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RUSSIA



USCIRF STATUS:

Tier 2

BOTTOM LINE:

In the context of growing human rights abuses, religious freedom conditions in Russia suffered serious setbacks. The Russian government's application of its extremism law violates the rights of members of certain Muslim groups and allegedly "non-traditional" religious communities, particularly Jehovah's Witnesses, through raids, detentions, and imprisonment. Various laws and practices increasingly grant preferential status to the Moscow Patriarchate of the Russian Orthodox Church.

RUSSIA

During the reporting period, religious freedom conditions in Russia deteriorated further and major problems discussed in previous USCIRF reports continue. These include the application of laws on religious and non-governmental organizations to violate the rights of allegedly “non-traditional” religious groups and Muslims; the use of the extremism law against religious groups and individuals not known to use or advocate violence, particularly Jehovah’s Witnesses and readers of Turkish Muslim theologian Said Nursi; official favoritism of the Moscow Patriarchate of the Russian Orthodox Church and intolerance of religious groups deemed “alien” to Russian culture; and the government’s failure to adequately address xenophobia, including anti-Semitism, which results in sometimes lethal hate crimes. In addition, an arsenal of restrictive new laws against civil society was passed in 2012, and a draft blasphemy bill before the Duma, would, if passed, further curtail the freedoms of religion, belief, and expression.

Based on these concerns, USCIRF places Russia on Tier 2 in 2013. USCIRF has reported on Russia in every annual report, and Russia has been on USCIRF’s Watch List since 2009. A USCIRF delegation traveled to Russia in September 2012.

BACKGROUND

Russia’s 1997 religion law, the Law on Freedom of Conscience, defines three categories of religious communities with varying requirements, legal status, and privileges. The preface to the religion law singles out Islam, Judaism, Buddhism, and Orthodox Christianity as the country’s four “traditional” faiths, despite Russian constitutional guarantees of a secular state and equal legal status for all religions. This preface lacks legal standing, but its mention of four “traditional faiths” sets an official tone.

The Moscow Patriarchate Russian Orthodox Church (MPROC)—which claims adherents among 60 percent of Russians and has a special role in Russian history and culture—has *de facto* favored status. The MPROC has special arrangements with state agencies and bodies to conduct religious education and spiritual counseling. Most religious facilities in prisons are Russian Orthodox. While the MPROC receives most Russian state support, Islam, Buddhism, and Judaism also benefit, as have Old Believers in Moscow. Protestants and other minority religious communities do not receive state subsidies.

The 2006 NGO law granted the Ministry of Justice major oversight functions of non-governmental organizations (NGOs) and religious organizations, but reporting requirements for religious organizations were eased in 2007 after MPROC lobbying. In 2009, an Expert Religious Studies Council, headed by an “anti-cult” activist, was created to advise the Ministry on investigations of religious groups, but there are reports that its activities have since been curtailed.

Other new laws relevant to religious freedom include a 2012 requirement that public school children select from among four courses on religion or ethics and the setting of legal procedures in 2010 for the return of state-held religious property, mostly MPROC, confiscated under the Soviets.

Russia’s Constitutional Court in December 2012 ruled that organizers of religious events are not required to ask for advance official permission. The court did note, however, that religious events outside of houses of worship, designated places, or private homes, might obstruct the normal functioning of transport and therefore might require a license.

RUSSIA

RELIGIOUS FREEDOM CONDITIONS

Application of the Extremism Law: A serious threat to religious freedom has emerged in the Russian government’s application of its much-amended anti-extremism law. The June 2002 Extremism Law defines extremism in a religious context as “propaganda of the exclusivity, superiority or inferiority of citizens according to their attitude towards religion or religious affiliation.” In 2007, the definition was expanded to include “obstruction of the lawful activity (...) of social, religious or other organizations” without requiring the threat or use of violence.

Russia’s Muslim representatives have said that the extremism law has resulted in “blatant cases of persecution of Muslims” and Russian human rights groups have reported numerous prosecutions of non-violent Muslims for extremism or terrorism. These included dozens of cases of individuals detained for possession of religious literature, such as the Qur’an, or on the basis of evidence—including banned literature, drugs, weapons, or explosives—allegedly planted by the police. Russian human rights groups claim that many, if not most, of the accused are denied proper due process in these trials and are maltreated in detention. There also have been numerous extremism cases against Jehovah’s Witnesses.

According to the Memorial Human Rights Center (MHRC), at least 100 individuals, allegedly connected with Islamic groups deemed extremist by the Russian authorities, were detained in police raids in Moscow and Bashkortistan in the fall of 2012. Two imams in Novosibirsk, Ilhom Merazhov and Komil Odilov, were arrested in September 2012 for allegedly organizing a banned Nursi group and could face a maximum four-year prison term, Forum 18 reported. The imams claim they reject violence. The trial is ongoing as of this writing.

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In Kazan, Tatarstan, five suspects were held in connection with a July 2012 attack on the republic’s Chief Mufti Ildus Faizov and the murder of its Deputy Mufti Valiulla Yakupov, but dozens of Muslims not linked to these attacks were arrested, according to Russian human rights groups. Moreover, several publicized cases of police torture in Tatarstan reveal an allegedly widespread issue.

In August 2012, a Chuvash Republic court ordered the arrest of five Jehovah’s Witnesses for alleged extremism; two were held in pre-trial detention for six weeks. Reportedly, this is the first court-ordered detention in contemporary Russia solely for belonging to a Jehovah’s Witness community.

A Russian court at any level may rule a work of literature extremist, which then places it on the Justice Ministry’s Federal List of Extremist Materials that are banned throughout Russia. By February 2013, 1700 titles were banned as extremist, the SOVA Center reported, and texts continue to be added to the list. Most religious texts are Islamic materials, including texts printed by Russia’s official-sanctioned Islamic publishers and approved by the Council of Muftis, as well as Russian translations of 15 texts by Turkish Muslim theologian Said Nursi. In addition, 68 Jehovah’s Witnesses texts have been banned, as well as Falun Gong literature. Once literature is banned, preparing, possessing, or distributing it can result in criminal penalty of up to 4 years or administrative charges. Jehovah’s Witnesses told Forum 18 that they have faced 56 such prosecutions since early 2010, although fewer than 18 resulted in convictions. Muslims, particularly readers of Said Nursi, have also faced such prosecutions. After the reporting period, 23 homes of Nursi readers in Kazan were raided by police; Ilnur Khafizov and Nakiya Sharifullina were arrested for alleged extremism.

RUSSIA

In 2009, the Ministry of Justice set up a Scientific Advisory Board to check religious materials for extremism. Reportedly, by 2012 the Russian state no longer refers cases to the board after most of its members voted that texts of Turkish theologian Fetullah Gulen are not extremist.

In 2008, the Russian Supreme Court liquidated the Jehovah's Witness group in Taganrog, partly because a court ruled its texts extremist. In November 2012 criminal charges were again brought against 16 Jehovah's Witnesses for belonging to an allegedly extremist organization. Hundreds of raids, detentions, and literature seizures occurred since early 2009 against Jehovah's Witnesses. Russian police harassment against them may be declining, Forum 18 noted in early 2013, but that might also be due to fewer reports.

Forum 18 has reported on the results of the extremism-related trials of 18 Nursi readers and Jehovah's Witnesses across Russia. Of these, five Nursi readers received prison terms of up to 18 months and have since been released, five other Nursi readers received suspended sentences, two Jehovah's Witnesses were given required community service, and two Jehovah's Witnesses were acquitted. The trial of four Nursi readers ran out of time before a verdict was reached. Police raids and trials continue; since 2010 Nursi reader Ramil Latipov has faced a series of trials for alleged extremism in Orenburg. On another issue, a trial began in the Nizhny Novgorod Region in December 2012 to declare the book "International Tribunal for Chechnya" extremist and its authors—Stanislav Dmitrievsky, Oksana Chelysheva and Bogdan Guareli—will face criminal charges.

Legal Status Issues: During its September 2012 trip, USCIRF heard reports of Ministry of Justice officials requiring certain Protestant churches and new religious groups to submit extra registration data or refusing to register such groups. Officials can bring court cases to ban religious groups found in violation of Russian law. While the Salvation Army was re-registered in Moscow in 2009, it had to litigate to the European Court of Human Rights (ECtHR) to get that result. Its re-registration was the first Russian remedial action in response to an ECtHR ruling, but the Jehovah's Witnesses were not re-registered after a similar 2010 ruling. Despite a 2009 ECtHR finding that the 15-year existence rule for registration violated the European Convention on Human Rights, the Church of Scientology continues to be denied registration, and that rule was cited in a 2010 refusal to register an Armenian Catholic parish in Moscow.

Lack of registration can have dire consequences. In September 2012, police presided over the demolition of the unregistered Holy Trinity Pentecostal Church near Moscow. According to Forum 18, the Pentecostal community had tried to register this church unsuccessfully for over 15 years. A Moscow city spokesperson defended the destruction as due to a court order.

Government officials continue to obstruct the building or rental of buildings for worship, particularly for allegedly "non-traditional" groups such as Jehovah's Witnesses, the Church of Jesus Christ of Latter-day Saints (Mormons), Pentecostals, the Evangelical Christian Missionary Union, as well as non-MPROC

MUSLIMS...OFTEN FACE
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Orthodox congregations and Old Believers. In Kaliningrad, a Catholic church was handed to the Russian Orthodox Church in 2010, although local Catholics had tried for 20 years to regain title to the church.

Muslims, particularly where they are in the minority, often face hurdles in gaining permits to open mosques. St. Petersburg Muslims have faced difficulty in opening worship space. There are five mosques in Moscow, but they cannot serve some two million Muslims, including many Central Asian migrants. Muslim representatives told USCIRF that although the Moscow mayor told them that each city district should have at least one mosque, they were denied a permit for a sixth mosque. In Sochi, the 2014 Olympic Games site, officials have denied for 15 years a mosque building permit for the city's 20,000 Muslims. The ECtHR is still considering a Russian Supreme Court ruling that an Astrakhan mosque community should demolish its own building.

RUSSIA

Issues in the North Caucasus: Europe's largest violent internal armed conflict is in the North Caucasus between the Russian government and insurgents seeking a regional Shari'ah-based political unit. Since the fall of the USSR, observers report that the Salafist form of Islam has been spreading in the North Caucasus. Its growth is influenced by the negative official treatment of conservative Muslims, local traditions of religion and ethnicity, ties to the Chechen conflict, and the roles of local religious leaders, the International Crisis Group noted in October 2012. Most local Salafis are peaceful but face difficult integration into local societies and economies. In Dagestan, the North Caucasus' most violent region, Salafi communities are banned, but the local government has initiated an effort to build social consensus on Islam. That initiative, however, may have been hindered by the August 2012 murder of Said Afandi Atsayev, a key local Sufi leader. Three individuals were arrested in December 2012 for their alleged assistance to the female suicide attacker.

Chechnya's Kremlin-appointed president, Ramzan Kadyrov, oversees mass human rights violations, including of religious freedom. He distorts Chechen Sufi traditions to justify his rule, instituted a repressive state based on his personal religious *diktat*, and has ordered the wearing of the Islamic headscarf in public buildings. Kadyrov has praised the murders of at least nine women for "immodest behavior" since 2008; the killers have not stood trial. Kadyrov and his men stand accused of murders, tortures, and disappearances of opponents and human rights activists in Russia and abroad. By early 2013, Human Rights Watch reports, the ECtHR issued over 210 rulings against Russia for human rights violations in its counter-insurgency campaign in Chechnya. Since the start of the conflict, some 160,000 Chechens have received refugee status in Europe, according to the Jamestown Foundation.

Another North Caucasus republic, Kabardino-Balkaria, was the site of popular conflict in 2005, partly because of the closure of all mosques in its capital, Nalchik. USCIRF has recently received reports of maltreatment of prisoners sentenced for their alleged role in those events. Rustam Matsev, a lawyer who has defended the Nalchik prisoners, allegedly received death threats in June 2012, according to Amnesty International.

Discrimination, Intolerance and Anti-Semitism: Russian officials and police often refer negatively to certain religious groups, particularly Protestants, Hare Krishnas, and Jehovah's Witnesses, thereby contributing to a climate of discrimination, vandalism, and sometimes violence. For example, in the autumn of 2012 President Putin called for action against what he termed "totalitarian sects." The "Young Guard"—the youth wing of Putin's political party—has staged protests outside Church of the Latter Day Saints' buildings.

RUSSIAN OFFICIALS AND
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Russian chauvinist groups also have stepped up their campaign, including death threats, against those who defend the rights of religious and ethnic minorities and migrants. Russian police, particularly in Moscow, have increased efforts to combat violent hate crimes and, according to the SOVA Center, violence has decreased three-fold since 2008. Local authorities often fail to investigate crimes and "skinhead" attacks, mainly against Muslim Central Asians and migrants. Jewish community leaders told USCIRF that although anti-Semitism still exists in Russia, the Russian government no longer supports it. President Putin donated one month's salary towards Moscow's Jewish Museum of History and Tolerance Center, which opened in November 2012.

2012 Repressive Laws and Restrictive Bills: In June, July, and November 2012 the Kremlin passed five sweeping new legal restrictions on civil society. These laws: increased fines for taking part in unauthorized public meetings that violate "public order;" criminalized foreign-funded NGOs involved in political activity that did not register as "foreign agents;" increased state control of the internet; re-

RUSSIA

criminalized libel, especially against state officials; and vastly expanded the definition of treason to include participation in international meetings.

According to Forum 18, the new law on unauthorized public meetings was used in September 2012 against religious communities: A Pentecostal pastor was fined for holding a religious service; in the north Caucasus republic of Adygea, a Muslim prayer room was closed; and Muslims in two locations were told that Eid al-Fitr ceremonies in rented premises must conform to the new law.

In September 2012 the lower house of the Russian parliament was considering a bill to levy heavy fines, community service, or possible three to five-year prison terms for “offenses against religion and religious sentiment” or affronts to the rites of religions that are an integral part of Russia’s heritage. However, President Putin announced in November 2012 that its consideration would be postponed until the spring of 2013.

In November 2012, the Russian parliament passed in its first reading amendments to the education and 1997 religion laws that would allow, at the request of parents and students, religious buildings and chapels inside Russian public schools and higher education institutes. The MPROC welcomed these proposals, but Muslim and Jewish representatives have not.

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Existing Russian law has already been used to punish expression deemed to be blasphemous. In October 2012, a Russian appeals court confirmed the two-year prison terms for Maria Alyokhina and Nadezhda Tolokonnikova. These two members of the group Pussy Riot were convicted of “hooliganism motivated by religious hatred” for their February punk art performance in Moscow’s main

MPROC cathedral. A third defendant received a suspended sentence because guards had blocked her from participating. The defense argued that the group’s actions were not anti-church but to protest the close ties of Russian political and religious elites. Although the group received positive support outside Russia, in Moscow USCIRF heard largely negative views about the punk protest, although only MPROC representatives supported their prison sentences.

RECOMMENDATIONS FOR U.S. POLICY

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

- urge the Russian government, in public and at high political levels, to amend the extremism law to ensure respect for international norms on freedom of religion or belief;
- make freedom of religion or belief a key human rights and security concern in the U.S.-Russia relationship, such as by creating in the U.S.-Russia Bilateral Presidential Commission a working group comprised of legal experts on international norms on freedom of religion or belief;
- press the Russian government to reform the extremism law by adding criteria related to advocacy or use of violence to ensure the law is not used against peaceful religious communities, and to amend the process for banning books by either removing that power or giving it only to the Supreme Court;
- recommend Chechen President Ramzan Kadyrov for inclusion in the Politically Exposed Persons list of government officials whose bank assets should be frozen due to their corrupt practices and gross human rights violations;

RUSSIA

- include in U.S.-funded exchange programs participants from Russian regions with sizeable Muslim and other religious minority populations and initiate an International Visitor's Program for Russian officials on the prevention and prosecution of hate crimes; and
- reprogram funding from the \$50 million slated for the now defunct USAID Russia program to other programs benefitting Russian civil society, including a new Internet program to address issues relating to post-Soviet historical and cultural issues and practical programs on tolerance and on freedom of religion or belief.