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Xenophobia, Freedom of Conscience and Anti-Extremism in Russia in 2009

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Radical nationalism and efforts to counteract it

The main outcome of 2009 was a clear reduction in the number of victims of racist and neo-Nazi motivated violence for the first time in the six years that SOVA Center has been observing this phenomenon. To some extent, credit should go to the law enforcement agencies who suppressed the largest and most aggressive ultra-right groups in the Moscow region in the second half of 2008 and in 2009. However, despite all efforts, xenophobic violence remains alarming in its scope and extends over most Russian regions, affecting hundreds of people.

2009 saw an unprecedented growth in the activity of racist vandals. Vandalism in 2009 was primarily ideological, rather than (anti-)religious in nature.

Ultra-right groups are actively and deliberately switching to anti-state terrorism. Their objectives are to destabilize the government, to increase public distrust of the government, and to paralyze civil society organizations working to counteract racism and xenophobia. Apologists of ultra-right terror see their ultimate goal as provoking 'a nationalist revolution' and establishing a neo-Nazi regime in Russia.

The public activity of ultra-right groups changed noticeably in 2009. They increasingly abandon their explicit racist propaganda in favor of pro-social rhetoric and mimic official patriotic propaganda with slogans about fighting alcoholism and promoting sports and athletics, while explicitly racist propaganda is often restricted to private events and discussions. New activists are recruited through symbolic actions (such as poster campaigns) and subcultural activities (particularly concerts).

Attempts to create 'a Kondopoga scenario' (i.e. to use everyday conflicts to provoke inter-ethnic clashes) failed in 2009, and we expect this method to be dropped altogether soon.

Russian Image (*Russkii obraz*, RO) and the DPNI (*Dvizhenie protiv nelegal'noi immigratsii*, Movement Against Illegal Immigration) were the two most prominent nationalist organizations operating legally in Russia in 2009. Today, the DPNI presents itself as an opposition movement, while Russian Image claims to be an ally of the government.

The expansion of nationalism into public life continues along the same lines as before. Xenophobic propaganda is consistently used in election campaigning by most political parties (including United Russia and A Just Russia). Pro-Kremlin youth movements continue to adopt the slogans of ultra-

right groups. Government officials at various levels (especially law enforcers), in addition to using xenophobic rhetoric in public, have initiated a number of discriminatory campaigns. However, it should be noted that these trends, established in previous years, were significantly weaker in the second half of 2009.

In 2009, legal enforcement against right-wing radicals noticeably changed. Gradually, if slowly, relevant legislation is being updated and improved – in particular, several issues with regard to anti-extremist warnings to mass media were addressed and settled in 2009.

The prosecution of racist violence became vastly more active, and the quality of prosecution also improved. In a growing number of proceedings, violent racist gangs are being brought to justice. Virtually all relevant provisions of the Criminal Code are used in bringing charges against perpetrators of violent crimes. Courts deliver fewer suspended sentences for violence and punish xenophobic vandalism more often.

At the same time the authorities hardly ever impose custodial sentences for racist propaganda, which is not associated with violence.

Problems affecting the prosecution of ultra-right offenders remain largely those of previous years. The prosecution of racist propaganda is not improving (with regard to individuals as well as publications and entities engaging in hate propaganda). A large number of dangerous propagandists continue to enjoy virtual impunity. The authorities continue to focus too much on minor crimes and acts which hardly contribute to overall xenophobic attitudes and actions (e.g. prosecuting web trolls and graffitists, issuing warnings to libraries for the possession of extremist materials, etc.). There has been little progress in terms of prosecution for participation in an extremist organization. Some of the legal issues hindering the implementation of the ban on the distribution of extremist materials have not been resolved. These problems create ample room for abuse, and discredit current efforts to counteract hate crimes and racist propaganda.

Freedom of conscience: Restrictions and challenges

Violations of freedom of conscience which occurred during recent years also continued in 2009, particularly related to the construction and also with the preservation of religious sites, even though the situation has slightly improved in this sphere. We observed few, if any, cases in which religious organizations were inappropriately subjected to legal dissolution. But these positive developments do not mean that the overall situation is changing for the better. On the contrary, the situation is deteriorating

There are still many cases of discrimination against certain religious minorities.

In particular, we refer to the unprecedented persecution of Jehovah's Witnesses in 2009. It is noteworthy that the traditional complaints against them, such as their ban on blood transfusions, were not a primary focus of the recent campaign. That campaign began with multiple inspections of the Witnesses' organizations across the country by various authorities and led to numerous proceedings to ban Witnesses' organizations and publications as extremist. In addition to government pressure, there has been an increasing number of attacks by private citizens against Jehovah's Witnesses. Charges of extremism were based solely on the Witnesses' declarations that their faith is the only 'true' faith. Ever since a ban on one of their regional organizations entered into force and several dozen of their publications were listed on the Federal List of Banned Extremist Materials, Jehovah's Witnesses in Russia have been under threat.

The scale of this campaign against Jehovah's Witnesses raises questions about the authorities' motives for the persecution of a large and respectable religious organization with extensive international connections. Most repressive campaigns have clear, if not formally publicized, underlying motives. For example, Muslim groups have been targeted in connection with the fight against terrorism (even though the groups' association with terrorism may be questionable or even far-fetched), and Falun Gong followers have come under pressure for the sake of good relations with China. The unusually large-scale confiscation of church buildings from the Russian Orthodox Autonomous Church (ROAC) benefits the

Russian Orthodox Church (ROC). However, we do not see any obvious reasons for pressure against the Witnesses.

Some other religious groups, in particular the Scientologists, Falun Gong and also certain Muslim and Protestant groups, were subjected to less visible, but increasing, pressure of various kinds.

In many cases, they were accused of extremism without any legal justification. We now have every reason to reconfirm our last year's finding that the anti-extremist legislation has indeed become the main instrument for restrictions on freedom of conscience. This applies not only to harassment and prosecution for one's faith, but also to prosecution for blasphemy, although this trend, fortunately, has not increased.

The year 2009 was marked by significant departures from the constitutional principle of secularism, perhaps the most significant since the adoption of the Law on Freedom of Conscience in 1997, or at least since 2002, when there were stormy debates about relationships between the state and religious organisations over the privileges accorded 'traditional religious organizations' (i.e. those representing Orthodox Christianity, Islam, Buddhism and Judaism).

President Dmitrii Medvedev, unlike his predecessor, took decisive steps to develop a closer relationship with the 'traditional' religions and, especially, the Russian Orthodox Church. Unlike Vladimir Putin's policy which was marked by symbolic gestures and financial support, in 2009 there were landmark decisions in two areas of particular importance to the Russian Orthodox Church and other leading 'traditional religions': – namely, on military chaplains and on religious instruction in schools.

Neither of the decisions per se may be described as violations of freedom of conscience. On the contrary, providing pupils with an opportunity to study religion in school could reaffirm the principle of freedom of conscience. The benefits of providing religious servicemen with chaplains are even more obvious. However, freedom of conscience depends on freedom of choice. There is reason to doubt that voluntary choice will be consistently respected in schools, and one may be certain that it will not be respected in the army. The challenge now, therefore, is to monitor the situation in schools and in the army on a regular basis.

The President's decisions brought to a new level the government's cooperation with selected religious organizations. Previously, this cooperation had been through unofficial arrangements and private agreements with certain parts of the bureaucracy, and the selection of preferred religions was not formalized other than in the 'traditional religions' rhetoric in the preface to the religion law. Now, for the first time, the 'traditional four' religions are explicitly mentioned in the Presidential decrees and other regulations. In effect, it has been established that different religions will be treated differently. The explicit acceptance of 'traditional religions' as the exclusive partners of the Russian state is perhaps the most significant move away from the principle of secularity in the entire post-Soviet period.

One may still hope, however, that the officially accepted idea of 'traditional religions' will evolve and the list of 'recognized religions' (to use the term adopted in several European countries) chosen by the state for closer formal cooperation will expand. In December 2009 the President signed a decree establishing diplomatic relations with the Vatican, which may mark the beginning of such an expansion. Yet, by formally adopting a list of 'recognized religions', the authorities implicitly discriminate against the followers of other faiths. Given the Russian history of public policies towards religion, these concerns about religious discrimination do not seem far-fetched.

The President's steps towards meeting the expectations of the 'traditional four' can be interpreted as part of a policy, which was followed on a more general level in 2009, of the careful expansion of cooperation between the Russian government and society. If this interpretation is valid and the trend continues, we may eventually see cooperation between the government and other religious organizations as well.

But the same measures can be understood as steps towards closer relations with the Russian Orthodox Church, which usually drives engagement with the government and the main beneficiary of the results achieved. The situation with chaplains in the Russian army and, more generally, the policy of Vladimir Putin's government towards religions, exhibits this dynamic. Our primary concern is not the government's support of the Russian Orthodox Church and a few other religious organizations; instead it is the drafting of a policy framework for the continued financial support and massive transfers of property (notably, Putin had pursued a more impartial policy towards religions during his presidency). This

explicit reliance on the Russian Orthodox Church and, to some extent, on the ‘traditional four’ religions suggests that the government may be trying to construct an official ideology. If this interpretation is correct, then, regardless of what we may think of such an ideological construction, one can expect further departures from secularism and a move towards greater religious discrimination.

Inappropriate enforcement of anti-extremist legislation

2009 saw no improvement in the regulatory framework for the counteraction of extremism. In particular, law enforcement based on the federal list of extremist materials seems to be more and more neglected. However, attempts to make the legislation worse were unsuccessful.

As in the previous year, inappropriate anti-extremist enforcement mostly targeted civil society activists, mass media and religious minorities rather than the political opposition. Political groups that suffered the toughest inappropriate pressure included Russian, Tatar and Bashkir nationalists. As a rule, the authorities still prefer to pursue National Bolsheviks and radical political Islamist movements. Regardless of our personal attitudes to any of the groups mentioned above, this report outlines the illegitimate methods being used against them.

Human rights organizations and activists can also become objects of inappropriate law enforcement, but last year no such cases resulted in real sanctions.

The practice of prosecution for ‘the incitement of social hate’ is steadily spreading, while what constitutes the ‘social groups’ in question is being defined according to current needs of those using the legislation to persecute or harass groups and individuals. This concept is obviously a flexible instrument for almost all kinds of repressive activity.

Anti-extremist legislation became a very powerful instrument for limiting freedom of conscience. The persecution of Muslim minorities continues, aimed particularly at those who have nothing to do with terrorism or other kinds of dangerous activity. An unusually large-scale campaign was launched against Jehovah’s Witnesses. The attempts to prosecute for blasphemy have also not been forgotten. There are also other targets of ‘inappropriate anti-extremism’, starting with Falun Gong.

Although there were no print media outlets closed in 2009 as a result of inappropriate accusations of extremism, such accusations, in the form of warnings, are becoming more and more frequent. They are usually prompted by clearly exaggerated concern over intolerant expressions or the mention of extremist organizations in the media. However, sometimes these accusations result in more than just warnings. The most serious case of pressure on the media was the criminal proceedings instigated against journalists of the *Rough Draft (Chernovik)* newspaper in Dagestan.

Last year the problem of law enforcement on the internet became more prominent. We often see how the impunity of real criminals is combined with various forms of pressure on those whose activity should hardly be attracting the attention of law enforcement agencies.

The machine that is the ‘struggle against extremism’ accelerates steadily. It is very likely that many cases arise only because the authorities need to demonstrate that they are participating in the fight. This does not mean that one cannot oppose the machine. On the contrary, there have been more than a few successful attempts to stop inappropriate law enforcement. Still, as a rule, these cases remain exceptions. The ‘struggle against extremism’ involves not only more and more officials, but also more and more ordinary citizens.