

Jehovah's Witnesses as Extremists: The Russian State, Religious Pluralism, and Human Rights¹

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Abstract: This article examines the Russian Supreme Court's 2017 decision to ban Jehovah's Witnesses as "extremists." The decision will bring Russia's anti-extremism law before the Council of Europe via the European Court of Human Rights. The article considers why this particular religious minority became a test case by examining the unique beliefs and practices of Witnesses and their history of conflict with the state. It also highlights the prominent position of the Orthodox Church in shaping attitudes, popular and political, toward religious pluralism in Russia. In the Putin era, an increasingly illiberal rhetoric about totalitarian cults and traditional values connected nontraditional faiths to national security threats, a link made clear in the Putin regime's promotion of spiritual security. Overall, the article argues that the 2017 ban signals the rejection of European human rights norms by Russian governmental authorities, lawmakers, and religious elites.

Keywords: Jehovah's Witnesses, Russia, European Court of Human Rights, anti-extremism, religious freedom

In April 2017, the administrative body of Jehovah's Witnesses was banned by the Russian Supreme Court under the federal law "On Combatting Extremist Activity" (*O protivodeistvii ekstremistskoi deiatel'nosti*), effectively liquidating this religious community in Russia.² It marked the culmination of a campaign against Witnesses which began in the

¹ The author is grateful to Katya Tolstaya and the participants in the 2018 International Network Meeting "Orthodox Kaleidoscope", organized by the Institute for the Academic Study of Eastern Christianity (INaSEC) at Vrije Universiteit Amsterdam, for feedback on this article as a work in progress and to George D. Chryssides, Emily B. Baran, and an anonymous referee for helpful comments on earlier drafts.

² Hereafter simply referred to as the "anti-extremism law." The full text of the law can be found online at *Rossiiskaia gazeta*, July 30, 2002 <<https://rg.ru/2002/07/30/extremizm-dok.html>> (last accessed 4 November 2018).

early 1990s, gathered strength in the first two post-Soviet decades, and bore fruit under the Putin regime's suppression of civil liberties after the anti-government protests of 2011-12. The Russian state's casting of Witnesses as extremist sheds light on Russia's political and religious culture and reveals the limits on religious pluralism and human rights in contemporary Russia.

This article will argue that the ban on Witnesses signals the repudiation of European human rights norms by Russian governmental authorities, lawmakers, and religious elites. As such, it is likely to become a major test case in international law, bringing the anti-extremism law before the Council of Europe via the European Court of Human Rights (ECtHR). The article will first consider why this particular religious group has become a test case by examining the unique beliefs and practices of the Watch Tower organization, the corporate body of Jehovah's Witnesses.³ It has a rich history of episodic conflict with governmental authorities around the world, of all ideological stripes. The organization is highly litigious and has played a prominent role in shaping national and international case law on religious freedoms. The article will chart how Russia's treatment of Witnesses has strained relations with the Council of Europe, which has had a mandate to uphold democracy, human rights and the rule of law in member states since it was founded in 1949.

Russia's admission to the Council of Europe in February 1996 was controversial, not least because it was in the midst of the First Chechen War.⁴ Foreign observers expressed serious concern about the Russian government's respect for human rights but ultimately the Council hoped that while the country fell short of the required norms, membership would facilitate the development of a legal infrastructure which would eventually align Russia with western European standards.⁵ The legislative framework underpinning those standards is the European Convention on Human Rights, which enshrines fundamental freedoms which are in turn upheld by the ECtHR, based in Strasbourg, France.⁶ Russia ratified the Convention in 1998 and thus became signatory to a wide range of obligations. The commitment to respect international agreements was enshrined in the 1993 Russian Constitution, in a signal move on

³ The legal entities the Watch Tower Bible and Tract Society of Pennsylvania, Peoples Pulpit Association, and the Watchtower Bible and Tract Society of New York, Inc. will simply be referred to collectively as the "Watch Tower organization" or "the organization."

⁴ On the Russian response to ECtHR rulings on the treatment of civilians in Chechnya, see Eleanor Bindman, "Russia, Chechnya and Strasbourg: Russian Official and Press Discourse on the 'Chechen Cases' at the European Court of Human Rights," *Europe-Asia Studies* 65, no. 10 (2013): 1954-77.

⁵ For a summary of these debates, see Bill Bowring, *Law, Rights and Ideology in Russia: Landmarks in the Destiny of a Great Power* (Abingdon: Routledge, 2013), 140-173.

⁶ The European Convention on Human Rights is formally entitled the Convention for the Protection of Human Rights and Fundamental Freedoms.

the part of the Yeltsin administration to end Russian isolationism and re-join the community of European nations.⁷ The failure of the Putin regime to respect ECtHR rulings against Russia in recent years has led to tensions between Russia and the Council which mount a profound challenge to the authority of this international body. The 2017 Supreme Court ban of the administrative body of Jehovah's Witnesses has set the stage for a legal confrontation between Russia and the ECtHR because it violates case law which has established rights and freedoms for all religious communities, especially minority groups.

The treatment of Russian Jehovah's Witnesses is symptomatic of the retreating respect for European human rights norms under the Putin regime. The passage of the anti-extremism law in 2002, developed in the wake of terrorist attacks in Moscow, provided the Russian state with a malleable legal tool to restrict the rights of oppositional or radical groups, secular and religious. Since the early 1990s, a range of actors has called for limitations on the activities of religious minorities, most notably the Russian Orthodox Church (Moscow Patriarchate). It has long identified Witnesses as a pernicious foreign influence on the Russian religious landscape. The rise of a political and cultural rhetoric which promotes the idea of Russian exceptionalism and rejects the universality of human rights has ultimately facilitated the anti-extremism law's application to Jehovah's Witnesses.

The Watch Tower Organization and the Secular World

Jehovah's Witnesses have their origins in Pennsylvania in the 1870s, when small groups (called "ecclesias") met to study the Bible guided by tracts written by Charles Taze Russell, a businessman from Allegheny City, now a suburb of Pittsburgh. Russell believed that Christian churches had distorted a number of fundamental teachings of Jesus Christ and the apostles, and he made it his mission to seek the truth in the Bible and disseminate it to all. *Zion's Watch Tower and Herald of Christ's Presence*, the forerunner of today's *Watchtower* magazine, first appeared in 1879.⁸ The ecclesias eventually became collectively known as Bible Students. Bible Student beliefs differed from the standard Christian convictions in elemental ways, and included the rejection of the Trinity, denial of the existence of hellfire, and belief in Christ's invisible, rather than physical, return to the Earth. In 1931, the

⁷ *Konstitutsiia Rossiiskoi Federatsii: prinyata vsenarodnym golosovaniem 12 dekabrya 1993 goda* (Moscow: Iuridicheskaya literatura, 1993), Article 15.

⁸ Formally known as *The Watchtower Announcing Jehovah's Kingdom*, this is the most widely distributed periodical in the world today.

organization's second leader, Joseph Rutherford, renamed the group Jehovah's Witnesses, based on Isaiah 43: 10, 12: "Ye are my witnesses, saith the LORD."⁹

The organization teaches that every Witness has an obligation to preach. It believes that humanity is living in the last days and that it is critical to let as many people as possible hear the teachings of Jehovah God and thus attain a chance at salvation, by which it means everlasting life in either the heavenly or earthly realm of the Kingdom of God. Witnesses do not believe in a burning hell or purgatory and so those who do not accept "the Truth," as they call it, are subjected to everlasting death. The emphasis on preaching means that Witnesses are immediately recognizable as they go door-knocking in pairs, stand by literature stalls in public thoroughfares, and distribute brightly-colored magazines and pamphlets with covers emblazoned with the pressing questions of our times.

The Watch Tower organization has come into conflict with state authorities the world over. In this sense, the Russian ban is another chapter in the organization's long history of repression by governments who regard its theology as confrontational, its proselytism as an imposition, and its practices as offensive. Several elements of Watch Tower theology have particularly been the focus of government ire. First, Witnesses have been persecuted by states because of their political neutrality. This position derives from a belief that the Kingdom of God is a literal government which should retain the allegiance of its subjects. To pledge allegiance to a secular government would be to forgo primary allegiance to God.¹⁰ The organization teaches that Jesus' injunction to be "not of the world" means that Witnesses should not get unduly involved with worldly ideology or secular concerns. For these reasons, Witnesses do not vote, stand for political office, join political parties, participate in campaign or lobby groups, or perform patriotic rituals like saluting a flag or singing a national anthem. A lightning rod for popular and political opposition to Witnesses has been the refusal to perform military service, even when conscripted. Although the organization teaches Witnesses to be law abiding, they will not respect the laws of the state when they believe these violate the laws of Jehovah. They are not, strictly speaking, pacifists: they believe righteous wars are possible but only those directed by Jehovah and not those waged by earthly governments. This commitment to political neutrality has come at great cost, most

⁹ Watch Tower Bible and Tract Society, *1932 Year Book* (London: Watch Tower Bible and Tract Society, 1931), 18, 23.

¹⁰ The organization locates the scriptural basis for this in the Apostle Paul's metaphor of the "ambassador", one who may reside in a foreign country and abide by its laws but has primary loyalty to his own country in the case of a conflict (2 Corinthians 5:18-20). Other key principles are the directive to "render Caesar's things to Caesar" (Matthew 22:21) and to be in "subjection to the superior authorities" (Romans 13:1).

famously shown by the incarceration of Witnesses in concentration camps in Germany under the Third Reich and in Nazi-occupied Europe.¹¹ Witnesses are also well known for their refusal to accept blood transfusions for themselves and their children, even when life is at risk. Since 1945, the organization has taught that the Bible instructs Christians to abstain from blood. This doctrine has brought Witnesses into conflict with medical practitioners and often state authorities, particularly when the patient is a child or the condition affects the fetus of a pregnant Witness. In these cases, many countries make the children or expectant mother a ward of the state and forcibly transfuse, a practice the organization likens to rape.¹²

Charles Russell's conviction that the Christian churches distorted Biblical truth led clergymen to condemn his teachings. Undeterred, Joseph Rutherford took this further to argue that the churches were in league with Satan and intentionally led people away from Christianity (in the 1930s, his screeds against Roman Catholicism and Protestantism became histrionic, rising in parallel with the anti-Witness rhetoric emanating from the mainstream Christian churches¹³). An equally ardent message, albeit couched in more subdued language, continues in Watch Tower literature today: the organization teaches that only Witnesses are faithful to Christianity as taught by Jesus and practiced by his apostles. In proclaiming the apostasy of the Christian churches, they claim a monopoly on truth. Much of the organization's attitude towards the world, both secular and spiritual, proceeds from this conviction.

The organization's teachings emanate from the Governing Body, a small group of men based at the international headquarters in Orange County in upstate New York. The Body determines policies and procedures which shape the lifestyle, practices and preaching of Witnesses worldwide. In 2016, the Watch Tower organization counted more than 8 million active Witnesses in 240 lands.¹⁴ The literature distributed by branch offices (the national or

¹¹ D. Garbe, *Between Resistance and Martyrdom: Jehovah's Witnesses in the Third Reich* (Madison, WI: University of Wisconsin Press, 2008); Hans Hesse (ed.), *Persecution and Resistance of Jehovah's Witnesses During the Nazi-Regime, 1933-1945* (Edition Temmen: Bremen, 2002); A. Nerlich, "'And Suddenly the Germans were here': The Persecution of Jehovah's Witnesses in France and Luxembourg," in *Jehovah's Witnesses in Europe: Past and Present Volume 1/1*, G. Besier & K. Stokłosa, eds. (Cambridge Scholars Publishing: Newcastle, 2016), 86-288.

¹² Watch Tower Bible and Tract Society of Pennsylvania, *How Can Blood Save Your Life?* (New York: Watch Tower Bible and Tract Society of Pennsylvania, 1990), 20. For a detailed analysis of the blood doctrine, see Zoe Knox, *Jehovah's Witnesses and the Secular World: From the 1870s to the Present* (London: Palgrave Macmillan, 2018), 149-201.

¹³ See, for example, J. F. Rutherford, *Enemies* (New York: Watch Tower Bible and Tract Society of Pennsylvania, 1937), 198.

¹⁴ Watch Tower Bible and Tract Society of Pennsylvania, *2017 Yearbook of Jehovah's Witnesses* (Wallkill, NY: Watchtower Bible and Tract Society of New York, Inc., 2016), 177. The word "lands" is used instead of countries because, to take one example, the figures for Puerto Rico are given separately from those for the United States.

regional headquarters) around the world is produced by the Writing Committee, one of six committees charged with articulating the policies of the Governing Body. Every Witness is expected to engage in public ministry and to submit monthly reports on the time spent “in the field” to congregational authorities. A highly centralized and hierarchical structure facilitates reporting not only on membership figures but on any obstructions Witnesses face on the ground in disseminating literature or preaching. The organization widely publicizes the persecution of Witnesses, historical and contemporary, in its printed literature, online, and through press releases.¹⁵ It mounts legal challenges to those who obstruct what the organization regards as Witnesses’ obligation to preach and who violate existing laws which guarantee their right to do so. This approach has led to landmark legal cases in the highest courts, domestic and international.

Jehovah’s Witnesses in Soviet and Post-Soviet Russia

Jehovah’s Witnesses have had a presence on the territory of modern-day Russia for over a hundred years. Their number was small until the Soviet annexations during World War II and the expansion of the USSR’s territory after the war, which incorporated parts of Poland, the Baltic states, Czechoslovakia and Romania into the USSR. These regions had Witness communities which became resident on Soviet soil. The number also grew when incarcerated Witnesses converted fellow inmates in Nazi camps; in Ravensbrück alone 300 female prisoners from the USSR were baptised.¹⁶ Soon after the war ended, Joseph Stalin moved against Witnesses, transporting thousands of them from the western borderlands of the USSR to the inhospitable climes of Siberia and northern Kazakhstan in deportation operations in 1949 and 1951.¹⁷ The Soviet state waged a sustained propaganda campaign against Witnesses from the mid-late 1950s. Stalin’s successor, Nikita Khrushchev, reinvigorated the antireligious drive, taking particular aim at sectarians, the broad umbrella term for non-Orthodox religious groups. Within the antireligious and atheist campaign, some religious communities were regarded as more dangerous than others, as Emily B. Baran

¹⁵ See, for example, Watch Tower Bible and Tract Society of Pennsylvania, *Jehovah’s Witnesses: Proclaimers of God’s Kingdom* (New York: Watchtower Bible and Tract Society of New York, Inc., 1993), 69 and “Exclusive Interviews—Experts Decry Russia’s Threat to Ban the *New World Translation of the Holy Scriptures* (18 November 2016)” at <https://www.jw.org/en/news/releases/by-region/russia/threat-to-ban-new-world-translation-interviews/>, accessed 8 August 2018.

¹⁶ ‘Reconstructive and Relief Work in Europe’, *The Watchtower*, 1 February 1946, 47. This figure has been broken down as 227 Russians and 73 Ukrainians in M. Reynaud & S. Graffard, *The Jehovah’s Witnesses and the Nazis: Persecution, Deportation, and Murder, 1933-1945* (New York: Cooper Square Press, 2001), 189.

¹⁷ Mikhail I. Odintsov (ed.), *Sovet ministrov SSSR postanovliaet: “Vyselit’ navechno!”* (Moscow: Art-Biznes-Tsent, 2002), 20-21.

explains in her article in this special issue. Soviet antireligious propagandists particularly demonised unregistered Baptists, Pentecostals and Jehovah's Witnesses.¹⁸ Witnesses were illegal in the USSR and thus forced to operate underground.

Communist authorities found Witnesses objectionable on multiple fronts. During the Cold War, the Watch Tower organization's international headquarters was in Brooklyn, New York. Soviet Witnesses established and maintained expansive underground networks which facilitated smuggling in literature from the USA, copying it on hidden printing presses, and distributing it clandestinely, both within and beyond the community. Witness children did not participate in communist youth organizations. Watch Tower literature dismissed the Soviet government as doomed (it mattered little that other governments, including the American, were also condemned).¹⁹ Moreover, Witnesses refused to carry out the basic duties of a good Soviet citizen, such as voting, performing military service, and participating in Marxist organizations.

Jehovah's Witnesses were a persistent thorn in the side of Soviet authorities, who strove to suppress religious belief, isolate citizens from western influences, and eliminate independent forms of social organization. As Baran has observed, Witnesses were distinct from many other religious minorities in the USSR because they had in fact engaged in many of the activities for which they were tried and convicted.²⁰ Witnesses were subject to sustained harassment, discrimination, and persecution, and many of them perished in Soviet prisons and labour camps.²¹

The radical reforms of the Gorbachev era led to unprecedented freedoms for underground communities like Jehovah's Witnesses. The Watch Tower organization was permitted to register (and therefore operate legally) in the Ukrainian republic on February 28, 1991 and in the Russian republic on March 27, 1991. With this, ordinary Witnesses could meet for Bible study in private homes, hire venues to facilitate larger gatherings, maintain contact with their co-religionists abroad, and preach their beliefs openly, all without fear of

¹⁸ Miriam Dobson, "Child Sacrifice in the Soviet Press: Sensationalism and the 'Sectarian' in the Post-Stalin Era," *Russian Review* 72, no. 2 (2014): 237-59; Zoe Knox, "Preaching the Kingdom Message: The Jehovah's Witnesses and Soviet Secularization" in *State Secularism and Lived Religion in Soviet Russia and Ukraine*, Catherine Wanner, ed. (Woodrow Wilson Center Press with Oxford University Press, 2012), 244-71.

¹⁹ J. F. Rutherford, *Government* (Brooklyn: International Bible Students Association and Watch Tower Bible and Tract Society, 1928), 13. See also the politicized rhetoric of "Part 30—'Your Will Be Done on Earth,'" *The Watchtower*, January 15, 1960, 56-60. It refers to the USSR's "totalitarian government and dictatorship," echoing the language of the USA's cold warriors.

²⁰ Emily B. Baran, *Dissent on the Margins: How Soviet Jehovah's Witnesses Defied Communism and Lived to Preach About It* (New York: Oxford University Press, 2014), 80.

²¹ Baran, *Dissent on the Margins*, 70-108. For accounts by the organization, see Watch Tower Bible and Tract Society, *2008 Yearbook of Jehovah's Witnesses* (New York: WTBS, 2008).

state reprisal. The Soviet Union dissolved in December 1991. Witnesses in the Russian Federation, the USSR's successor state, retained their newfound freedoms.

The path from legalization in 1991 to the ban in 2017 reveals much about the Russian government's increasing authoritarianism in the intervening years. The 2017 ruling marks a firm departure from western norms of religious rights and civil liberties. Indeed, it aligns Russia with some of the most repressive regimes around the world. Witness activity is also forbidden in China, Egypt, North Korea, Saudi Arabia, Iran, and Iraq and in the former Soviet republics of Uzbekistan, Turkmenistan, and Tajikistan. The community has not ceased to exist in those countries but instead operates clandestinely, evidence that outright ban on the Watch Tower organization does not facilitate the disappearance of Witnesses, as shown by the Soviet experience.²²

In the west, the organization has ensured the rights of Witnesses have been clarified, defined and upheld through legal proceedings involving local, regional and national authorities, in many instances reaching the highest courts. The cases have centered on issues as diverse as patriotic demonstrations to trespassing and from military service to broadcasting. The United States Supreme Court, for example, ruled in Witnesses' favor on all of these issues, beginning in the 1930s and continuing into the twenty-first century.²³ In many instances, these freedoms have been hard won: the right of Witness children to abstain from saluting the flag in public schools was only endorsed by the Supreme Court in 1943 after an earlier ruling upholding their expulsion from a Pennsylvania school was reversed.²⁴

The organization's legal struggles continue in the twenty-first century. In France, for example, a ruling that Jehovah's Witnesses' religious donations should not be entitled to a tax exemption open to religious bodies but should be taxed at a rate of 60 percent (and applied retrospectively) led the organization to take the matter to the European Court of Human Rights. The organization maintained that it would pay the tax if this was required of all religious denominations. In 2011, in a complex case which centred on the implications of the financial ruling on the organization's ability to function in France, the Court ruled that

²² Although the Watch Tower organization publishes membership figures, it does not report numbers for countries in which it operates underground. The size of the Witness community in these countries is therefore unknown.

²³ These range from *Lovell v. City of Griffin* (303 US 444 1938) to *Watchtower Society v. Village of Stratton* (536 US 150 2002). See also Knox, *Jehovah's Witnesses and the Secular World*, 107-148; S. F. Peters, *Judging Jehovah's Witnesses: Religious Persecution and the Dawn of the Rights Revolution* (Lawrence, Kansas: University Press of Kansas, 2000); and I. Weiner, *Religion Out Loud: Religious Sound, Public Space, and American Pluralism* (New York and London: New York University Press, 2013), 98-135.

²⁴ *Minersville School District v. Gobitis* (310 U.S. 586 1940); *West Virginia State Board of Education v. Barnette* (319 U.S. 624 1943).

Witnesses' free exercise of religion had been violated (in *Affaire Association Les Témoins de Jéhovah v. France*). This marked the first time France had been found to contravene Article 9 of the European Convention, which specifically refers to religious rights. In 2012, the Court ruled that the French government should repay the money to the organization (a sum totalling 57.5 million Euros).²⁵ The Court has thus played a critical role in upholding the rights of Witnesses in western Europe, the same rights which now, through Council of Europe membership, must be respected by member states from the former Soviet bloc.

The Watch Tower and the ECtHR

The European Court of Human Rights issued relatively few rulings in the decades following its foundation in 1959. Its activity hugely increased when post-communist countries joined the Council in the 1990s. In particular, cases brought by citizens of the new member states from the former USSR comprised a large portion of the Court's caseload. The ECtHR is hugely overworked, and the number of applications before it increases with each passing year. In 2017, there were 85,951 applications before the Court. Of these, a significant proportion - 8,042 applications - related to Russia, more than any other country. The vast majority (6,886) were declared inadmissible or struck out, but the Court delivered 305 judgments (293 of which found at least one violation of the European Convention).²⁶ This was from a total of 1,068 judgments over the course of the year. These statistics reveal that in 2017, more than a quarter of the total number of judgments issued by the Court related to Russia.²⁷

It is hardly surprising that developments under President Putin have strained relations between the Council of Europe and the Russian government. Russian officials regard the ECtHR as having an anti-Russian bias.²⁸ Valerii Zor'kin, Chairman of the Constitutional Court, has argued for the primacy of constitutional law over international law, a position

²⁵ *Affaire Association Les Témoins de Jéhovah v. France* (30 September 2011) at [https://hudoc.echr.coe.int/eng#{%22dmdocnumber%22:\[%22887473%22\],%22itemid%22:\[%22001-105386%22\]}](https://hudoc.echr.coe.int/eng#{%22dmdocnumber%22:[%22887473%22],%22itemid%22:[%22001-105386%22]}), accessed 10 December 2018.

²⁶ "Russia (July 2018)," *Council of Europe* at https://www.echr.coe.int/Documents/CP_Russia_ENG.pdf, accessed 9 August 2018.

²⁷ The country with the second largest number was Turkey, with a total of 116. "The ECHR in Facts and Figures: 2017 (March 2018)," *Council of Europe*, https://www.echr.coe.int/Documents/Facts_Figures_2017_ENG.pdf, 3, accessed 9 August 2018.

²⁸ The ECtHR is regarded by Russian officials as either "plotting against Russia" or a "biased, slow, ineffective" court. A. Trochev, "All Appeals Lead to Strasbourg? Unpacking the Impact of the European Court of Human Rights on Russia," *Demokratizatsiya* 17, no. 2 (2009), 146.

supported by conservative politicians.²⁹ The Russian government regarded the multiple rulings against Russia relating to human rights violations during the Chechen wars as tools used to dominate and embarrass Russia in the international arena.³⁰ In stark contrast to the political elite's disdain for the Court, Russian citizens increasingly see it as the most effective way to seek legal redress from the injustices perpetrated by the state. The ECtHR is, in the words of one Russian legal scholar, "the most popular court in Russia today."³¹ The Court's ruling that the Russian government pay compensation in cases like the pensions denied to teachers in Tambov province has meant Russian citizens have also viewed the Court as a means of gaining financial compensation from the state when domestic courts have failed them. The sheer number of Russian cases before the Court demonstrates that ordinary Russians turn to it readily.

The ECtHR's influence over domestic human rights legislation has proved controversial. The Court's reach has been challenged particularly by the United Kingdom and Russia, who form an unlikely alliance in their shared criticism of what politicians and lawmakers regard as the Court's overreach into the affairs of sovereign states.³² In 2012, delegates from member states met in Brighton, England to consider far reaching changes to the Court, ostensibly to alleviate the enormous backlog of cases by resolving more of them at the national level but including proposals which were likely to limit the influence of the Court on domestic legislation.³³ The proposals ultimately failed to constrain the Court but nonetheless highlighted the limited commitment from some governments to enshrining Europe-wide human rights norms in domestic legislation. It is against this background that Russia's non-compliance with ECtHR rulings must be understood.

²⁹ Lauri Malksoo, "Russia's Constitutional Court Defies the European Court of Human Rights: Constitutional Court of the Russian Federation Judgment of 14 July 2015, No 21-II/2015," *European Constitutional Law Review* 12, no. 2 (September 2016), 377-395; Rachel M. Fleig-Goldstein, "The Russian Constitutional Court versus the European Court of Human Rights: How the Strasbourg Court Should Respond to Russia's Refusal to Execute ECtHR Judgments," *Columbia Journal of Transnational Law*, 56, no. 1, 2017, 204-205.

³⁰ The efforts of political elites to undermine the credibility of the ECtHR are also discussed in Bindman, 'Russia, Chechnya and Strasbourg'.

³¹ Trochev, "All Appeals Lead to Strasbourg?," 145.

³² The British Prime Minister David Cameron particularly criticised the reach of the Strasbourg Court, even going so far as to suggest Britain might withdraw from the Council of Europe in response to perceived interference in sovereign legal affairs. This was prompted by a ruling upholding the rights of convicted terrorists. Nicholas Watt & Rowena Mason, "Cameron 'committed to breaking link with European court of human rights,'" (1 June 2015), *The Guardian*, <https://www.theguardian.com/law/2015/jun/01/david-cameron-european-court-of-human-rights>, accessed 2 September 2018.

³³ For a summary of the Brighton Conference, see Registry of the European Court of Human Rights, *Annual Report 2012* (European Court of Human Rights: Strasbourg, 2013), 11-12 at https://www.echr.coe.int/Documents/Annual_report_2012_ENG.pdf, accessed 20 December 2018.

In the Yeltsin years, and indeed in the first decade of Putin's rule, Russia largely accepted the ECtHR's rulings and paid fines or compensation when the Court required it. A turning point in relations between Russia and the ECtHR came in 2015, when the Russian Constitutional Court ruled that if ECtHR rulings conflicted with the Constitution, they would not be implemented.³⁴ A number of rulings against Russia have not been executed, such as when the Court upheld the right of convicted prisoners to vote in elections and when the Court ruled that Yukos shareholders should be compensated by the state for losses resulting from the firm's bankruptcy.³⁵ This non-compliance is a telling sign of the gulf between the Yeltsin administration's attitude to western institutions and that of the Putin regime. With the Constitutional Court ruling, the Russian state expanded its potential to legislate against oppositional or minority interests in defiance of the European Convention on Human Rights.

Remarkably, the Court did not deal with any cases relating to Article 9 of the Convention, on religious rights, for the first thirty-four years of its existence. The first ruling based on Article 9 was finally made in 1993. It centred on the rights of Jehovah's Witnesses in Greece. Greece was the only majority Orthodox country in the Council of Europe at the time. The case *Kokkinakis v. Greece* began when Minos Kokkinakis and his wife, both Jehovah's Witnesses, knocked on the door of one Mrs Kyriakaki in the town of Sitia. According to the accounts given by Kokkinakis and Kyriakaki, the doorstep encounter unfolded in a typical fashion, with the Witnesses attempting to engage Kyriakaki in a discussion about her beliefs. She was not receptive to their message, however, and the couple left after ten or fifteen minutes. She later told her husband - a cantor in the local Orthodox Church - about the visitors. He reported it to the police as a violation of a domestic law in Greece which outlawed proselytism. Kokkinakis was convicted. The case ultimately reached the ECtHR, where the Court determined that it was the right of the couple to minister in this way, and the conviction was overturned.³⁶ The decision recognized that Witnesses were

³⁴ See Judgment of the Constitutional Court of the Russian Federation No. 21-Π/2015 (14 July 2015), <http://doc.ksrf.ru/decision/KSRFDecision201896.pdf>, 33–34.

³⁵ See *Anchugov and Gladkov v. Russia* at [https://hudoc.echr.coe.int/eng#{%22fulltext%22:\[%22anchugov%22\],%22documentcollectionid%22:\[%22GRANDCHAMBER%22,%22CHAMBER%22\],%22itemid%22:\[%22001-122260%22\]}](https://hudoc.echr.coe.int/eng#{%22fulltext%22:[%22anchugov%22],%22documentcollectionid%22:[%22GRANDCHAMBER%22,%22CHAMBER%22],%22itemid%22:[%22001-122260%22]}) and the press release relating to *Yukos Oil Company v. Russia* at [file:///Z:/Downloads/Judgment%20Yukos%20v.%20Russia%20concerning%20just%20satisfaction%20\(1\).pdf](file:///Z:/Downloads/Judgment%20Yukos%20v.%20Russia%20concerning%20just%20satisfaction%20(1).pdf), both accessed 24 May 2018.

³⁶ 'Case of Kokkinakis V. Greece (25 May 1993)', *European Court of Human Rights* at [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx#{%22dmdocnumber%22:\[%22695704%22\],%22itemid%22:\[%22001-57827%22\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx#{%22dmdocnumber%22:[%22695704%22],%22itemid%22:[%22001-57827%22]}), accessed 11 August 2017.

members of a “known religion”, rather than a fringe group, and upheld their right not only to proselytize in Greece but throughout the Council’s member states.

Since *Kokkinakis v. Greece*, there have been numerous cases centered on Jehovah’s Witnesses before the Court - indeed, there have been more cases brought before the ECtHR by Witnesses than any other single religious group. James Richardson, a sociologist of religion, posited that there is a cooperative relationship between the Watch Tower organization and the ECtHR.³⁷ He argued that the Court has used cases on the violation of Witnesses’ rights to compel European governments, particularly those in the former Soviet Union, to uphold the religious freedoms to which they are bound by the Convention. It is a mutually beneficial approach, since it ensures Witnesses’ rights are respected throughout the region.

In keeping with its doctrine of political neutrality, the Watch Tower organization turns to courts of law rather than engages in political lobbying or campaigning, tactics which many other minority religions use to promote their interests. The relationship Richardson described would appear to constitute a concession to the secular world on the part of the organization and contradict its teaching that Christians should remain aloof from the world, since courts of law belong to the secular rather than the spiritual realm. The Watch Tower organization teaches that the Bible sanctions resorting to courts as within the allowable limits of Christian engagement with secular authority.³⁸ Moreover, as Pauline Côté and Richardson have argued, legal cases are not regarded by the organization as a concession to secular authority because “unlike political participation, litigation can less easily be construed as ‘compromising’ with the World.”³⁹ The organization’s legal challenges directly confront the inconsistent or selective application of guarantees of religious freedom and do not amount to concession or conciliation to state authority. In cases which uphold Witnesses’ right to preach, like *Kokkinakis v. Greece*, litigation becomes a principled act rather than a concessionary one. Since this 1993 ruling, many of the Court’s religion-related decisions have forced a reconsideration of domestic laws covering issues as diverse as proselytism and military

³⁷ Described as “some sort of informal partnership or symbiotic relationship.” James T. Richardson, “Update on Jehovah’s Witness cases before the European Court of Human Rights: implications of a surprising partnership,” *Religion, State & Society* 45, nos. 3-4 (2017): 243.

³⁸ See Hayden C. Covington, *Defending and Legally Establishing the Good News* (New York: Watchtower Bible and Tract Society, 1950), which explains that, based on 1 Tim. 6:12, Witnesses “should never hesitate to claim every citizenship right that may be ours in the country where we preach the gospel” (p.4).

³⁹ P. Côté and J. T. Richardson, “Disciplined Litigation, Vigilant Litigation, and Deformation: Dramatic Organizational Change in Jehovah’s Witnesses,” *Journal for the Scientific Study of Religion* 40, no. 1 (2001): 19.

service. This not only affects Witnesses, of course, but has significant implications for other minority religions across Europe. Witnesses have, more than any other religious community, shaped European norms on religious freedoms. They profoundly shape the rights culture of Europe; Richardson and fellow sociologist Effie Fokkas call this dynamic interaction the “circle of life.” How ECtHR rulings are understood by religious minorities across Europe influences understandings of religious rights at the grassroots level and therefore, they argue, can either prompt minority groups to or dissuade them from mounting challenges at the international level.⁴⁰ The Watch Tower organization thus has an influence on human rights culture in Europe beyond the blunt measure of case law.

Religious Minorities and Rights in Russia

Russian legal rulings on Witnesses have already led to multiple cases before the ECtHR. The first of these was in 2007, when the Court ruled in favor of Konstantin Kuznetsov and 102 other Witnesses in *Kuznetsov and Others v. Russia*. The Court found that local authorities had illegally disrupted a meeting of hearing impaired Witnesses in Cheliabinsk. Three years later, the Court again upheld the rights of Russian Witnesses in *Jehovah’s Witnesses of Moscow v. Russia*. The Moscow City Prosecutor’s Office liquidated and banned the Watch Tower organization in Moscow in 2004.⁴¹ The third ruling against Russia relating to Witnesses centred on Article 8 of the European Convention, on the right to privacy. The Court ruled that city officials in St. Petersburg committed rights’ violations when they ordered the disclosure of confidential medical information relating to two Witness patients refusing a blood transfusion (*Avilkina and Others v. Russia*, 2013).

At the time of writing, the most recent case, *Krupko and Others v. Russia* (2014), resulted from the raid of a Witness meeting in Moscow in April 2006, when Witnesses were under ban in the city. The gathering was to celebrate the annual Memorial, also known as the Lord’s Evening Meal. It is the most important occasion of the year for the Jehovah’s Witness community, and large numbers of Witnesses and others associated with the community (such

⁴⁰ Effie Fokas and James T. Richardson, “The European Court of Human Rights and minority religions: messages generated and messages received,” *Religion, State & Society* 45, nos. 3-4 (2017): 171. For a national case study see Margarita Markoviti, “The ‘filtering effects’ of ECtHR case law on religious freedoms: legal recognition of places of worship for religious minorities in Greece,” *Religion, State & Society* 45, nos. 3-4 (2017): 268-83.

⁴¹ For an outline of the case, see Zoe Knox, “Religious Freedom in Russia,” in *Religion, Morality, and Community in Post-Soviet Societies*, Mark D. Steinberg and Catherine Wanner, eds. (Woodrow Wilson Center Press and Indiana University Press, 2008), 281-314.

as non-Witness family members) attend.⁴² Fifty minutes into the service, dozens of police officers, including armed riot police, interrupted the proceedings, forced attendees to disperse, and arrested fourteen men. After the police were absolved of any wrongdoing by a Moscow District Court, four of the men who had been detained brought the case to the ECtHR. In its ruling, the ECtHR found in favor of Jehovah's Witnesses, awarding them money for damages and legal expenses.

The concurring opinion of Judge Pinto De Albuquerque which accompanied the Court's ruling on *Krupko and Others v. Russia* urged the overhaul of Russian laws on freedom of religious assembly to comply with international human rights agreements. He was highly critical of Russia's record on religious liberty, and noted that limited progress had been made in this regard since *Kuznetsov and Others v. Russia*. He wrote: "... the domestic practice of disrupting and dispersing peaceful religious assemblies through police raids, confiscation of religious works and the arrest and detention of worshipers has not abated, and ill-treatment of and discriminatory behaviour towards religious minorities continues to be common practice...."⁴³ De Albuquerque's charge that there had been little improvement in the seven years since *Kuznetsov* was an indictment of Russia's commitment to religious freedom intended to compel the Russian government to take swift action to protect the rights of religious minorities.

Russian authorities did not heed the judge's call, however. Although legal scholars regard the Court as highly successful in its defense of human rights, conservative political and religious elites in Russia have a different point of view entirely.⁴⁴ For example, the head of the Russian Orthodox Church, Patriarch Kirill, is openly hostile toward the concept of human rights. In 2008, speaking at a panel organized by the United Nations (UN) Human Rights Council in Geneva, he argued that in addition to being used to drive religion from the public sphere, "Human rights are also used to justify insult to, and distortion of, religious

⁴² The yearbooks report the number of attendees at the Memorial in each country. It is far larger than the number of "publishers," i.e. active Witnesses. In 2016, 293,933 attended the Memorial across Russia, whereas the average number of active Witnesses across the year was 170,415. Watch Tower Bible and Tract Society of Pennsylvania, *2017 Yearbook of Jehovah's Witnesses* (Wallkill, NY: Watchtower Bible and Tract Society of New York, Inc., 2016), 184-85. For a fuller explanation of the Memorial, see George D. Chryssides, *Jehovah's Witnesses: Continuity and Change* (London: Ashgate, 2016), 217-20.

⁴³ "Case of Krupko and Others v. Russia (17 November 2014)," *European Court of Human Rights* at <http://www.ceceurope.org/wp-content/uploads/2015/08/CASE-OF-KRUPKO-AND-OTHERS-v.-RUSSIA.pdf>, page 2, accessed 11 August 2017, 2.

⁴⁴ E. Fokas, "The Legal Status of Religious Minorities: Exploring the Impact of the ECtHR," *Social Compass* 65, no. 1 (2018), 25-42.

symbols and beliefs.”⁴⁵ Like other Russian political and religious conservatives, he regarded the ECtHR as upholding the rights of minorities at the expense of the traditional churches. This is not unique to the Russian context as J. Paul Martin, a human rights specialist, has observed: “Religions enjoying social preeminence in a given society tend to ignore or reject the human rights paradigm. Minority or persecuted religions embrace human rights more readily.”⁴⁶ The majority of cases before the ECtHR involve minority faiths. Representatives of the Holy See have also objected to the use of what they regard as secularizing laws on human rights to uphold the rights of religious minority groups or atheists. As sociologist Kristina Stoeckl has argued, this has united conservative Christians from different traditions across Europe in a common cause, namely opposing the imposition of secular values on traditionally Christian nations.⁴⁷ The Court’s rulings are regarded by conservative Christians across Europe as riding roughshod over tradition and culture by privileging western liberal concepts of human rights and disregarding national differences.

Russian Orthodoxy and Religious Pluralism

Although Russia is a secular state, the Orthodox Church might be described as a pseudo-state religion. The federal law, “On Freedom of Conscience and Religious Associations,” passed in 1997, seemed to indicate a privileged position for the Church. Just one of the law’s controversial elements was the preamble, which recognised “the special role of Orthodoxy in the history of Russia and in the establishment and development of its spirituality and culture.”⁴⁸ Although not legally binding, the preamble acknowledged the special status of Orthodoxy over other faiths in this multi-confessional and multi-ethnic state. This mirrors the Church’s own understanding, which is that Russia is an Orthodox nation. This was outlined in the “Social Concept of the Russian Orthodox Church,” a treatise adopted by the Church in 2000. It was formulated to guide Church institutions in their engagements with secular society, such as public organizations, the media, and so on. The Social Concept included the following statement: “When a nation, civil or ethnic, represents fully or predominantly a monoconfessional Orthodox community, it can in a certain sense be

⁴⁵ Patriarch Kirill of Moscow, *Freedom and Responsibility: A Search for Harmony – Human Rights and Personal Dignity* (London: Darton, Longman & Todd and the Publishing House of the Moscow Patriarchate, 2011), 112.

⁴⁶ J. Paul Martin, “The Three Monotheistic Religions and International Human Rights,” *Journal of Social Issues* 61, no. 4 (2005): 834.

⁴⁷ Kristina Stoeckl, *The Russian Orthodox Church and Human Rights* (Routledge: London & New York, 2014).

⁴⁸ For discussion of the law, see Zoe Knox, *Russian Society and the Orthodox Church: Religion in Russia after Communism* (London: Routledge, 2005), 167-172.

regarded as the one community of faith — an Orthodox nation.”⁴⁹ The use of “predominantly” (*po preimushchestvu*) indicates that the Church considers religious minorities within a majority Orthodox country as part of an Orthodox nation.

The term “totalitarian sects” (*totalitarnye sekty*) emerged in the early 1990s as a reaction against the ostensibly untrammelled religious freedom of the first post-Soviet years. Aleksandr Dvorkin, Russia’s most prominent anti-cult activist, coined the term in 1993.⁵⁰ It gained wide use as a generic descriptor for non-traditional faiths. Dvorkin emigrated from the USSR in 1977, was educated in an Orthodox seminary in the United States, and evidently developed a deep suspicion of some religious minority groups during his time there. On his return to Russia in 1991, he published prodigiously on non-traditional faiths and led a vigorous campaign to have them outlawed. Dvorkin took particular aim at Jehovah’s Witnesses, describing their “techniques” using terminology (such as “brainwashing”) drawn from the American Anti-Cult Movement which flourished in the 1970s and 1980s.⁵¹ Dvorkin’s views gained sympathy at the highest levels of the Church, as evident from joint seminars featuring Dvorkin and key figures in the Moscow Patriarchate, such as Vsevolod Chaplin from the Department of External Relations. Dvorkin established the Saint Irenaeus of Leon Information-Consultation Centre to lobby against non-traditional religions, an organization at least one Orthodox priest regarded as inseparable from the Church hierarchy.⁵² The term “totalitarian sect” retains currency: in 2015, members of an Orthodox youth group which seized literature from Witnesses in Tver hurled the insult as they did so.⁵³

⁴⁹ “Tserkov’ i natsiia,” *Osnovy sotsial’noi kontseptsii Russkoi Pravoslavnoi Tserkvi* (2000), <https://mospat.ru/ru/documents/social-concepts/ii/>, accessed 25 May 2018.

⁵⁰ See, for example, Aleksandr Dvorkin, *Sektovedenie: totalitarnye sekty; opyt sistematicheskogo issledovaniia* (Nizhnii Novgorod: Khristianskaia biblioteka, 2006).

⁵¹ The American Anti-Cult Movement (ACM) was heavily influenced by these publications: J. Clark, M. D. Langone, R. E. Schacter & R. C.D. Daly, *Destructive Cult Conversion: Theory, Research and Treatment* (Weston, MA: American Family Foundation, 1981) and R. J. Lifton *Thought Reform and the Psychology of Totalism: A Study of ‘Brainwashing’ in China* (Chapel Hill: University of North Carolina Press, 1989). For academic analysis, see D. G. Bromley & A. D. Shupe, *Strange Gods: The Great American Cult Scare* (Boston: Beacon Press, 1981) and A. Shupe & D. G. Bromley (eds), *Anti-Cult Movements in Cross-Cultural Perspective* (Garland Publishing, Inc.: New York and London, 1994).

⁵² Vladimir Fedorov, “New Religious Movements: An Orthodox Perspective,” *Current Dialogue* 31 (December 1997), at <http://wcc-coe.org/wcc/what/interreligious/cd31-02.html>, accessed 2 May 2018. Fedorov, a fierce critic of Dvorkin, was formerly director of the Orthodox Institute of Missiology and Ecumenism in St Petersburg.

⁵³ Geraldine Fagan with Olga Sibierva, “Violence against ‘Nontraditional Faiths’ in Russia” in *Religion and Violence in Russia: Contexts, Manifestations, and Policy*, ed. Olga Oliker (Lanham, Boulder, New York, London: Rowman and Littlefield / Centre for Strategic and International Studies, June 2018), 78. On the transmission of the ACM to Russia, see Emily B. Baran, “Negotiating the Limits of Religious Pluralism in Post-Soviet Russia: The Anticult Movement in the Russian Orthodox Church, 1990–2004,” *The Russian Review* 65, no. 4 (2006), 637–56; Knox, *Jehovah’s Witnesses and the Secular World*, 262–78; and James T. Richardson and

In 2008, the Bishops' Council of the Russian Orthodox Church adopted a concept of human rights called the "Basic Teaching on Human Dignity, Freedom and Rights."⁵⁴ It was the result of two years of discussion and debate in Church circles. By articulating its own conception of human rights, the Church repudiated the application of western European norms, as realized in the body of ECtHR case law, to the Russian context. Moreover, as Russian scholar Alexander Agadjanian has pointed out, by using the language of western, secular discourse on human rights, the Church sought to counter the dominance of liberal voices in setting the rights agenda across Europe. The Moscow Patriarchate wanted to be taken seriously as a participant in debates on the issue of rights.⁵⁵ The "Basic Teaching on Human Dignity, Freedom and Rights" acknowledged the importance of freedom of conscience and the role of the secular state in supporting the Orthodox Church: "In a secular state, freedom of conscience, proclaimed and confirmed by law, enables the Church to preserve her identity and independence from people of other convictions and gives her a legal ground both for the immunity of her internal life and public witness to the Truth."⁵⁶ Freedom of conscience was thus supported insofar as it protected the Moscow Patriarchate and its outreach. This understanding of rights is openly challenged by religious communities which proselytize among Orthodox Russians.

Patriarch Kirill has identified secular and religious worldviews as incompatible. In 2000, he opened an article in *Nezavisimaia gazeta* with this bold statement: "The most fundamental conflict of our present era is the clash between the liberal model of civilisation on the one hand and national[,] cultural and religious identity on the other."⁵⁷ The "liberal model" was in essence a secular one. Later in the article, he lamented: "...the absence of barriers in today's world to protect nations' spiritual health and their religious and historical identity from the expansion of alien, destructive social and cultural factors; from the new way of life that is arising and taking shape outside of any tradition under the influence of today's post-industrial world."⁵⁸ Kirill also identified western liberalism as a danger to Russia's

Marat Shterin, 'Effects of the Western Anti-Cult Movement on Development of Laws Concerning Religion in Post-Communist Russia', *Journal of Church and State*, 42 (2000), 247- 272.

⁵⁴ "Osnovy ucheniia Russkoi Pravoslavnoi Tserkvi o dostoinstve, svobode i pravakh cheloveka" at <https://mospat.ru/ru/documents/dignity-freedom-rights/iv/>, accessed 20 August 2018.

⁵⁵ Alexander Agadjanian, "Liberal Individual and Christian Culture: Russian Orthodox Teaching on Human Rights in Social Theory Perspective," *Religion, State & Society* 38, no. 2 (2010): 97-113.

⁵⁶ "Osnovy ucheniia Russkoi Pravoslavnoi Tserkvi o dostoinstve, svobode i pravakh cheloveka," at <https://mospat.ru/ru/documents/dignity-freedom-rights/iv/>, accessed 20 August 2018.

⁵⁷ Patriarch Kirill of Moscow, *Freedom and Responsibility*, 1.

⁵⁸ Patriarch Kirill of Moscow, *Freedom and Responsibility*, 5-6.

“spiritual health,” which, as discussed below, resonated with the Putin regime’s articulation of external threats to the nation.

The notion of traditional values was presented by political and religious elites as a contrast to the rights-based discourse of the west, particularly from 2012.⁵⁹ Orthodoxy, as the country’s traditional faith, was central to this rhetoric. The proponents of traditional values held that western (secular) values sought to promote the rights of marginal groups which threatened the survival of Christianity. The west was cast as the transmitter of immorality, and Russia as the defender of Christian values. This drew on the idea that Christianity was under siege and critiqued the protection of the rights of minorities before those of the traditional churches. In 2005, Kirill argued that Christian values were under grave threat from the west, where religion “has been ousted to the realm of private life almost as successfully as it was in our country under the Soviet power.”⁶⁰ This reveals the Church’s fear that its position at the forefront of Russian culture will be eroded by European legal rulings and by the dominance of secular conceptions of human rights in international law.⁶¹ It is aligned closely with the concerns of the political elite. The historian Robert Horvath argued that the traditional values discourse in Russia introduced a moral relativism into discussions about human rights, based on the premise that Russian values were distinct and that countries ought to be freed from the imposition of a European rights regime which sought to undermine its venerable culture and traditions.⁶² Horvath identified the Church as playing a central role in this shift. For Kirill, it was not just religious freedom but other moral issues at stake: again, speaking at a UN forum, Kirill warned of the “dictatorial attitude” of human rights advocates who promote abortion, euthanasia, blasphemy, “extreme feminist views and gay attitudes” and who pillory religious values, national traditions, and moral norms which depart from the

⁵⁹ A number of analysts identify the Pussy Riot “Punk Prayer” episode as the catalyst for a shift towards a more conservative state discourse and ultimately a more repressive regime, among them Alexander Verkhovsky, “The State Against Violence in Spheres Related to Religion” in *Religion and Violence in Russia: Contexts, Manifestations, and Policy*, ed. Olga Oliker (Lanham, Boulder, New York, London: Rowman and Littlefield / Centre for Strategic and International Studies, June 2018), 11-42 and Gulnaz Sharafutdinova, “The Pussy Riot affair and Putin’s démarche from sovereign democracy to sovereign morality,” *Nationalities Papers* 42, no. 4 (2014): 615-621.

⁶⁰ Patriarch Kirill of Moscow, *Freedom and Responsibility*, 53.

⁶¹ Stoeckl, *Russian Orthodox Church and Human Rights*, 46.

⁶² Robert Horvath, “The Reinvention of ‘Traditional Values:’ Nataliya Narochnitskaya and Russia’s Assault on Universal Human Rights,” *Europe-Asia Studies*, 68, no. 5 (2016): 868-92. Horvath explores the role of one particular conservative figure in encouraging the Russian political elite to reject the norms established by the European Convention.

western model.⁶³ The central concerns of Russian conservatives were given the potential for legislative backing when the anti-extremism law was introduced.

The Moscow Patriarchate cast the right for the Russian state to determine religious policy free from western pressure in terms which complemented a resurgent Russian nationalism and an increasingly strident foreign policy. It argued for a distinctively Orthodox approach to rights. The Church takes a close interest in the rulings of the ECtHR and, like the Russian government, is suspicious of its motives and critical of its reach.⁶⁴ The Department for External Church Relations, an important unit within the Patriarchate, has invested significant resources in following, and even influencing, developments at a European level. It has had a Permanent Mission to the Council of Europe since 2004, for example. Stoeckl credits Kirill, head of the Department before his enthronement as Patriarch in 2009, with placing human rights issues on the Church's agenda.⁶⁵ She has shown that, far from remaining aloof from legal developments, the Patriarchate closely followed the ruling in the ECtHR case *Lautsi v. Italy* (2009). The Court initially ruled that Italian state schools should not display the crucifix in classrooms (the case was brought by an atheist who objected to this Christian symbol). The Court overturned the decision in 2011, ruling that a crucifix was permissible owing to the historically close connection between the Italian state and the Roman Catholic Church, invoking the "margin of appreciation" doctrine.⁶⁶ The case was regarded as a bellwether for how far majority churches would be able to continue to enjoy the privileged position conferred on them by their historical centrality to national tradition and culture.

It is against this backdrop that the case against the Watch Tower organization emerged. In addition to the rise of a discourse which promoted a distinct Russian (Orthodox) conception of rights, several other concepts gained wide currency in Church circles and among the political elite which together posited that Russia was pressured on all sides by incompatible, if not hostile, forces.

⁶³ Patriarch Kirill of Moscow, *Freedom and Responsibility*, 113. On how "traditional values" are used to argue against LGBT+ rights in Russia, see Cai Wilkinson, "Putting 'Traditional Values' Into Practice: The Rise and Contestation of Anti-Homopropaganda Laws in Russia," *Journal of Human Rights*, 13, no. 3 (2014): 363-79.

⁶⁴ Stoeckl, *Russian Orthodox Church and Human Rights*, 19-26.

⁶⁵ Stoeckl, *Russian Orthodox Church and Human Rights*, 43.

⁶⁶ The margin of appreciation is used in international human rights law to take into account different national traditions and domestic legislation when deciding how the Convention should be applied in different countries, thereby enabling the ECtHR to make allowances for national specificities.

Religious Pluralism and State Security

The bombing of residential buildings in Moscow in 1999, widely attributed to Chechen terrorists, brought a sea change in the way Russian government authorities perceived civil rights in Russia, including religious rights.⁶⁷ A consensus emerged between lawmakers and authorities that radical political Islam threatened the unity of the fledgling post-Soviet state and that legal means were required to protect Russia from religious extremists. This led to “On Combatting Extremist Activity,” adopted in July 2002. The scope of the anti-extremism law was far greater than initially envisioned. Writing in 2009, Alexander Verkhovsky, a Russian human rights activist, noted that the concept of extremism evolved from one based on the threat from radical Islam to a more generic and ill-defined idea of the enemy within. The law was, he argued, a project imposed by the conservative political elite: “The notion of ‘extremism,’ as it finally appeared in legislation under Putin, has been the product of a top-down and increasingly authoritarian process.”⁶⁸ The ambiguities in its provisions permitted authorities considerable latitude to target extremist groups, terrorist organizations, political opponents, and religious minorities.

The anti-extremism law was widely criticised for the broad definition of extremism, which did not necessarily include violence or elements of hatred but extended to anti-social views or positions which might be found offensive. The law included in the definition of “extremist activity/extremism” the “stirring up of social, racial, ethnic or religious discord.” It thus had the potential to criminalize groups, religious or secular, without any record of violence or even evidence of intent to cause harm. A wide range of bodies concerned with democracy and law (Russian and foreign, governmental and non-governmental) registered concern that the way extremist activity and extremism were defined might lead it to be applied in an arbitrary way.⁶⁹ The first major test of the Russian anti-extremism law before the ECtHR came in mid-2018. The Court found that the ban on publishing and distributing work by Said Nursi, a Turkish Sunni Muslim theologian, was in violation of Article 10 of the

⁶⁷ For debate on the attacks, see John B. Dunlop, *The Moscow Bombings of September 1999: Examinations of Russian Terrorist Attacks at the Onset of Vladimir Putin’s Rule*, 2nd ed. (New York: Columbia University Press, 2014).

⁶⁸ Alexander Verkhovsky, “Russian Approaches to Radicalism and ‘Extremism’ as Applied to Nationalism and Religion” in *Russia and Islam: State, Society and Radicalism*, eds .R. Dannreuther and L. March (London: Routledge, 2009), 26.

⁶⁹ See, for example, European Commission For Democracy Through Law (Venice Commission), *Opinion On The Federal Law On Combating Extremist Activity Of The Russian Federation*, Opinion no. 660 / 2011, CDL-AD(2012)016, 20 June 2012, available at [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2012\)016-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2012)016-e) , accessed 24 July 2018.

European Convention, on freedom of expression.⁷⁰ The ECtHR found that the Russian court did not establish for itself that Nursi's work was extremist, instead relying entirely on an "expert" report, a systemic problem in the Russian legal system, as discussed by Marat Shterin and Dmitry Dubrovsky in their article in this special issue.

Verkhovsky argued that the conflation of harmful acts and harmless acts in the anti-extremism law was intentional because it could facilitate the law's application to a range of groups.⁷¹ The UN Committee on the Elimination of Racial Discrimination recommended that the law more clearly define extremism.⁷² The law also concerned rights groups because it made expressions of religious superiority an offense. This meant that any faith claiming to be the sole bearer of religious truth violated the law. It is worth noting that the reference to "the Truth" in the Orthodox Church's "Basic Teaching on Human Dignity, Freedom and Rights" constitutes a claim to religious superiority by rendering other faiths as something other than the truth (false, presumably).⁷³

The securitisation of Russia – the sense that the nation ought to be protected, and the passage of legislative means to ensure that – facilitated the targeting of non-traditional religious groups. The Putin administration introduced the concept of "spiritual security" to promote the idea that Russia was under threat from external and internal forces. In turn, this strengthened the campaign against foreign influences, particularly religious ones. The two concepts were neatly merged in the theme of a roundtable held in Moscow in 2003, in the wake of the theatre hostage crisis, entitled "Totalitarian Sects: A Weapon of Mass Destruction." *Pravda* reported that representatives from the Interior Ministry spoke alongside Aleksandr Dvorkin.⁷⁴ The "National Security Concept," adopted in 2000, articulated the Russian state's approach to the security of the nation. It identified the "spiritual renewal of Russia" as crucial to strengthening democracy, alongside creating rule-of-law and maintaining public harmony. This emphasis on spiritual renewal did not signal an acceptance

⁷⁰ *Ibragim Ibragimov and others v. Russia* (28 August 2018) at <http://www.iri.edu.ar/wp-content/uploads/2018/12/RI-55-SG-documentos-TE-CASE-OF-IBRAGIM-IBRAGIMOV-AND-OTHERS-v.-RUSSIA.pdf>, accessed 1 November 2018.

⁷¹ Verkhovsky, "Russian Approaches to Radicalism and 'Extremism,'" 35.

⁷² Committee on the Elimination of Racial Discrimination, "Concluding observations on the twenty third and twenty fourth periodic reports of the Russian Federation" (25 August 2017), *Office of the United Nations High Commissioner for Human Rights* at http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/RUS/CERD_C_RUS_CO_23-24_28705_E.pdf, accessed 21 August 2018.

⁷³ "Osnovy ucheniia Russkoi Pravoslavnoi Tserkvi o dostoinstve, svobode i pravakh cheloveka" at <https://mospat.ru/ru/documents/dignity-freedom-rights/iv/>, accessed 20 August 2018.

⁷⁴ "Rossiia zanimaet tret'e mesto v mire po chislu totalitarnykh sekt (29 October 2003)," <https://www.pravda.ru/news/society/29-10-2003/15944-0/>, accessed 22 August 2018.

of all forms of spirituality, however. On the contrary, the Concept identified some as potentially damaging. It warned of the potentially negative impact of “foreign religious organizations and missionaries” on Russia.⁷⁵ This was significant because it identified foreign religious groups as potentially threatening to the Russian state rather than simply a challenge to Russian Orthodoxy or other traditional religions.

In an article on “the nationality question” published in the run-up to the 2012 presidential elections, Putin identified the vital role of traditional religions in providing sources of cohesion and unity for the Russian state. Despite their differences, he wrote, the traditional religions share the same “landmark values,” identified as “basic, common ethical, moral, spiritual values: charity, mutual aid, truth, justice, respect for elders, ideals of family and work.” The traditional religions therefore provided a basis for the moral foundations of the Russian state. They were, according to Putin, vital in underpinning the unity, and therefore stability and security, of the country.⁷⁶ Again, this served to link traditional forms of religiosity with security issues and to reinforce the notion that non-traditional faiths were a source of instability and insecurity and a potential threat. In this way, Putin politicised belief.

The potential for the anti-extremism law to be applied to religious minority groups was enhanced by other legal measures which reinforced the idea that non-traditional faiths needed to be constrained. In 2016, the government adopted stricter legal provisions against foreign religious activity, most notably what became known as the “Yarovaya package” of laws. Irina Yarovaya, a Duma representative for the United Russia party, was, at the time, head of the Committee for Security and Anti-Corruption. She proposed a set of legal provisions directed against terrorism and extremism which included measures against proselytism, making it easier to limit foreign missionary activity. It introduced a broad definition of missionary activity, as follows: “The activity of a religious association, aimed at disseminating information about its beliefs among people who are not participants (members, followers) in that religious association, with the purpose of involving these people as participants (members, followers).” It could only be performed “without hindrance” at churches and other religious sites. This meant that handing out religious tracts on a street corner or preaching door-to-door would not be legal without a permit and could lead to

⁷⁵ “Kontseptsiiia natsional’noi bezopastnosti Rossiiskoi Federatsii,”

http://www.mid.ru/en/foreign_policy/official_documents/-/asset_publisher/CptICkB6BZ29/content/id/589768?p_p_id=101_INSTANCE_CptICkB6BZ29&_101_INSTANCE_CptICkB6BZ29_languageId=ru_RU.

⁷⁶ Vladimir Putin, “Rossiia: natsional’nyi vopros (23 January 2012),” *Nezavisimaia gazeta* at http://www.ng.ru/politics/2012-01-23/1_national.html?print=Y, accessed 24 August 2018.

prosecution. The Yarovaya package made a link between religious terrorism and extremism and foreign faiths active on Russian soil. It effectively gave the government a range of new legal measures with which to counter the influence of foreign religious minorities.

The 2017 Supreme Court ruling on Jehovah's Witnesses was foreshadowed by developments in Russia's regions which predated it by almost a decade. The Krupko case demonstrates that the federal government failed to rein in local authorities, a tendency discernable across the country. In 2009, a Witness community in Taganrog was dissolved on the grounds that it was extremist, a decision upheld in the regional court at Rostov. There was limited momentum in the campaign to have Witnesses declared extremist for almost half a decade, until 2014, when congregations in Samara and Abinsk were dissolved under the same pretext. The following year, numerous other regions followed suit, leading to a clear sense that the net was closing in on Witnesses nationwide. Arguably, the eventual application of the anti-extremism law to Witnesses at the federal level was a product of the increasing disregard for the rule of law which characterized the Putin administration from 2011-12. This has marked a shift from a situation in which the Russian federal authorities were reluctant to enforce rule of law in the regions when it came to religious freedom to the passage of legislative means to actively eliminate unpopular religious minorities nationwide.

The federal case against Witnesses centered on claims made in Watch Tower literature rather than Witness activities per se. The prosecution alleged that the organization's claim that Witnesses are the sole bearers of Biblical truth denigrated the country's traditional religious faiths. This meant that Watch Tower literature, which repeatedly states that Witnesses are the only Christians, violated the law. As a result, many pieces of literature were added to the Federal List of Extremist Materials (*Federal'nyi spisok ekstremistskikh materialov*), a list of banned works maintained by the Ministry of Justice. It includes a wide range of material, from DVDs to web sites and from books to poems. The list includes manuals produced by the terrorist organization Islamic State and videos by Russian white supremacists alongside *Watchtower* and *Awake!*, magazines published by the Watch Tower organization. The Jehovah's Witnesses' web site (www.jw.org) is on the list and must be blocked by Russian internet providers.⁷⁷

The Constitutional Court's April 2017 ruling led to the liquidation of the Administrative Center of Jehovah's Witnesses in Russia (the national headquarters) and 395

⁷⁷ The list is openly accessible: "*Federal'nyi spisok ekstremistskikh materialov*," at <http://minjust.ru/ru/extremist-materials>, accessed 24 July 2018. For more on internet censorship, see Maria Kravchenko's article in this special issue.

legal entities, technically called Local Religious Organizations, registered under its auspices. The state confiscated the organization's property in the wake of the ruling. The headquarters, a large complex in Solnechnoye, on the outskirts of St Petersburg, was seized by authorities. In addition to these legal moves against the organization, ordinary Witnesses have faced violence and intimidation across the country, from arson attacks on Kingdom Halls (houses of worship) to losing their jobs. The number of vigilante assaults against Witnesses led two journalists covering issues of freedom of religion and belief in Russia to write in mid-2018: "We find it highly surprising that no Jehovah's Witness has yet been killed."⁷⁸ The law allows for children to be removed from parents convicted of extremism, which makes cases to remove children from Witness families likely. This is yet another issue which will bring Russian law and the ECtHR into conflict; the Court has upheld the rights of Witnesses in two child custody cases, the first in 1993, when it found in favor of an Austrian woman whose two children were removed from her after she converted from Catholicism to become a Witness and divorced her husband, and the second in 2003, when it ruled that the actions of French officials who removed two children from a Witness mother on the sole grounds of her faith amounted to religious discrimination.⁷⁹ At the time of writing, Russian Witness congregations meet underground, as they did in the Soviet era.

Later in 2017, Russian federal prosecutors also discredited the Watch Tower organization's translation of the Bible, called the *New World Translation of the Holy Scriptures*. It was prepared by a Translation Committee in the 1960s, drawing on the original Hebrew-Aramaic and Greek texts.⁸⁰ The *New World Translation* was declared extremist by a court in Vyborg in August 2017, a ruling later upheld by the regional court. This marked the first time a particular translation of the Bible had ever been banned in a majority Christian country. The anti-extremism law made any text proclaiming the superiority of faith vulnerable to ban. In order to protect the traditional religions, in 2015 an amendment to the anti-extremism law was passed which exempted the Bible, Qur'an, Jewish Tanakh, and Buddhist Kangyur from being considered extremist for their claims of righteousness. The prosecution argued that the *New World Translation* was not a sacred text. The Russian version is translated from (American) English. It does not have the word "Bible" on the

⁷⁸ Fagan with Sibierva, "Violence against 'Nontraditional Faiths' in Russia," 69.

⁷⁹ *Hoffmann v. Austria* (1993) at <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-57825%22%5D%7D> and *Palau-Martínez v. France* (2003) at <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-61548%22%5D%7D%7D>, both accessed 10 September 2018.

⁸⁰ For more on the *New World Translation*, see Chryssides, *Jehovah's Witnesses*, 145-170.

cover, uses the name “Jehovah” where other translations use “Lord”, and refers to the old and new testaments as the Hebrew Scriptures and Greek Scriptures respectively, facts which were used to argue that it was not a legitimate version of the Bible. The case thus centered on denying that Witnesses followed the Christian Bible, and by extension that they were not Christians. This echoed one of the major criticisms against the organization leveled by its detractors over the past century.⁸¹

The ban on Witnesses has brought into sharp relief the distance between Russian standards and those of the ECtHR when it comes to religion-related rights. The European Court of Human Rights may be widely regarded as a “...standard-setter for human rights protection globally,” but these standards are no longer in line with Russian ones.⁸² Since *Kokkinakis v. Greece* in 1993, the ECtHR has clearly moved toward the protection of religious minority rights, in particular Jehovah’s Witnesses, a religious community which is seen as an American interloper, if not an illegitimate irritant, in European societies, both east and west. The Watch Tower organization has used the European Court of Human Rights to establish Witnesses’ right to worship across Europe. The organization and the Court have together created a strong legal precedent to protect minority religious groups in Europe. At around the same time as the ECtHR first ruled on the basis of Article 9, in 1993, Russia began to move away from the liberal democratic model which was widely assumed to be its end point until, as the third post-Soviet decade neared its end, the Russian political elite appeared to resolutely reject the very idea of European human rights norms. Jehovah’s Witnesses have again been at the forefront of developments in this area, by illustrating the limits of religious freedom and human rights in Russia.

In the opening sentences of a declaration made in June 2018, sixty-two Russian human rights activists, journalists, and politicians highlighted the absurdity of the federal ban on Jehovah’s Witnesses:

150 thousand of our fellow citizens, peaceful and honest people, today are outlawed.

At any moment, each one of them can be arrested and sentenced to incarceration.

⁸¹ See, for example, Walter Martin, *Kingdom of the Cults* (Minneapolis, Minnesota: Bethany House Publishers, 1997). Martin devotes no fewer than 100 of the book’s 690 pages to Witnesses. *Kingdom of the Cults* was, incidentally, translated into Russian and widely cited by Russian anti-cult activists.

⁸² Fokas & Richardson, “European Court of Human Rights,” 166.

These people have not killed, have not used force, have not robbed, and have not committed acts of cruelty. They, like more than eight million of their fellow believers in the world, study and proclaim the Bible and try to live in accordance with it. Now they are being thrown into prisons. Their crime is that they are Jehovah's Witnesses.⁸³ The situation has been given extensive coverage in the Russian media.⁸⁴ Russian human rights groups have been vocal opponents of the ban, among them Memorial and the SOVA Centre, Moscow-based rights organizations which have long been critical of the Putin regime's human rights record. Russian religious experts have expressed their concern at, in the words of Roman Lunkin, the "senseless discrimination against believers."⁸⁵ Criticism of the ban on the *New World Translation* has also come from an especially surprising quarter: Dvorkin himself. In an article on the Orthodox web site www.pravoslavie.ru, Dvorkin wrote that this went too far, since the Bible cannot be extremist.⁸⁶ International rights monitoring groups and western governments have also criticized the growing intolerance which culminated in the ban.⁸⁷

There has been a profound shift in the Russian state's discourse on religious pluralism since Putin came to power in 2000. In the first post-Soviet decade, the Church's conservative views were out of step with the prevailing political culture. The Yeltsin administration sought to integrate Russia into western organizations like the Council of Europe. The Church was just one body which viewed these efforts with alarm. As the political scientist Katja Richters observed, "...the Moscow Patriarchate formed part of a wider spectrum of civil and political actors that opposed the liberal, pluralist and 'pro-western' policies that Russia's first president advocated."⁸⁸ The political culture became more illiberal as the 1990s progressed,

⁸³ "'Prekratit' predsledovaniie Svidetelei Iegovy za ikh veroispovedanie!:' Zaiav;enie rossiiskikh pravozashchitnikov, zhurnalistov i grazhdanskikh aktivistov (19 June 2018)" at <http://www.portal-credo.ru/site/?act=news&id=131386>, accessed 24 July 2018.

⁸⁴ The ban was listed first in a 2017 end-of-year roundup of the top forty stories relating to religion in public life by the religious news web site [portal-credo.ru](http://www.portal-credo.ru). "40 glavnykh sobytii religiozno-obshchestvennoi zhizni 2017 goda po verii 'portala-credo.ru,'" <http://www.portal-credo.ru/site/?act=news&id=129263>, accessed 25 May 2018.

⁸⁵ Roman Lunkin, "'Ne roi iamu drugomu...' Zapret Svidetelei Iegovy v Rossii stal simbolom bessmyslennoi diskriminatsii veriushchikh," (19 July 2017), at http://www.sclj.ru/news/detail.php?SECTION_ID=478&ELEMENT_ID=7649, accessed 21 August 2018.

⁸⁶ Dvorkin argues that now Witnesses are illegal, the Watch Tower organization will likely not be able to sustain its Russian following, an argument which shows little understanding of historical precedent. Aleksandr Dvorkin, "Reshenie vyborgskogo suda o priznanii ekstremistskii materialom 'perevoda novogo mira' – gromadnaia oshibka (22 August 2017)," <http://pravoslavie.ru/105915.html>, accessed 24 April 2018.

⁸⁷ See, for example, this US government report: "Bureau of Democracy, Human Rights and Labor," *International Religious Freedom Report for 2016* at <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>, accessed 24 April 2018.

⁸⁸ Katja Richters, *The Post-Soviet Russian Orthodox Church: Politics, Culture and Greater Russia* (Routledge: London & New York, 2013), 55.

evident even over the course of the Yeltsin era by the replacement of Andrei Kozyrev with Evgenii Primakov as Minister of Foreign Affairs, indicative of the administration's increasingly wavering commitment to western norms and a more pragmatic approach to foreign relations. Examining the shift in Russia's relations with international courts demonstrates the profound change in Russia's political culture since 2000. It has also highlighted the prominent position of the Orthodox Church in shaping attitudes, popular and political, towards religious pluralism in Putin's Russia. The Moscow Patriarchate has emerged as a leading voice against what it regards as the imposition of a secular rights agenda on Russia. An increasingly illiberal rhetoric invoked the concepts of totalitarian cults and traditional values, upgraded to matters of urgent importance by linking non-traditional faiths, especially western ones, with security issues, a connection made clear in the Putin regime's promotion of spiritual security. These concepts gained wide currency and created an abiding sense that Witnesses were not only anti-Russian but a threat to the nation.

The ECtHR's body of case law on Jehovah's Witnesses has been ignored by the Russian Supreme Court. The suspicion that the Court rules in favor of liberal, western European conceptions of rights rather than Christian values has led to a deep suspicion on the part of key lawmakers, including Valerii Zor'kin, and religious figures, such as Patriarch Kirill. This is consonant with a rise in nationalism and anti-westernism which has brought Russia into conflict with western European governments and international institutions in other arenas. As a result, not all of the Court's rulings have been implemented in recent years, leading to strained relations between Russia and the Court and leaving analysts concerned about not only the future of Russia's membership of the Council of Europe but also the Court's authority and legitimacy as a human rights body overseeing developments across Europe, particularly since member states of the former USSR may follow Russia's lead. Article 46 of the European Convention on Human Rights stipulates that member states will abide by the ECtHR's final judgments. It is difficult to envisage a future for the ECtHR without that most basic of commitments on the part of signatory states.

The authoritarian shift under Putin is clearly in evidence in these developments. Horvath has argued that the Putin regime mounted an "assault on the post-Cold War human rights consensus" and that European norms have been firmly rejected by the state.⁸⁹ The Orthodox Church's position that religious freedom in Russia ought to be determined not by universal measures but by considering traditional religion has come to predominate. In this

⁸⁹ Horvath, "Reinvention of 'Traditional Values,'" 869.

sense, the interests of the Russian government and Church leaders have converged to lead to the case against Russian Witnesses. This has gone hand in hand with an effort to mute, if not silence, voices deemed hostile to Russian national interests.

The coverage of the ban, in both Russian liberal media and western media, has referred to the famous poem by Martin Niemoller, the German Lutheran pastor, which opens: “First they came for the Communists, and I did not speak out—Because I was not a Communist.”⁹⁰ In this case, “communists” might be replaced with “Jehovah’s Witnesses,” because the latter might be regarded a litmus test for religious tolerance. They are certainly “pioneers,” as Fokkas and Richardson argue, when it comes to rulings in the European Court.⁹¹ In the words of one Russian Witness reported in *Novaya gazeta*, a newspaper often critical of government policy: “In Russia now the image of Witnesses is being demonized. Previously they also dreamed up for us many different names: enemy of the people, sectarian, spy, and now the fashionable word is ‘extremist.’”⁹² At the time of writing, there were 37 applications pending with ECtHR regarding Russia’s treatment of Witnesses. Jehovah’s Witnesses, known worldwide for their intransigence, will likely provide the first significant challenge to the Russian anti-extremism law based on Article 9, centering on the rights violations facilitated by the vagueness of the definition of extremism and the potential for the law to be used against unpopular religious minority groups.

⁹⁰ Elena Racheva, “Postavili krest?,” (14 August 2017), at <http://religiopolis.org/publications/11833-postavili-krest.html>, accessed 21 August 2018.

⁹¹ Fokas & Richardson, “European Court of Human Rights,” 167.

⁹² “‘Bog prosto eshche ne doigral:’ 4 dnia do zapreta ‘Svidetelei Iegovy’ v Rossii” (13 July 2017),” *Novaya gazeta*, https://www.novayagazeta.ru/articles/2017/07/13/73105-bog-prosto-esche-ne-doigral?utm_source=push, accessed 22 August 2018.