



UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM

RUSSIA CHAPTER
USCIRF 2010 ANNUAL REPORT



UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM

WHO WE ARE

- An independent, bipartisan federal government commission created by the U.S. Congress under the International Religious Freedom Act of 1998 (IRFA), charged with advising the President, Secretary of State, and Congress on policy options designed to protect and promote religious freedom worldwide.
- Led by nine individuals selected from the private sector to serve as Commissioners – three appointed by the President, three by the House of Representatives, and three by the Senate. The Executive Director heads a staff of 20 professionals with expertise in foreign affairs, human rights, and international law.

WHAT WE DO

- Monitor and report on religious freedom around the world and formulate policy recommendations for the Administration and Congress. Issue an annual report on May 1st of each year, and periodic policy briefs containing research findings and policy prescriptions (available on www.uscirf.gov).
- Recommend countries the Secretary of State should designate as “Countries of Particular Concern,” which IRFA defines as countries perpetrating or permitting “systematic, ongoing, egregious violations of religious freedom.” When a country is designated a “Country of Particular Concern,” the President is required by law to take one of several actions, including political or economic sanctions, or a waiver of action.
- Establish a “Watch List” of countries in which religious freedom conditions require close monitoring due to the nature and extent of violations of religious freedom the government engages in or tolerates.
- Undertake fact-finding missions to examine religious freedom conditions firsthand. The Commission has met with heads of state, senior government officials, representatives of human rights and other nongovernmental organizations, religious leaders, and others in: Afghanistan, Bangladesh, Belarus, China, Egypt, Eritrea, Iraq, Nigeria, Philippines, Russia, Saudi Arabia, Syria, Sri Lanka, Sudan, Turkey, Turkmenistan, Uzbekistan, and Vietnam.
- Hold hearings to gather information about religious freedom violations, testify at Congressional hearings, and disseminate information to Congressional offices. The Commission has held a hearing on the intersection of religious freedom and security in Pakistan and testified in the House of Representatives on the history of Uighur persecution in China, human rights in Vietnam, the status of human rights and religious freedom in Iran, and the “Defamation of Religions” resolution in the United Nations.
- Participate in multilateral meetings related to religious freedom including at the United Nations and the Organization for Security and Cooperation in Europe (OSCE). Issues of concern that the Commission is addressing include the problematic “Defamation of Religions” resolutions at the UN as well as multilateral efforts to combat xenophobia and related intolerance in the OSCE region.
- Issued statements and press releases on issues including: the ruling of the Permanent Court of Arbitration in the Hague on the Abeyi border demarcation in Sudan; the release of Iranian Baha’is; religious persecution and government violence in China; attacks in Iraq against Christians and Muslims; attacks on Coptic Orthodox Christians in Egypt; and sectarian clashes in Nigeria .
- Issued special recommendations designed to save the Comprehensive Peace Agreement between North and South Sudan; a report on measures to end the severe abuses of religious minorities in Iraq; a report on the treatment of asylum seekers in Expedited Removal; and an analysis of the ”Defamation of Religions” resolution before the United Nations.

Visit our Web site at www.uscirf.gov

800 NORTH CAPITOL STREET, NW SUITE 790 | WASHINGTON, DC 20002 | 202-523-3240 | 202-523-5020 (FAX)

The Russian Federation

FINDINGS: Religious freedom conditions in Russia continue to deteriorate. In the past year, the government increased its use of anti-extremist legislation against religious groups that are not known to use or advocate violence. National and local government officials also harass religious groups they view as non-traditional and Muslims through enforcement of other laws. Difficulties include: denials of registration; detention and harassment of members of religious communities; and delays and refusals to permit construction of or grant permits to rent places of worship. Russian officials continue to describe certain religious and other groups as alien to Russian culture and society, thereby contributing to a climate of intolerance. Continued high levels of xenophobia and intolerance, including anti-Semitism, have resulted in violent and sometimes lethal hate crimes. Despite increased prosecution for violent hate crimes, the Russian government chronically has failed to address these serious problems consistently or effectively.

Based on these concerns, USCIRF again places Russia on its Watch List in 2010. The Commission has reported on Russia every year since 1999, but placed Russia on the Watch List for the first time in 2009.

While concerns about the Expert Religious Studies Council established by the Ministry of Justice in 2009 have not resulted in official limits on religious freedom, Russia adopted several policies in 2009 that violate its constitutional provisions on secularism and the equal status of all religions. Specifically, the new official military chaplains and school curricula on religion are limited to the four religions officially viewed as traditional (Russian Orthodoxy, Islam, Buddhism and Judaism). Numerous violent hate crimes against members of various religious communities continue to occur. Violent chauvinistic groups have targeted individuals, groups, and judges and other government officials who defend and enforce minority rights. Although Moscow police officials stepped up arrests and prosecution of violent chauvinists in 2009, most other regions lagged behind.

PRIORITY RECOMMENDATIONS: As part of its “reset” of bilateral relations, freedom of religion or belief should be an important issue in the U.S.-Russia bilateral relationship, recognizing that it is both a human rights and security concern in Russia. Although Russia does face genuine domestic security concerns, as evidenced most recently in the March Moscow Metro bombings, the U.S. and international community should press Russia to reform its overly broad law on extremism and ensure that it is not being used against peaceful religious believers, which risks increasing radicalism and instability. The U.S. should implement the “Smith Amendment” of the 2010 Consolidated Appropriations Act to prohibit U.S. financial assistance to the Russian Federation government due to its official policies on religious groups, particularly its wide use of the extremism law. The U.S. also should institute a visa ban and freeze the assets of Chechen President Ramzan Kadyrov due to his leadership of the Chechen armed forces, which the European Court of Human Rights (ECtHR) has found involved in severe human rights abuses. U.S.-funded grants to NGOs should include the promotion of international legal guarantees on freedom of religion or belief, and U.S.-funded exchange programs should include participants from Russian regions with sizeable Muslim and other religious minority populations. In addition, the United States should initiate International Visitor’s Programs for Russian officials on the prevention and prosecution of hate crimes. Additional recommendations for U.S. policy toward Russia can be found at the end of this chapter.

Religious Freedom Conditions

Overall Human Rights Climate

In recent years, Russia has steadily retreated from democratic reform, endangering post-Soviet human rights gains, including those regarding freedom of religion or belief. Evidence of this general 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—particularly those who seek to bring such violations to international attention-- have been subjected to brazen killings and attacks, and the perpetrators usually act with impunity. Moreover, Moscow opposed 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.

Russia’s weak judicial system, inconsistent adherence to the rule of law, and local officials’ arbitrary decisions in regard to the status of the four so-called traditional religions have also contributed to chronic problems for the country’s diverse religious communities. Official respect for freedom of religion or belief varies widely over Russia’s vast territory depending on the personal views of regional Ministry of Justice officials or even governors. For example, Chechen President Ramzan Kadyrov has declared that his republic “would be better off” if it were ruled by sharia law, and he has also justified polygamy and honor killings. Moreover, government respect for the legal rights of a religious community is often dependent on that group’s relationship with individual state officials.

Application of Extremism Laws

As is the case in many other countries, the Russian government faces 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 post-Soviet revival of Islam, along with the ongoing violence throughout the North Caucasus, compound difficulties for the Russian government in dealing with its 20 million Muslims, the country’s second largest religious community. As evidenced by the March 2010 terrorist attacks in the Moscow metro, Russia faces security threats from domestic terrorism, particularly those related to violence in the North Caucasus. The North Caucasus region also faces chronic instability due to severe economic dislocation, especially among young men; certain radical foreign influences on indigenous Muslims, and endemic corruption and local political grievances, particularly in Chechnya, Dagestan, Ingushetia, and Kabardino-Balkaria. All these factors fuel increasingly widespread and sometimes violent expressions of popular dissatisfaction by Muslims with the local and national Russian government.

Human rights groups report that, particularly in the North Caucasus, Muslims perceived as “overly observant” have been killed, disappeared, or arrested on vague official accusations of alleged Islamist extremism or for allegedly displaying Islamist sympathies, without any proven relationship to Islamist militancy. There are also at least 200 cases of Muslims who have been imprisoned on the basis of evidence, including banned religious literature, drugs, or weapons, allegedly planted by the police. 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. In 2009, Amnesty International accused the Russian Internal Ministry’s Center for Extremism Prevention (known as Center “E”) of engaging in torture to extract confessions from suspects. Muslim prisoners in the Murmansk oblast filed a case in the ECtHR in 2008 alleging official mistreatment on the basis of their religion.

The Russian government has specifically equated the practice of Islam outside of government-approved structures with extremism and even terrorism. In a 2008 joint order, the Russian Federal Security Service (FSB), Procuracy General, and Ministry of Internal Affairs accused “Muslim communities and preachers not dependent on the Muslim Spiritual Directorates (MSDs)” of “extremism under cover of Islam.” The director of the Interior Ministry’s Department for the Prevention of Extremism has also said that young Muslims who refuse to participate in the official MSDs thereby “transformed themselves” into anti-government militants.

Russia’s 2002 Extremism Law broadly defines extremist activity in a religious context. It refers 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.” Russian government officials have used this provision to deny the verbal claims of the superiority of religious ideas, which is a basic tenet of religious freedom. 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 expanded 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.

The Extremism Law also empowers the Procurator-General to file a suit against private organizations, including religious ones, after just one warning. The organization has two months after the warning to correct the alleged violation, and, if it does not do so, the Procurator-General may then file suit to close the organization.

Under the Extremism Law, any Russian court may rule literature extremist. After such a ruling, the text is automatically added to the Justice Ministry’s official list of extremist materials and is banned throughout Russia. Anyone who publishes or distributes a banned text on the list faces a potential four-year prison term. The list, which was established in July 2007 with 14 titles, included 573 items as of February 2010. Islamic materials reportedly constitute the majority of the religious items; 52 Jehovah’s Witnesses publications were added in the past year. Although the extremism law does not expressly prohibit private ownership of such material, the Russian police have interpreted the law in that fashion. The mass distribution, preparation, or storage of titles banned as extremist may also result in prosecution under Criminal Code Article 282 (“incitement of ethnic, racial or religious hatred”), with potential penalties ranging from a fine to up to five years in prison. Violators may also be prosecuted under Article 20.29 of the Administrative Violations Code (“production and distribution of extremist material”), with penalties ranging from a fine to a maximum of a 15-day term of detention.

In 2003, the Russian Supreme Court banned 15 Muslim groups for alleged ties to international terrorism without adequate process, review, or transparency. It was not until 2006 that the official government newspaper *Rossiiskaya gazeta* published the Federal Security Service list of terrorist-designated organizations, even though such publication is a pre-condition for the ruling to have legal standing. Furthermore, the published list of the banned groups included 17 groups, without providing any reason for the inclusion of the two others. In May 2009, the *Tabligh Jamaat* was also officially banned in Russia for extremism. The Russian General Prosecutor maintained that *Tabligh Jamaat* is a radical organization whose goal is the re-establishment of an Islamic caliphate, but some human rights activists claimed that the organization scrupulously follows the law and exists only to educate people about Islam. According to the State Department, the *Tabligh Jamaat* is an “Islamic missionary organization” that is not known to have used or advocated violence.

Human rights groups are concerned that the 2003 ruling has facilitated arbitrary detentions, convictions and imprisonment of hundreds of individuals on extremism charges for unproven ties to the banned groups. Some Muslims have claimed that they were beaten or tortured by police in an effort to force them to testify against other suspects.

The chair of Russia's officially-approved Council of Muftis, Ravil Gainutdin, has accused some local courts of "poor understanding of religious and theological issues," noting that courts had banned as extremist books recommended by his own council, such as "The Personality of a Muslim," a Koran-based life guide that espouses kindness, including towards non-Muslims. In May 2008, a criminal case for "incitement of religious hatred" was brought against Aslambek Ezhayev, the head of the Publishing Department of the Moscow Islamic University, which had printed "The Personality of a Muslim." Authorities later dropped the incitement charge, but in March 2009 charged Ezhayev with copyright violations and use of harmful software.

In 2007, a Russian court banned as extremist the Russian translations of fourteen parts of Risale-i Nur (Messages of Light), Turkish theologian's Said Nursi's commentaries on the Koran and Islam. In 2008, a lawyer from Izhevsk filed a case in the ECtHR challenging the ban on Nursi's writings. 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." Since the Nursi texts were first banned in 2007, there have been dozens of police raids throughout Russia of individuals suspected of reading or owning his works, and seizures of those works; criminal charges have also been initiated against some individuals.

More recently, official accusations of extremism have been leveled against Jehovah's Witnesses. In December 2009, the Russian Supreme Court upheld a court decision liquidating the Jehovah's Witness congregation in the city of Taganrog, partly on the grounds that 34 of its texts are extremist. As a result of this decision, all of the congregation's property will be seized and the congregation will not be allowed to meet as a community. In addition, in January 2009 a city court in Altai, in the Gorno-Altai republic, ruled 16 Jehovah's Witness publications extremist. Since these rulings, numerous members of the Jehovah's Witnesses community across Russia have been detained by police for up to several hours, usually without official documentation. In one recent example, a Jehovah's Witness who was driving on the main Moscow-Ryazan road in March 2010 was stopped by traffic police to check for the transport of extremist literature. Although he did not have literature on the federal list of banned texts, he nevertheless was ordered to report to local police.

In May 2009, authorities in the town of Ramon in the Voronezh region detained two Jehovah's Witnesses, allegedly on suspicion of involvement in local robberies. When the men denied the allegations, police reportedly forced one to confess by making him wear a gas mask to which they cut off the oxygen supply, subjecting him to electric shock, and threatening him with sexual assault. The police later released both men and dropped all charges.

Jehovah's Witnesses view their recent official treatment unfortunately as reminiscent of the Soviet era. In February 2010, 160,000 members of this community distributed 12 million copies of a publication making this comparison and refuting official allegations that they are extremist. In Nizhny Novgorod in late February 2010, two Jehovah's Witnesses, one a minor, were detained by police for distributing this leaflet. Although the father tried to enter the room in the police station where his son was detained, the son was first interrogated alone. When the boy refused to answer questions, he reportedly was told that documents confirming he had parents would be burnt and he would be sent to an orphanage.

In February 2010, armed police in the city of Kaluga, acting on a tip about a “sect” using “extremist” literature, raided a Lutheran ordination service attended by Archbishop Iosif Baron of the Augsburg Lutheran Church. During the one-hour search, copies of the Bible and hymnals were the only texts discovered; nevertheless, the church’s pastor was summoned to the local police station.

The Official Distinction between Traditional and Non-Traditional Religions

Despite provisions in the Russian constitution establishing a secular state with equal legal status for all religions as well as the 1997 religion law’s declaration that all religions are equal under the law, the preface to that law claims that only four religions—Russian Orthodoxy, Islam, Judaism, and Buddhism—have traditional status in the country. The *de facto* favored status of the Moscow Patriarchate Russian Orthodox Church (MPROC) also results in official discrimination against other religious groups, including the other three officially traditional faiths. Russian government officials and police also have made frequent negative comments about Protestant and other religious communities. Official statements have stressed the alien character and foreign funding of these communities. Such statements have gone so far as to imply espionage, much as the Soviet system promoted suspicion of enemies, traitors and “wreckers” of society. Such allegations contribute to a climate of intolerance that has led to discrimination and hate crimes.

The MPROC claims adherents among 60 percent of Russians and has a special role in Russian history and culture. The MPROC receives the bulk of Russian state support for religious groups, including subsidies for church maintenance and construction. For example, Prime Minister Vladimir Putin announced on Orthodox Christmas in January 2010 that the Russian government would provide almost \$100 million to restore holy sites, monasteries and churches destroyed by the Soviet government. Nevertheless, Islam, Buddhism and Judaism also sometimes benefit from government funding, as do other groups. For example, the Moscow city government has funded major renovations of the buildings of Old Believers, which in the 1600s was Russia’s majority Orthodox community but is not part of the MPROC. In December 2009, the Kremlin signed a concordat with the Vatican.

The MPROC has special arrangements with numerous government agencies and bodies to conduct religious education and to provide spiritual counseling, including with the Ministries of Education, Defense, Health, Internal Affairs, and Emergency Situations. For example, the vast majority of religious facilities in Russian prisons are Russian Orthodox.

In July 2009, President Medvedev issued an executive order establishing state-funded military chaplains. By January 2010, 200 MPROC clergy had been appointed to Russian military units. Under the executive order, Muslims, Jews, or Buddhists must comprise 10 percent of a military unit before an official chaplain of that religion would be appointed. According to a Russian Defense Ministry survey, two-thirds of the country’s soldiers are religious adherents, and of these, 83 percent are Russian Orthodox, eight percent are Muslims, and the remaining nine percent are from other religions or denominations, including Protestants. The Slavic Center for Law and Justice observes that the survey is replete with “insulting remarks against those religious associations that do not belong to the announced four ‘traditional’ religions.”

In addition to the military chaplains paid by the Russian state, an estimated total of 2,000 MPROC priests also work in the Russian military, as do a small number of Muslim and Protestant clergy. Various Russian military units have adopted Russian Orthodox saints in official insignia and there are MPROC chapels on army bases, but authorities reportedly rarely allow Islamic services and often deny Muslim conscripts time for daily prayers or alternatives to pork-based meals.

Also in July 2009, President Medvedev issued an order that, beginning in September, fourth-grade students in 19 diverse regions of Russia -- ranging from the Muslim-majority North Caucasus to Russian Orthodox majority areas in Central Russia to the Jewish autonomous region in Siberia -- could, with parental permission, choose to study the new curriculum of "Foundations of Religious Cultures and Secular Ethics." The course is divided into three sections over six months: one on Orthodoxy, Islam, Buddhism, and Judaism; another on the history of religious cultures, and a third on secular ethics. Parents are supposed to be allowed to select, if they wish, one of the three sections for their children to study. The Russian Ministry of Education claims that the course is based on, and its teachers will rely on, scholarly information. Russian human rights groups have reported instances in which Russian Orthodox Church officials are alleged to have pressured parents not to allow their children to select the secular ethics portion of the course.

Parliament also continues its consideration of a draft law to transfer property of religious significance to religious organizations, including land, buildings and movable property. The draft law would grant religious organizations ownership of all historical property in their use. Currently, religious organizations have the right to use such property indefinitely, but that property remains Russian state property. If the draft law is passed -- and several informed observers think its chances of passage are good -- the MPROC would become one of Russia's major property holders and Muslim communities will also claim pre-1917 titles to land and other property. Many Russian cultural figures oppose this bill because it will remove, for example, many historical icons from public museums.

Legal Status Issues

Russia's 1997 Law on Freedom of Conscience is complex and contains numerous ambiguous provisions. The law defines three categories of religious communities with varying legal status and privileges: groups, local organizations, and centralized organizations. An unregistered "religious group" can hold worship services and teach religion to its members, but lacks legal status to open a bank account, own property, issue invitations to foreign guests, and publish literature; its individual members in theory can rent or buy property, and invite guests to engage in religious instruction, and import religious material. A "religious organization" requires at least 10 citizen members to register, either as part of a centralized organization or as a local organization that has existed for at least 15 years. Since such organizations are registered, they can conduct activities denied to unregistered groups, including operating houses of worship, and engage in religious activities in prisons, public hospitals and the military. "Centralized religious organizations" are comprised of a minimum of three local registered organizations and can open local organizations without a waiting period. A minimum of 50 years of existence is required for the use of "Russia" or "Russian" in the titles of religious organizations. Registered groups must re-register annually at both the national and local levels. The law also allows officials to bring court cases which may result in decisions to ban the activities of particular religious communities found to have violated Russian law.

The law's 15-year existence requirement for religious groups to register disfavors groups new to the country. Moreover, at the time the law was enacted it effectively meant that a group must have existed during the highly restrictive Soviet era. In October 2009, the ECtHR found that the 15-year requirement violated the European Convention on Human Rights' provisions on the freedoms of religion and association. The case, *Kimlya and Others v. Russia*, was brought by the Church of Scientology of Nizhnekamsk, which had been denied registration on the grounds that it had existed in that locality for less than 15 years. This ruling could have a major impact on the Russian religion law, since according to the Russian Constitution, international legal obligations take precedence over domestic law. Furthermore, in February 2010 the Russian Constitutional Court ordered Russian national courts to review and change legal decisions after a negative ECtHR ruling, rather than simply awarding monetary compensation to the plaintiffs, as had been the usual Russian government practice.

The 1997 law required all religious organizations previously registered under the more liberal 1990 law to reregister by December 31, 2000. This process, which involved simultaneous registration at both the federal and local levels, required considerable time, effort, and legal expense. Some Pentecostal and Baptist congregations refused to register out of religious conviction. Reportedly as many as half of the functioning Muslim communities decided not to undergo the cumbersome process and some Muslim clerics have reported that since 1999 it has become “much harder” to register new Muslim communities.

At the federal level, most religious organizations who have applied 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 local administrative authorities have sometimes delayed or refused to implement these rulings. The Salvation Army was finally re-registered in the city of Moscow in April 2009, as required by the Russian Constitutional Court in 2002 and the ECtHR in 2006. The Salvation Army case was the first case involving a religious community where the Russian state took the remedial action required by the ECtHR, rather than only paying compensation.

According to the Ministry of Justice, as of January 1, 2009 there were 23,078 registered religious groups operating in Russia, of which 55 percent are affiliated with the MPROC. In 2005 (the last year for which statistics are available), authorities investigated the activities of 3,526 religious organizations. The Ministry of Justice sent notifications of violations to 2,996 such organizations. The courts issued rulings to liquidate 59 local organizations for alleged violations of constitutional norms and federal legislation during that period.

Reports indicate that in 2009 no religious group has been denied registration due to its lack of required documentation, although some communities were asked to provide updated data. On other grounds, however, the Russian authorities continued to deny registration to certain religious communities, such as the Falun Gang and Scientologists.

After Aleksandr Konovalov was named Russian Minister of Justice in 2008, two individuals known for their intolerant views were appointed to senior positions: Aleksei Velichko, as Deputy Justice Minister, and Sergei Milushkin, as director of the Department of Noncommercial organizations. These two officials were dismissed in early 2010. The Justice Ministry, however, has expanded its activities in 2009 to include oversight over unregistered as well as registered religious communities. For example, in March 2009 the Ministry replaced a 1998 law on the status of representational offices of foreign religious organizations operating in Russia; the new law set complex registration procedures, including for proving registration and establishing an official register. In October 2009, the Ministry of Justice proposed amendments to the 1997 religion law to require every religious community, even if they do not plan to apply for registration, to provide the government a membership list, unlike the current law that requires religious organizations to provide such a list only during the registration process. The proposal also called for closer regulation of “missionary activity,” mandating that anyone engaged in missionary activity outside of designated religious sites must present proof of authorization by the relevant religious association or such activity would be banned. After protests from religious groups and by some Russian officials, in November 2009 the proposed amendments were removed from the Ministry of Justice’s website.

Russia’s 2006 NGO law granted the Ministry of Justice extensive oversight functions which also apply to religious communities. The law enables the Ministry to interfere with the activities of NGOs, examine their documents, attend their meetings with advance notice, and initiate court proceedings which may deny the registration of groups. NGOs are also required to submit detailed annual reports on their activities, governing bodies, and funding, including from foreign sources. In 2007, after lobbying by the Russian Orthodox Church, the reporting requirements for religious groups under the NGO law were reduced, but still required documentation of foreign donations, as well as the full names, addresses, and

passport details of executive board members. In July 2009, President Medvedev further amended the NGO law to ease registration and reporting requirements, particularly for small NGOs. Representatives of numerous religious communities in Moscow informed USCIRF staff in late 2008 that they had not encountered difficulties due to the requirements of the NGO law at that time.

Official Religious Affairs Agencies

Governmental mechanisms to interact with religious communities and monitor implementation of the religion law exist at the national, regional, and local levels. At the national level, there is a Presidential Council on Cooperation with Religious Associations, chaired by the Presidential Administration chief. This Council is comprised of Presidential Administration officials, academic specialists, and representatives of traditional and major non-traditional communities. There also is a Governmental Commission for the Affairs of Religious Associations. In addition, in 2009 the Ministry of Justice established two new bodies in this area: an Expert Religious Studies Council and a Council for the Expert Analysis of Religious Literature with regard to Extremism.

The Expert Religious Studies Council has wide powers to recommend investigations of religious groups during the registration procedure, to assess if a registered community's activity is in accord with its charter, and to ascertain if an organization, one of its members, or the literature it produces or distributes is extremist. While governments must combat acts of violent extremism as part of their obligation to protect citizens, there have been numerous expressions of concern over the establishment, composition, and expansive mandate of this Council. Aleksandr Dvorkin, the Council's chairman, is Russia's most prominent "anti-cult" activist and lacks academic credentials as a religion specialist. His deputy, Roman Silantyev, has written numerous intolerant articles on Islam. The Council's members include five individuals known for their "anti-sect" activities. As a result, observers are concerned that the council may call for the closure of minority religious communities, although thus far the council's only known official recommendation has been to declare Russia's 70,000 member Yezidi community eligible for registration. Nevertheless, Council members continue to make intolerant (or absurd) public comments: in a May 2009 Radio Vesti interview, Dvorkin stated that the "tiny, totalitarian Church of Scientology was the government religion of the United States."

The Council for Expert Analysis of Religious Literature with Regard to Extremism is chaired by Vitaly Naumkin, a member of the Russian Academy Sciences Oriental Institute, with his deputy, Aleksandr Zaluzhny, a professor on the national security faculty at the Russian Academy of State Service. The role of this Council is advisory; it does not have the authority to counteract court decisions finding literature extremist

On the regional and local level, religious organizations interact with various authorities, including the sub-offices of some of the seven Plenipotentiary Presidential Representatives that address social and religious questions. In addition, regional administrations and many city administrations have named certain officials to interact with religious organizations.

Restrictions on Places of Worship

Building or renting worship space remains difficult for a number of religious communities, including Jehovah's Witnesses, the Church of Jesus Christ of Latter-day Saints (Mormons), Pentecostal congregations, Orthodox groups that do not recognize the Moscow Patriarchate, Molokans, and Old Believer communities. Protestant, Catholic, Muslim and some Orthodox congregations also 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.

In 2009 and 2010, Russian regional and local officials denied building permits or confiscated buildings already in use by religious communities. In December 2009, the administration of the city of Izhevsk again refused, as it has since 2002, a permit to the Evangelical Christian community for church construction. 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 11 of the ROAC's historic churches must be returned to the state; one year later, three more churches in the Suzdal region were removed. Reportedly, the ROAC may be forced out of its Saint Petersburg church. The autonomous Russian Orthodox Church (AROC) was ordered by the Pacific coast city of Vladivostok in December 2009 to vacate its church building.

Nevertheless, several lengthy official refusals regarding houses of worship were reversed, including for the Lutheran community in Krasnodar. In addition, the Baptist community and the MPROC reached a positive settlement regarding a dispute over a house of worship in Lipetsk.

Muslims have also encountered difficulties in gaining official permission to open and maintain mosques. Although in 2009 local authorities in Balashikh allowed a local mosque to open and in Tambov Muslim communities were finally granted land for mosque construction, there reportedly has been no official response to longstanding requests for permission to build mosques from Muslim communities in the widely scattered regions of Perm, Oryol, and Komsomolsk in Chuvashia. In August 2006, the Russian Supreme Court upheld a lower court decision ordering that the local Muslim community in the city of Astrakhan on the Caspian 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 presently is still under consideration.

Restrictions on Religious Education

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. The Smolensk Regional Court dissolved a local Methodist church for running an unlicensed Sunday school, but in June 2008 Russia's Supreme Court overturned that ruling. After they sang hymns in public, members of unregistered Baptist communities in Kaliningrad were twice detained in 2009 and fined for violating public assembly rules. In the Ryazan region, police raided an unregistered Baptist 2009 summer youth camp and charged them with ecological violations.

Restrictions on Foreign Religious Workers

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 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 to extend visas are lengthy and complex. These 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 and the Church of Jesus Christ of Latter Day Saints. Three rabbis, one from the Primorye region and two from Rostov-on-Don, were expelled from Russia in 2008 on charges of violating their visas by serving as religious leaders. In 2009, three Jehovah's Witnesses defense lawyers were deported from southern Russia.

Hate Crimes against Persons and Property

Russian officials, especially on the local level, continue to respond inadequately to numerous violent hate crimes directed against members of various religious communities. Moreover, chauvinist groups have stepped up their campaign against individuals, and some government officials, and groups who defend the rights of religious and ethnic minorities as well as migrants, including issuing death threats. Russian neo-Nazi and other hate groups maintain websites which post death threats against lawyers, judges, Russian human rights activists and journalists whom they view as enemies. While Russian police have offered some assistance to these defenders, their efforts usually are ineffective and inconsistent. In all too many cases involving members of Russia's ethnic and religious minorities -- not to mention the killings of human rights activists -- Russian authorities, particularly on the local level, have not treated hate crimes in a serious and consistent manner. Although police officials in Moscow stepped up arrests and prosecution of violent chauvinists in 2009, other regions, particularly Nizhny Novgorod, have lagged behind.

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 predominantly Muslim. It should be noted that the number of victims of racist and neo-Nazi motivated violence in Russia dropped slightly in 2009 from the very high levels of the six previous years. Some credit belongs to the Moscow region law enforcement agencies which in the latter half of 2008 and in 2009 undertook more decisive steps against the largest and most aggressive ultra-nationalist groups. Racists faced concerted and consistent official pressure, as seen in numerous detentions, arrests and trials, resulting in at least 45 successful prosecutions of violent crimes in which hate was as an aggravating factor (compared to 35 in 2008), for a total of 135 convictions.

In 2009, according to a leading Russian human rights group, at least 71 people were killed and at least 33 injured in racist/Neo Nazi violence. These numbers declined from a high of 109 and 486, respectively, in 2008. Individuals from Central Asia and the Caucasus, who are predominantly Muslim, were the most frequent victims in xenophobic attacks. There were 42 documented violent attacks motivated by religious hatred on individuals from January 2009 until April 2010: 20 on Jehovah's Witnesses, 17 on Muslims, two on Protestants, and two on Russian Orthodox priests.

In addition, from January 2009 until April 2010 there were 65 documented acts of vandalism against the property of religious communities: Russian Orthodox (27); Jehovah's Witnesses (23); Jewish (7); Muslim (3); and one each for Evangelical Protestants, Catholics, Armenian Orthodox, Mormons, and pagan. While such cases are usually prosecuted with appropriate charges, 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.

It is also important to note that neo-Nazi groups seem to be changing tactics from street attacks on minorities and migrants to targeted attacks on human rights activists and state facilities. These groups now more frequently direct their attacks against government buildings, police stations, military draft offices, and the homes of law enforcement personnel in efforts to pressure state authorities to adopt anti-immigrant measures or to take revenge for official prosecutions. These groups appear to have decided that the murders of minorities and migrants produce less publicity than the murders of judges, civil society activists, lawyers and journalists.

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, Russian Orthodox, Protestant, Catholic, and other religious communities have been subjected to attacks apparently motivated by religious factors. MPROC priest Daniil Sysoev was shot by a gunman at his Moscow

church in November 2009; Sysoev was known for his missionary activity, including among Russia's Muslim community, neo-pagans, and Protestants. In December 2009, a Moscow court sentenced a Muscovite to a 14-year term of imprisonment for the October 2008 murder of one of two Roman Catholic priests. Religious minority leaders have concerns 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. Civil society leaders link this to a perception that Russian identity is threatened by a declining birthrate and high mortality among ethnic Russians.

Russian officials also respond inconsistently—and often inadequately—to violent attacks associated with anti-Semitism. In December 2009, two Jews were subjected to a violent attack outside a Moscow yeshiva and a young Jewish man was assaulted by a neo-Nazi who shouted “Heil” in the Moscow subway. In the latter incident, the alleged attacker was detained by police but only charged with “minor hooliganism.” In the city of Khabarovsk, two Molotov cocktails were thrown at a synagogue in September 2009. Four young “skinheads” were arrested and charged with arson; on the same night, the home of a police officer in Khabarovsk who investigates racist crimes was also firebombed.

Protestant groups in Russia are frequent victims of hostile media attacks. Russian human rights groups report that journalists often seek guidance from the Russian Orthodox Church when researching articles about Protestants and the media tend to portray Protestants as dangerous “sectarians.”

Russian rights advocates say that senior Russian government officials should do more to support publicly 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. It also backed the five-year-old nationalist youth movement *Nashi*, which has staged numerous anti-sectarian public protests. 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 those who do not identify with the Russian Orthodox Church. In USCIRF'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.

Defamation of Religions

Free speech concerns also arise in connection with 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 Andrei Erofeev, former curator of contemporary art at the Tretyakov Museum, and Yuri Samodurov, former director of the Sakharov Center, for art shows they organized in 2004 in the Sakharov Center. As of March 2010, their trial is ongoing. 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 Mohammed in a special issue on Islam in Europe.

U.S. Policy

U.S. Secretary of State Hillary Clinton traveled to Moscow in April 2009 and presented a “reset” button to her Russian counterpart Foreign Minister Sergey Lavrov, signaling that the Obama administration believes that the future possibilities in U.S.-Russian relations outweigh the past problems. Under Secretary of State William J. Burns, who was U.S. ambassador to Russia from 2005 until 2008, has

traveled to Moscow several times in his new role, mainly to broker a fourth UN Security Council resolution to sanction Iran over its nuclear program. In the past year, the United States and Russia reached an agreement to reduce their stockpiles of nuclear weapons. The United States imported \$18 billion in goods from Russia in 2009 and exported just over \$5 billion last year. The Obama administration supports Russia's accession to the WTO.

According to the State Department's 2009 *Advancing Freedom and Democracy Report*, the overall objective of U.S. human rights policy in Russia is to "support the country in becoming a more democratic, vibrant, and stable geopolitical partner that increasingly moves toward a free-market democratic system built on checks and balances, and acts as a strong and effective partner in areas of common interest within the international community." The State Department seeks "to strengthen and encourage the Russian government and society's own support for the development of civil society and respect for the rule of law," but admits there are serious impediments, including due to the Russian government's restrictions on and harassment of civil society groups and independent media. According to the 2009 *Annual Report on International Religious Freedom*, the U.S. government discusses freedom of religion or belief with the Russian government, religious groups, NGOs, and others, as part of its overall policy to promote human rights. The U.S. Embassy also supports the development of programs to sensitize officials to recognize discrimination, prejudice, and crimes motivated by ethnic or religious intolerance.

USCIRF believes that the issue of freedom of religion or belief should be given a high priority in the "reset" of bilateral relations, since it is both a human rights and security concern in Russia. Although Russia faces domestic security concerns, as evidenced most recently in the March Moscow Metro bombings, the government's sweeping anti-extremism efforts against even peaceful religious believers risk increasing radicalism and instability.

Recommendations

I. Strengthening U.S. Promotion of Human Rights, including Freedom of Religion or Belief

The U.S. government should:

- urge, in public and at high political levels, the Russian government to undertake programs and adopt legal reforms to ensure respect for international norms on freedom of religion or belief;
- implement the provisions of the "Smith Amendment" of the 2010 Consolidated Appropriations Act (Section 7074 of P.L. 111-117) to prohibit U.S. financial assistance to the Russian Federation government due to, inter alia, its discrimination against religious groups through laws and government actions, excessive application of the extremism law, and reported restrictions by regional and local officials on minority religious groups;
- maintain a mechanism to monitor publicly the status of human rights in Russia, including freedom of religion or belief, particularly in the case of repeal of the Jackson-Vanik amendment with respect to Russia, as well as establish a program to monitor implementation of Russia's law on non-commercial organizations (NGO Law), including its impact on religious organizations;
- organize regular roundtables in Washington with members of the National Security Council, and representatives of religious communities and civil society as well as academic specialists, on the status of freedom of religion or belief in Russia;

- ensure that U.S. government-funded grants to NGOs and other sectors in Russian society include projects to promote legal protections and respect for freedom of religion or belief and methods to combat xenophobia, such as by funding training programs on freedom of religion or belief, promoting inter-religious cooperation, encouraging pluralism, and combating hate crimes;
- support programs to train lawyers to contest violations of Russian and international law regarding freedom of religion or belief in Russian courts and before the European Court of Human Rights (ECtHR);
- translate into Russian and make available, including by posting on the U.S. Embassy Web site, U.S. Federal Bureau of Investigation and Department of Justice materials on combating hate crimes and information relating to international standards on freedom of religion or belief, xenophobia, and hate crimes, including relevant U.S. Department of State and USCIRF reports;
- ensure that Russia's citizens have access to U.S. government-funded radio and TV broadcasts, as well as Internet communications, including information on freedom of religion or belief and on combating xenophobia and hate crimes, in particular by:
 - restoring the previous levels of Russian-language radio broadcasts of Voice of America and Radio Free Europe/Radio Liberty (RFE/RL), restoring staffing levels, and considering new broadcast vehicles; and
 - increasing funding for programs in minority languages, including the RFE/RL Tatar and North Caucasus services;
- include in U.S.-funded exchange programs a wider ethnic and religious mix of students, including from the North Caucasus, Tatarstan, and other regions of Russia with sizeable Muslim and other religious and ethnic minority populations;
- implement a U.S. visa ban and asset freeze against Chechen President Ramzan Kadyrov due to: his leadership of the Chechen armed forces, which the ECtHR has found responsible for severe human rights abuses; his alleged killings of political opponents and local human rights activists; and his institution of strict sharia law in Chechnya in violation of international religious freedom standards;
- ensure that U.S.-funded conflict resolution and post-conflict reconstruction programs for the North Caucasus also fund credible local partners; and
- initiate International Visitor's Programs on the prevention and prosecution of hate crimes for Russian officials and other relevant figures and include training sessions by the Department of Justice and the Federal Bureau of Investigation as well as relevant NGOs and academic experts.

II. Prioritizing Freedom of Religion or Belief in U.S. Bilateral and Multilateral Diplomacy

The U.S. government should:

- organize as part of the U.S.-Russia Bilateral Presidential Commission a working group comprised of legal experts on international norms on freedom of religion or belief;

- ensure that U.S. Embassy officials and programs engage with local officials throughout the Russian Federation and disseminate information on international norms on freedom of religion or belief, including regarding unregistered religious communities;
- urge the Russian government to invite and schedule dates for one or more of the three Organization for Security and Cooperation in Europe (OSCE) Personal Representatives on combating intolerance and the UN Special Rapporteur on Freedom of Religion or Belief to visit the country during 2010;
- ensure that human rights issues, including freedom of religion or belief, are raised in the context of negotiations on Russian accession to the World Trade Organization, and work with members of the G-8 to ensure that human rights issues, including concerning migration and counter-terrorism, are raised at bilateral and multilateral meetings;
- ensure that the humanitarian crisis in Chechnya and human rights abuses perpetrated by the Russian federal military and local security and police forces there, as well as in other North Caucasus republics, are issues raised in U.S.-Russian bilateral relations;
- urge that the governments of Germany, Austria, Belgium, Poland, France and Denmark do not accept the official Chechen culture centers that the republic would like to institute in those countries;
- urge the Russian government to respect all resolutions of the Parliamentary Assembly of the Council of Europe on 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 address the issues raised by the UN Human Rights Council's Universal Periodic Review and relevant treaty bodies concerning Chechnya, accept visits to Chechnya by the UN Special Rapporteurs on Extrajudicial Executions and Torture, and fully cooperate with those Special Rapporteurs; and
- work with other OSCE States to ensure that human rights abuses in the North Caucasus receive greater attention in OSCE deliberations and encourage the OSCE to raise humanitarian and other assistance to the civilian populations affected by the decade-long conflict in Chechnya.

III. Addressing Russian Human Rights Issues

The U.S. government should urge the Russian government to:

- implement the February 2010 Constitutional Court decision that the Civil Procedural Code be amended to require Russian courts to implement decisions by the ECtHR rather than the payment of fines as is current practice;
- reform the Ministry of Internal Affairs system of quotas for arrests and detentions of alleged suspects which may result in denials of justice;
- amend the Russian extremism law to address acts that involve violence or incitement to imminent violence, and drop bans on non-violent organizations, literature and religious communities;
- halt current investigations, and reconsider previous legal cases, against individuals and organizations accused of extremism solely for their exercise of internationally protected rights, including freedom of religion or belief;

- withdraw or substantially amend the NGO law or, failing that, develop regulations consistent with international standards limiting the state's discretion to interfere with the activities of NGOs, including religious organizations; and
- cease and prosecute all alleged acts of involuntary detention, disappearances, torture, rape, and other human rights abuses by the Russian security services in Chechnya, including by pro-Kremlin Chechen forces, and in other republics of the North Caucasus.

IV. Ensuring the Equal Legal Status and Treatment of Russia's Religious Communities

The Russian government should:

- affirm publicly at a high political level the multi-ethnic and multi-confessional nature of Russian society and that all religious communities in Russia are equal under the law and entitled to equal treatment regardless of registration status, and direct government officials at all levels not to grant preferences to or discriminate against members of religious, ethnic and migrant groups;
- refrain from media attacks on any peaceful religious community and adopt administrative measures against government officials who engage in such attacks;
- cease interference in the internal affairs of religious communities, unless stipulated by law and in conformity with international human rights standards;
- ensure that law enforcement officials investigate and prosecute crimes against members of all religious communities and establish a fair and effective review mechanism outside the Procuracy to investigate and sanction any officials who are found to have encouraged or condoned such crimes;
- amend the legal provision of the extremism law whereby any court can rule the Russian translation of a text to constitute extremism, which automatically adds that text to the Federal List of Extremist Literature and bans that text throughout Russia, and re-examine recent court rulings deeming publications of the Jehovah's Witnesses and of the Turkish theologian Said Nursi extremist;
- undertake a thorough reform of the mandate and personnel of the Ministry of Justice's 2009 Expert Religious Studies Council so as to diversify its membership and to revoke its authority to recommend investigations of religious groups, including of their activities and literature;
- distribute on a regular basis updated information on freedom of religion or belief, including Russian constitutional provisions, relevant legislation and court decisions, to the Russian judiciary, religious affairs officials, the Justice Ministry, the Procuracy, and law enforcement bodies;
- extend the current annual training program for regional and local religious affairs officials to include the judiciary, Procuracy, law enforcement agencies, and the Justice Ministry;
- 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 visits from the three OSCE Tolerance Representatives and the UN Special Rapporteur on Freedom of Religion or Belief, and grant unrestricted access for these officials to religious communities and regions.

V. Combating Xenophobia, Intolerance, and Hate Crimes

The Russian government should:

- condemn, publicly, promptly and specifically, acts of xenophobia, anti-Semitism, intolerance, and hate crimes, and make clear that such acts will be fully and promptly investigated and prosecuted as human rights abuses and not “hooliganism;”
- while vigorously promoting freedom of expression, publicly condemn rhetoric that promotes xenophobia or intolerance, including religious intolerance;
- provide training programs for law enforcement officers and other officials to address ethnic and religious hatred and promote tolerance;
- establish a special nationwide anti-discrimination body that provides regular reports to the public, press, and parliament;
- implement recommendations on addressing anti-Semitism, xenophobia, and hate crimes from the Russia Federation Presidential Council on Human Rights, the Russian Federation Human Rights Ombudsman, the Council of Europe’s Commission against Racism and Intolerance, and implement the decisions of the ECtHR; and
- report, as required, to the OSCE on national measures to address hate crimes, including legislative initiatives and statistics, and participate in relevant OSCE training programs for law enforcement and judicial officials.