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Address at the working session 6 - "Freedom of religion and belief"

Mr. Chairman and distinguished members of the conference!

1. Religious institutions play a very prominent role in the society. However, in modern societies, typical for OSCE countries, the diversity of people's religious creeds is far too great to be embraced by canonical doctrines of major religious organizations in any country, even if most of citizens usually view themselves as belonging to one of those major religions. This should be taken into account when planning cooperation of a state with religious organizations - the door should be left open to cooperation with a wide variety of religious and spiritual organizations and groups.

Of course, full pluralism is not always possible. For example, schools cannot provide children with knowledge about all religious movements and have to limit themselves to the most common ones. However, the framework should be expanded rather than narrowed. For example, the variable set of subjects relating to religion or ethics, adopted in Russia, remains a subject of debate, but represents an acceptable compromise. Meanwhile, the new law on education, which entered into force in September of this year, grants the principal religious organizations a possibility to certify teachers in these subjects. We view this step as an excessive expansion of mandates of these organizations.

2. A society often has serious grounds for concern over internal dynamics in various religious communities, when emergent groups practice or condone the use of violence and incite hatred against people on the basis of their religious and ideological differences. Accordingly, the state can and should take legal measures to combat and prevent such actions. But this gives the government no right to interfere in strictly religious discussions or infringe on the autonomy of some religious organizations to a greater extent than the others.

Unfortunately, as discussed many times at OSCE conferences and seminars, such violations are a constant occurrence in my country in the context of enforcing anti-extremist legislation. Similar problems arise in some other post-Soviet countries, which modeled their legislation on the Russian example. Stubborn refusal of the authorities to heed the critics and review at least the most obvious flaws of this legislation leads to proliferation of absurd and dangerous repressive solutions. It came to the point that, in September, one court in Russia banned one of the translations of the Quran into Russian.

The Republic of Tatarstan, for example, adopted a regional law that requires religious organizations to ensure the "*canonical unity of doctrine indicated in the statute of a religious organization.*" This law makes it mandatory for clergy to have specifically Russian religious education. This is a gross interference in the internal affairs of religious organizations; for a number of them compliance is simply impossible. Fortunately, a similar bill in the federal parliament was defeated.

3. Tolerance and mutual respect in the field of religion constitute a very important social value. At the same time, some methods of protection of these values are counterproductive.

For example, now, a year and a half after the scandalous performance of the *Pussy Riot* punk-rock band in the Cathedral of Christ the Savior in Moscow, it's safe to say that, despite the fact that the action caused a great deal of indignation in the country, the clearly disproportionate and

legally problematic prosecution of the action's participants led only to intensification of conflicts around the Russian Orthodox Church.

These conflicts have generated amendments to the Criminal Code that criminalize insult of religious feelings of believers. It must be noted that such laws exist in a number of other OSCE countries as well, and, reviewing their experience, it was possible to realize that this legal instrument was clearly not optimal for preventing incitement to religious hatred. It is just unnecessary. Other provisions of the Criminal Code of Russia address the alleged crimes. No wonder, that now, three months after this highly touted law entered into force, it has not been used even once; apparently, the law enforcement agencies don't understand how to work with it.

4. The so-called "hijab problem" has suddenly escalated in Russia. This theme is far from new for the OSCE region. Nevertheless, it is surprising that the idea of strict regulations in this sphere, arise in Russia, where the hijab has become nearly ubiquitous element of women's clothing in some parts of the country. In Chechnya, the authorities in many cases force women to wear the hijab. Meanwhile, in the nearby Stavropol Region, girls are not allowed to wear the hijab to school. Undoubtedly, increased attention to the hijab issue stems from the concerns about radical political Islam and from rising ethnic tensions. It must be recognized, however, that restrictions for girls not only infringe on the freedom of conscience, but also lead to alienation of certain groups of Muslims, thus, actually, becoming a potential security issue.

Our recommendations for OSCE participating states

1. Regardless of whether their legislation emphasizes certain religions and religious organizations, the states should strive to ensure that all forms of cooperation between the state and religion were open to an ever wider range of religious and spiritual organizations and groups.

2. Do not use lists of banned literature as an instrument for protecting tolerance, including religious tolerance as this tool has already demonstrated a complete lack of efficiency, and it generates a lot of human rights violations.

3. The states should strictly follow the principle of non-interference in the internal affairs of religious organizations and groups to the same extent as in those of other civil associations.

4. Accept the fact that religious tolerance should be protected by the same mechanisms as other forms of tolerance, and refrain from creating special rules that restrict certain freedoms for the sake of specifically religious tolerance.

5. Disavow any and all laws that interpret religious polemics as incitement to religious hatred, and to revise the previously adopted solutions reflecting this spirit.

6. Prevent enactment of new laws that restrict public expression of religious beliefs.