ANNUAL REPORT 2009

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Annual Report of the

United States Commission on International Religious Freedom

May 2009

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ON THE COVER: Members of Pakistan's Women Action Forum in Lahore, Pakistan rally against the presence of Taliban and militants in the northwest of Pakistan on Thursday, February 12, 2009. The banners condemn religious extremism, domestic violence, and the burning down of girls' schools in Swat. (AP Photo/K.M. Chaudary)

Russian Federation

For ten years the Commission has reported on the status of freedom of religion or belief in Russia. Although the Commission has never recommended that Russia be named a "country of particular concern," or CPC, for the most severe violations of religious freedom, this year the Commission decided to add Russia to its Watch List. The decision to place Russia on the Commission's Watch List is based on several negative new policies and trends, particularly the establishment in early 2009 of a new body in the Ministry of Justice with unprecedented powers to control religious groups. There also are increasing violations of religious freedom by government officials, particularly against allegedly "non-traditional" religious groups and Muslims, based on the government's interpretation and application of various Russian laws including the laws on religious organizations, non-governmental organizations, and extremism. The Russian government also uses laws against incitement of hatred to suppress or punish critical or humorous portrayals of religion in publications or visual art. Russian officials continue to describe certain religious and other groups as alien to Russian culture and society, and there has been a sharp rise in the country in xenophobia and intolerance, including anti-Semitism, which has resulted in numerous violent attacks and other hate crimes. The Russian government has chronically failed to address these serious problems adequately, consistently or effectively.

In recent years, Russia has steadily retreated from democratic reform, endangering post-Soviet human rights gains, including in regard to freedom of religion or belief. Evidence of this retreat includes further limitations on media freedom and on political parties; tighter controls on non-governmental organizations (NGOs) and religious communities; concerted harassment of human rights activists and organizations; legal restrictions on freedom of assembly; and constraints on popular referenda. Increasingly, Russian journalists, lawyers and others who have defended human rights have been subjected to brazen killings and attacks, and the perpetrators usually act with impunity.[1] Moreover, Moscow has rallied other countries with dubious human rights practices to oppose international efforts to draw attention to these serious problems by terming such inquiries "meddling" or "interference in internal affairs." This sharp deterioration in the human rights climate appears to be a direct consequence of the 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.

In February 2009, the Justice Ministry established the Expert Religious Studies Council, which was given extremely wide powers to investigate religious organizations, including their activities and literature, for a broad array of reasons, including extremism. While governments have a duty to combat acts of violent extremism as part of their obligation to protect citizens, there have been expressions of serious concern over the establishment, as well as the composition and expansive mandate, of this new council. The Expert Religious Studies Council's powers enable it to investigate religious organizations during the registration procedure; to assess whether the activity of a registered group accords with its charter; to ascertain if an organization, one of its members, or the literature it produces or distributes is extremist; and to conduct investigations in "other cases requiring specialist knowledge" which might arise when the Russian Justice Ministry is monitoring the activity of religious organizations.

The Expert Religious Studies Council's new chairman, Aleksandr Dvorkin, is Russia's most prominent "anti-cult" activist and he lacks academic credentials as a religion specialist. Furthermore, Dvorkin's deputy, Roman Silantyev, is noted for intolerant articles on so-called radical Islam. Observers are concerned that under Dvorkin's leadership, the council may call for the closure of registered as well as unregistered minority religious communities. This concern is based on Dvorkin's previous positions on independent Muslims, Jehovah's Witnesses, Hare Krishnas, "neo-Pentecostals," and other new religious movements. Concerns have also been expressed that the new council's members include five individuals reported

to be close to the Moscow Patriarchate Russian Orthodox Church who are known for "anti-sect" activities.

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 four religions—Russian Orthodoxy, Islam, Judaism, and Buddhism—have "traditional" status in that country. The *de facto* favored status of the Moscow Patriarchate Russian Orthodox Church (MPROC) results in restrictions and discrimination against other religious groups. Officials of the MPROC 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 MPROC permission before officials grant access to houses of worship and that local authorities sometimes deny them registration at the behest of local MPROC officials. According to the State Department, Russian government officials and police often make public negative comments about Protestant churches and other allegedly new religious movements, referring to them as "totalitarian sects," stressing their alien character and foreign funding, and making implications of espionage.

The MPROC, the world's largest Orthodox church which claims adherents among 60 percent of Russians, has played a special role in Russian history and culture; it receives the bulk of state support for religious groups, including subsidies for church maintenance and construction. The three other so-called "traditional" religious communities, Islam, Buddhism and Judaism, also sometimes benefit from government funding. In addition, the Moscow city government has funded extensive renovations of Old Believer buildings. The MPROC also has agreements with government ministries on guidelines for public education, religious training for military personnel and on law enforcement decisions. The authorities permit MPROC chapels and priests on army bases, but provide some Protestant groups limited access to military facilities. In late 2007, the Russian military appointed its first Jewish chaplain since 1917, according to the State Department. Authorities largely ban Islamic services in the military and usually fail to give Muslim conscripts time for daily prayers or alternatives to pork-based meals. According to the SOVA Center, a leading Russian NGO monitoring group, some Muslim army recruits reported that their fellow servicemen insulted and abused them on the basis of their religion

Other systemic problems result from Russia's weak judicial system, inconsistent adherence to the rule of law, and local officials' arbitrary interpretations regarding the status of the so-called "traditional" religions. These problems include denials of registration (status of legal person) requests; refusals to allot land or to grant construction permits for places of worship; restrictions on rental space for religious activities; lengthy delays in the return of religious property; and attacks in the state-controlled media that incite intolerance. Official respect for freedom of religion or belief varies widely from region to region. In Chechnya, for example, President Ramzan Kadyrov announced in 2006 that his republic "would be better off" if it were ruled by sharia law, and he has also justified polygamy and honor killings. In many parts of Russia, however, a given religious community's relationship with individual state officials is frequently the key to determining government respect for its rights.

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. Prior to this amendment, there had been no legal mechanism for religious organizations to privatize land plots. In early 2009, Russia was considering a draft law on the transfer of property of religious significance to religious organizations and which would define the procedure for allocating such property. The draft law also grants religious organizations ownership of all historical property currently in their use. Currently, religious organizations have the right to use such property indefinitely, but it remains in the possession of the Russian state. If this draft law were to be passed, the MPROC would become one of the largest property holders in Russia.

In 2008, Russian regional and local officials continued to confiscate buildings already in use by religious communities. The mayor of St. Petersburg ordered that a Lutheran church be given to the MPROC, according to the SOVA Center. A Baptist congregation in the city of Lipetsk lost its rented prayer house in 2008 because the local MPROC had filed suit for the building, the State Department reported. Another case involved properties of the Russian Orthodox Autonomous Church (ROAC), which is not affiliated with the Moscow Patriarchate, in the town of Suzdal. In February 2009, a regional court ordered that the 11 historic churches and 2 bell towers must be returned to the state, although the ROAC has used these properties since the 1990s.

The 1997 religion law requires registration at both federal and local levels, thereby creating difficulties for previously unregistered as well as new religious groups. At the federal level, most religious organizations have been registered by federal officials and the Russian Constitutional Court. Religious groups that have gone to court to overturn denials of registration have often been successful, but administrative authorities have sometimes been unwilling or slow to implement court decisions. The Salvation Army was finally re-registered in the city of Moscow in April 2009, as required by a 2002 Russian Constitutional Court ruling and a 2006 European Court for Human Rights (ECtHR) ruling. In cases when the ECtHR has ruled against Russia, the state has later paid full compensation, for example, to the Jehovah's Witnesses in the city of Chelyabinsk and to an evangelical church in Chekhov. The Salvation Army case marks the first known instance involving a religious community in which the Russian state has taken remedial action as required by the ECtHR.

Moreover, Russian authorities have denied registration to certain religious communities based on the allegedly insufficient time they have existed. Such denials continue, even though the Russian Constitutional Court ruled in 2002 that an active religious organization registered before the 1997 law could not be deprived of legal status for failing to re-register. Local officials sometimes simply refuse to register groups or create prohibitive obstacles to registration.

The 1997 religion law gives 10 citizens the right to form a religious association, which, in turn, provides them the legal right to a house of worship. Yet, despite this legal guarantee, building or renting worship space remains difficult for a number of religious communities. Jehovah's Witnesses, the Church of Jesus Christ of Latter-day Saints (Mormons), and Pentecostal congregations face particular problems, as do Orthodox groups that do not recognize the Moscow Patriarchate, Molokans, and Old Believer communities. Protestant, Catholic, Muslim and some Orthodox congregations allege inordinate official interest in fire safety and other details in regard to their worship buildings, which may result in court-ordered fines, temporary closures or official demolition threats, Forum 18 reported in February 2009.

Russian authorities also continue to deny registration to certain religious communities, particularly those deemed by Russian officials to be "non-traditional." A local religious organization was even banned in June 2004, when the Russian Supreme Court upheld a Moscow court decision banning the Jehovah's Witnesses in that city, making them the first national religious organization to have a local branch banned under the 1997 religion law. According to Forum 18, Jehovah's Witnesses viewed the 500 coordinated and centrally directed investigations by procuracy officials in March 2009 as "trawling" for grounds to shut down their St. Petersburg headquarters and over 400 dependent organizations. In 2008, two Baptist congregations in the city of Lipetsk lost their legal status due to alleged tax violations, the State Department reported.

Under the 1997 religion law, religious organizations encounter confusing definitions over what type of religious activity requires an education license: "educational" activity might require a license, while "teaching" does not. In March 2008, the Smolensk Regional Court dissolved a local Methodist church for running a Sunday school with only four pupils without an education license. In June 2008, Russia's Supreme Court overturned that

ruling, holding that a license is needed only if it is "accompanied by confirmation that the student has attained levels of education prescribed by the state." A Pentecostal Bible center in the Volga republic of Chuvashia lost its registration for allegedly conducting unlicensed educational activity in August 2007; in April 2008 the Pentecostal center appealed to the ECtHR, Forum 18 reported.

In September 2008, the Russian Justice Ministry published a list of 22 religious organizations for which it was seeking to liquidate their registration status through the courts for the alleged conduct of unlicensed educational activities. Four of these organizations (the Russian Union of Independent Churches of Evangelical Christian Baptists in Rostov-on-Don, the Theological Seminary of the Siberian Association of Evangelical-Lutheran Missions in Novosibirsk, and two Moscow yeshivas) have successfully challenged immediate liquidation. Two others, the Presbyterian Christian Theological Academy and the Institute of Contemporary Judaism, liquidated their own registration status, while five of the groups were no longer functioning, according to Forum 18. In March 2009, the Russian media reported that the Ministry of Justice recently had been granted the right to conduct state inspections of theological institutions and that it planned to establish an expert council for that purpose.

In January 2006, then-President Putin signed a restrictive law on non-governmental organizations (NGOs) that also affects the country's 23,000 registered religious communities and granted the Ministry of Justice's Federal Registration Service (FRS) extensive oversight functions. The law enables the FRS to interfere with the activities of NGOs, examine their documents, attend their meetings with advance notice, and initiate court proceedings which may result in denials of the registration of groups that do not meet numerous legal requirements, including minor or trivial ones. NGOs are required to submit detailed annual reports on their activities, governing bodies, and funding, including from foreign sources. (The FRS was eliminated as a separate unit in the Ministry of Justice in July 2008 and its functions transferred to another office. It is too early to ascertain what impact, if any, this change will have in regard to religious freedom and related human rights in Russia.)

The provisions of the NGO law which are applicable to religious organizations went into effect in mid-2007. Several months later, however, after lobbying by many religious groups, including the Russian Orthodox Church, the government reduced their reporting requirements. Russian religious organizations are no longer required to report income from Russian individuals or the Russian state, but they must document foreign donations. Each religious group must still report the full names, addresses, and passport details of its governing body members, although requirements were dropped that they provide details of religious congresses, conferences, or meetings of governing bodies. In addition, accounting procedures for such organizations were simplified, though financial documents must also be supplied to the Russian tax authorities.

In October 2008, the Justice Ministry published a list of 56 centralized religious organizations throughout Russia for which it planned to request the deprivation of legal status for alleged violations of reporting requirements under the NGO law. The list includes Old Believer, Armenian Apostolic, Catholic, Protestant, Nestorian, Muslim and Buddhist organizations. Fifteen groups on that list had not received any prior warning from the Ministry on alleged violations, Forum 18 reported. The Coordinating Center of North Caucasus Muslims publicly noted that it had neglected to file a minor financial report. Although 309 of Russia's 562 centralized religious organizations belong to the MPROC, no MPROC groups appeared on the Justice Ministry's list. Some groups have alleged that the Justice Ministry provided the MPROC advance notice on how to file reports.

In March 2009, Russian President Medvedev chaired the Presidential Council on Cooperation with Religious Associations, an official advisory body previously headed by a Presidential Administration official. Medvedev also announced

that he planned to convene the group more regularly and give it decision-making power. In April 2009, President Medvedev named Ivan Demidov the head of the Presidential Administration's department for humanitarian policy and social relations, which includes responsibility for relations with Russia's religious communities. Reportedly, Demidov has close connections to the MPROC Patriarch and is a proponent of Russian nationalist causes, including in his previous role as coordinator of "Young Guard," the youth branch of the ruling political party "United Russia."

A voluntary course on the "Foundations of Russian Orthodox Culture" in the national school curriculum, proposed by the MPROC and adopted in at least nine regions of Russia, reportedly will be dropped as of the 2009 academic year. Instead, students reportedly will be able to choose an ethics course or a course on world religions for which the Russian Ministry of Education is drafting a 300-page text "The Basis of Moral Culture." Religious figures allegedly will be barred from teaching courses on religion in state schools. Informed observers note, however, that these alleged curriculum changes are part of a general educational reform that will likely take many years. In this context, a recent legal case in the Voronezh oblast is relevant. A Protestant pastor brought suit after his son was beaten by schoolmates because the boy refused to participate in MPROC prayers in his local public school. In December 2008, the court refused to rule that MPROC prayers in a public school had violated the religious freedom of the pastor's son or that the pastor had been denied the right to educate his child in accordance with his religious principles, the SOVA Center reported. In a case that caused numerous protests, university instructor Svetlana Shestakova in the Siberian city of Tyumen was charged in August 2008 for criminal incitement of hatred for her public insults of Jews, Muslims, Catholics and Protestants during her training sessions for instructors for the "Foundations" course.

Over the past several years, a serious threat to religious freedom has emerged in the Russian government's amendment and application of the country's anti-extremism laws. The June 2002 Extremism Law defines extremist activity in a religious context, by referring to "propaganda of the exclusivity, superiority or inferiority of citizens according to their attitude towards religion or religious affiliation; incitement of religious hatred; obstruction of the lawful activity of religious associations accompanied by violence or the threat of violence; committing a crime motivated by religious hatred." In 2006, the legal definition of extremism was expanded to encompass "violation of the rights and freedoms of the person and citizen" and "harm to the health or property of citizens in connection with their beliefs." In 2007, the definition was further broadened to include "obstruction of the lawful activity (…) of social, religious or other organizations" without requiring the threat or application of actual violence. In addition, those alleged to have defended or even expressed sympathy with individuals charged with extremism were also made liable to charges of extremism. Indeed, according to Forum 18, the "gravest current threat to freedom of religion or belief in Russia comes from the federal government's approach to combating religious extremism."

Even a low-level court may rule literature extremist, with the result that the literature is automatically added to the Justice Ministry's Federal List of Extremist Materials and thereby banned throughout Russia. This list, established in July 2007 with 14 titles and updated four times a year, by April 2009 had expanded to 365 items, according to the SOVA Center. While the list of banned texts includes some extreme nationalist and virulently anti-Semitic materials, Islamic materials, such as the works of Said Nursi and "The Personality of a Muslim" (see below), constitute the majority of theological entries. According to Forum 18, local courts have also banned some Jehovah's Witness and Russian Orthodox literature even though one senior Russian official recently admitted that some titles were blacklisted "by mistake."

In November 2008, the chair of Russia's Council of Muftis, Ravil Gainutdin, accused some local courts of "poor understanding of religious and theological issues" in their bans of Islamic texts. He

noted that courts had even banned books recommended by his own Council, such as "The Personality of a Muslim" by Muhammad ali Al-Hashimi, a Koran-based life guide which advocates kindness and generosity, including towards non-Muslims. In May 2008, a criminal case for "incitement to religious hatred" was brought against Aslambek Ezhayev, the Moscow publisher of "The Personality of a Muslim." In October 2008, Ezhayev's offices were subjected to a six-hour police search, but no further official action has been taken against him as of this date.

In 2007, a Russian court banned as extremist the Russian translations of the works of Said Nursi, a pacifist Turkish Islamic theologian with six million adherents in Turkey. According to Forum 18, regional public prosecutors' offices and the secret police have searched homes of Nursi readers and confiscated his texts across Russia, and students of Nursi's work in Tatarstan have been subjected to forced psychiatric examinations. In April 2008, Tatarstan officials issued warnings about extremist activity to its Tatar-Turkish secular secondary schools as part of a criminal investigation into Nursi's followers. Because of the ban, those who popularize Nursi's writings may receive a four-year prison sentence under Criminal Code Article 282. Reportedly, Nursi's Russian translator and his family were forced to flee Russia in 2008 as a result of police harassment. Russia's Human Rights Ombudsman has denounced the ban on Nursi's writings, warning that "it is very important that we do not allow interference in the convictions and beliefs of millions of citizens on the poorly grounded, unproven pretext of fighting against extremism."

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 violence in Chechnya and growing instability throughout the North Caucasus, compound difficulties for the Russian government in dealing with its 20 million Muslims, 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 also faces chronic instability due to various other factors: severe economic dislocation, especially among young men; some radical foreign influences on indigenous Muslims; endemic corruption and local political grievances, particularly in Ingushetia and Kabardino-Balkaria. All these factors have combined to fuel volatile and increasingly widespread expressions of popular dissatisfaction by Muslims with the local and national 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 although these individuals had no apparent relation to such activities. For example, there are dozens of cases of detentions for possession of 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 reportedly fabricated criminal charges of possession of weapons and drugs. Moreover, 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 easier for officials arbitrarily to detain and courts to imprison hundreds of individuals on extremism charges for alleged ties to these groups. 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 this list contained the names of two additional groups, without any supporting explanation for their inclusion.

The Russian human rights group "Memorial" reports that Muslims perceived as "overly devout" are now viewed with suspicion and 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. For example, Forum 18 reported in August 2008 that the government of the republic of Kabardino-Balkaria had brutally cracked down on young devout Muslims there. According to a February 2008 report by the Institute for War and Peace Reporting, more than 150 people were abducted in Ingushetia by Russian authorities or were "disappeared" in recent years, including many who have no proven relationship to Islamist militancy. In early 2008, outside Ingushetia's largest city, Nazran, three men were shot without warning as alleged extremists by security forces. In November 2008, "Memorial" reported an operation by security forces against "religious residents" of a village in Dagestan that resulted in three deaths. Persons suspected of involvement in alleged Islamist extremism have also reportedly been subjected to torture and ill-treatment in pre-trial detention, prisons, and labor camps. Indeed, Muslim prisoners in the Murmansk oblast filed suit in 2008 with the ECtHR alleging official mistreatment on the basis of their religion, the SOVA Center reported in 2009.

This hostile atmosphere also affects Muslims' ability to open and maintain mosques. Although local authorities in Kaliningrad and Kostomushki in 2008 finally granted Muslim communities land for mosque construction, there reportedly has been no official response to longstanding requests from Muslim communities in Sochi and St. Petersburg for permission to build mosques. In August 2006, the Russian Supreme Court upheld a lower court decision ordering that the local Muslim community in the city of Astrakhan pay for the demolition of its new mosque. 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 the mosque had been partly funded by the previous local government. In July 2007, the ECtHR prioritized the Astrakhan case application and, as of this writing, it is still under consideration.

Russian officials, especially on the local level, continue to respond inadequately to numerous violent hate crimes directed against members of various religious communities. For example, in April 2008 a group shouting "you must be destroyed!" burst into the Pentecostal Living Word Church in Kuznetsk, threatening parishioners with pistols and beating up the church's pastor. Three weeks later, the pastor appealed to local police and two hours later seven men attacked the congregation. In response, the local prosecutor brought an administrative charge of petty hooliganism against the attack's leader. Moreover, chauvinist groups have stepped up their campaign against individuals and groups who defend the rights of religious and ethnic minorities as well as migrants, including issuing death threats. While Russian police have offered some assistance to these defenders, their efforts remain ineffective and inconsistent. Due to such threats, Aleksandr Verkhovsky and Galina Kozhevnikov, co-directors of the SOVA Center, decided in March 2009 to take up temporary residence outside Russia.

Russian law includes 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 the judicial system apply these provisions infrequently, inconsistently, and even arbitrarily and inappropriately. In all too many cases involving members of Russia's ethnic and religious minorities, Russian authorities, particularly on the local level, have not treated hate crimes in a serious and consistent manner. On November 7, 2008, the anniversary of the 1917 Bolshevik revolution, President Dmitri Medvedev instructed police officers to "pay particular attention to investigation of cases related to extremism and xenophobia" and called on law enforcement bodies at federal and regional levels to try to prevent such crimes and to develop "high-quality" legal materials, including the application of relevant criminal code articles.

Human rights groups have expressed concern that hate crimes, often the result of attacks by "skinhead" racist groups, are growing dramatically in Russia, particularly against people from Central Asia, who are predominately Muslim. The Office of the Russian Procuracy reported in early

2009 that 460 extremism-related crimes were registered in the country in 2008, a 30 percent increase from 2007, although the official attributed this increase to amendments in the criminal code and not to increased violence. Russian NGOs assert that in 2008 there were 269 hate crimes in the country, resulting in the deaths of 114 people, more than twice as many as in 2007. The SOVA Center reported that in 2008, 33 guilty verdicts for hate crimes had been handed down in 19 regions of Russia.

In 2008, the SOVA Center documented 78 acts of vandalism of the property of religious and ethnic minorities; of the 36 affected houses of worship and cemeteries, 48 were Russian Orthodox, 13 were synagogues and Jewish cemeteries, 9 were Muslim mosques and cemeteries, 6 were Protestant churches, one was a Jehovah's Witness Kingdom Hall, one was a pagan site and one was an Armenian cemetery. While illegal activities motivated by religious hatred are usually investigated with appropriate charges by law enforcement officials, very few cases result in conviction. As a result, members of religious communities often feel that they lack protection even during religious services, and express 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, members of Muslim, Jewish, Protestant, and other religious communities have been subjected to attacks motivated by religious factors. Religious minority leaders are apprehensive that Russian government officials provide 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." Civil society leaders 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.

Russian officials also display an inconsistent—and often inadequate—record in responding to media attacks and violence associated with anti-Semitism. *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. The St. Petersburg Ministry of Internal Affairs (MVD) University, which trains future leaders of Russian police agencies, reportedly authored and published anti-Semitic materials twice in 2008. After protests from the Jewish community and human rights groups, the MVD recalled all 1,000 copies of a textbook that promoted Jewish conspiracy theories from the university.

Russian rights advocates say that senior Russian government officials should do more to publicly support 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 the nationalist youth movement *Nashi*. Others have observed that the Kremlin, by issuing 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. In the Commission's view, more can and should be done to ensure that Russian law enforcement agencies do not dismiss hate crimes as "hooliganism," but recognize them for what they are—human rights abuses—and take steps 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, journalists often seek guidance from the Russian Orthodox Church when researching articles about Protestants, and as a result the media

tend to portray Protestants as dangerous "sectarians." Moreover, pro-Kremlin nationalist youth movements have staged so-called "anti-sectarian," i.e., anti-Protestant, public protests. For several months in 2008, *Nashi* activists worked with the local government in Mordovia to prevent a planned Baptist conference. In Bryansk oblast, also in 2008, a Russian Orthodox branch of *Nashi* acted with local militia to break up a Baptist procession.

The National Security Concept of the Russian Federation, last updated in 2000, states that "ensuring national security includes countering the negative influence of foreign religious organizations and missionaries." As in previous years, the Russian authorities in 2008 denied a visa request from the Dalai Lama to visit Buddhist-majority regions, such as Kalmykia. Over 50 foreign religious workers, including Catholics, Protestants, Muslims, Buddhists and Jews, have been barred from Russia since 1998 and only a small number of those barred have since been allowed to return. New visa rules introduced in October 2007 for business or humanitarian visas, including religious work, permit visa holders to spend only 90 out of every 180 days in Russia; procedures for visa arrangements to allow more extended stays are lengthy and complex. The new visa regulations have had a harsh impact on many religious organizations, particularly those which for historical reasons depend upon foreigners, such as the Catholic Church. An American rabbi who had been working in the Primorye region for over two years was expelled from Russia after a court ruled in February 2009 that he had violated his visa by serving as a religious leader. Two rabbis in Rostov-on-Don were also expelled recently on similar charges. In March 2009, the Justice Ministry told the Russian media that by December 2009 it planned to introduce amendments to the religion law setting out new conditions of activity by foreign religious workers as well as administrative liability for unlawful activity.

Also in March 2009, the Ministry of Justice replaced a 1998 law governing representations of foreign religious organizations operating in Russia. The new law reportedly established new and complex procedures for registration of such representations, as well as rules for their opening and closing. The law also defined requirements for the proof of registration for foreign religious organizations and set up an official register. It is too early to assess the impact of this new law.

Free speech concerns also arise in connection to several recent law suits brought under Russia's law against "insulting religious feelings." For example, two cases, allegedly instigated by elements within the Moscow Patriarchate of the Russian Orthodox Church, were brought against Yuri Samodurov for art shows he organized in the Sakharov Museum; Samodurov faces a trial in May 2009. A Pentecostal leader also brought suit against the "2x2" television channel for airing a particular episode of the program "South Park." In addition, Russia's official Muslim community pressured the Russian version of "Newsweek" magazine to issue a public apology for reprinting one of the Danish cartoons of Muhammed in a special issue on Islam in Europe.

Recommendations for U.S. Policy

I. 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:

- dissolve the Ministry of Justice's Expert Religious Studies Council, established in February 2009;

- 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; and set up a credible, impartial and effective 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 publicly on a high political level the positive significance of 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, "traditional" or other; 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;

- refrain from 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, unless stipulated by law and in conformity with international human rights standards;

- 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 and remedying 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 regions where religious freedom abuses are reported.

II. 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, publicly condemn 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, that provides regular reports to the public, press and parliament about its findings;

- 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.

III. 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 NGOs, including its impact on religious organizations; and

- 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.

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 maintains 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 2009-2010, without this being made contingent on other visits to other countries;

- ensure that U.S. Embassy officials and programs 1) engage with regional and local officials throughout the Russian Federation, especially when violations of freedom of religion occur, and 2) 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, ensure that solicitations and requests for proposals should include these objectives and monitor the effectiveness of such grants;

- 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 materials 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 broadcast hours of Russian-language radio broadcasts of Voice of America and Radio Free Europe/Radio Liberty (RFE/RL) that have been cut, restoring staffing levels, 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 federal military and local security and police forces 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 address the conclusions and recommendations of the UN Universal Periodic Review and relevant treaty bodies in regard to Chechnya and 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, to reconsider the October 2006 decision to deny access to the UN Special Rapporteur on Torture and to extend full cooperation in accordance with the standard mandates of those special procedures;

- 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.

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[1] The most frequent targets of such attacks seem to be those who bring Russian human rights violations to international attention, particularly to the European Court of Human Rights (ECtHR), as well as government critics, particularly of Chechen President Ramzan Kadyrov. For example, in January 2009, Moscow human rights lawyer Stanislav Merkelov was shot dead and Anastasiya Baburova, an intern for *Novaya Gazeta*, was mortally wounded near the Kremlin. President Medvedev did not issue an official statement denouncing these killings; instead, he held a private Kremlin meeting with the *Novaya Gazeta* editor and former President Mikhail Gorbachev nine days after the attacks, to express his sympathy. In February 2009, four ethnic Chechen suspects on trial for the 2006 murder of journalist Anna Politkovskaya were acquitted for lack of evidence. In March 2009, the Ingush Prosecutor's Office launched an official 4-day probe into the 2008 killing of Ingush human rights activist Magomed Yevloyev, "accidentally" shot while in police custody. Also in March 2009, human rights activist Lev Ponomaryov was beaten in Moscow; his passport had been revoked one month earlier and he was charged with slander for his statements on Russian human-rights abuses. Moreover, at least six Chechen opposition leaders have been killed in the past six months, including Umar Izrailov, who had filed a case against Russia at the ECtHR and was shot dead in Vienna in January 2009.