



RELIGIOUS LIBERTY INTERNATIONALLY – EUROPE EAST AREA

Religious Freedom 2015 Annual Review

David A. Channer

Office of General Counsel

Europe East Area



Observations on Challenges to Religious Freedom

- Foundational constitutional protections seem to be in place
 - Russia - Article 28: Everyone shall be guaranteed the right to freedom of conscience, to freedom of religious worship, including the right to profess, individually or jointly with others, any religion, or to profess no religion, to freely choose, possess and disseminate religious or other beliefs, and to act in conformity with them.
 - Turkey – Article 24: Everyone has the right to freedom of conscience, religious belief and conviction. Acts of worship, religious services, and ceremonies shall be conducted freely, provided that they do not violate the provisions of Article 14.
 - Armenia – Articles 26 and 27: Everyone shall have the right to freedom of thought, conscience and religion. This right includes freedom to change the religion or belief and freedom to, either alone or in community with others manifest the religion or belief, through preaching, church ceremonies and other religious rites. The exercise of this right may be restricted only by law in the interests of the public security, health, morality or the protection of rights and freedoms of others. Everyone shall have the right to freely express his/her opinion. No one shall be forced to recede or change his/her opinion. Everyone shall have the right to freedom of expression including freedom to search for, receive and impart information and ideas by any means of information regardless of the state frontiers....

Challenges to Religious Freedom

- Explicit religious freedom protections are, at times, illusory
- Geographical and Social challenges
 - Vastness of Russia – “The mountains are high and the emperor far away”
 - Considerable discretion exercised by local authorities who do not understand laws protecting RF
 - Conservative areas, not unlike the U.S., where the dominant religion exerts significant influence
- Promulgation of federal laws that are vaguely worded (or of uncertain or uneven) application tend to dilute constitutional protections
 - “Insulting the Turkish Nation” is a criminal offense...Article 301
 - Article 216 - Any person who openly disrespects the religious belief of a group is punished with imprisonment from six months to one year if such act causes potential risk for public peace.
 - “Extremist” activities are illegal
 - Activities are extremist if they tend to incite persons to religious hatred
 - Propaganda is extremist if it projects exclusiveness, superiority or inferiority of an individual based on his/her ... religious identity, or his/her attitude toward religion
- Concerns over national security (i.e., infiltration by terrorist groups in the name of religion)
 - Immigration laws that restrict entrance or limit stays of ministers or missionaries
 - Passage of broadly worded laws that potentially affect legitimate religious minorities such as 2015 law in Russia that would allow the government to identify and ban “undesirable” foreign organizations, including religious organizations

Challenges to Religious Freedom

- Nationalism, when tied to the dominant religion, results in a chilling effect on open dialogue regardless of the secular nature of the country—“If one is not a believer in [faith X], then one is not a true citizen of [country X]” or *vice versa*
- The existence of “protectionist” laws certainly undermine constitutional protections relating to religious liberties
 - Outright prohibitions with criminal sanctions for proselyting (“soul hunting”)
 - Onerous registration of missionaries and outright restrictions on “movement” that undermine religious freedoms
- Bright Spots?
 - The Baltic nations
 - Ukraine has been successful, for the most part, in honoring the religious freedoms protected in its constitution
 - June 2, 2015, President Poroshenko signed a law allowing religious organizations to establish schools and universities.
 - June 9, 2015, President Poroshenko signed legislation exempting religious organizations from property taxes.

Challenges to Religious Freedom

- Current Unknowns:
 - The effect of the Eurasian Economic Union and Eurasian Economic Space on human rights and liberties
 - Laws of member countries may tend to creep toward those of Russia
 - Russia, Armenia, Belarus, Kazakhstan, and Kyrgyzstan
 - Conflict between Russia and Ukraine and ultimate impact on religious freedom in that area
 - Crimea – Unchartered territory as it is now annexed as part of Russia
 - Church has registered its local religious organizations with Russia officials

Central Eurasian Mission: Religious Freedom Challenges



Turkey: An Overview



- 397 members of the Church in 2 congregations (Istanbul and Ankara)
- 1 mission with 18 missionaries serving in country
- 99% Muslim (Sunni)
- Government in flux (*i.e.*, no new coalition gov't formed) with many outsiders and citizens questioning policies of President Erdogan
- “It’s a destination for spies and refugees, insurgent fighters and rebel leaders, foreign-aid workers and covert jihadists—all enmeshed in Syria’s multisided war.” *The New Yorker* (Dec 8, 2014)
- Forum 18’s view that “Turkey continues [its] long-standing interferences in the right to freedom of religion or belief”

Turkey: Challenges & Opportunities

- Classic example of constitutional protections on paper versus religious freedoms in practice
- Turkey's constitution extends fairly broad protections regarding freedom of conscience, belief and conviction, including freedom to engage in acts of worship, services, and ceremonies
- Religious sensitivities, as well as concerns regarding social and cultural norms, significantly limit traditional missionary activities
 - Missionary terms
 - Methods
 - Name tags
 - Persons
 - Activities

END



Russia: LDS Church Presence



- ***22,472 members***
- ***2 stakes***
- ***99 congregations***
- ***91 meetinghouses***
- ***7 missions***
- ***503 missionaries serving in country***
- ***56 Family History centers***

Ukraine: Challenges and Opportunities

- Ukraine Constitution

- Article 34

- Everyone is guaranteed the right to freedom of thought and speech, and to the free expression of his or her views and beliefs....

- Article 35

- Everyone has the right to freedom of personal philosophy and religion. This right includes the freedom to profess or not to profess any religion, to perform alone or collectively and without constraint religious rites and ceremonial rituals, and to conduct religious activity.

....

- The Church and religious organizations in Ukraine are separated from the State, and the school — from the Church. No religion shall be recognized by the State as mandatory.

Ukraine: Challenges and Opportunities

- Ukraine Constitution

- Article 34

- Everyone is guaranteed the right to freedom of thought and speech, and to the free expression of his or her views and beliefs....

- Article 35

- Everyone has the right to freedom of personal philosophy and religion. This right includes the freedom to profess or not to profess any religion, to perform alone or collectively and without constraint religious rites and ceremonial rituals, and to conduct religious activity.

....

- The Church and religious organizations in Ukraine are separated from the State, and the school — from the Church. No religion shall be recognized by the State as mandatory.

Ukraine: LDS Church Presence



- ***11,536 members***
- ***1 temple***
- ***1 stake***
- ***3 missions***
- ***51 congregations***
- ***201 missionaries in country***
- ***39 Family History centers***

Ukraine: Challenges & Opportunities

- Ukraine has been much more successful in recent years at protecting religious liberty than its neighbor, Russia.
 - Historical influence of minority religion?
 - June 2, 2015, the president of Ukraine, Petro Poroshenko, signed a law allowing religious organizations to establish schools and universities.
 - A week later, Poroshenko signed legislation exempting religious organizations from property taxes.
 - Crimea – Unchartered territory as it is now annexed as part of Russia
 - LDS Church is registered with Russian authorities
 - Difficult circumstances in the Crimean region anticipated to prevail respecting religious liberties for registered and unregistered religions

Armenia: LDS Church Presence



- ***3,344 members***
- ***11 congregations***
- ***1 stake***
- ***1 mission***
- ***37 missionaries serving in country***
- ***4 family history centers***

Armenia – Challenges & Opportunities

- Constitution
- Although Article 8.1 of the Armenian constitution states that “[t]he church shall be separate from the state in the Republic of Armenia”, the very next clause nevertheless “recognizes the exclusive historical mission of the Armenian Apostolic Holy Church (AAHC) as a national church, in the spiritual life, development of the national culture and preservation of the national identity of the people of Armenia.” Many of Armenia’s religious freedom issues stem from the favored relationship that the AAHC enjoys. For example, “[h]uman rights observers [noted] the growing presence of the AAHC in public education.” Children of all religions are required to attend mandatory classes on the “history” of the AAHC. Proselytizing (referred to in the statute as “soul hunting”) is universally prohibited. On December 6, 2013, Forum 18 reported that “[t]wo of three applications by the Jehovah's Witness community in Armenia's capital Yerevan to build places of worship were deemed ‘not appropriate’ because of ‘precedents’ of ‘complaints and intolerance’ from the public.”

Armenia – Challenges & Opportunities

- 93 Armenian Apostolic
- Although Article 8.1 of the Armenian constitution states that “[t]he church shall be separate from the state in the Republic of Armenia”, the very next clause nevertheless “recognizes the exclusive historical mission of the Armenian Apostolic Holy Church (AAHC) as a national church, in the spiritual life, development of the national culture and preservation of the national identity of the people of Armenia.” Many of Armenia’s religious freedom issues stem from the favored relationship that the AAHC enjoys. For example, “[h]uman rights observers [noted] the growing presence of the AAHC in public education.” Children of all religions are required to attend mandatory classes on the “history” of the AAHC. Proselytizing (referred to in the statute as “soul hunting”) is universally prohibited. On December 6, 2013, Forum 18 reported that “[t]wo of three applications by the Jehovah's Witness community in Armenia's capital Yerevan to build places of worship were deemed ‘not appropriate’ because of ‘precedents’ of ‘complaints and intolerance’ from the public.”

Armenia: Challenges & Opportunities

- Article 8.1 of the Constitution of Armenia states: "The Republic of Armenia recognizes the exclusive historical mission of the Armenian Apostolic Holy Church as a national church, in the spiritual life, development of the national culture and preservation of the national identity of the people of Armenia." Similar