997 Law states that “everyone” in Russia, both Russians and non-Russians, possess the right to believe or not believe in any religion, and to engage in religious activities individually and collectively. The 1997 Law also permits the right to freely profess and disseminate one’s religious beliefs to others and to meet, teach, and worship both as registered religious organizations (ROs) and as unregistered religious groups (RGs).

Combatting Terrorism versus Restricting All Non-Orthodox Faiths

The stated purpose of the AML was to address terrorism and public safety concerns, particularly Islamic radicalization in Russia. Of course, terrorism has been a legitimate national security concern for Russia for many years. The Kremlin’s military support for the Assad Regime in Syria, which increased at the end of 2015, has further fueled the enmity of radicalized Muslims. A case in point is the assassination of the Russian ambassador to Turkey by a Muslim radical in December 2016. Russia’s right to protect itself from those intent on overthrowing its government or committing terrorist acts is well

established under international law. It has certainly promulgated every type of law that might address terrorism prior to passage of the AML.

The problem is that the AML as implemented targets a quite different type of activity—in violation of international law and Russia’s own laws and Constitution—namely, the sharing of faith by persons perceived as belonging to “non-Russian,” and therefore, undesirable religious groups, primarily Protestant Christians. The AML has become another weapon in Putin’s arsenal of law enforcement measures designed to thwart his perceived opponents. Xenophobic legislation such as the AML is an expression of an anti-American and anti-European political agenda aimed at combatting external and internal opposition to Russia’s annexation of Crimea, support for separatists in eastern Ukraine, and the further consolidation of Putin’s political power.

Provisions of the Anti-Missionary Law

The provisions of the new AML are summarized below.

1. The law adds a definition of “missionary activity” to the earlier 1997 Law: “activity of a religious association aimed at disseminating information about its doctrine among individuals who are not [current members]” for the purpose of drawing “these individuals into the ranks of [members], carried out *directly* by the religious associations or authorized individuals and (or) legal entities *publicly* with the help of media, Internet, or other lawful means.” (Emphasis added.) In short, the AML as written applies only to public missionary activities undertaken by religious associations (RAs), whether (ROs) or (RGs), to attract people who are not part of their group. The definition does not mention private dissemination of information about the faith and, by implication, does not apply to it. On its face, the law does not apply to the activity of individuals who are not acting under the legal authority of an RA or on its behalf. Nor does the definition apply to regular religious activities of believers individually or within their religious organization or group, such as worship services and Bible studies.

2. The law adds a *documentation requirement for individuals* engaged in “missionary activity” on behalf of the RA, but only if it happens *outside* an RA’s property. This documentation authorizes individuals to conduct missionary activity on behalf of the applicable RA. Priests, pastors, and other church leaders do not require such documentation because they presumably are authorized to act on behalf of the RA by reason of their positions. The required documentation is quite extensive, including proof of authorization by the executive board of the RA, a copy of an RO’s registration document or an RG’s notice of commencement of activity, and the use of official stamps.

The overall propaganda campaign branding some religious groups as dangerous has increased in the wake of Russian military action in Ukraine. “Foreign” faiths that are non-ROC-MP religious groups are increasingly deemed to be unpatriotic and subversive.

3. The law designates where missionary activity can occur without restriction and where it needs special permission. No restrictions on missionary activity apply if it happens in an RA's "premises, buildings, and structures," nor on the land on which it is located, nor in places of pilgrimage, cemeteries, and crematoria, educational institutions "historically used for religious ceremonies," nor in places rented or loaned to an RA. If another RA's property is used for missionary activity, that RA must give written consent to those conducting the missionary activity. If an individual conducts missionary activity outside those named places, they need the documentation mentioned above authorizing them to act for the RA. The AML does not prohibit RAs or their leaders from conducting missionary activity *outside* the list of named places. By implication they can, but in Russia what is not expressly permitted is often forbidden—unlike U.S. law in which the reverse is true. Some interpret the law as forbidding missionary activity outside the enumerated locations, but this is not what the law says.

4. The law allows missionary work in residential premises only if they are "made available to [registered] ROs for divine services and other religious rites and ceremonies." By implication, the failure to mention RGs in this sentence means that RGs cannot hold missionary services in residential buildings. However, prohibiting missionary activity in residential buildings contradicts provisions of the 1997 Law that expressly permits their use for meetings of unregistered RGs. The 1997 Law also expressly permits individuals, both Russian citizens and foreigners, to share their faith. On its face, this section of the AML dealing with missionary activities in residential spaces does not apply to private religious (non-missionary) services conducted in residential spaces by ROs, RGs, or individuals, just to missionary activities aimed at drawing in new members.

5. The law adds the word *missionary* to existing law that requires RO-produced audio, visual, and printed religious literature and objects to bear a marking with the official name and information of the RO that produces and distributes them. Unregistered RGs do not have the right to produce their own religious literature. This provision assumes that all religious literature used or distributed by RAs is produced by the specific group that is using that literature. In reality, ROs often use and distribute literature produced by other organizations, and RGs must do so because they cannot legally produce their own.

6. The law restricts missionary work by foreigners in the same way the 1997 Law, as amended, already restricted "professional religious activity" by foreigners. (a) Visas to visit Russia for missionary work are granted only based on an invitation from an RO (not an RG) with which the foreigner has a written civil or labor contract to engage in missionary activity as part of "professional religious activity."

(b) Foreigners may engage in missionary work only in the geographical territory where the RO they work for is registered or where a notification of establishment has been filed by an RG indicating a foreigner with a missionary visa secured by an RO can conduct missionary activity under the auspices of an RG. (By implication, Russian citizens can engage in missionary work outside these geographic borders.)

(c) Foreigners who enter Russia on other types of visas cannot engage in missionary activity. (d) A registered "representation" or branch of a foreign religious organization is not empowered to carry out missionary activity. (e) RGs cannot invite foreigners for missionary work in Russia.

7. The law specifically bars missionary activity that violates this law, including activity by liquidated ROs, and by those suspended or barred from activity based on violation of anti-extremism and anti-terrorism legislation. The law also adds a list of barred missionary objectives that are already prohibited by other legislation (violating public order and safety, extremism, destroying families, infringing others' rights, damaging morals or health, encouraging suicide or refusal of medical assistance, obstructing compulsory education, coercing people into turning over property, threatening those who seek to leave the RA, and refusal to carry out civic duties.) RAs are liable in cases where their agents engage in prohibited activities.

8. The law imposes very large fines upon both individuals (from the age of 14 up) and upon RAs for violations of the AML—up to 50,000 rubles for individuals and up to one million rubles for ROs and RAs. These are ruinously large sums for most individuals and organizations.

Reactions of Russian Churches and Legal Experts

Leaders of major Protestant denominations in Russia began expressing great concern as soon as they became aware of the AML. As noted above, legislators rebuffed efforts to derail or amend the legislation, while the Russian Orthodox Church took a wait-and-see attitude, reserving its right to object based on how the law was implemented. Staff of Moscow's Slavic Center for Law and Justice and other Russian religion law experts noted that the AML was ambiguous and subject to arbitrary enforcement due to its lack of specificity. Some legal experts noted that it appeared that the law was written by persons unfamiliar with the way religious groups operate and the nature of religion itself. For example, as explained above, the law only applies on its face to a very restricted type of conduct—efforts to attract new members by an RA. However, it fails to address the fact that religious activities that are not missionary in nature could have non-member participation. This omission leaves room for inappropriate enforcement actions, treating regular religious activities without a missional

(continued on page 4)

Staff of Moscow's Slavic Center for Law and Justice and other Russian religion law experts noted that the AML was ambiguous and subject to arbitrary enforcement due to its lack of specificity.

focus as missionary activity. The AML ignores the fact that Christians are subject to a personal biblical mandate to share their faith with others, which is expressly permitted by the 1997 Law. By associating missionary activity with terrorism, the law implies that such activity is intrinsically suspect and destructive to the Russian state. Thus, local officials feel justified and emboldened in prosecuting religious believers and organizations for activities that are clearly not covered by the law. The idea that minority faiths sharing their religious beliefs endangers the rest of society is sadly the same rationale used to justify vicious persecution of Christians in many Muslim-majority countries—actions condemned by the ROC-MP and the church worldwide.

Because of widespread concern among Russian believers that they could be prosecuted for even a casual conversation with a neighbor in a stairwell or inviting a non-member to visit their church, the Slavic Center for Law and Justice wrote to the Presidential Apparatus describing its concerns. It received a reply from the legal department of the Presidential Apparatus, which contained substantial reassurance that the law did not apply to ordinary church activities such as preaching, teaching, and Sunday schools; it only applied to specific missionary activity by a specific RA that was conducted by its authorized representatives; and it did not apply to faith sharing by individuals or those unaffiliated with an RA. However, enforcement actions brought under the AML run counter to these reassurances. Several senior religious leaders and legal experts noted that the test of the law would be in its implementation and that it would be necessary to challenge its enforcement in Russian courts and before the European Court of Human Rights.

In September 2016, the Russian Federation Public Chamber held a meeting to discuss the need for implementing regulations or directives concerning the law due to the lack of understanding and expertise as evidenced in law enforcement activities related to the AML. The Deputy Director of the Chief Directorate for Combatting Extremism of the MVD (Ministry of Internal Affairs) responded to critics by stating that “persons whose activity is not aimed against our people and our motherland have nothing to fear,” and then cited statistics on the rise of membership in the Islamic State among Russian citizens. However, AML prosecutions discussed in the meeting had nothing to do with such extremist groups.

Recommendations to create a set of implementing regulations for the law and even repeal of the AML have been made. However, in a December 2016 report on intelligence agency directives, religious affairs specialist Roman Lunkin of the SOVA Center for Information and Analysis concludes that implementing regulations and discussions of specific details of interpretation are

pointless because it has become increasingly clear that the AML and similar legislation are designed for propaganda against and control of non ROC-MP religious groups, not as measures to combat terror threats to the Russian state or society. On 7 February 2017, the Human Rights Council under the President of the Russian Federation, of which religious freedom advocate and attorney Vladimir Ryakhovsky of the Slavic Center for Law and Justice is a member, issued a formal opinion recommending repeal of the AML. It further recommended that more careful attention be given to legislation that would in fact address matters of public safety in Russia. The Human Rights Council also noted that the law had been applied against groups that could not even theoretically present a danger to the Russian state. It is possible that the Duma may heed this recommendation. Mr. Lunkin, however, fears that any new law drafted to replace the AML might be even more repressive.

Statistics on Enforcement of the AML

The enactment of the AML has been a factor in an accelerating wave of government prosecutions targeting the religious activities of Protestant Christians and their organizations across Russia. Forum 18 recently reported that Russian prosecutions related to freedom of religion and belief increased dramatically from 35 in 2014 to 122 in 2015.⁶ A total was not given for 2016, but Forum 18 states that it had identified 31 prosecutions and 15 convictions based on the AML between July and December 2016. Of these, most have targeted Protestant Christians, with others involving Buddhists (1), Jehovah’s Witnesses (5), and Hare Krishna devotees (5). Many other prosecutions of religious believers occurred in 2016 based on pre-existing laws, primarily cases based on extremist religious literature legislation. According to Forum 18, they targeted mainly Jehovah’s Witnesses and Muslim followers of the Turkish cleric Said Nursi. Additionally, shortly after the AML was enacted, six Mormon “missionaries” (renamed “volunteers” after passage of the AML) were deported from Samara in early August 2016 for technical violations of the terms of their visas (failure to register at their residential locations as required by Russian Federation law). Local officials linked the case to a dramatic increase in Mormon missionary activity in the region. In addition, Russian authorities continue their ongoing efforts to close particular churches on grounds not related to the AML.

III-Informed Enforcement

Prosecutions under the AML itself have almost all been unfounded in light of the actual provisions of the law, primarily because prosecutors and bureaucrats lack proper familiarity with religious beliefs in general and provisions of the AML in particular, and therefore cannot be expected to properly implement this law. Based on prosecutions

The enactment of the AML has been a factor in an accelerating wave of government prosecutions targeting the religious activities of Protestant Christians.

to date, the term missionary is understood to include any expression of adherence to a religious belief or any communication of one's religious beliefs, including preaching in a church service, at a location legally leased by a religious group, reading the Bible, or handing out religious literature by individuals unaffiliated with a particular faith. Presumably the target of the AML was to be public activities such as large-scale evangelism campaigns carried out by church members without proper credentials or carried out by foreigners without religious worker/missionary visas. No such cases have been brought, possibly because believers have abstained from actions clearly prohibited by the AML.

A Baptist Pastor, a Hare Krishna Devotee, and Two Youth on a Train

The first prosecution for unauthorized missionary activity was against a Baptist pastor whose church was conducting a children's camp in Noyabrsk in the Yamalo-Nenets Autonomous Region. Authorities raided the camp on July 20, the very day the AML went into effect. The AML should not have applied in this case because the pastor was a leader of a church with an apparent legal right to use the facility. He nevertheless chose "as a Christian" to pay a 5,000 ruble fine and not litigate the matter, thus leaving legal issues unresolved. The next prosecution involved the arrest of a young Hare Krishna devotee who was handing out religious literature on the streets of Cherkessk, also in July 2016. He was acquitted based on his lawyer's argument that he was acting on his own, not on behalf of any religious association. (However, in other cases Hare Krishna devotees have been prosecuted for individual activity such as dancing in the streets.) Some months later, on 7 October 2016, Orthodox activists detained two young people who shared their faith and distributed Gideon Bibles on a Moscow-bound train. Charged under the AML, they still were exonerated on grounds that they were not acting on behalf of any organization. These cases stand for the proposition that individual "missionary activity" is not governed by the AML. Still, courts in other cases have rendered convictions in dealing with similar situations of individual activity.

A Christ Embassy Leader from Ghana

The third case involved the arrest of a Ghanaian citizen, Ebenezer Tuah, who was conducting religious services, including baptisms, in a sanatorium in which his unregistered church, Christ Embassy, had rented space. He also had a Facebook page that gave information about his church's activities. Raided on 31 July 2016, this church leader was heavily fined after the court found he was conducting missionary activities without having notified the authorities of the creation of his RG or having documented authority from an RG to conduct missionary activities. Under the 1997

Law, however, the RG was not required to file such notice, and because it had not, it could not issue documents of authorization. Tuah was also accused of holding services in an educational institution in which religious services could not be held under Russian law. He argued that he was not engaging in missionary activity, but authorities argued that the very fact that baptisms were occurring proved otherwise. In short, in the court's view any attracting of new members (allowed under the 1997 Law and the Russian Constitution) is missionary activity.

An American Teacher

A fourth, well-publicized case involved Donald Ossewaarde, an American teacher in Russia who for many years conducted a small, private worship service and Bible study in his rented apartment in Oryol. On 5 August 2016, authorities detained and charged Ossewaarde without giving him timely access to a lawyer. (Ultimately, he was represented by the Slavic Center for Law and Justice.) As in the Tuah case, it was claimed that he should have filed a notice of the creation of an RG, and that he needed written authorization documents from the non-existent RG. Ossewaarde countered that the gathering was private, by invitation only, and that advertisements of the service on a notice board in his apartment building could have been posted by undercover police using tracts he had given them when they had visited his apartment. Despite the testimony of several experts that individuals not affiliated with any religious group were not in violation of the AML for holding religious services in their own homes, Ossewaarde was convicted and fined. He is appealing, but he is unable to continue working in Oryol. The publicity related to the case and the presence of U.S. diplomats in the courtroom, as well as Russian secret service representatives, resulted in what appeared to be a politically motivated verdict, according to witnesses present in the courtroom.

New Generation Pentecostals

Two additional cases in early August 2016 involved pastors associated with New Generation Pentecostal churches. In Mari-Turek, a New Generation church leader spoke from a stage at a festival that displayed the name of his church on a banner. He was charged for engaging in missionary activity outside a permitted location and for not having credentials from a registered RO or an RG that had given notice of its existence. Since he was not affiliated with either type of organization, he could not obtain written credentials, did not represent one, and did not need credentials. Also, the AML does not require that missionary activity be confined to church property.

In the second case in Kemerovo, a female Ukrainian pastor visited several unregistered New Generation congregations, but spoke in only one of
(continued on page 6)

The AML does not require that missionary activity be confined to church property.

The AML represents another success in the overall state propaganda campaign to brand non-Orthodox Christianity as something alien to Russia and hostile to its national security.

Anti-Missionary Provisions *(continued from page 5)*

them, reportedly to congratulate the pastor's wife on her birthday. A person disturbed by the Ukrainian's presence videotaped the meeting, claiming he felt her remarks were intended to "draw him into membership" in the church, thus constituting missionary activity. She was detained while on her way to the airport and fined the very large sum of 30,000 rubles. The church is unregistered and had not notified authorities of its existence. As in the church banner speech case, the group could not have credentialed her, nor could it have given her a religious worker visa. If she engaged in professional religious activity, she arguably violated her visa. This Ukrainian pastor paid the fine and left Russia, foregoing any appeal. Authorities successfully prosecuted another pastor of an unregistered New Generation church in October 2016 and fined him 40,000 rubles for violation of the AML, apparently because he had failed to inform the government of the existence of the church and had not registered it. He is not required to do so under existing Russian law, and regular church preaching should not be considered "missionary activity."

A Russian Messianic Jew

In late August 2016, a Russian citizen was accused of violating the AML after preaching at a Messianic Jewish congregation in St. Petersburg. Despite being an invited, visiting preacher, he was fined, and his appeal was denied. Sergei Zhuravlev, formerly a Russian Orthodox priest, was the founder in Ukraine of the Reformed Orthodox Church of Christ the Savior (Kyiv Archdiocese). Based on the facts available through press reports, none of his actions violated the AML: a Russian citizen may engage in professional religious activity in any place in Russia, particularly on premises leased by a religious group.

An American Pentecostal Family

In September 2016, an American couple traveling with their young daughter visited a church in Kaluga that has suffered substantial harassment from local government officials. The couple gave public greetings in the church and participated in worship. Local authorities detained them for violations of the law on entry to Russia, were fined, and were released. Presumably local officials believed that going to church is not permitted under a tourist visa.

The Gideons and the Salvation Army

In many cases prosecutors exhibit an ignorance of the law. For example, both the Gideons and the Salvation Army were targeted near the end of 2016 for importing the Synodal Version of the Bible, the edition authorized and published by the ROC-MP. In the case of the Gideons, the organization was accused of being part of the Jehovah's Witnesses—showing total ignorance of the religious tenets of both groups.

In the Salvation Army's case, authorities seized Synodal Bibles, hymnals, and other standard Christian publications and came close to destroying the literature because it did not bear the official imprimatur of the Salvation Army. However, the Salvation Army was not the publisher of these books and had no right to claim to be. The notion that Bibles would be burned to satisfy the AML sparked a sharp objection from a legal official of the Russian Orthodox Church. This prosecution was expressly contrary to the 2015 amendment clarifying that the extremist literature law exempted "sacred texts" from its application. In the case of the Salvation Army, it is evident that the literature was not the real problem, but the fact that the Salvation Army had possession of it. If possession of religious literature printed by other organizations becomes a basis for prosecution under the AML, it would mean that use of Synodal Bibles by churches other than the ROC-MP would be illegal—a senseless conclusion.

What Is Behind the Anti-Missionary Law?

Based on my review of the cases brought thus far under the AML (in which, admittedly, the facts are derived only from news reports, not from a review of court records), none of the defendants actually violated the law. That is small consolation to those who had to pay fines to avoid incarceration or large legal fees. A larger concern is that the AML represents another success in the overall state propaganda campaign to brand non-Orthodox Christianity as something alien to Russia and hostile to its national security, requiring strict control and preferably elimination. The insertion of this way of thinking into law enforcement actions, regardless of the content of actual law, is alarming. It is clear from quotes from law enforcement authorities that the defendants are guilty primarily because they exhibit unusual, unfamiliar "Pentecostal tendencies" or because they are foreigners. None of the prosecutions have demonstrated that those charged did anything injurious to the Russian state or its citizens.

Roman Lunkin at Moscow's SOVA Center has said in a series of articles and interviews that he believes the government is turning administration of religious affairs over to the intelligence services for purposes of propaganda and social control. He reported that the Russian Information Security Doctrine in force as of 5 December 2016 warned that foreign intelligence services may use religious organizations to undermine the state and cause a lessening of morality among Russian citizens. On 28 November 2016, a handbook for employees of executive authorities and law enforcement agencies was issued on the interaction between the state and religious organizations, stating that the "absorption" of non-Orthodox religions is harmful to citizens, decreases their commitment to national unity, and produces psychological stress among its adherents.

At the end of 2016, additional troubling news surfaced. Duma deputies are seeking to require registration of all religious group activities, or at least require a filing of notification by all unregistered religious groups. Mandatory registration was a particularly hated feature of Soviet-era regulation of religious life in Russia, giving authorities the ability to closely monitor believers. Forces hostile to true freedom of conscience are also reportedly pressing for legislation that would set up a process for identifying and repressing undesirable “sects.” Such a measure necessarily would include many of the groups already being targeted by local authorities and would raise fears that “undesirable” groups could be banned based on the content of their religious beliefs. The Ministry of Justice also announced at the end of 2016 that in 2017 it would conduct hundreds of “inspections” of Protestant churches for compliance with laws, including the “foreign agents” law. In that regard, the SOVA Center was recently placed on the “foreign agents” list, which will subject it to mandatory reporting of funding sources from overseas, if any. Also, it now is required to publicly identify itself as a foreign agent—a term implying actions contrary to Russian interests.

On the positive side, ROC-MP Patriarch Kirill has made a number of public statements on the need for Christian unity, particularly regarding the need for a united Christian voice to protest the persecution of Christians in Muslim-majority countries. Protection for Christians in Muslim-majority states was a central point in the Patriarch’s meeting in Cuba with Pope Francis, and in ROC-MP plans to join with the Billy Graham Evangelistic Association in holding a meeting in Washington, DC, in May 2017 addressing worldwide Christian persecution.

The Best Hope for Improved Treatment of Non-Orthodox Believers

My belief is that the best hope for an end to the

demonization and groundless state prosecution of non-Orthodox churches in Russia is an overall lessening of tensions between East and West. As long as Putin and his allies see themselves as threatened by Western nations, the more they will continue to identify non-Orthodox churches as forces that must be resisted and eliminated. Whether a lessening of East-West tensions is possible will depend upon a complex set of competing strategic interests, including resolution of the situation resulting from Russian backing for separatists in Ukraine and the war against ISIS in Syria and Iraq. In the meantime, people of faith in the West should continue their efforts to maintain positive relationships with their Russian brothers and sisters and to support the heroic work of the Slavic Center for Law and Justice, the SOVA Center, and other Russian religious human rights activists that have waged a long battle for religious freedom in Russia with frequent success. ♦

Notes

¹ “RPT Considers Adopted Law on Control of Missionaries’ Activity to be Acceptable,” RIA Novosti, 24 June 2016.

² “Christians in Russia Fear KGB-Style Crackdowns after Putin Signs Law Banning Evangelism,” *Christianity Today*, 12 July 2016.

³ “Putin Signs Sharing Beliefs, ‘Extremism’, Punishments,” Forum 18, 8 July 2016.

⁴ Lauren Homer, “Growing Restrictions on Russian Religious Activities,” *East-West Church & Ministry Report* 22 (Summer 2014), 17–21.

⁵ Federal Law No. 129-FZ, 19 May 2015, which was condemned by the Venice Commission of the European Union in a detailed report dated 10–11 June 2016.

⁶ “Russia: Religious Freedom Survey,” Forum 18, 13 January 2017.

Lauren B. Homer is the founder of *Law and Liberty Trust*, Washington, D.C.

My belief is that the best hope for an end to the demonization and groundless state prosecution of non-Orthodox churches in Russia is an overall lessening of tensions between East and West.

Religious Politics in Crimea, 2014-2016

Roman Lunkin

Editor’s Note: The first half of this article was published in the previous issue of the East-West Church & Ministry Report 25 (Winter 2017): 1-3.

Lutherans

Historically, Lutherans in Crimea came under the jurisdiction of the German Evangelical Lutheran Church (GELC), but in the past 20 years several new Lutheran jurisdictions have emerged on the peninsula. After 1991, American missionaries in Ukraine founded the Ukrainian Lutheran Church (ULC), which in Crimea is centered in Sevastopol. It has managed to survive following the political changes of 2014. But during the transition to Russian rule, two new Lutheran jurisdictions have emerged. One is the Lutheran Church of Ingria in Simferopol,

which absorbed the local ULC congregation when its pastor left for Ukraine in March 2014. The second is the Lutheran Church of the Augsburg Confession (ELC AC), which is officially registered in Yalta and is now trying to take possession of a disputed church building there. Yalta authorities registered the ELC AC in 2015 separately from the German Lutheran jurisdiction. It maintains relations with the Russian ELC AC. Many Evangelical Lutheran pastors believe the ELC AC, established in 2008 with active support from Russian authorities, was formed in order to bring division in the Lutheran Church in Russia. The ELC AC claims church buildings in different regions
(continued on page 8)

Methods of discrimination against religious minorities include invalidating leases for quarters used for worship, preventing the purchase of land for new churches, and making official registration cumbersome or impossible.

Religious Politics in Crimea *(continued from page 7)*

of Russia that belong to the German Evangelical Lutheran Church.

The largest German Evangelical Lutheran Church, located in Simferopol with over 100 active parishioners, benefits from people who are interested in German language and culture. Since 1992, new GELC congregations have been established in Simferopol, Yalta, Sudak, Evpatoria, Kerch, and Koktebel.

German Lutherans departed the former Soviet Union in two waves. In the 1990s almost half of all German Lutherans emigrated to Germany. Then in 2014-2015, additional German Lutheran believers left Crimea for Ukraine proper or Germany. In contrast to those German Lutherans dissatisfied enough to emigrate abroad, the German Lutheran Church is one of the most patriotic churches in Russia and has been the most supportive of the Russian government next to the Russian Orthodox Church. Its loyalty is explained partially because of the social structure of its congregations (mostly elderly women) and the historic Lutheran worldview.

Since the time of Martin Luther, the Lutheran Church has tended to cultivate close ties with state authorities. The Evangelical Lutheran Church, for example, traditionally has supported the Russian government from the tsarist era forward. In addition, German Evangelical Lutheran believers live primarily in the southern part of Crimea which historically has been heavily influenced by Russian culture. In fact, German Lutherans in Crimea were the Christian believers who were the most enthusiastic supporters of the 2014 shift from Ukrainian to Russian control, and who welcomed the referendum that joined Crimea to Russia. After 2014, the overall number of Lutheran churches in Crimea did not decrease, but actually increased. German Lutherans have joined the Evangelical Lutheran Church of Russia, have accepted several Russian pastors from Russia, and in addition have promoted missionary outreach. Lutherans in Crimea now have new opportunities to grow and to regain buildings which they were not able to retrieve during the Ukrainian period.

Other Protestant Denominations

The consequences of Crimea joining Russia were the most tragic for the peninsula's Pentecostals and Baptists. Hundreds of their churches and thousands of their believers have suffered discrimination in the transition. Protestants historically have often supported democratic governments, and their leaders in Crimea do not idealize the Russian power system headed by President Putin. The question at hand in Crimea is: Should the church oppose and criticize new authorities, or should it find a way to compromise?

Representatives of Ukrainian "Maidan theology" make an idol of Ukrainian patriotism. (Orthodox and Greek Eastern-Rite Catholics are among them, but Protestants are the most active.) For pro-Ukrainian Protestants, people are patriots only 1) if they call Russia an "aggressor"; 2) if they call the war in the Donbas a civil war; 3) if they reject the idea that Ukraine has discriminated against Russian speakers and Russian culture; and 4) if they regard Crimea as suffering under Russian "occupation" and

"annexation."

Since Russia and Ukraine have been closely tied for centuries, most churches in Crimea in 2014 found themselves deeply divided between pro-Ukrainian and pro-Russian adherents. The conflict in the Donbas and southeastern Ukraine deepened this division. Now in Crimea, in addition, even conventionally Russian churches are divided between those who fully support Russian authorities and those who are already disappointed with them.

The emigration of Crimean pastors and missionaries who had given many years to their ministry proved a serious psychological shock for the peninsula's churches. Usually ministers left based on their personal choice, not willing to live under new authorities or understanding that foreigners and people with a pro-Ukrainian orientation might have problems in the new Crimea.

Since Russia views Pentecostals as supporters of the 2004 "Orange Revolution," they were the first targets in 2014 of intimidation from law enforcement agencies. These believers have been subjected to deportation, church searches, document checks, and rude interruptions of church services by police and FSB officers. In an atmosphere of Russian xenophobia and patriotism under the "Crimea is ours!" slogan, all Protestant churches (together with Catholics, Greek Catholics, and the UOC KP) are seen as symbols of Western influence, which has led to persecution and suspicion for these churches. Some of these church communities have been destroyed while others have survived, but with their influence and strength noticeably weakened. Protestants in Crimea have lost their former social status and have become members of suspect "sects" in the eyes of pro-Russian Crimeans.

Sergey Golovin, pastor of an independent church of Evangelical Christians in Simferopol, left Crimea almost immediately after he realized that Crimea would become Russian territory. In his interview with the present author he noted: "[Differing] attitudes toward the present situation [in Crimea] caused a split in my church. For me, this was a sign of my unsuccessful ministry as a pastor. For 20 years I was teaching a biblical understanding of righteousness and truth, but in vain. The illusion of receiving a little bigger [Russian government] pension was more appealing for many. Before annexation the question of Russian identity had never been an issue in the churches. There were no problems with the language [or between] Russian or Ukrainian identity. The division was only between those who wanted to build the future and those who wanted to rebuild the past. We came out of the Egypt of communism and entered the desert of democracy, so those who murmured were happy that Pharaoh caught us."

Charismatic Pentecostals and the Salvation Army

Many churches became the target of Russian security services, first of all those charismatic Pentecostals who were connected in some way with the Embassy of God Movement in Kyiv whose pastors especially supported "EuroMaidan" and who engaged in pro-Ukrainian preaching. The main source of trouble for pastors in Crimea

beginning in 2014 was political. Pro-Ukrainian statements led to the expulsion of such ministers, many of whom continue preaching to their now-distant congregations via Skype. Russian authorities deported New Generation Pastor Oleg Trikoziuk (now in Genechesk), Embassy of God Pastor Anton Litvin (now pastor of God's Cover Church in the Kyiv suburb of Borispol), and after threats from the FSB in June 2014, Simferopol Salvation Army officer Ruslan Zuev (now a Salvation Army major in Lviv). Zuev was an activist in the "EuroMaidan Crimea" organization (now the "Ukrainian People's House") which, together with Crimean Tatars, took part in anti-Russian demonstrations. Nevertheless, the Salvation Army Corps in Simferopol has managed to continue in place, and its leaders have been able to build relationships with the new authorities.

Russian Protestant Associations Move into Crimea

Russian Protestant church unions began penetrating into Crimea almost immediately after March 2014. Many Protestant associations in the nearby Krasnodar Region had close relations with the peninsula's church communities even before 2014, such as the Evangelical Christian Missionary Union, which now has a Crimean Diocese consisting of several churches. In January 2015, the Russian Union of Evangelical Christians (Pentecostals) also created a Crimean diocesan administration. Most Pentecostal communities joined the Russian Church of Evangelical Christians, with some connecting directly with the union headed by Eduard Grabovenko, not just with regional associations. In August 2016 the Russian Church of Evangelical Christians held its conference on the Crimean coast with the approval of local authorities.

Evangelical Christians-Baptists

Baptists in Crimea are also split between the Union of Evangelical Christians-Baptists, headquartered in Moscow, and another autonomous regional Russian Union of Evangelical Christians-Baptists. The Baptist split occurred earlier in the 2010s over financial issues, but deepened after 2014. Veniamin Yuhimets in Yalta, head of the autonomous Evangelical Christians-Baptists, represents evangelical churches in the official, inter-religious board, "Peace Is God's Gift." He notes that an uneasy attitude exists in Crimea toward the Russian Evangelical Christian-Baptist Union in this crisis:

We were against the Russian Baptist Union's declaration on Ukraine in 2015 condemning Maidan. That declaration was made out of fear. We actively help Donbas refugees, but our principle is that we don't help the war, we only help the people. During 2014 our churches assisted several thousand people. In the Ukrainian period the situation was easier, but then Crimean authorities also favored the Orthodox Church. Many questions are solved thanks to an inter-religious board, with children's camps, for example. On some issues we can call directly upon Father Lazarus who is a very wise and educated man. But the Orthodox still call all Protestants [members of] sects. There are increasing numbers of cases in which Orthodox

priests put pressure on local authorities in order to cast out Protestants, which is pretty usual in Russia.

In April 2015, Kyiv Bishop Anatoly Kaluzhny, pastor of New Life Church, said that "There is a deliberate displacement of Protestants in Crimea," but it is obvious now that this was an exaggeration.

Politics and Inter-Religious Dialogue

In 2014, Sergey Aksenov, a key agent of Russian rule in Crimea, attempted to maintain the status quo in terms of state collaboration with major confessions. For example, he continued cooperation with the inter-religious board "Peace Is God's Gift." This body played a significant role in the peaceful transition of Crimea from Ukrainian to Russian rule, many times asking the people of the peninsula to solve all conflicts in a peaceful manner and calling for an end to fighting in eastern Ukraine. The board consists of Orthodox (UOC MP), Catholics, Lutherans, the Armenian Apostolic Church, Baptists, Adventists, Muslims, Jews, and Karaites.

The Russian Orthodox Church (Moscow Patriarchate) found a way to be present but invisible in Crimea. In October 2015, Bishop Tikhon (Shevkunov), secretary of the Patriarchal Council of Culture and Dean of Sretenski Stavropegic Monastery in Moscow and considered by some to be Putin's confessor, joined the Crimean Republic's Board of Expert Counselors headed by Sergey Aksenov.

Deportations and Discrimination

Supervision of religion is also overseen by the State Committee of International Relations, which deports citizens of Crimea, and the local FSB. Crimea's power structures, controlled directly from Moscow, also carry out policy independent of local authorities and administration. Law enforcement agencies also maintain religious "order" by deporting Muslims and Protestants they consider threatening.

Methods of discrimination against religious minorities include invalidating leases for quarters used for worship, preventing the purchase of land for new churches, and making official registration cumbersome or impossible. For the most part, discrimination against Catholics and Protestants stems from the desire of officials to profit during the period of confusion beginning in 2014 when not all property was registered according to Russian law. Local authorities, who usually are the same clerks who worked during the Ukrainian period, now feel free to behave rudely and indifferently toward non-Orthodox churches.

Beginning in 2014, as western churches ended all connections with Crimean churches or were prevented from maintaining such ties, humanitarian aid from American and European fellow believers evaporated. Some church-affiliated NGOs were not able to re-register because they were not ready for the strict organizational accountability required in Russia since 2009. Some Crimean believers working for NGOs were and are frightened by the new situation. As church leaders note, the value and reach of church-based social work drastically decreased beginning in 2014, down 80 percent. The main reason is that Russian authorities in Crimea (just the same as in

(continued on page 10)

Methods of discrimination against religious minorities include invalidating leases for quarters used for worship, preventing the purchase of land for new churches, and making official registration cumbersome or impossible.

The restrictive July 2016 “Yarovaya Law,”... if fully applied, will ban free missionary activity in Russia and will further inhibit the free exercise of all non-Orthodox Russian citizens, not only in Crimea but throughout Russia.

Religious Politics in Crimea

(continued from page 9)

the rest of Russia) are afraid of “non-traditional confessions” and actually forbid Protestants from conducting public social and missionary outreaches and ban them from prisons and hospitals.

Public activity of the churches is now actually banned. Mass protests in Moscow in 2012 against unfair elections led to tougher Russian legislation restricting demonstrations, meetings, and processions. Any actions on the streets that are undertaken without official permission are now punished with fines. In Crimea, Baptists and Jehovah’s Witnesses suffered first from this stricter regimen. In May 2015 authorities in Crimea punished nine Baptists with fines for extending Easter greetings in public and for passing out pamphlets. In June 2015 authorities fined Jehovah’s Witnesses for manning a booth with religious literature. Amendments to the federal law on freedom of conscience in July 2016 added new restrictions to missionary activity throughout Russia. Missionaries must now have an ID from an officially recognized religious body. “Illegal” missionary activity is punishable by fines of 50,000 rubles for individuals and one million rubles for organizations.

Church Re-registration

The re-registration process for Crimean churches under Russian law has visibly impeded church activity. But it cannot be said that it is totally so because of the unwillingness of Russian authorities to register some churches. To date Crimean churches have suffered almost no direct denials of registration. Instead, the process of re-registering churches simply has been poorly organized. Very few officials understood under what rules religious organizations were to be registered. The situation has been complicated by the fact that in 2014 many

Protestant churches (unlike Orthodox) were terrified and suspicious of Russian authorities. In addition, in 2015, judicial authorities were overwhelmed with registration applications. It turned out that registration is proving to be a very important step in obtaining legal entity status, re-registering property, and in order to conduct public activity of any sort under the new political circumstances. The re-registration deadline was extended to 1 January 2016. By the middle of 2016 almost all Protestant, as well as Orthodox, churches were registered. Surprisingly, even 20 communities of Jehovah’s Witnesses managed to secure registration. Discrimination in registration occurred primarily in the case of Muslim associations. Their numbers declined sharply compared to the Ukrainian period.

At the beginning of 2014, according to the Ukrainian Ministry of Culture, 2,083 organizations existed in Crimea, 1,409 of which possessed legal entity status and 674 possessed the right to engage in religious activity without state registration. Sevastopol alone accounted for 137 registered religious organizations. However, because of the transition to Russian rule in Crimea, the number of functioning religious associations has been reduced by half.

In Crimea, Russian legislation in the religious field has led to greater discrimination toward Evangelicals and Muslims. The restrictive July 2016 “Yarovaya Law,” signed by Putin, if fully applied, will ban free missionary activity in Russia and will further inhibit the free exercise of all non-Orthodox Russian citizens, not only in Crimea but throughout Russia. ♦

Roman Lunkin is Director of the Center for Religious Studies of the Institute of Europe of the Russian Academy of Sciences, Moscow, Russia.

Corrections

The full biographical note for “Religious Politics in Crimea, 2014-2016,” *East-West Church & Ministry Report* 25 (Winter 2017), 3, should read: Roman Lunkin is Director of the Center for Religious Studies of the Institute of Europe of the Russian Academy of Sciences, Moscow, Russia.

The full biographical note for “The Slavic Bible Commentary,” *East-West Church & Ministry Report* 25 (Winter 2017), 5, should read: Peter Penner, Bielefeld, Germany, is Director of Advanced Studies of the Euro-Asiatic Accrediting Association. ♦

Conscientious Objector Status in Russia Today

Herman Alyotkin

Editor’s note: The present article is translated from the Russian by Johan Maurer, Moscow Friends Meeting. For earlier articles on this subject see Lawrence Klippenstein, “Conscientious Objectors in Eastern Europe through 1989,” East-West Church & Ministry Report 11 (Summer 2003): 3-5; and Katy Morrow Stigers and Mark R. Elliott, “Conscientious Objection in Post-Soviet States,” East-West Church & Ministry Report 11 (Summer 2003): 6-10; www.eastwestreport.org. See also “On the Implementation of the Right to Conscientious Objection to Military Service in Russia in 2002-2012,” “Citizen, Army, Law” Human Rights Group; <http://nis-army.org>.

Provisions of International Conventions and the Russian Constitution

The wave of democratic reforms linked with Mikhail Gorbachev’s policy of *perestroika* permitted the issue of legal conscientious objection to military service to be given serious consideration at the state level. Among other factors, the requirements of international standards played a role. The Universal Declaration of Human Rights, adopted in 1948, recognizes each person’s right to freedom of thought, conscience, and religion (Art. 18), as well as freedom of opinion and expression and freedom to hold opinions without interference (Art. 19). The right to freedom of thought, conscience, and religion is also

included in the European Convention on Human Rights (Art. 9) and in the International Covenant on Civil and Political Rights (Art. 18).

In 1990, the Presidium of the U.S.S.R. Supreme Soviet established a special commission to draft legislation on “non-military service.” This decision was, in fact, the first official recognition of the question of “conscientious objectors” in the U.S.S.R. This major success began a public movement to protect objectors’ rights. A bill to this effect was prepared and submitted to the Supreme Soviet of the U.S.S.R. on 5 May 1991, but the Soviet Union collapsed before legislative action on the bill could be taken. In 1993, the new Constitution of the Russian Federation confirmed the right of conscientious objection in Art. 59. However, despite a decline in prosecutions, the situation for objectors remained problematic.

Court Sentences for Refusal of Military Service

Unfortunately, data provided by the General Staff’s Mobilization Directorate showed that draft boards ignored every fourth application for conscientious objection, ending with young people being forcibly sent to the army. Criminal courts indicted one objector out of every 20.

- Lev Sobolev, a Jehovah’s Witness in Vologda, was sentenced twice under Article 80 of the Criminal Code — first a 1.5-year suspended sentence, then a year in prison. A month later he was released on appeal.
- Ivan Mamankov, a member of a True Orthodox Church congregation, Voronezh Region, was sentenced to two years in prison under Art. 80 of the Criminal Code.
- Vitali Nechaev, a Jehovah’s Witness from Moscow, was sentenced in June 1996 to two years’ imprisonment.
- Uvanchaa Dozur-ool Mongushevich, a soldier and a novice at the Buddhist monastery in Tuva, was arrested in May 1996 on charges of desertion after having been severely beaten. Both his legs were broken. Both before and after induction he repeatedly asserted his refusal of military service on religious grounds, as was acknowledged by the chief military prosecutor’s office. On 28 March 1996, the military prosecutor in St. Petersburg decided to drop the case on grounds of “changed circumstances.”
- Vadim Hesse, Noginsk, Moscow Region, told his draft board in December 1995 that he wished to perform alternative civilian service, but instead received a summons to appear for induction into a military unit. Not having complied, he was arrested on 25 January 1996, was held in prison for 40 days, and was released on 5 March of that year on bail following the intervention of Amnesty International, the Transnational Radical Party, and a press campaign. On 13 May 1996, he was acquitted by Noginsk City Court for lack of evidence.
- Alexander Seregin of Moscow, a follower of the Hare Krishna movement (ISKCON), informed his draft board of his claim of conscientious objection in the spring of 1996, requesting alternative service. When he refused to obey the induction notice, his case was referred to the criminal courts. On 24 October 1996, the Cheryomushki District Court

sentenced him to two years’ imprisonment. On 24 December 1996, the Moscow City Court overturned the verdict on appeal and acquitted Seregin for lack of evidence of a crime.

Alternative Service Legislation

As the above cases suggest, for decades the lack of implementing legislation created serious difficulties for those trying to claim their constitutional rights. The State Duma worked on several versions of a law on conscientious objection, as human rights groups actively lobbied legislators. Finally, initiatives at the local level served as an impetus for the adoption of a law. In some places, experiments in introducing alternative service were nongovernmental, but in Nizhny Novgorod, under the influence of human rights defenders, the city mayor took the pioneering step of forming a draft board with minimal participation by the military. This draft board formally decided to refer several conscripts for alternative service. The national implementing legislation was finally passed in 2002 and came into force in 2004.

Alternative Service Cases

2004 was a peak year for alternative service cases, caused by the accumulation of alternative service applications awaiting resolution. After 2004 the annual number of alternative service referrals fell to 400 persons a year. However, their numbers have gradually been growing — at the present time about 700-800 people a year. Of course, this is a very small number compared to the annual call-up totals of 300,000. The slowness of this growth in alternative service applications can be attributed to the negative propaganda of government officials, attitudes in the media, lack of access to information, and general passivity within the larger population. When facing the question of national service, most choose the army under the influence of one-sided propaganda.

Alternative Service Demographics

Among those who choose alternative service, about 80 percent are motivated by religious reasons. Most prominent are Jehovah’s Witnesses, Seventh-day Adventists, Pentecostals, and Baptists, with some parishioners of the Russian Orthodox Church as well. Russia’s Supreme Court has taken the position that only the applicant’s own convictions and faith can be taken into consideration, not the religious tenets of the church to which he belongs. This allows Russian Orthodox parishioners to choose alternative service, even though the Church itself urges its members to choose military service. This Supreme Court position also accommodates members of various Protestant churches that leave the choice between military and alternative service up to its individual adherents. Encouragingly, the Constitution’s own text permits a broad interpretation of conscientious objection. For example, Muslims can refuse to perform military service not simply because they are pacifists, but because it is difficult to observe the full obligations of Islam in the army. The Ulema Council of Russia’s Dagestan Republic has recorded this interpretation in the form of a *fatwa*.

In addition, about 15 percent of objectors refuse military service on ethical or philosophical grounds.

(continued on page 12)

Despite a decline in prosecutions, the situation for objectors has remained problematic.

Here we find a variety of pacifist movements — Tolstoyans, vegans, anarchists, and so on. About five percent are indigenous peoples. Their right to alternative service is not connected to issues of conscience, but rather on the condition of belonging to an indigenous people pursuing their customary crafts and trades.

It is difficult to assess how much freedom conscripts have to choose alternative service. Furthermore, the situation varies from region to region. The presence of human rights organizations, the collective strength of a particular church, the attitudes of local government officials and military representatives toward alternative service — all of these factors can influence the situation faced by conscripts in any given region.

Statistical Discrepancies

According to reports from the federal agency responsible for alternative service, the Federal Labor and Employment Service, very few applicants are rejected. However, these reports primarily use data from the Ministry of Defense, under whose authority the local draft boards operate. And serious discrepancies emerge when data from religious groups and human rights organizations are compared with official data. For example, according to official statistics, 85 percent of applications for alternative civilian service were granted in 2009. But according to data from human rights workers in St. Petersburg who tracked the autumn 2009 call-up, authorities approved only 18 percent of alternative service applications. The majority of refusals reportedly involved non-religious applicants or missed deadlines.

Uncertainties in Alternative Service Criteria

However, belonging to a religious organization does not guarantee anything. From recent examples: during the autumn 2014 conscription in Saransk, a Jehovah's Witness was refused alternative service by the draft board and at two levels of appeal in court. The court assessed the religious basis of his application as not genuine. The applicant was preserved from military service simply by the fact that his obligation expired during the time it took to complete the legal process.

At the same time, it is not necessarily safe for a religious organization to disseminate information on alternative service. In 2009, the prosecutor's office of the Rostov Region initiated a lawsuit to ban the activities of Jehovah's Witnesses in Taganrog. One reason cited in the lawsuit was Jehovah's Witnesses' "call to their members to refuse to fulfill their civic duty to vote in elections and serve in the army."

The European Court of Human Rights

The problem consists not only of denying citizens the right to alternative service, but also passing them on directly to the army. In April 2016 Adventists Vladimir and Dmitry Salnikov filed a complaint with the European Court of Human Rights (ECHR) on the denial of alternative civilian service and subsequent conscription. The Salnikovs notified

the draft board at Saransk about their religious beliefs and requested alternative civilian service, but they were refused, and instead received draft notices. They refused to take the oath and accept weapons, but were then denied the opportunity to participate in their Sabbath services. Given their Adventist dietary restrictions, they were inadequately fed. Alexander Peredruk of the human rights organization Soldiers' Mothers of St. Petersburg defended their interests. According to Peredruk, the Salnikovs' case is the first of its kind from Russia to the ECHR: the brothers stated their religious convictions but were ignored and instead forced into the army under threat of criminal prosecution. In this way, the brothers were forced to act against their religious views, as their lawyer stressed. Unfortunately, it is difficult to file an appeal to the ECHR; it is difficult even to file a lawsuit in the local system. The Code of Administrative Procedure adopted in 2015 stipulates that only a fully qualified jurist can represent a conscript's interests in court, but human rights and religious organizations cannot always engage someone who meets this qualification. The conscripts themselves do not have the necessary skills for the courtroom. And then, in order to forward a case to the ECHR, it is necessary to go through several appellate levels in one's own country before finding a lawyer who can prepare the ECHR appeal.

In September 2014, a conscript from Murmansk, Sergei Halkin, applied for alternative service, explaining that military actions in eastern Ukraine caused him to rethink his attitudes, adopt pacifism, and reject military service. After the draft board rejected his application because he missed the deadline, Halkin appeared in court, only to have his application rejected there as well. When the Murmansk Regional Court also rejected his appeal, he turned to the ECHR on the basis that he had exhausted all avenues of appeal within Russia. In March 2015, during the spring draft, he once again applied for alternative service, and once again was rejected due to failure to comply with deadlines. The trial court once again supported the draft board.

Difficult Appeal Procedures

The problem is that the law suspends the induction process only during the appeal to the courts of first and second instance. After that, refusal to enter the military can lead to criminal prosecution. In 2011, the Kirovsk and Apatity Draft Board (Murmansk Region) referred the case of Jehovah's Witness conscript Nikita Konev to the Criminal Investigation Agency. Despite his alternative service claims, the court found him in violation of conscription requirements and ordered a fine of 130,000 rubles (about \$3,700 at the time). The conscript paid the penalty, and again applied for alternative service. This time it was granted. It took Nikita four years to obtain his rights.

The case of conscript Evgenii Plakhutina of Voronezh had a more positive outcome. Despite his application for alternative service, he was prosecuted for draft evasion. On 10 November 2014, the court found him not guilty. Again he applied for alternative service in place of military service.

According to official statistics, 85 percent of applications for alternative civilian service were granted in 2009. But... in St. Petersburg... authorities approved only 18 percent of alternative service applications.

In 2013, already at the age of 17, Roman Fedotov of Blorechensk applied for alternative service. When he reached 18, he appeared before the draft board, which ordered him to submit to an induction physical. He refused. The draft board forwarded his file to the Criminal Investigation Committee, which opened a criminal case against him. The court found him guilty of draft evasion, but immediately pardoned him. The conscript is continuing his fight for the right to perform alternative service.

A conscript from Tiumen Oblast was drafted on 10 October 2014, despite the fact that he had submitted a request for alternative service the previous December. His request lacked the required autobiography. On this basis, as well as the fact that he had submitted his request early, the draft board refused to consider the substance of his application. Their decision to draft him and their refusal to consider his alternative service application formed the basis of a court appeal. On 16 December 2014, the court found the induction order invalid and required the draft board to review the application for alternative service.

Problematic Alternative Service Assignments

In their report for the years 2013-2015, human rights activists who are monitoring the provision of alternative service recorded 20 violations. In the past, another problem existed in implementing alternative service, a problem that has almost disappeared, but could reappear in the future. This concerns the civilian character of alternative service that is actually performed in organizations subordinated to the military or involved in the implementation of military orders. After the adoption of the alternative service law, many alternative service workers were sent to the Federal Agency for Special Construction, a unit of the Ministry of Defense. Although at the time it was mainly engaged in ordinary civil-

engineering projects, it was a paramilitary agency, and its managers had military ranks.

Conscripts were also sent to Ministry of Defense farms and to factories filling defense orders. For example, a long-running conflict in Kazan between alternative service workers and their managers concerned their placement in an explosives factory. The alternative service workers demanded jobs not connected with producing military ordnance. The conflict was resolved only after like-minded people all over the world sent letters of support. These kinds of conflicts over failure of the system to reassign alternative service workers often resulted in their leaving their workplaces without permission, leading to criminal charges. Since the penalty for leaving these assignments does not involve imprisonment, no major public controversies have ensued. Even so, the system's managers have tried to take religious affiliation into account when making assignments. Unfortunately, the religious education of bureaucrats is often rather weak, resulting in further conflicts, as for example when a Jehovah's Witness is assigned to a blood transfusion unit.

Some other conflicts have been resolved in the normal course of events—special construction and military farms being removed from the list of alternative service options, for example. On the other hand, direct military institutions are starting to appear on the list. In 2016, the Naval Academy and the Army Orchestra appeared on the list of employers accepting alternative service workers. In general, alternative civilian service as an institution is continuing to develop without the support of the authorities, or rather, despite their indifference, or even their resistance. ♦

Herman Alyotkin is chairman of "For Our Sons," an organization of conscripts' parents in Kazan, Tatarstan, Russian Federation, working to defend the human rights of draftees.

Alternative civilian service...is continuing to develop without the support of the authorities, or rather, despite their indifference, or even their resistance.

Resources on Refugees in Europe

Charley Warner, Compiler

Editor's Note: The following bibliography and list of organizations support Charley Warner's report on the "Bucharest Conference on Refugee Ministry in Europe," East-West Church & Ministry Report 25 (Winter 2017): 15.

Bibliography

Albinson, Thomas. *Justice and Compassion – Responding to the Refugee Crisis in Europe*. September 2015; <http://www.worldidea.org/pdf/Justice%20and%20Compassion%20-%20Responding%20to%20the%20Refugee%20Crisis%20in%20Europe.pdf>.

Cesari, Jocelyn. *Why the West Fears Islam: An Exploration of Muslims in Liberal Democracies*, rev. ed., 2013.

de Ruiter, Bert, ed., *Engaging with Muslims in Europe*; <https://www.amazon.com/Engaging-Muslims-Europe-Bert-Ruiter/dp/3957760259>.

European Evangelical Alliance. *Europe's Refugee Crisis: What to Think About It*; <http://www.europeanea.org/wp-content/uploads/2016/05/Politics.pdf>.

European Evangelical Alliance. *Stand Up for Refugees*; <http://www.europeanea.org/index.php/refugees/stand-up-for-refugees/>.

Hungarian Reformed Church. *Statement of the General Convent on the European Migration Crisis*. November 2015; <http://reformatus.hu/data/documents/2015/11/17/Statement-of-the-General-Convent-on-the-European-Migration-Crisis.pdf>.

(continued on page 14)

Resources on Refugees in Europe *(continued from page 13)*

Save the Children and United Nations High Commissioner for Refugees (UNHCR). "Small Hands, Heavy Burden." July 2015; <http://reliefweb.int/report/syrian-arab-republic/small-hands-heavy-burden-how-syria-conflict-driving-more-children>.

UNHCR. *Global Trends—Forced Displacement 2014*; <http://www.unhcr.org/556725e69.pdf>.

Organizations

Asylum Information Database (AIDA); www.asylumineurope.org/. Information on asylum procedures, reception conditions, and detention in Europe.

Collaborate for Refugees; <http://www.collaborate4refugees.com/>. Collaborative website work space for evangelical refugee-related ministries.

European Evangelical Alliance—Refugees; <http://www.europeanea.org/index.php/refugees/>.

Helping Hands; www.helpinghands.org. Refugee ministry in Athens, Greece.

Hungarian Reformed Church (HRC). Refugee Ministry; <http://reformatus.hu/mutat/6838/>.

International Association for Refugees (IAFR); <http://www.iafr.org/>. An international Christian organization that mobilizes the church to seek the welfare of forcibly displaced people by meeting them on their journey, generating hope, and helping them rebuild their lives.

Linking Global Voices; <http://www.linkingglobalvoices.com/>. A facilitator of global missions networking.

Migration Aid; www.migrationaid.net/english/. A volunteer initiative helping refugees arriving in Hungary to reach their assigned refugee camps or travel onwards.

Refugee Support Network; <https://refugeesupportnetwork.org/>. London-based young refugee support service.

World Evangelical Alliance. Refugee Partnership Network (RPN)—Europe; <http://www.refugeehighway.net/europe.html>. World Refugee Sunday (<http://www.refugeehighway.net/world-refugee-sunday.html>).

World Evangelical Alliance (WEA). Engagement with Refugees; <http://www.worldevangelicals.org/refugees/>; and <http://www.worldevangelicals.org/refugeecrisis/>.

World Evangelical Alliance (WEA). Refugee Highway Partnership; www.refugeehighway.net. Since 2001, a worldwide cooperative Christian network that facilitates aid and ministry to refugees.

World Evangelical Alliance (WEA). Refugee Task Force; <http://worldea.org/news/4601/wea-establishes-special-task-force-on-refugee-crisis-to-coordinate-global-and-grassroots-response>. Created in September 2015 to address the ongoing refugee crisis in Europe and the Middle East. ♦

Charley Warner was a member of EEMA from 2009 to 2013. He is a missionary serving with Barnabas International in Central Europe and Eurasia.

Review Essay *(continued from page 15)*

professor lit a candle for Father Men, I was struck by the depth of her grief. It brought to mind, once again, the extraordinary gift this learned, winsome priest had possessed in pointing Russian intelligentsia to Christ. Whatever my own reservations with some of Father Men's theological formulations, for me they pale before the great spiritual good he worked in Russia—and far from it. Lord, have mercy. ♦

Notes

¹ *The Russian Orthodox Church: A Contemporary History*, 1986, and *The Russian Orthodox Church: Triumphalism and Defensiveness*, 1996.

² *A Long Walk to Church: A Contemporary History of Russian Orthodoxy*, 1995.

Editor's Note: For the unabridged version of this review see Mark R. Elliott, "Reflections on the Life of Aleksandr Men," Occasional Papers on Religion in Eastern Europe 37 (No. 1, 2017): 8-19; <http://digitalcommons.georgefox.edu/ree/>.

Mark R. Elliott is author of *Pawns of Yalta: Soviet Refugees and America's Role in Their Repatriation* (University of Illinois Press) and founding editor of *the East-West Church & Ministry Report* (1993-; www.eastwestreport.org).

Whatever my own reservations with some of Father Men's theological formulations, for me they pale before the great spiritual good he worked in Russia—and far from it.

Review Essay (continued from page 16)

perestroika were finally taking hold such that Father Men found himself in high demand in public forums to reintroduce Russians to their spiritual heritage. In a hectic schedule of lectures, press interviews, and television appearances – as many as six to seven a week by 1989 – he called for his church’s repentance for its moral compromises and collusion with an atheist state. He also decried what he argued were his church’s wrongheaded attempts to retrieve its pre-Soviet privileges, power, and property. Reform-minded believers saw in Men an antidote to the Moscow Patriarchate’s spiritual chauvinism and triumphalism. Much more numerous, however, were his detractors, within and without the church, who read him as a dangerous liberal and cosmopolitan, the latter a code word for westward-leaning Jews whose Russian patriotism was suspect.

Men’s Murder and Likely Motives

In addition to Daniel’s discerning analysis of Men’s formative influences, career, and writings, the author also expertly guides his readers through the botched investigation of Men’s murder, the likely motives and suspects, and the legacy of this revered – and despised – parish priest.

On 9 September 1990, before seven a.m., on a dark forested path between his home and the train that was to take him to his church, Father Aleksandr Men was clubbed to death by an axe-wielding perpetrator. Father Men’s murder remains unsolved, and as Daniel notes, it may never be solved short of “the opening of KGB archives.” Nevertheless, speculation has abounded as to groups with motives, which Daniel summarizes under four headings: anti-Semites, ultra-nationalists, ultra-conservative Orthodox, and the KGB. Anti-Semites, ultra-nationalists, and ultra-conservative Orthodox fundamentalists opposed Men as the proponent of Western-style democracy, human rights, freedom of conscience, tolerance, and an Orthodoxy confident enough of its basic truths to tolerate coexistence with its fellow citizens of other persuasions. For its part, the KGB had ample motive to wish Father Men dead for besting its protracted but unsuccessful campaign against him. As Daniel aptly summarized, the secret police had the motive, the means, and “the support within the official investigating agencies to cover it up effectively.”

Men’s Legacy

For Daniel, two questions regarding Father Men are overriding: To what extent is his legacy likely to be lasting? And to what extent is his understanding of Christianity faithful to Orthodoxy (the chief concern of Russia’s majority confession) and faithful to Scripture (the chief concern of Russia’s Evangelicals)? Daniel clearly argues that Men’s influence remains substantial. He notes, for example, the sale of over five million copies of Father Aleksandr’s books, sermons, and lectures, over one million of *Son of Man* alone.

Men’s Fidelity to Orthodoxy

Regarding the question of Men’s fidelity to Orthodoxy, Daniel unreservedly places him in the historic mainstream of his church’s teachings. The

author argues Men should not be condemned just because he read widely, including works by those whom especially conservative Orthodox consider suspect, such as Ernest Renan, Vladimir Soloviev, and Sergei Bulgakov. Likewise, Men’s charitable disposition towards other Christian confessions should not be taken for acceptance of non-Orthodox dogma.

Men’s Fidelity to Scripture

As to the issue of Men’s fidelity to Scripture, Russian Evangelicals are split. To illustrate their ambivalence, I quote from an American missionary who has sojourned among Russian Evangelicals for decades:

Men was a favorite among Protestants during the Soviet period. The erudition and literary virtuosity of his works were helpful tools in evangelizing the intelligentsia. His most popular books among Protestants were *Son of Man* and *How to Read the Bible*. In the 1970s and 1980s Moscow Baptist Church youth worked on joint projects with Men, for example, creating filmstrips illustrating biblical passages to be used in Sunday schools. So there is much positive to say about Men. But when I started reading Men’s books myself, I kept finding things that jarred with my own understanding of Evangelical thought. So I quickly stopped promoting him.

As eloquently as Daniel makes his case for Men’s orthodoxy (lower case), other proponents of Christian orthodoxy (be they Orthodox, Catholic, or Protestant, myself included) can also find some of Daniel’s characterizations of Men jarring, for example: “Fr. Aleksandr did not want to close Russia off from other religions and diverse kinds of experiences;” and “The Muslim who ‘believes in a single God as sovereign of history and humanity,’ Fr. Aleksandr said, ‘also confesses a truthful faith.’” Evangelicals will question whether such sentiments can be squared with the exclusive truth claims of Christ who declared, “I am the way, the truth, and the life. No one comes to the Father except through me” (John 14:6).

In Summary

I personally find it painful to discover where Father Men seems to stray from Christian orthodoxy because I find so much to admire in his life and witness: his thirst for a truly liberal arts education that strengthens rather than undermines faith, his cogent defense of the compatibility of science and religion, his courageous confrontation with the KGB that did not end with his spiritual capitulation, and his ability to relate to both simple folk and intelligentsia.

I will end where I began—in 1990. Three short weeks after I met Father Aleksandr in August 1990 I was back in the U.S., busy with Moscow State exchange students at Wheaton College. On September 9th I was an hour from campus in Chicago assisting our Moscow State faculty advisor with an errand when the shocking report came over the car radio of Father Men’s murder. We both were stunned by the news. I asked my exchange counterpart if she would like to go to the nearby Orthodox Holy Trinity Cathedral for prayer, to which she readily agreed. As this accomplished, but thoroughly secularized,

(continued on page 14)

By the late 1980s, Men found himself in high demand in public forums to reintroduce Russians to their spiritual heritage.

Review Essay

Mark R. Elliott

Wallace L. Daniel. *Russia's Uncommon Prophet: Father Aleksandr Men and His Times*. DeKalb, IL: Northern Illinois University Press, 2016.

In his 32 years of ministry Men developed a reputation as a shepherd who could relate as easily to the unschooled as to the intelligentsia, and to students as easily as pensioners.

In August 1990, while leading a Wheaton College student exchange with Moscow State University, a Russian friend invited me to worship at Father Aleksandr Men's parish on the outskirts of the capital. Following the Divine Liturgy, I was introduced to Father Men, who surprised me with an invitation to sit in on an editorial meeting of his journal, *Mir biblii* [*World of the Bible*]. What surprised me even further in this meeting was the editorial board itself, consisting of Protestant and Catholic as well as Orthodox members. Here in microcosm is an illustration of what has endeared many to Father Men—his personal warmth and acceptance of believers of other persuasions—and what others have found provocative—his refusal to endorse a narrow, nationalistic, triumphalist Orthodoxy.

Wallace L. Daniel, Baptist scholar and retired provost of Mercer University, Macon, Georgia, joins Jane Ellis¹ and Nathaniel Davis² as authors of the most significant English-language accounts of the post-World War II Russian Orthodox Church. Daniel eclipses Yves Hamant's 1995 biography with insights gained from two newer works on Men by his parishioners, the author's extensive interviews, and additional newly available primary sources.

Early Life and Education

Aleksandr Vladimirovich Men, born in Moscow in 1935, was deeply influenced by his mother, a Jewish convert to Orthodoxy, and her very accomplished circle of family and friends, all

members of the Orthodox catacomb church. They all encouraged the young Aleksandr's prodigious reading across a wide spectrum of West European and Russian humanities, sciences, and theology.

Bright and unusually well-read for someone living through the xenophobia and paranoia of late Stalinism, Men nevertheless had no possibility of matriculating at Moscow University, which was closed to Jews. In 1953, as an alternative, he entered the Institute of Fur which moved to Irkutsk, Siberia, in 1955. Here Men imbibed great ethnic and religious diversity, rubbing shoulders with Cossacks, Buddhist Buryats, Old Believers, Catholics, and Protestants. Expelled from the Institute for challenging his instructor of atheism, Men returned to Moscow in 1958 without a diploma. Just on the basis of his personal history and self-taught theology, he was ordained a deacon in the Orthodox Church that same year, and by 1960 he completed a correspondence course and was ordained a priest.

Pastoral Ministry and Writings

In his 32 years of ministry Men developed a reputation as a shepherd who could relate as easily to the unschooled as to the intelligentsia, and to students as easily as pensioners. In addition, he somehow managed time to write simple, fresh retellings of the gospel, such as *Son of Man*, and erudite, multi-volume tomes, such as his massive *History of Religion*.

In *Son of Man* (1968), written for a popular audience, Men rebutted the anti-religious dogma that the person of Jesus never existed, a notion of Lenin's. By far Men's most ambitious project, his six-volume *History of Religion*, was produced under a pseudonym by Zhizn Bogom, a Belgian-Catholic publishing house sympathetic to Orthodoxy. The first edition of this massive work – volume six alone runs more than 800 pages – appeared between 1970 and 1982. The third edition, finished just before his death in 1990, had a print run of 100,000 copies. An overarching theme in this *History* is the complementary relationship of science and religion, falsely deemed incompatible, he argued, by Marxist materialists.

State Harassment

Paralleling his pastoral ministry and his theological writings, Men, from the mid-1960s on, had to contend with increasing pressure from Soviet security forces. His friendship with a host of leading lights of his country's dissident movement, including Alexander Solzhenitsyn, Father Nikolai Eshliman, Father Gleb Yakunin, Father Dmitrii Dudko, Mikhail Aksenov-Meerson, Anatolii Krasnov-Levitin, and Nadezhda Mandelstam, predictably drew the attention of the KGB, with harassment and interrogations particularly severe in the late 1970s and 1980s. At points in 1980, 1984, and 1986, Men feared imminent arrest, as befell Yakunin and Dudko.

Perestroika and Public Ministry

Security services undoubtedly sought a public television "confession" of wrongdoing similar to the one wrested from a broken Father Dmitrii Dudko, but it was not forthcoming. Instead, by the late 1980s, President Gorbachev's *glasnost* and (continued on page 15)

The quarterly *East-West Church & Ministry Report* examines all aspects of church life and mission outreach in the former Soviet Union and Central and Eastern Europe as a service to both church and academia. Letters to the editor are welcomed. Annual subscription rates are \$49.95 (individuals, U.S. and Canada); \$59.95 (individuals, international); \$53.95 (libraries, U.S. and Canada); \$63.95 (libraries, international); and \$22.95 (e-mail). Reprint and photocopy policy: 1) Quantity photocopies or reprints of up to three articles from a single issue may be distributed or reprinted at no charge. 2) Written permission is to be secured for each distribution or reprinting. 3) The following statement is to be carried on each photocopied article reproduced and each article reprinted: Reproduced (or Reprinted) with permission of the *EAST-WEST CHURCH & MINISTRY REPORT*. Indexed by *American Bibliography of Slavic and East European Studies* (ABSEES), *OCLC Public Affairs Information Service* (formerly PAIS), *Social Sciences Citation Index* (SSCI), and *Christian Periodicals Index*.



ASBURY
UNIVERSITY
Established 1890

EAST-WEST CHURCH & MINISTRY REPORT

Asbury University
One Macklem Drive
Wilmore, KY 40390
Tel: 859-858-2427
E-mail: emark936@gmail.com
Website: www.eastwestreport.org
Mark R. Elliott, Editor
Ray Prigodich, Book Review Editor

©2017 ISSN 1069-5664