

THE RUSSIAN FEDERATION

Religious freedom conditions in Russia continue to deteriorate. The government increasingly has used its anti-extremism law against peaceful religious groups and individuals, particularly Jehovah's Witnesses and Muslim readers of the works of Turkish theologian Said Nursi. Authorities also apply other laws to harass Muslims and groups they view as non-traditional. These actions, along with rising xenophobia and intolerance that include anti-Semitism, are linked to violent and lethal hate crimes. Despite increased prosecutions, the Russian government has not addressed these issues consistently or effectively, fostering a climate of impunity. Based on these concerns, USCIRF again places Russia on its Watch List in 2012. USCIRF has reported on Russia since 1999, and first placed it on the Watch List in 2009.

Background

Russia uses its extremism law to sanction religious individuals and groups and other activists who are viewed, often unjustifiably, as security threats. Russia's 2002 Extremism Law, which defines extremist activity in a religious context as "propaganda of the exclusivity, superiority or inferiority of citizens according to their attitude towards religion," does not require the threat or the use of violence. Once a Russian court upholds a ruling that a text is extremist, that text then is banned throughout Russia. Individuals who prepare, store, or distribute banned texts may be criminally prosecuted for "incitement of ethnic, racial or religious hatred," with penalties ranging from a fine to five years in prison. In December 2011, the amended criminal code added prison terms of up to three years for organizing or participating in a banned group. As of February 2012, 1,081 titles were banned as extremist, with Islamic materials constituting most of the banned texts.

Other laws place onerous requirements on religious communities. Russia's 1997 Law on Freedom of Conscience (Religion Law) defines three categories of religious communities with varying legal status and privileges. Ministry of Justice officials reportedly require more registration data from Protestant churches and new religious groups. Officials have turned to the courts to ban religious groups if they are found to violate the law. Russia's 2006 NGO law, which also applies to religious groups, empowers the Ministry of Justice to examine data on foreign donations and executive boards, and religious bodies' other internal matters.

Despite the Russian constitution's provisions for a secular state with equal legal status for all religions, the preface to the Religion Law refers to Islam, Judaism, Buddhism, and Orthodox Christianity as "traditional" faiths. At the beginning of the 2012 school year, public school children had to choose between courses on Orthodox Christianity, Islam, Judaism, Buddhism, world religion, or secular ethics. Atheists and agnostics object to these compulsory courses, while others view them as divisive, and concerns exist about biased teachers and textbooks. Authorities negatively refer to certain religious and other minorities and help perpetuate an intolerant climate that has led to discrimination, vandalism, and violent hate crimes.

The crisis in human rights that Russia now faces reflects that government's increasingly authoritarian tilt and the growing influence of violent extremist groups. Russian journalists, lawyers, and human rights defenders have been killed and attacked, with the perpetrators usually acting with impunity. Human rights violations, including religious freedom, persist in Chechnya and other areas of the north Caucasus. But, widespread popular protests starting in late 2011 over contested results of parliamentary elections may lead to human rights reforms.

Religious Freedom Conditions

Application of the Extremism Law: In the past several years, the government frequently has brought extremism charges against Jehovah's Witnesses and those who read the Muslim theologian Said Nursi. According to Forum 18, internal Russian government documents indicate high-level coordination against and close police surveillance of Jehovah's Witnesses and Nursi readers. In 2007, a Russian court banned Nursi's work as extremist, allegedly for advocating the exclusivity of Islam. In 2008, the Russian Supreme Court deemed Nursi's followers an extremist group, although experts doubt that they are a formal group. Nursi groups have been raided and those suspected of reading Nursi's works have been charged and sentenced for extremism.

In 2008, the Russian Supreme Court took legal status away from a Jehovah's Witness congregation, partly due to a court designation of its texts as extremist. In early 2012, raids, detentions, and literature seizures continued against Jehovah's Witnesses. Also, charges of "incitement of hatred or enmity" for distributing Jehovah's Witnesses literature have been brought against individuals. Officials equate the practice of Islam outside of government-approved structures with extremism and even terrorism. In the North Caucasus and elsewhere Muslims viewed as "overly observant" have been

arrested, disappeared, or even killed for alleged religious extremism. Some suspects allegedly linked to Muslim extremist groups were jailed reportedly due to planted evidence and later tortured in detention, prisons, and camps.

Legal Status Issues: Local authorities continue to delay or refuse to register some religious groups. The Salvation Army was re-registered in 2009, the first Russian remedial action in response to a European Court of Human Rights (ECtHR) ruling. After a similar ruling in 2010, Jehovah's Witnesses were not re-registered. Despite a 2009 ECtHR finding that the 15-year existence rule for registration violated the European Convention on Human Rights, the Church of Scientology is still being denied registration, and the rule was cited in a 2010 refusal to register an Armenian Catholic parish in Moscow.

Status of Places of Worship: Authorities by 2012 must return, either for rent-free use or full ownership, certain property claimed by a religious community that has a supporting court decision: Officials returned Catholic and Protestant churches to the Russian Orthodox Church in Kaliningrad. Jehovah's Witnesses, Mormons, Pentecostals, and others find it difficult to build or rent worship space and Muslims to be granted permits to open mosques.

Violent Hate Crimes against Persons and Property: Chauvinist groups have stepped up their campaign, including death threats, against individuals, groups, and officials that defend the rights of religious and ethnic minorities and migrants. Russian police, particularly in Moscow, have offered some assistance to victims, but these efforts are inconsistent and often ineffective. Local authorities often fail to investigate hate crimes against members of ethnic and religious minorities, mainly Muslim Central Asians and Jews, leading to impunity.

Chechnya: The Kremlin-appointed president, Ramzan Kadyrov, condones and oversees mass violations of human rights and religious freedom. He is accused of involvement in the murders, torture and disappearances of political opponents, including human rights activists, in Russia and abroad. He has distorted Chechen Sufi traditions to justify his rule, instituted a repressive state based on his religious views, and ordered the wearing of the *hijab*. Kadyrov praised the killing of nine women since 2008 for "immodest behavior." The killers have not stood trial.

Recommendations for U.S. Policy

In response to continuing violations of religious freedom in Russia, the U.S. government should:

- Pass into law the Sergei Magnitsky Rule of Law Accountability Act of 2011 (which would impose U.S. visa bans and bank asset freezes against specified Russian officials, including Chechen President Kadyrov, for alleged human rights and religious freedom violations), and include those officials in the Politically Exposed Persons list of government officials whose bank assets should be frozen;
- Lift the trade sanctions against Russia included in the 1974 Jackson-Vanik Amendment, as has been done for seven of the 15 non-market economies the Amendment initially cites after the Magnitsky bill becomes law;
- Make freedom of religion or belief a key human rights and security concern in the U.S.-Russia relationship and press Russia to reform its extremism law to add criteria related to advocacy or use of violence and ensure the law is not used against peaceful religious communities;
- Implement the "Smith Amendment" included in the FY 2010 Consolidated Appropriations Act to prohibit U.S. financial assistance to the Russian Federation government due to its official policies on non-violent religious groups, especially the Extremism Law; and
- Include in U.S.-funded exchange programs participants from Russian regions with sizeable Muslim and other religious minority populations and initiate an International Visitors Program for Russian officials on the prevention and prosecution of hate crimes.

Please see USCIRF's 2012 Annual Report for a more extensive review and recommendations on Russia.