

UNIVERSAL PERIODIC REVIEW

Submission Regarding the Russian Federation

By

Church of Scientology International

I. Misuse of Extremism Law Against Religions

1. The gravest threat to religious freedom in Russia is the government's escalating use of the Federal Act of 25 July 2002 (with subsequent amendments), "On Counteracting Extremist Activity" ("Extremism Law" or "Law") to censor religious scriptures and harass and disrupt religious organizations under the pretext of combating "religious extremism."

2. The Law provides for harsh penalties against organizations, providing for the possibility of suspension or banning of their activity, liquidation of the organization conducting or suspected of conducting of extremist activity, forfeiture of property and prosecution of individuals associated with the organization for distributing banned materials or for continuing the activities of the organization subsequent to liquidation.

3. Once religious works are on the Federal List of Extremist Materials, the government opens investigations, raids homes and churches, seizes and forfeits the works and prosecutes individuals of the faith in question.

4. The Scientology religion, its parishioners and its religious and social organizations have been a recurring target of this national government campaign of religious repression. Scientology organizations have been the target of numerous raids and "investigations" under this law. The Church of Scientology has also prevailed in a number of court decisions – over ten - under this law.

5. In addition, in 2010, after an *ex parte* hearing without any notice to the Church or anyone connected to the Church, 29 articles of basic Scientology Scriptures were declared "extremist" by the Surgut City Court and improperly placed on the extremist materials list before a final judgment was rendered. The Church ultimately prevailed in this case and, in April 2011, the Ministry of Justice was ordered by the Surgut City Court to remove the 29 Scientology related materials from the list, which it did.

6. To understand the absurdity of these rulings, the Scriptures and religious materials at issue have been published and accessed throughout the world, some for as long as 60 years. These materials have been available to Scientologists, Scientology religious organizations and members of the public

without any censorship in over 165 countries throughout the world. You can find these very materials in public libraries in countries and cities throughout the world.

II. The Extremism Law Violates UN Standards

7. International and legal standards mandate that religious minorities be treated fairly and without discrimination in the same way as other religions. Yet, Russia has contravened these standards through misapplication of the Extremism Law to censor religious materials, to arrest and detain believers for reading or disseminating Scriptures and to liquidate and close down places of worship for targeted religious faiths.

8. Russia has signed and ratified the International Covenant on Civil and Political Rights (ICCPR). Article 18 of the ICCPR protects the right to freedom of religion and freedom from discrimination based on religion or belief. Article 19 of the ICCPR protects the right to freedom of expression.¹ The arbitrary application of the Extremism Law by Russian authorities against religious literature of, for example, Scientologists, Jehovah's Witnesses, devotees of Hare Krishna, Falun Gong practitioners and readers of the Muslim philosopher Said Nursi amounts to religious censorship and suppression in contravention of Articles 18 and 19 of the ICCPR.

9. The United Nations Human Rights Committee oversees compliance with the ICCPR. In its Concluding Observations Report Regarding Russia's Compliance with the ICCPR, the Human Rights Committee expressed concern regarding the way the Law was being enforced and made the following recommendation regarding the Extremism Law in 2009:

[T]he State party should revise the Federal Law on Combating Extremist Activity with a view to making the definition of "extremist activity" more precise so as to exclude any possibility of arbitrary application ... Moreover, in determining whether written material constitutes "extremist literature", the State party should take all measures to ensure the independence of experts upon whose opinion court decisions are based and guarantee the right of the defendant to counter-expertise by an alternative expert.²

¹ The Extremism Law also infringes on the right to freedom of association for religious organizations as it permits the suspension of social and religious organizations for an indefinite period of time without judicial proceedings, pending determination by a court of law as to whether the organization is extremist.

² Para. 24, Concluding observations of the Human Rights Committee RUSSIAN FEDERATION

10. Instead of working to meet the concern of the Human Rights Committee regarding the arbitrary and discriminatory application of the Extremism Law, Russia has actually intensified its misapplication since 2009. The United States International Religious Freedom Commission, in its past two Annual Reports, notes that in the last two years, the Russian government increased its use of anti-extremism legislation against religious groups and individuals not known to use or advocate violence. The Federal List of Extremist Materials expands every few months. Since the list started in 2007, it grew to 255 items by the end of August 2008, to 573 items by March 2010, to 1,073 items by January 2012.³

11. Once religious works are on the Federal List of Extremist Materials, the government opens investigations, raids homes and churches, seizes the works, prosecutes and convicts individuals of the faith in question, and even liquidates or dissolves their organizations.

12. The UN Human Rights Committee direction to the Russian government to narrow its definition of "extremism" so that it concerns violence or incitement to violence is also the standard and definition of "extremism" articulated in the Shanghai Convention on Combating Terrorism, Separatism and Extremism, which Russia has signed and ratified:

"Extremism" is an act aimed at seizing or keeping power through the use of violence or changing violently the constitutional regime of a State, as well as a violent encroachment upon public security, including organization, for the above purposes, of illegal armed formations and participation in them, criminally prosecuted in conformity with the national laws of the Parties.⁴

13. On 20 June 2012, the European Commission for Democracy through Law (the Venice Commission), an independent legal think tank and advisory body of the Council of Europe, issued an opinion on the Russian Extremist Law. Upon reviewing the definitions of "extremism," "extremist activity," "extremist organization" and "extremist materials", the Venice Commission found the definitions were too broad, lacked clarity and invited arbitrary application. The other pervading definitional problem was the absence of a link between the concept of extremism and violence in many provisions of the Law. Thus, the concept of extremism encoded in the Law is so vague that virtually any act can be labeled as "extremist" under the Law.

1. CCPR/C/RUS/CO/6 24 November 2009. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/465/50/PDF/G0946550.pdf?OpenElement>.

³ <http://www.miniust.ru/nko/fedspisok/>

⁴ <http://www.sectesco.org/EN/show.asp?id=68>

14. The Venice Commission opinion also observed that: "to proclaim as extremist any religious teaching or proselytizing activity aimed at proving that a certain worldview is a superior explanation of the universe, may affect the freedom of conscience or religion of many persons and could easily be abused in an effort to suppress a certain church thereby affecting not only the freedom of conscience or religion but also the freedom of association." This is the effect the application of the Extremist Law is having on minority religions in Russia.

15. The Commission concluded that the law was "problematic", subject to arbitrary application and abuse in the courts and violated international human rights standards protecting due process, freedom of religion and freedom of expression.

16. The Commission called on Russia to amend these shortcomings in the law. However, no amendments to conform the Law to human rights standards have been forthcoming. Therefore, it continues to be used as a lethal weapon to suppress religious freedom in Russia.

17. The use of the Extremism Law to censor religious texts and to discriminate against minority religions also offends Russia's obligations under the European Human Rights Convention. In addition to the recent case filed by the Church of Scientology in Strasbourg, applications challenging the use of this law against followers of Said Nursi and Jehovah's Witnesses have been filed with the European Human Rights Court and are pending before the Court.

III. Refusal to Register Scientology Religious Organizations as Required by Law

18. Scientology Churches and Missions have been refused the right to register as religious organizations under the 1997 Russian Federation law "On Freedom of Conscience and Associations." Three Churches of Scientology have successfully challenged this discrimination in the European Human Rights Court. Subsequent to these decisions, the Russian government continues to refuse to comply with the Human Rights Court's directive. Registration of the Churches has been refused and even registration of the changes in the statutes of the Moscow

19. Because of the refusal of Russian authorities to register Scientology Missions and Churches as religious organizations, individual Scientology Churches in Chelny, Rostov, Ufa, Samara, Barnaul, Vladivostok, Novosibirsk, Surgut City, Penza, Yekaterinburg, and elsewhere have experienced discriminatory treatment by local officials in the form of never-ending investigations and attempts to close down the Scientology Missions. These actions include civil and criminal charges with the initiation of proceedings on the specious grounds that the Scientology Churches are either practicing medicine or running unregistered schools. Authorities in Barnaul, Rostov, Chelny, Vladivostok, and Samara, for example, have filed actions attempting to liquidate the Scientology Missions in those cities, while at the same time refusing to register them.

20. In March 2009, the Rostov Mission of Scientology was ordered liquidated by the trial court on the purported grounds that the Church practiced education without a license because it offered parishioners classes on Scientology Scriptures.

21. The Barnaul Mission of Scientology was registered as a social organization (it cannot register as a religious organization under the Religion Law's 15-Year rule). In 2007, the local prosecutor brought an action to liquidate the Mission on the grounds that it practiced medicine and education without a license. These charges were dismissed by the trial court. In August 2008, the trial court's decision was overturned by the Altay Regional Court and the case was sent back for trial. The Court ordered the prosecutor to obtain an expertise regarding the charges. The expert retained by the government determined that the organizations activities were not educational but religious in nature. In August 2009, the trial court relied on this evidence to order liquidation of the Mission on the grounds that it could not conduct religious activities as a social organization but had to be registered under the Religion Law! This ruling was affirmed on appeal.

22. Likewise, in November 2008, the trial court ordered liquidation of the Samara Mission of Scientology (which had registered as a noncommercial organization in order to obtain legal entity status) on the purported grounds that it practiced education without a license. This decision was upheld on appeal in December 2008.

23. While the Churches have successfully challenged some of these claims in court, it seems that for each one that is dismissed another one starts. Where decisions in the first instance have been negative, all necessary appeals are being pursued.

Conclusion

24. The Extremism Law represents a grave threat to the right to freedom of religion and freedom of expression for religions like Scientology in Russia as the Law is extremely arbitrary and is applied in a discriminatory manner.

25. Despite Human Rights Court judgments against arbitrary and discriminatory application of registration of religious organizations under the Russian Religion Law, the Church of Scientology, Scientology parishioners and Scientology organizations continue to be refused registration and remain the target of systematic religious repression and discrimination by Russian authorities in contravention of international human rights law which Russia is obliged to follow.

26. The right to religious freedom is in serious peril in Russia for religious minorities as the government continues to foster an atmosphere of intolerance and discrimination throughout the entire country against these targeted religious communities and their members.