

## **2008 Annual Report of the U.S. Commission on International Religious Freedom**

### **Other Countries Closely Monitored: The Russian Federation**

Since its inception in 1999, the Commission has reported on the situation in Russia. In recent years, the Commission's reporting on religious freedom conditions in Russia has included information on the sharp rise in violent crimes against persons on account of their religion or ethnicity. Although the Commission has not recommended that Russia be named a "country of particular concern," or CPC, for the most severe violations of religious freedom, the Commission is concerned that the country's increasingly fragile human rights situation, which directly affects the status of religious freedom, warrants close scrutiny, not least because Russia is a model and bellwether for other countries in transition, especially from the former Soviet Union. Moreover, Moscow has rallied other countries with questionable human rights practices to oppose efforts to draw attention to human rights violations by terming such efforts "meddling" by the international community.

Under President Vladimir Putin, Russia has steadily retreated from democratic reform, endangering significant gains in human rights made since the end of the Soviet era, including in the areas of freedom of religion or belief. Evidence of this retreat includes increasing limitations on media freedom and on the role and independence of political parties; tighter controls on non-governmental organizations (NGOs), religious communities, and other civil society groups; harassment of human rights organizations; legal restrictions on freedom of assembly; and constraints on the use of popular referenda. The sharp deterioration in the human rights climate over the past few years appears to be a direct consequence of the increasingly authoritarian stance of the Russian government, as well as the growing influence of chauvinistic groups in Russian society, which seem to be tolerated by the government.

Unlike under the Soviet regime, most people in Russia today are generally able to profess and practice the religion of their choice. Nevertheless, minority religious groups continue to face some restrictions on religious activities, especially at the regional and local levels, stemming from a variety of factors, including Russia's weak judicial system, inconsistent adherence to the rule of law, and local officials' sometimes arbitrary interpretations regarding the status of the so-called "traditional" religions (see below). These problems include denials of registration (status of legal person) requests; refusals to allot land to build places of worship; restrictions on rental space for religious activities and lengthy delays in the return of religious property; and attacks in the state-controlled media that incite intolerance. Since the Russian government has not promulgated a clear and consistent policy on religious affairs, the status of freedom of religion or belief varies dramatically from region to region across the country. One of the key factors in determining respect for the rights of a given religious community is its personal relationship with individual state officials.

In 1997, Russia passed a new law on religion. Requiring registration at both federal and local levels, the law creates difficulties for previously unregistered as well as new religious groups. At the federal level, the majority of religious organizations have been registered under the law by federal officials and the Russian Constitutional Court. Religious groups that have taken their cases to court to overturn denials of registration have often been successful; however,

administrative authorities have sometimes proved unwilling to implement court decisions. For example, the Salvation Army has not been re-registered in the city of Moscow, despite a 2002 Russian Constitutional Court ruling in its favor and an October 2006 ruling by the European Court for Human Rights (ECtHR). In addition, Russian authorities have denied registration to certain religious communities based on the allegedly insufficient time they have existed, despite a 2002 Russian Constitutional Court decision confirming that an active religious organization registered before the 1997 law could not be deprived of legal status for failing to re-register. The problem is particularly acute at the local level, since local officials sometimes either refuse outright to register groups or create prohibitive obstacles to registration. According to the State Department, a January 2006 amendment to the law requires that all registered local religious organizations notify the Federal Registration Service (FRS) within 36 hours of any change in its leadership or legal address. If a local organization twice fails to meet this requirement, the FRS may file suit with a court to have it dissolved.

The 1997 religion law gives a minimum of 10 citizens the right to form a religious association, which, in turn, provides them the legal right for a house of worship. Yet, despite this legal guarantee, building or renting worship space continued to be a problem in the past year for a number of religious groups. For example, local authorities in Kaliningrad, Sochi, and St. Petersburg have not responded to longstanding requests from Muslim communities for permission to build mosques. Roman Catholics, Protestants, Old Believers, Molokans, and other alternative Orthodox communities have also reported difficulties in obtaining permission to build houses of worship. During 2007, the SOVA Center, a leading Russian human rights NGO, reported that Russian authorities, especially on the local level, have continued in their efforts to confiscate houses of worship already in use. In October 2007, a Russian law came into effect setting out the conditions and procedures for state-owned land appropriation that permits religious organizations to retain their current land plots for unlimited use until January 1, 2010. Until the 2007 amendment, the SOVA Center noted, there had been no legal mechanism for religious organizations to privatize land plots. In 2007, the ECtHR ruled in favor of two religious organizations that brought cases against Russia. In January, it ruled that the 2002 abrogated rent contract with the Jehovah's Witnesses in the city of Chelyabinsk was in violation of the European Convention on Human Rights and in July, it ruled that the 2003 ban by Chekhov city authorities on prayer meetings of the Evangelical Christian "Divine Grace" Church was illegal.

Many of the problems faced by Russia's diverse minority religious communities stem from the notion set forth in the preface to the 1997 religion law that only four religions—Russian Orthodoxy, Islam, Judaism, and Buddhism—have "traditional" status in that country. The Russian Orthodox Church (ROC), which has played a special role in Russian history and culture, receives the bulk of state support, including subsidies for the construction of churches, although other so-called "traditional" religious communities also sometimes benefit from such subsidies. The ROC also has agreements with a number of government ministries on guidelines for public education, religious training for military personnel, and law enforcement decisions.

ROC officials also sometimes use their influence with regional authorities to restrict the activities of other religious groups. There are frequent reports, particularly on the local level, that minority religious communities must secure ROC permission before officials allow them to

build, buy, or rent a house of worship and that local authorities sometimes deny registration to minority groups at the behest of local ROC officials. For example, the religion news service Forum 18 reported in March 2008 that a court in the city of Smolensk deprived a United Methodist congregation of its legal personality because it ran a Sunday school, thereby violating the law against unlicensed Sunday school education; reportedly, the investigation began after a complaint by a local ROC bishop.

The ROC proposal to add a voluntary course on the “Foundations of Russian Orthodox Culture” in the national education curriculum has also been viewed as an example of the ROC’s assertion of preferential status. Representatives of the four “traditional” religions reportedly favor religious instruction as part of the state curriculum, but only on a voluntary basis and making it available to members of all religious communities based on the number of participating students. However, several Muslim, Jewish, and Protestant leaders have objected to the proposal to introduce even voluntary Orthodox culture courses because they imply that one religious tradition constitutes the foundation of Russian culture. As of October 2007, the Russian Federation Human Rights Ombudsman (RFHRO) had received numerous complaints from 16 Russian regions concerning the introduction of these classes in schools, according to Mikhail Odintsov, the head of the RFHRO’s Freedom of Conscience Section. The most high-profile protest against the Orthodox culture class was a July 2007 open letter from 10 members of the Russian Academy of Sciences, who expressed concern over the “growing clericalization of Russian society” and “the ROC’s active penetration into all spheres of public life.” The letter was a response to proposals to make the class an official and required course in the general Russian Federation school curriculum.

In January 2006, President Putin signed a restrictive new law on non-governmental organizations (NGOs) that also affects the rights of religious communities. The law enables the Ministry of Justice’s Federal Registration Service (FRS) to interfere with the activities of NGOs and deny the registration of groups that do not meet certain requirements, including minor or trivial ones. The Federal Registration Service (FRS) established as a department in the Ministry of Justice in late 2004, is charged with enforcement of the NGO law, as well as the registration of all political parties and real property in Russia. Under the new law, FRS officials can order an examination of an organization’s documents, including financial information, as well as attend its events, without the group’s consent or a court order. If violations are found, the FRS can call for court proceedings against the group, possibly resulting in the group’s eventual liquidation. Moreover, the FRS has almost complete discretion to cancel programs and ban financial transactions by the Russian branches of foreign organizations. Although the law provides only the vaguest guidance on procedural and legal norms, it also establishes extensive and onerous reporting requirements. NGOs are required to submit detailed annual reports regarding all of their activities, the composition of their governing bodies, and documentation of expenditure and the use of other property, including assets acquired from foreign sources. NGOs have expressed concern about the administrative and financial burdens of these requirements.

In April 2007, the Russian authorities simplified reporting requirements for religious organizations under the amended 2006 NGO law, after numerous protests, including from the ROC. According to Forum 18, under these eased reporting requirements, income from Russian and foreign legal entities, foreign states, any enterprises, and “other” sources must be provided,

but the requirement to report income from the Russian state or citizens has been dropped. Other reporting requirements that have been removed include providing information on religious congresses, conferences, or governing body meetings or the number of participants. Nevertheless, each religious organization must still supply the complete names, addresses, and passport details of its governing body, although centralized religious organizations may submit this data for their affiliate communities.

The SOVA Center reports that increased FRS activity in 2007 in various parts of Russia may result in the liquidation under the NGO law of the legal status of numerous religious organizations. For example, in the Tyumen Oblast alone, the FRS successfully initiated cases in 2007 resulting in the denial of continued legal status to 25 Muslim, and several Protestant organizations, as well as one Russian Orthodox and one Roman Catholic group, all for minor failures to comply with reporting requirements. In the republic of Chuvashia, the FRS has filed 11 petitions to courts asking for the liquidation of the legal status of religious organizations and issued 28 warnings of non-compliance. In Nizhny Novgorod Oblast, 55 religious organizations were issued official warnings for non-compliance, including for missing reporting deadlines and digressing from their charters. In the city of Balashovo, Saratov Oblast, the FRS and the Tax Inspectorate ordered the denial of continued legal status to the Church of Evangelical Christian Baptists for failing to file tax returns; the church had not received any official warning of its legal infringement. In Yaroslavl, a district Tax Inspectorate retroactively revoked the registration of an Old Believer community.

In addition, as a result of this law, religious education is coming under increasing bureaucratic scrutiny and restriction. According to Viktor Korolev, the official in charge of the FRS section on religious organizations, there is a distinction between the religious educational activity of a licensed religious educational institution, which includes a paid teaching staff, special premises, and a three-year curriculum, and elementary instruction about religion, which does not require a special license. Several religious educational institutions were liquidated in 2007 although they had operated for years without education licenses, including a *madrassa* affiliated with the Muslim Spiritual Authority in Mordovia, a branch of the Saifulla Kadi Islamic University in Dagestan, and a Biblical Center of Evangelical Christians (Pentecostals) in Chuvashia. In March 2008, it was reported that the FRS for the first time had published a list of seven religious educational organizations against which the FRS plans to file lawsuits to liquidate their legal entities, allegedly because they failed to provide required information. The list included the Moscow Higher Spiritual Islamic College, the Biblical College of Evangelical Christians, the Institute of Contemporary Judaism, the Biblical Missionary Academy of Full Gospel Christians, the Academy of the Union of Evangelical Churches, the Theological Academy of Presbyterian Christians, and the Extramural Theological Institute of Christians of Evangelical Faith.

Russian law has several provisions that address crimes motivated by ethnic or religious hatred. For example, Article 282 of the Russian Criminal Code forbids the incitement of ethnic and religious hatred. Unfortunately, Russia's law enforcement agencies and judicial system have a history of infrequent, inconsistent, and even arbitrary and inappropriate application of these provisions. In all too many cases, particularly those involving members of Russia's ethnic and religious minorities, Russian authorities have not treated hate crimes in a serious and consistent

manner. In what could perhaps be seen as an acknowledgement of the problem, in March 2008 Interfax reported that the Investigation Committee of the Prosecutor General's Office planned to set up a national agency to investigate extremism-related crimes. Also, in December 2007, Moscow police took part in an OSCE-sponsored seminar on ways to combat hate crimes.

Although no official Russian government statistics are available, the SOVA Center reported that in January – September 2007 in Russia, there were 230 racially and religiously motivated attacks affecting a total of 409 people, including 46 fatalities. In the same period the previous year, there were 180 attacks with 401 victims, and 41 deaths. The Center is concerned that such violence, often the result of attacks by racist groups usually referred to as “skinheads,” is growing dramatically. People from the former Soviet republics of Central Asia, who are predominantly Muslim, remained the main at-risk group, with 23 killed and 36 injured. Moreover, persons or groups who have investigated or been publicly critical of hate crimes in Russia continue to be subject to violent attacks. Nikolai Girenko, a St. Petersburg expert on xenophobia who often testified in trials concerning hate crimes, was gunned down in June 2004. Local police claimed in May 2006—two years after the murder and shortly before the meeting of the G-8 countries in July 2006—to have found the five men guilty of the killing, but some who were familiar with the case questioned whether these were the real perpetrators. In addition, several judges who have ruled against skinheads have received death threats. In October 2006, prominent Russian journalist Anna Politkovskaya, who reported extensively on the situation in Chechnya, was murdered in Moscow in a crime that prosecutors have reportedly linked to her work. Her name was among those on “hit lists” of liberals that had appeared on ultranationalist Internet sites in Russia.

In the months of late 2007 and early 2008, the SOVA Center documented at least 22 acts of violence in 14 Russian regions affecting the property of religious and ethnic minorities. The trend of these attacks was similar to that in previous years: of the 22 affected sites, seven were Jewish, four were Moslem, three were Protestant, two were Roman Catholic, one were Russian Orthodox, and another Armenian. Moreover, RFHRO confirmed in 2007 that inter-religious violence and religiously-based vandalism remained serious problems. While illegal activities motivated by religious hatred receive the attention of law enforcement agencies and they initiate investigations with appropriate charges, the RFHRO noted that there are very few cases resulting in the conviction of the guilty individuals. As a result, members of religious communities often view themselves as lacking protections even during religious services, and express valid concerns about the security of their organizations’ property.

Most officials and NGOs agree that many of these attacks are motivated largely by ethnic intolerance, although religious and ethnic identities often overlap. Nevertheless, attacks such as those noted above have occurred against members of Muslim, Jewish, Protestant, and other religious communities and are explicitly motivated by religious factors; leaders of the three afore-mentioned communities have expressed concern about the growth of chauvinism in Russia. They are also apprehensive that Russian government officials have provided tacit or active support for a view held by many ethnic Russians that their country should be reserved for them and that Russian Orthodoxy is the country’s so-called “true religion.” Officials link this view to a perception that Russian identity is currently threatened due to a demographic crisis stemming from a declining birthrate and high mortality among ethnic Russians. In a legal reflection of this

perception as well as the palpably growing nationalist atmosphere, a new government decree went into effect prohibiting foreigners from holding retail jobs in Russia as of April 2007. President Putin lent his voice to the nationalist campaign, saying it was necessary to protect the rights of Russia's "indigenous" population on the labor market.

Russian officials also display an inconsistent—and often inadequate—record in responding to media attacks and violence associated with anti-Semitism. Vandals desecrated several synagogues and Jewish community centers in 2007, the State Department reported, including in Saratov, Lipetsk, Borovichy, Murmansk, Nizhniy Novgorod, Taganrog, Samara, Petrozavodsk, Perovo, Baltiisk, Kurgan, Khabarovsk, Vladivostok, Tomsk, and Kaliningrad. *Kommersant* reported that during a Moscow rally of several hundred nationalists in April 2008, in addition to expressions of hatred of Jews, there were calls for the murder of some Jewish government officials, but police reportedly did not react.

Moreover, there are at least 80 Russia-based anti-Semitic Web sites and, in various regions of Russia, approximately 100 small, ultranationalist newspapers that regularly print anti-Semitic, anti-Muslim, and other religiously and ethnically-based intolerant content. Particularly on the local level, officials often make an insufficient effort to pursue or punish perpetrators. For example, in May 2007, a court sentenced a man convicted of fire-bombing the Jewish center in Ulyanovsk to a two-year suspended sentence for inciting ethnic hatred. Nevertheless, there are some reported cases when hate crimes legislation has been properly applied. For example, according to the State Department, a court in Novosibirsk sentenced the publisher of a local newspaper to two years in prison in June 2007 for inciting anti-Semitism for publishing articles that openly called for violence against Jews.

Russian rights advocates say that President Putin and senior members of his administration have not spoken out strongly enough in support of the multi-ethnic and multi-confessional nature of the Russian state and society. In fact, some western and other observers have suggested that Russian authorities have manipulated xenophobia for political purposes. The Kremlin is believed, for example, to have supported the formation of the ultra-nationalist *Rodina* political party—and then to have been unprepared for its popularity—as well as the politically active nationalist youth movement *Nashi*. Others have observed that the Kremlin, by issuing certain nationalistic statements as well as demonstrating a tendency to blame non-Russians for crime, has encouraged intolerant attitudes toward non-Russians and people who do not identify with the Russian Orthodox Church. President Putin has on occasion affirmed the value of pluralism, for instance at the meeting of the G-8 countries in July 2006, and has also on occasion decried anti-Semitism and hate crimes. Nevertheless, in the Commission's view, more can and should be done to ensure that Russian law enforcement agencies recognize hate crimes for what they are—human rights abuses—and to prevent and punish such crimes, including those involving ethnicity and religion.

Protestant groups in Russia are frequent victims of hostile media attacks. According to the SOVA Center, media outlets in Tula Oblast were particularly aggressive in attacks against Protestants in 2007. Journalists frequently seek advice from the Orthodox Church when preparing articles about Protestants; as a result, media tends to reflect the ROC outlook on Protestants as dangerous "sectarians." Moreover, pro-Kremlin nationalist youth movements have staged so-called "anti-sectarian," i.e., anti-Protestant, public protests. In 2007, the *Mestnye*

movement organized a public protest entitled “No to Sects in the Russian Land!” outside Moscow and *Nashi* held an “anti-sectarian” picket in St. Petersburg, while the Young Guard picketed against Mormons in Saratov. In recent years, Evangelical Protestants and members of other minority Christian communities have also been targeted in violent attacks, to which local authorities reportedly have not adequately responded.

Foreign religious workers continued to encounter visa restrictions in the past year. As in previous years, the Russian Foreign Ministry in 2007 continued its refusal to issue a visa to the Dalai Lama. A conference of Russian Catholic bishops expressed concern in October 2007 over entry visa restrictions faced by Roman Catholic priests, many of whom were issued only one 90-day visa during a six-month period, causing major difficulties for their work in Russia. According to a report by the Slavic Centre for Law and Justice, in October 2007, the Russian government imposed a 90-day limit for visas for foreign religious workers; for longer periods of residence, a more complex and lengthy procedure is now required.

In July 2006, Putin signed an amended version of the 2002 law on countering extremism. Going beyond the law’s original definition of racial, ethnic, and religious motivations for crimes, it adds political motivation, allowing citizens to be charged with extremism if they are alleged, within the context of extremism, to have committed public slander of government officials, although these charges must be proven in court. A new version introduced in summer 2007 further widened the number and definitions of offenses that are punishable by the law, thus significantly expanding the law’s application even to people with only tangential or circumstantial connections with alleged extremist offenses.

As is the case in many other countries, the Russian government does face major challenges as it addresses extremism and acts of terrorism that claim a religious linkage, while also protecting freedom of religion or belief and other human rights. The rapid post-Soviet revival of Islam, along with the ongoing war in Chechnya and growing instability in the North Caucasus, compound difficulties for the Russian government in dealing with its 20 million strong Muslim population, the country’s second largest religious community. Security threats from domestic terrorism, particularly those related to the conflict in Chechnya, are genuine. The North Caucasus region faces chronic instability due to a variety of factors: severe economic dislocation, especially among young men; the effects of the violence in Chechnya; some radical foreign influences on indigenous Muslims; and local grievances, particularly in Ingushetia. All these factors have combined to fuel volatile, and increasingly widespread, expressions of popular dissatisfaction by Muslims with the Russian government.

Yet human rights groups are concerned that the methods used by the Russian government to address security threats could increase instability and exacerbate radicalism among Russia’s Muslim community. NGOs and human rights activists have provided evidence of numerous cases of Muslims being prosecuted for extremism or terrorism despite having no apparent relation to such activities. These included dozens of cases of individuals detained for possessing religious literature, such as the Koran, or on the basis of evidence—including banned literature, drugs, or explosives—allegedly planted by the police. The Commission has been informed of at least 200 cases of Muslims imprisoned on what reportedly are fabricated criminal charges of possession of weapons and drugs.

According to human rights groups, a 2003 Russian Supreme Court decision to ban 15 Muslim groups for alleged ties to international terrorism has made it much easier for officials arbitrarily to detain individuals on extremism charges for alleged links to these groups. Police, prosecutors, and courts reportedly have used the decision to arrest and imprison hundreds of Muslims. It was not until July 2006 that the official government newspaper *Rossiiskaya gazeta* published a list of terrorist-designated organizations drawn up by the Federal Security Service (FSB)—a necessary step to give the ruling legal force—and the list afterward contained the names of two additional groups, without any supporting explanation for their inclusion.

The Russian human rights group Memorial reports that men with long beards, women wearing head scarves, and Muslims perceived as “overly devout” are now viewed with suspicion. Such individuals may be arrested or “be disappeared” on vague official accusations of alleged Islamist extremism or for allegedly displaying Islamist sympathies, particularly in the volatile North Caucasus region. According to a February 2008 report by the Institute for War and Peace Reporting, in Ingushetia, more than 150 people have been abducted by the Russian authorities or had been “disappeared” in recent years, including many who had no relationship to Islamist militancy. In early 2008, outside Ingushetia’s largest city, Nazran, three men were shot without warning by security forces for being alleged extremists. Persons suspected by local police of involvement in alleged Islamist extremism have also reportedly been subjected to torture and ill-treatment in pre-trial detention, prisons, and labor camps.

Muslim leaders have also been targeted by Russian officials. For example, a leading Muslim activist in the southern region of Astrakhan was charged with incitement to religious hatred by the regional authorities, although according to Forum 18, his lawyer from the Slavic Legal Center insisted that the charges are “very crudely falsified.” In another incident, after a court in the North Caucasus republic of Adygea rejected a case brought against a local imam for “incitement of hatred or hostility by insulting human dignity” under Article 282.1 of the Russian Criminal Code in March 2006, officials filed an administrative suit against the imam the following September—for the “illegal sale of spoiled butter.” In May 2007, Said Baburin, an imam in Ufa, Bashkortostan, was arrested after police claimed to have found explosives, a detonator, and heroin in his car. Although these charges were later withdrawn, the imam nonetheless went on trial in November 2007 on accusations of “extremist activity.” In Ufa, there have reportedly been three local protests to ask for the imam’s release and find those responsible for his unlawful arrest.

Under new amendments to the anti-extremism law, those who are alleged to have defended, or even expressed sympathy with, individuals charged with extremism are themselves liable to the same charges, resulting in a chilling effect on freedom of expression in Russia. According to the SOVA Center, in Adygeya, the prosecutor, without a court decision, banned two books in 2007, including a primer on Islam written by the Adygeya Muslim Spiritual Authority. In September 2007, a Moscow court upheld a lower court decision to declare as “extremist” Russian translations of the books of prominent Turkish Muslim theologian Said Nursi. As a result of this court decision, distribution of Russian translations of Nursi’s writings became illegal in Russia, because, in the court’s opinion, Nursi’s 14-part commentary on the Koran and Islam “aims to incite religious hatred.” An expert study commissioned by the RFHRO concluded, that Nursi’s works did not appeal to religious hostility or intolerance; in

Turkey, Nursi's books are in public circulation. According to the RFHRO's 2007 report, the court ignored the expert opinions of religious and secular specialists. The Ombudsman had unsuccessfully appealed to the court that since this case affects religious rights it required "particular attention."

This hostile atmosphere is also affecting Muslims' ability to open and maintain mosques. The SOVA Center reported that in October 2007, the Russian Council of Muftis published a list of 13 cities in the Moscow region where local officials have prevented Muslim communities from obtaining construction permits for mosques. In August 2006, the Russian Supreme Court upheld a lower court decision ordering that the local Muslim community pay for the demolition of its new mosque in the city of Astrakhan on the Caspian Sea. In May 2007, the Supreme Court agreed to reconsider the case. Allegedly, the city's Muslim community had not received all the required building permits, although construction of this mosque had been partly funded by previous regional and city governments. In July 2007, the European Court of Human Rights decided to prioritize the case application from the Astrakhan mosque; as of this writing, the case is still under consideration.

In March 2007, a group of more than 3,000 Muslims, including four prominent imams, published an unprecedented open letter to President Putin in asking him to intervene and stop the repression of Muslims in the name of the struggle against terrorism. The letter, published in the *Izvestia* daily, complained of what it called Muslim prisoners of conscience, including an arrested imam in the southern city of Pyatigorsk, who, they alleged, was only guilty of the conversion of non-Muslims to Islam. The imam, Anton Stepanenko, received a suspended one-year sentence that same month for "inciting inter-ethnic and inter-religious hatred" and for "arbitrariness." The letter also protested the case concerning Nursi's writings, saying it could become "a precedent for practically all literature that cites the Koran to be outlawed in Russia." Russian officials have consistently denied discriminating against Muslims.

A Commission delegation traveled to Russia in June 2006, visiting Moscow, St. Petersburg, and Kazan, the capital of the Republic of Tatarstan. The Commission met with Russian government officials from the National Security Council, the Presidential Administration, the Ministry of Foreign Affairs, the FRS, and the Presidential Council on Religious Affairs, as well as with the President of the Republic of Tatarstan and other regional and local officials and legislators. The delegation also met with representatives from a wide range of Russia's religious communities, as well as academics, legal advocates, and representatives of human rights organizations. The visit, the Commission's second to Russia, was prompted by the passage of the new law governing the work of NGOs out of concern that the legislation would have deep repercussions for civil society and a harmful impact on the protection of freedom religion or belief in Russia. In July 2006, the Commission issued a press release with recommendations to the G-8 after the Commission's visit and that month it also hosted a public meeting with an official from Russia's Federal Registration Service. Later in 2006, the Commission released a Policy Focus with findings and recommendations based on the Commission visit to Russia earlier that year.

In January 2008, the Commission co-sponsored a presentation at the Kennan Institute for Advanced Russian Studies of the Woodrow Wilson Center on "The Putin Government's

Responses to Increased Xenophobia,” featuring Aleksandr Verkhovsky, a leading Russian expert on xenophobia and freedom of religion, and director of the SOVA Center. In May 2007, the Commission co-sponsored an event at the Congressional Human Rights Caucus on the status of Islam in the north Caucasus featuring Grigory Shvedov, director of the “Caucasian Knot” information agency and a board member of the Russian “Memorial” Society. In March 2007, the Commission released a report, *Challenge to Civil Society: Russia’s Amended Law on Noncommercial Organizations*, which provided the first detailed legal analysis of the legislation and its impact. Russian translations of the two recent Commission reports are available on the Commission Web site. Later in March, Commission staff discussed the findings of the Policy Focus as well as the NGO report at two public events held at Radio Free Europe/Radio Liberty (RFE/RL); the Commission also co-sponsored an event with RFE/RL featuring Aleksandr Verkhovsky, who discussed Russia’s new anti-extremism law.

In February 2006, Commissioner Elizabeth Prodromou traveled to Moscow to make a presentation on “Human Rights and Tolerance in Today’s Russia: an International View” at a conference in Moscow held by the Russian Presidential Administration Training Academy for state officials responsible for the regulation of religious affairs in Russia. The Commission also made a similar presentation at a conference on religion in Russia at the Moscow Humanities University. During the visit, Commissioner Prodromou met with representatives of human rights organizations and academic experts on freedom of religion in Russia. Also in February 2006, the Commission held a roundtable at the Carnegie Endowment for International Peace, at which several experts discussed U.S. human rights policy towards Russia.

In February 2005, the Commission held a joint briefing with the Kennan Institute for Advanced Russian Studies on “Russia: Religious Communities, Extremist Movements and the State” chaired by Commissioner Felice D. Gaer, which presented expert views on the status of Muslims, Christians, and Jews, as well as on increased ethnic and religious extremism. Also in February, the Commission issued a press statement calling on President Bush to raise with President Putin the state of freedom of religion or belief in Russia at their then-upcoming meeting. In April 2005, the Commission held a briefing with Oleg Mironov, the former Human Rights Ombudsman of the Russian Federation, and Mufti Ismagil Shangareev, director of the Islamic Human Rights Defense Center in Russia. Also in that month, Lyudmila Alekseeva, head of the Moscow Helsinki Group, discussed religious freedom and other human rights concerns in Russia. In May 2005, Verkhovsky discussed religious extremism in Russia at an event co-sponsored with Radio Free Europe/Radio Liberty.

The Commission has advocated continued inclusion of the “Smith Amendment” in the Foreign Operations Appropriations bill. The Smith Amendment conditions foreign assistance to the Russian government on the President certifying that the Russian government has not implemented any statute, executive order, or regulation that discriminates against religious groups or religious communities, in violation of international norms on human rights and religious freedoms to which the Russian Federation is a party. Congress included this provision in the Consolidated Appropriations Act of 2005.

## **Commission Recommendations**

### **I. Combating Xenophobia, Intolerance, and Hate Crimes**

The U.S. government should urge the Russian government to:

- condemn specific acts of xenophobia, anti-Semitism, and intolerance, as well as incidents of hate crimes, and to make clear that such crimes are to be treated by officials as human rights abuses, not “hooliganism,” and that they will be fully and promptly investigated and prosecuted;
- while vigorously promoting freedom of expression, take steps to discourage rhetoric that promotes xenophobia or intolerance, including religious intolerance;
- provide special training and other programs for law enforcement officers and other officials to address ethnic hatred and promote tolerance;
- establish a special nationwide anti-discrimination body, as recommended by the Council of Europe’s European Commission Against Racism and Intolerance;
- implement the numerous specific recommendations made by Russia’s Presidential Council on Human Rights, the official Russian Human Rights Ombudsman, and the Council of Europe’s Commission against Racism and Intolerance to address anti-Semitism and xenophobia and prevent and punish hate crimes, including full implementation by regional and local law enforcement personnel of criminal code provisions prohibiting incitement and violence motivated by ethnic or religious hatred, in accordance with standards established by the European Court of Human Rights (ECtHR); and
- report, as required, to the Organization for Security and Cooperation in Europe (OSCE) on the specific measures that have been undertaken on a national level to address hate crimes, including maintaining statistics on these crimes, and strengthening legislative initiatives to combat them, and to take advantage of relevant OSCE training programs for Russian law enforcement and judicial officials.

## **II. Reforming or Withdrawing the 2006 Russian Law on Non-Commercial Organizations**

The U.S. government should:

- establish a program to monitor implementation of Russia’s law on non-governmental organizations (NGOs), including its impact on religious organizations;
- encourage the Russian government to withdraw or substantially amend the NGO law; failing that, the government should be urged to develop regulations that clarify and sharply limit the state’s discretion to interfere with the activities of NGOs, including religious organizations. These regulations should be developed in accordance with international standards and in conformance with international best practices;

- encourage the Russian government to publish precise and transparent statistical data on a regular basis regarding the Ministry of Justice’s Federal Registration Service (FRS) activities related to implementation and enforcement of the NGO law; and
- devote added resources to legal training for Russian NGOs, giving them the tools to defend the civil society they have built, and speak out in support of defense attorneys who are harassed and threatened for defending their clients, including human rights defenders and religious groups.

### **III. Ensuring the Equal Legal Status and Treatment of the Members of Russia’s Religious Communities**

The U.S. government should encourage the Russian government to:

- ensure that law enforcement officials vigorously investigate and prosecute acts of violence, arson, and desecration perpetrated against members of any religious community, their property, or houses of worship; set up a review mechanism outside the procuracy to ensure that government authorities and law enforcement personnel are investigated and sanctioned, as appropriate, if they are found to have encouraged or condoned such incidents;
- affirm the multi-ethnic and multi-confessional nature of Russian society;
- affirm publicly that all religious communities in Russia are equal under the law and entitled to equal treatment, whether registered or unregistered; publicly express opposition to any legislation that would grant preferences to the purported “traditional” religions over other groups; and direct national government agencies to address and resolve continuing violations of religious freedom at the regional and local levels, including by:
  - issuing instructions to local law enforcement, prosecutors, and registration officials as well as publicly affirming that members of all religious communities are to be treated equally under the law;
  - enforcing non-discriminatory, generally applicable zoning and building codes, and ordering an end to the practice of using local public opinion surveys that serve as a basis to deny land and building permits to minority religious communities; and
  - deleting from the preface to the 1997 Law on “Freedom of Conscience and Religious Organizations” the reference to the four “traditional” religions—Russian Orthodoxy, Islam, Judaism, and Buddhism, as that reference, although it does not have legal standing, implicitly contradicts the Russian constitutional provision that “religious associations are separate from the state and are equal before the law” and has led Russian officials to establish inappropriate limits or demands against members of Russia’s other religious communities;
- denounce media attacks on any religious community and adopt administrative measures against government officials who fuel them;

- cease all forms of interference in the internal affairs of religious communities;
- avoid taking steps that could exacerbate religious extremism by (1) developing policies and strategies to protect the religious freedom and other human rights of the members of Russia's Muslim community and (2) reviewing past cases of alleged arbitrary detention or arrest of members of this community;
- distribute on a regular basis updated information on freedom of religion or belief, as well as on Russian constitutional provisions and jurisprudence on separation of church and state and the equal status of religious denominations, to the Russian judiciary, religious affairs officials at all levels of government, the FRS, the procuracy, and all law enforcement bodies;
- extend the current annual training program for regional and local religious affairs officials to include their counterparts in the judiciary, procuracy, law enforcement agencies, and to the FRS;
- direct the Russian Federation Human Rights Ombudsman to set up a nationwide monitoring system on the status of freedom of religion or belief in the 84 regions of Russia; and
- accept a site visit to Russia from the UN Special Rapporteur on Freedom of Religion or Belief and grant her unrestricted access to religious communities and to regions where religious freedom abuses are reported.

#### **IV. Strengthening Attention to the Issue of Freedom of Religion or Belief in U.S. Diplomacy**

The U.S. government should:

- ensure that the U.S. Congress maintain a mechanism to monitor publicly the status of human rights in Russia, including freedom of religion or belief, particularly in the case of any repeal of the Jackson-Vanik amendment with respect to Russia, and maintain the Smith Amendment as U.S. law;
- urge the government of the Russian Federation to invite each of the three OSCE Personal Representatives on combating intolerance as well as the UN Special Rapporteur on Freedom of Religion or Belief to visit the Russian Federation during 2008-2009;
- ensure that U.S. Embassy officials and programs (a) engage with regional and local officials throughout the Russian Federation, especially when violations of freedom of religion occur, and (b) disseminate information to local officials concerning international legal norms on freedom of religion or belief, including the rights of unregistered religious communities;
- ensure that the issue of human rights, including freedom of religion or belief, be raised within the context of negotiations on Russian accession to the World Trade Organization; and

- work with the other members of the G-8 to ensure that the issue of human rights, including the human rights aspects of migration and protecting human rights in the context of counter-terrorism, are raised at all bilateral and multilateral meetings.

## **V. Strengthening U.S. Programs on Promoting Religious Freedom and Combating Religious Intolerance**

The U.S. government should:

- ensure that U.S. government-funded grants to NGOs and other sectors in Russian society include the promotion of legal protections and respect for religious freedom as well as methods to combat xenophobia, including intolerance based on religion, and ensure that solicitations and requests for proposals should include these objectives;
- support programs developed by Russian institutions, including universities, libraries, NGOs, and associations of journalists, particularly those who have engaged in the activities described in the above recommendation, to organize conferences and training programs on issues relating to freedom of religion or belief, as well as on promoting inter-religious cooperation, encouraging pluralism, and combating hate crimes and xenophobia;
- support programs to train lawyers to contest violations of the rights to freedom of religion or belief as guaranteed in Russian law and under its international obligations both in Russian courts and before the ECtHR;
- translate, where necessary, into Russian and print or otherwise make available to Russian citizens relevant documents and materials, including:
  - hate crimes guidelines developed by the U.S. Federal Bureau of Investigation, as well as U.S. Department of Justice expertise on combating hate crimes and religiously-motivated attacks; and
  - international documents and materials generated by Russian institutions relating to freedom of religion or belief, xenophobia, and hate crimes, as well as relevant U.S. Department of State and Commission reports, posting such documents on the U.S. Embassy Web site;
- ensure that Russia's citizens continue to have access to alternative sources of information through U.S.-government-funded radio and TV broadcasts, as well as Internet communications, and that these broadcasts include information about freedom of religion or belief and the need to combat xenophobia and hate crimes; in particular by:
  - restoring the funding of Russian-language radio broadcasts of Voice of America and Radio Free Europe/Radio Liberty (RFE/RL) to the levels of fiscal year 2007, restoring the broadcast hours that have been cut and planned staff reductions, and considering new vehicles for delivery of broadcasts; and

--increasing funding for radio broadcast programs in minority languages spoken in Russia, including the RFE/RL Tatar and North Caucasus services, which are often the primary source of independent broadcast media in regions of Russia with majority Muslim populations;

- include in U.S.-funded exchange programs a wider ethnic and religious cross section of the Russian population, with particular focus on educational and leadership development programs for students from the North Caucasus, Tatarstan, and other regions of Russia with sizeable Muslim and other religious and ethnic minority populations; and
- initiate International Visitor's Programs relating to the prevention and prosecution of hate crimes for Russian officials and other relevant figures.

## **VI. Addressing the Crisis in Chechnya and the North Caucasus**

The U.S. government should:

- ensure that the continued humanitarian crisis in Chechnya and allegations of human rights abuses perpetrated by the Russian military there and in other North Caucasus republics remain a key issue in U.S. bilateral relations with Russia;
- urge the Russian government to end and vigorously prosecute all alleged acts of involuntary detention, torture, rape, and other human rights abuses perpetrated by members of the Russian security services in Chechnya, including those by pro-Kremlin Chechen forces;
- urge the Russian government to abide by all resolutions passed by the Parliamentary Assembly of the Council of Europe relating to the human rights and humanitarian situation in the North Caucasus, and reinstate regular on-site visits by the Council of Europe's Special Rapporteur for Chechnya;
- urge the Russian government to accept a site visit to Chechnya from the UN Special Rapporteur on Extrajudicial Executions and to reconsider the October 2006 decision to deny access to the UN Special Rapporteur on Torture;
- work with other OSCE Member States to ensure that issues related to human rights abuses in the North Caucasus play a more prominent role in OSCE deliberations, and encourage the OSCE to raise humanitarian and other forms of assistance to the civilian populations affected by the decade-long conflict in Chechnya; and
- ensure that U.S.-funded conflict resolution and post-conflict reconstruction programs for the North Caucasus also fund credible local partners in Chechnya, Ingushetia, and Daghestan.