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Disproportionate Russian restrictions on freedom of religion and belief

Written question No. 716 to the Committee of Ministers
by Mr Rónán MULLEN, Ireland, Group of the European People's Party

In accordance with Russian Federal Law No. 374 – FZ of 6 July 2016, a law presented as Russia's response to the threat posed by ISIS/Daesh, Baptist Minister Donald Ossewaarde was charged with "unlawfully conducting missionary activity". He was fined 40 000 roubles for holding Bible studies and prayer meetings in his home and conducting "rituals and ceremonies" associated with religious activities without permission. In September, he lost his appeal in the Russian Courts. In addition, there are a number of other cases reported where Christians and members of other religions have been charged in similar circumstances in recent months.

It should be noted that one aspect of this new counter-terrorism law is its definition of "missionary activity" and the criminalisation of missionary activity "incompatible with the right to freedom of thought, conscience and religion, and the other constitutional rights and freedoms of citizens". Included in the definition of such prohibited missionary activity is the "use of undue influence and pressure on people, including the vulnerable, or using threats of violence and other illegal acts". It is evident that this new law is being used to infringe disproportionately on the right to freedom of thought, conscience and religion, guaranteed by Article 9 of the European Convention on Human Rights, and other related rights under various international conventions.

Mr Mullen,

To ask the Committee of Ministers:

– whether it will make a statement on this new law, highlighting the vital importance of proportionality and due respect for the right to freedom of thought, conscience and religion in the enactment and enforcement of measures aimed at countering terrorism in any member State;

– whether it is concerned that, in this instance, Russian legal provisions aimed at countering the evil of ISIS/Daesh have been used to prosecute an American Christian missionary who could not be considered a "terrorist" in any sense of the term;

– whether it will urge the Russian Federation to make such amendments to this aforesaid law as are necessary to ensure absolute compliance with its international law obligations to respect the right to freedom of religion and belief, and whether the Committee will provide expertise in this regard should it be deemed necessary.