

RUSSIA

U.S. Commission on International Religious Freedom: 2013 Annual Report

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.

Religious freedom conditions in Russia continue to deteriorate and major problems discussed in previous USCIRF reports continue. 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 some increased prosecutions, the Russian government has not addressed these issues consistently or effectively, fostering a climate of impunity. In addition, an arsenal of restrictive new laws against civil society was passed in 2012, and a 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 its Tier 2 list in 2013. USCIRF has reported on Russia since 1999, and it has been on the Watch List since 2009. A USCIRF delegation traveled to Russia in September 2012 and a detailed trip report was issued in January 2013.

Background

Russia uses its extremism law to sanction religious individuals, other activists, and groups 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 issues 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 2013, 1,700 titles were banned as extremist, with Islamic materials constituting mostly 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, others view them as divisive, and there are concerns about biased teachers and textbooks. Authorities negatively refer to certain religious and other minorities and contribute to 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. Mass human rights violations, including religious freedom, persist in Chechnya and other areas of the North Caucasus.

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 removed legal status 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, and 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 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 still is denied registration. The 15-year rule was also cited in a 2010 refusal to register an Armenian Catholic parish in Moscow.

Status of Places of Worship: By 2012 authorities 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. Muslims, Jehovah's Witnesses, Mormons, Pentecostals, and others find it difficult to build or rent worship space.

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* in public buildings. 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:

- Implement fully the Sergei Magnitsky Rule of Law (which imposes U.S. visa bans and bank asset freezes against 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;

- 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 2013 Annual Report for a more extensive review and recommendations on Russia.