



## **Another SCLJ Victory for Religious Freedom at the Russian Constitutional Court**

Lawyers at the Slavic Centre for Law and Justice won a case in the Constitutional Court of Russia in opposition to restrictions that made the foundation of religious organizations dependant on the permanent local residence of its members.

In September 2010, the Ministry of Justice of the Russian Federation for the Moscow region conducted an inspection of a local organization of evangelical Christians in Mytishi called “The Bible Mission.” After inspecting the Mission’s activities and governing documents, the Ministry announced several violations of the current legislation. Among other things, they criticized the wording of the organization’s charter, stating that it “contradicted” Article 8 of the Federal Law “On Freedom of Conscience and Religious Associations” (also known as the Religious Act), which provides that members of a religious organization should legally and permanently reside in a single “locality” or in the same urban or rural settlement.

As a result of the Ministry’s findings, the Bible Mission was issued a warning, which was appealed to a local court in Mytishi. In March 2011, the local court dismissed the complaint, stating in its decision that “a permanent residence [of all members] in one place or in the same urban or rural settlement is an obligatory condition of membership in a local religious organization.” Later, the Moscow regional court upheld this local court’s decision.

Sergey Chugunov and Vladimir Ryakhovsky, lawyers for the Slavic Centre for Law and Justice, challenged the court’s decision as violating a citizen’s right to collective religious expression and freedom of association. The court’s decision made these protected rights dependant on a person’s place of residence.

On January 25, 2012, the Constitutional Court (decision no.115-O-O) held that requiring members of a religious association to permanently reside within the same locality violated the members constitutional rights. The Constitutional Court held that to protect the important rights of association, the Religious Act must be interpreted broadly to require only that members of the religious organization reside within the Russian Federation.

[P]aragraph 3 of article 8 of the Federal law “On freedom of conscience and religious associations” in conjunction with its article 6 [the definition] “the same locality” should be considered as a part of the territory of the Russian Federation, residence within the borders of which provides the possibility [for members of a

religious organization] for collective manifestation and dissemination of faith through the performance of religious rites and ceremonies. Thus, the legal provision in question only defines the conditions for the foundation of and activities of a local religious organization, and in the system of the existing legal regulation it does not imply that the [permanent] residence in the same municipality is an obligatory condition of membership in a local religious organization.

The SCLJ recognizes this decision as an important victory for religious exercise in Russia. The SCLJ praises the Court's decision and for protecting the constitutional right to a collective manifestation of faith.