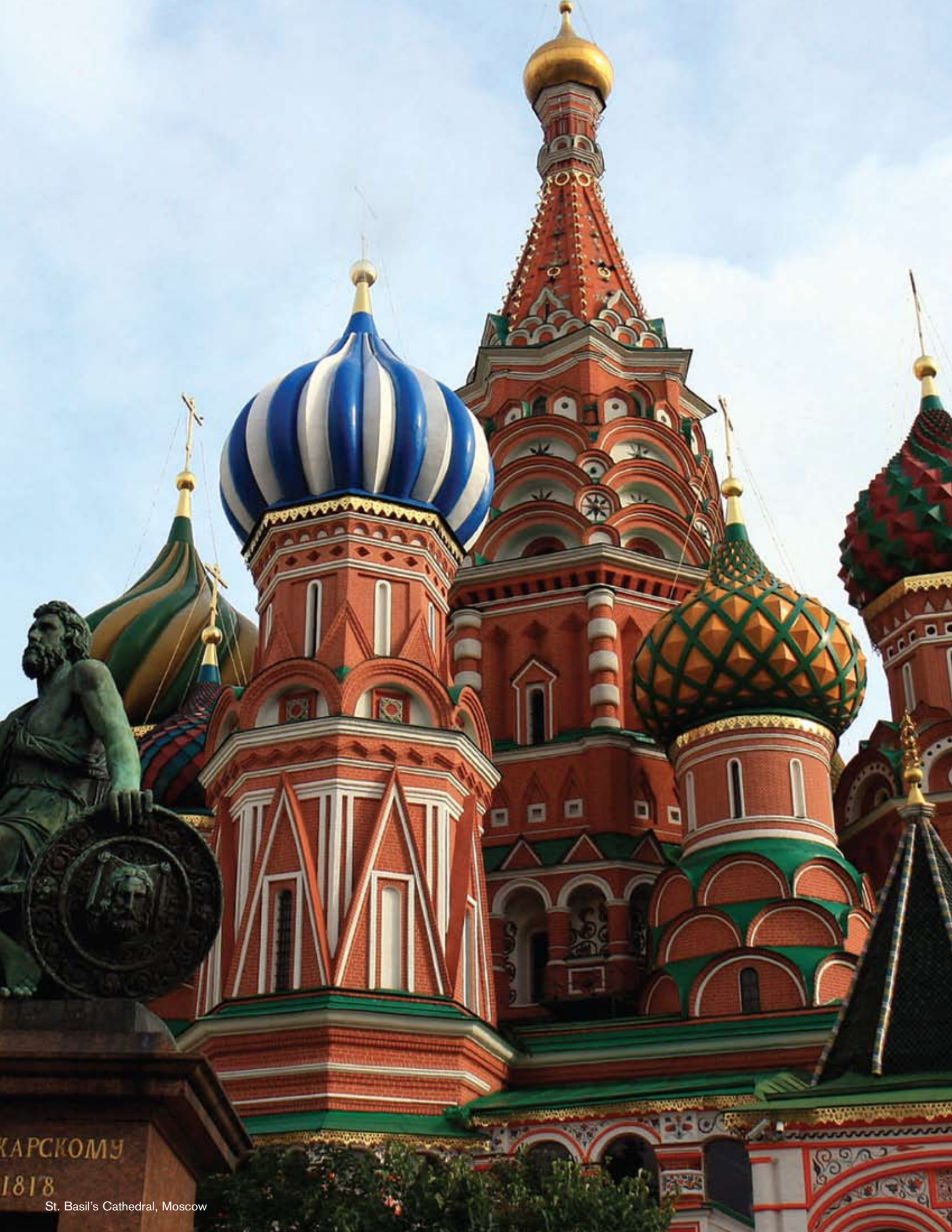

St. Basil's Cathedral, Moscow

President Vladimir Putin's Russia has steadily retreated from democratic reform, endangering significant gains in human rights made since the end of the Soviet era, including in the areas of freedom of religion or belief. Evidence of the backsliding includes increasing limitation of media freedom and of political parties' independence; tighter restrictions on non-governmental organizations (NGOs), religious communities, and other civil society groups; harassment of human rights organizations; legal restrictions on freedom of assembly; and constraints on the use of popular referenda. The deterioration in the human rights climate over the past few years appears to be a direct consequence of the increasingly 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.

The past year saw a further retreat from democracy. In January 2006, Putin signed into law restrictive new legislation on NGOs that also affects the rights of religious communities. The law enables the Ministry of Justice's Federal Registration Service (FRS) to interfere with the activities of NGOs and deny the registration of groups that do not meet certain requirements, including minor or trivial ones. In addition, despite considerable domestic and international opposition, in July 2006 Putin signed an amended version of the 2002 law on counter-extremism. Citizens can now be charged with extremism if they are alleged, within the context of extremism, to have committed public slander of government officials, although these charges must be proven in court. Moreover, those who are alleged to have defended, or even expressed sympathy with, individuals charged with extremism are themselves liable to the same charges.

Since its inception in 1999, the Commission has reported on the situation in Russia, including on freedom of religion or belief, xenophobia, and the often violent acts of ethnic and religious intolerance. While the Commission has not recommended that Russia be named a "country of particular concern," or CPC, nor placed it on its Watch List, the Commission is nevertheless convinced that the fragile human rights situation in the country, which directly affects the status of religious freedom, merits particularly close scrutiny. Equally important, Russia is a model and bellwether for a wide swath of countries in transition, particularly in the former Soviet Union; negative human rights developments in Russia, such as newly restrictive laws or criticism of human rights standards and monitoring by international organizations, soon emerge in some

On the surface, Russian citizens have considerable personal freedom and some opportunities for public political debate, although these opportunities are increasingly limited by the threat or use of coercion. In many areas of civil life, however, including freedom for religious worship and practice, it is increasingly a particular group's or community's relationship to the state—rather than the rule of law—that defines the parameters on freedom to engage in public activities. The Commission finds that political authoritarianism—combined with rising nationalism and a sometimes arbitrary official response to domestic security concerns—is jeopardizing the human rights of Russia's citizens, including members of the country's religious and ethnic minorities.

of its neighbors. Moreover, Moscow has increasingly rallied a group of countries that violate human rights against what it terms "meddling" by the international community.

A Commission delegation traveled to Russia in June 2006, visiting Moscow, St. Petersburg, and Kazan, the capital of the Republic of Tatarstan. The visit, the Commission's second to Russia in three years, was prompted by the passage of the new law governing the work of NGOs. The legislation could have deep repercussions for civil society in Russia and a harmful impact on the protection of freedom of thought, conscience, and religion or belief in Russia. Such restrictions on NGOs negatively affect the work of non-profit, civil society groups, including foreign groups, operating in Russia, and could pave the way for amendments to the religious association law. Some of the NGO law's provisions directly limit the human rights of members of religious communities, including legitimate charitable activities, and have had a chilling—if not freezing—effect on the overall climate for human rights monitoring.

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The Inadequate Response to Increasing Xenophobia, Intolerance, and Hate Crimes

Russian law has several provisions that address crimes motivated by ethnic or religious hatred.[1] Unfortunately, Russia's law enforcement agencies and judicial system have a history of infrequent, inconsistent, and even arbitrary and inappropriate application of these provisions.

While no official statistics are available, groups in Russia that monitor hate crimes contend that xenophobic attacks have become more violent. The SOVA Center, a leading Russian NGO monitor of hate crimes, documented 54 racist killings and hate-based attacks on 539 individuals in 2006. In the first three months of 2007, the SOVA Center recorded 17 people killed and 92 wounded in racist attacks,

During 2006, the incidents of violent hate crimes increased not only in number, but also in scope.

and it said more serious weapons, notably guns and explosives, were being used increasingly in such attacks. It also reported at least 70 incidents of vandalism against religious targets, 36 of them against Jews, 12 against Russian Orthodox, and 11 against Muslims.

Persons who have investigated or been publicly critical of hate crimes in Russia have themselves been subject to violent attacks. Nikolai Girenko, a St. Petersburg expert on xenophobia who often testified in trials concerning hate crimes, was gunned down in June 2004. Local police claimed in May—two years after the murder and shortly before the meeting of the G-8 countries in July 2006—to have found the five men perpetrators and killed the ultranationalist gang's ringleader as he was violently resisting arrest. However, some who are familiar with the case have questioned whether these are the real perpetrators. In addition, several judges who have ruled against skinheads have also received death threats. In October, prominent Russian journalist Anna Politkovskaya, who reported extensively on the situation in Chechnya, was murdered in Moscow in a crime that prosecutors have reportedly linked to her work. Her name was among those on "hit lists" of liberals that had appeared on ultranationalist Internet sites in Russia.

During 2006, the incidents of violent hate crimes increased not only in number, but also in scope. Frequently, migrants are the victims, as are dark-skinned foreign students and other visitors. According to a May 2006 report to the UN Secretary General, Russia today has a population of 12 million migrants—the majority are Muslims from Central Asia and Azerbaijan—of whom only 10 percent are thought to have legal status. That roughly corresponds to the Russian Security Council's estimate of some 10 million illegal migrants in Russia.

In August 2006, four young skinheads were arrested after they bombed a Moscow market, killing 11 and injuring 45. They told the police that they had bombed the market because "too many people from Asia" worked

there.[2] According to the city police chief, the four are also responsible for eight additional bombings in Moscow and the Moscow region.

Most officials and NGOs agree that these attacks were motivated largely by ethnic intolerance, although religious and ethnic identities often overlap. Nevertheless, attacks have occurred against members of Muslim, Jewish, Protestant, and other religious communities that are explicitly motivated by religious factors. Leaders of these three communities have expressed concern to the Commission about the growth of chauvinism in Russia. They are also apprehensive that Russian government officials provided tacit or active support to 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." Officials 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 rate among ethnic Russians.

In a legal reflection of this perception as well as the palpably growing nationalist atmosphere, a new government decree went into effect prohibiting foreigners from retail jobs in Russia as of April 1. Since the indoor and outdoor markets that are prevalent in Russia have been dominated by vendors from former Soviet republics, foreign workers are being hit hard and many are leaving Russia. The new measures came on the heels of a highly public campaign of deportations of illegal migrants in fall 2006, which many alleged were used to target the citizens of Georgia and other countries with which Russia has tense relations. Putin lent his voice to the nationalist campaign, saying it was necessary to protect the rights of Russia's "indigenous" population on the labor market. At the same time, authorities announced a simpler process to file for foreign labor permits—which should result in less extortion by officials—as well as a quota of 6 million laborers from former Soviet republics for 2007, far more than before, according to press reports.

Many government officials whom the delegation met either tried to downplay the growing problem of hate crimes or explain it away. Officials from the Leningrad Oblast, or region, declined even to meet with the Commission because, in their words, there was no government official responsible for monitoring or prosecuting xenophobia and hate crimes since their "region did not have these problems." Like many other Russian officials including law enforcement authorities, local officials in Tatarstan and St. Petersburg labeled crimes targeting ethnic or religious communities simply "hooliganism," claiming that such crimes are motivated solely by economic hardships. In a similar vein, Nikolai Spasskiy, the deputy secretary of the Security Council, told the Commission that hate crimes were "rooted in socio-economic misery that is shared by the attackers and victims." Officials often noted that ethnic and migrant communities themselves were linked to criminal activities, or stated that they were "outsiders," by which officials meant migrants from Central Asia or the Caucasus.

Unlike in the Soviet period, the state does not act as the official sponsor of anti-Semitism. Yet anti-Semitic literature that includes accusations that Jews engage in the ritual murder of Christian children is sold in the Russian State Duma building. The Russian Procuracy has not responded to complaints that such literature violates Russian laws against incitement of ethnic and religious hostility.

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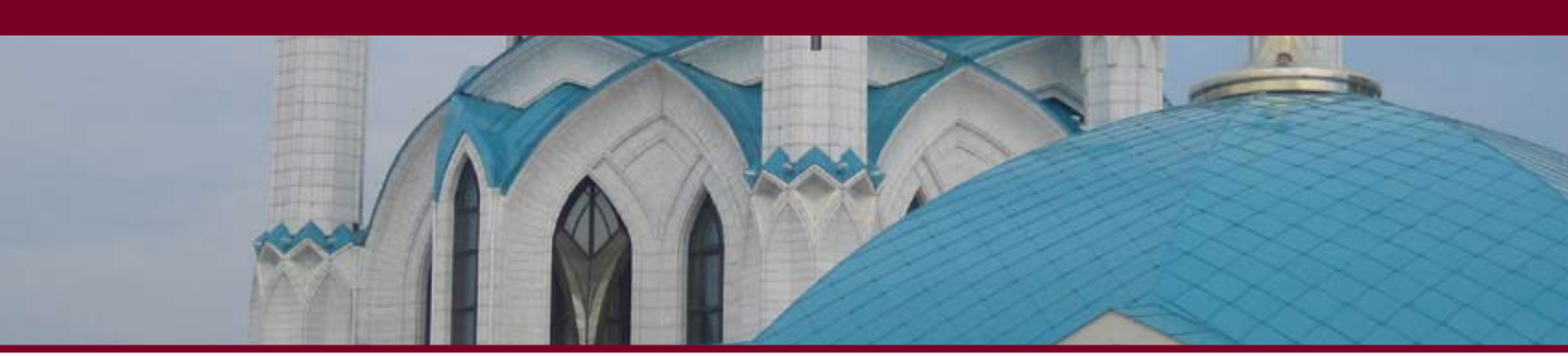
Chief Rabbi of Russia Adolf Shayevich (center), with Commissioners Felice D. Gaer, Michael Cromartie, Richard D. Land, and Elizabeth H. Prodromou, at Moscow Choral Synagogue.

Russian officials have an inconsistent—and often inadequate—record in responding to anti-Semitic incidents. Nevertheless, there are some reported cases when hate crimes legislation has been used. In 2006, a group of extremists who tried to kill Jews in the Siberian city of Tomsk were convicted of attempted murder and terrorism (they had injured a policeman by booby-trapping an anti-Semitic sign with an explosive). In June 2006, the Russian Supreme Court ordered a review of the 13-year sentence handed down in March against a young man who wounded nine worshippers during a January 2006 knife attack in a Moscow synagogue. Investigators had found anti-Semitic literature and ammunition in the attacker's apartment, but the lower court had not found the defendant guilty of incitement of ethnic or religious hatred under Article 282 of the Russian Criminal Code. In September, a Moscow court sentenced the young man to 16 years in prison for attempted murder and inciting racial hatred under Article 282.

Russian human rights advocates say that Putin and senior members of his administration have not spoken out strongly enough in support of the multi-ethnic and multi-confessional nature of the Russian state and society.[3] 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 then to have been unprepared for its popularity—as well as the politically active nationalist youth movement "Nashi." Putin has on occasion affirmed the value of pluralism in Russia, for instance at the meeting of the G-8 countries in July 2006, and has also decried anti-Semitism and hate crimes. Nevertheless, in the Commission's view, more can and should be done to ensure that Russian law enforcement agencies recognize hate crimes for what they are—human rights abuses—and to prevent and punish such crimes, including those involving ethnicity and religion.

Metropolitan Kirill, Metropolitan of Smolensk and Kaliningrad and External Affairs spokesman of the Moscow Patriarchate of the Russian Orthodox Church, meeting with the Commission delegation.



Kul Sharif Mosque, Kazan, Tatarstan

Attempts to Challenge International Human Rights Institutions and Undermine Domestic Human Rights Advocacy

Growing suspicion of foreign influence in Russia has been exacerbated by the repeated assertions by Putin and other Russian government officials that foreign funding of NGOs constitutes "meddling" in Russia's internal affairs. The official branding of Russian human rights organizations as "foreign" has increased the vulnerability of Russia's human rights advocates and those they defend. Moreover, although Russia has ratified international human rights treaties and agreements including the Helsinki Accords, government officials and other influential Russian figures have challenged international human rights institutions, as well as the validity of human rights advocacy in Russia, charging that both are being used for political purposes and, worse, that they represent "foreign" values. Furthermore, they have complained of "double standards," "selectivity," and "politicization" when there is an inquiry into Russia's human rights practices, particularly with reference to Chechnya.

These and similar views about human rights and the foreign funding of Russian NGOs have been expressed not only by Russian government officials, but also by Metropolitan Kirill, the Metropolitan of Smolensk and Kaliningrad and External Affairs spokesman of the Moscow Patriarchate of the Russian Orthodox Church. This gives particular cause for concern, in light of the increasingly prominent role provided to the Russian Orthodox Church in Russian state and public affairs.

In a meeting with the Commission delegation, Metropolitan Kirill affirmed the norms in the Universal Declaration of Human Rights. At the same time, however, he expressed three main concerns about international human rights standards and their application in Russia: human rights may be used "to offend or desecrate holy things;" human rights may "defame people" or be used as "an excuse for certain unacceptable acts;" and laws created under the guise of promoting human rights may be used "to destroy morality" and related values. In Kirill's view, human rights must be connected to ethical and moral "values" rather than what he claims are simply "political agendas."

Increasing Official Harassment of Muslims

As is the case in many other countries, the Russian government faces major challenges as it addresses religious 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 Islamic worship and religious education, along with the ongoing war in Chechnya and growing instability in the North Caucasus, compound difficulties for the Russian government in dealing with its 20 million strong Muslim population, the country's second largest religious community.

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Security threats from domestic terrorism, particularly those related to the conflict in Chechnya, are genuine. According to Spasskiy, the deputy secretary of the Security Council, the security threat emanating from the North Caucasus is driven by a religion hijacked by political extremism. The region faces chronic instability due to a variety of factors: severe economic dislocation, especially among young men;

the conflict in Chechnya; some radical foreign influences on indigenous Muslims; and other local grievances. All these factors have combined to fuel volatile, and increasingly violent, expressions among Muslims of popular dissatisfaction with the 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 despite no apparent relation to such activities. These included dozens of cases of individuals detained for possessing 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 what reportedly are fabricated criminal charges of possession of weapons and drugs. The Memorial human rights group reports that men with long beards, women wearing head scarves, and Muslims perceived as "overly devout" are viewed with suspicion by some Russian officials. Such individuals may be arrested on vague official accusations of alleged Islamic extremism or for displaying Islamist sympathies. Persons suspected by local police of involvement in alleged Islamic extremism have reportedly been subjected to torture and ill-treatment in pre-trial detention, prisons, and labor camps.

From right, Commission Deputy Director for Policy Tad Stahnke, Executive Director Joseph R. Crapa and Vice Chair Michael Cromartie outside the Russian Islamic University in Kazan, Tatarstan.

During the Commission delegation's trip to Kazan, officials spoke of local government support for preserving Tatarstan's traditionally moderate form of Islam in the republic, which has a Muslim majority and a sizeable Russian Orthodox minority. A potential complication arises, however, from the fact that nearly one-third of the imams in the republic's 1,100 mosques reportedly were trained in Saudi Arabia and other countries in the Middle East. The promotion of moderate Islam may also prove difficult due to the Tatarstan government's own actions. According to Memorial, Tatarstan officials sometimes threaten or imprison those Muslims who refuse to testify in court against their co-religionists or who provide humanitarian assistance to Muslim prisoners or their families.

Tatarstan President Mintimir Shaimiev and other regional officials supported the training of imams through the government-funded Russian Islamic University in Kazan. However, according to Rafik Mukhametshin, deputy head of the Islamic Studies Department at the Tatarstan Academy of Sciences, the University's approach to religious education is so secular that local Muslim leaders view it as insufficient to train imams.

Although local officials in Tatarstan report no danger from extremism, they did confirm that there had been several investigations into extremist activity. Furthermore, Tatarstan officials did acknowledge that in at least one case, individuals had been arrested when police erroneously identified the Koran as extremist material. In another case, charges were brought against an individual for distributing allegedly extremist material in Tatarstan: a textbook on the Arabic language printed in Moscow

Muslim leaders, too, have also been targeted by Russian officials. For example, Mansur Shangareev, a leading Muslim activist in the southern region of Astrakhan has been charged with incitement to religious hatred by the regional authorities, although his lawyer from the Slavic Legal Center insisted that the charges are "very crudely falsified."[4] In another incident, after a court in the North Caucasus

republic of Adygea rejected a case brought against a local imam for "incitement of hatred or hostility by insulting human dignity" under Article 282.1 of the Russian Criminal Code in March 2006, officials filed an administrative suit against the imam in September—for the "illegal sale of spoiled butter."

There are also concerns that certain government actions to counter extremism will have a chilling effect on freedom of expression in Russia. For example, Sheikh Nafigulla Ashirov, the Chairman of the Spiritual Directorate for Muslims of the Asian part of Russia, said that Russian officials had warned him that he could be charged with extremism for publishing a court-requested expert analysis of texts from the banned radical Muslim group *Hizb ut-Tahrir*. As a result of Ashirov's conclusion that the documents of the organization's Russian branch did not advocate violence, he claims that several defendants received lighter sentences from the courts. Memorial, which requested and then posted Ashirov's analysis on its Web site, was also informed that it could be charged with extremism.

The SOVA Center reported that courts had delivered much harsher sentences against alleged *Hizb ut-Tahrir* members in 2006 in comparison with the previous year, and it cited estimates by human rights groups that some 40 percent of *Hizb ut-Tahrir* defendants had been subjected to torture during investigations. The last two years have also seen a series of criminal cases filed against members of other alleged radical Muslim groups, the SOVA Center said.

According to human rights groups, a 2003 Russian Supreme Court decision to ban 15 Muslim groups for their alleged ties to international terrorism has made it much easier for officials to detain arbitrarily individuals on extremism charges for alleged connections to these groups. The Court decision to ban the 15 organizations was not made public for more than three years, yet police, prosecutors, and courts reportedly used the decision to arrest and imprison hundreds of Muslims. Indeed, it was not until July 2006 that the official government newspaper *Rossiiskaya gazeta* published a list with the names of the banned, terrorist-designated organizations drawn up by the Federal Security Service (FSB)—a necessary step to give the ruling legal force—and the list then contained the names of two additional groups, without any supporting explanation for their inclusion.[5]

The Commission has also received reports that Russian government officials have closed a number of mosques.

Commissioners Richard D. Land (left) and Michael Cromartie (right) with Sergei Movchan, Director of Russia's Federal Registration Service (center).

While some mosque closures may have been necessitated by security concerns, in other cases officials seem to have acted in an arbitrary fashion. For example, the late, former president of the Kabardino-Balkaria republic in the North Caucasus ordered the closure of six of the seven mosques in Nalchik, the regional capital. This decision, along with allegations by Russian analysts that local police had tortured young men suspected of Islamist sympathies, are seen as major contributing factors to the October 2005 violence in Nalchik, when Muslim radicals attacked police and other security offices and more than 100 people were killed in the fighting.[6] The new president of Kabardino-Balkaria said in September 2006 that he plans to reopen two of the Nalchik mosques. In August 2006, the Russian Supreme Court upheld a lower court decision ordering that the local Muslim community pay for the demolition of its new mosque in the city of Astrakhan on the Caspian Sea. Allegedly, the city's Muslim community had not received all the required building permits, although the construction of this mosque had been partly funded by the previous regional and city governments.

In September, a Moscow court took up a case on whether the writings of Said Nursi, a Turkish pacifist Islamic theologian with 6 million adherents in Turkey, should be declared extremist. The Tatarstan prosecutor had initiated a case against the private Tatarstan-based

Nuri-Badi Foundation, which has published Nursi's works. The Russian Council of Muftis, asked by the court to conduct an expert analysis of Nursi's writings, concluded that his writings were not extremist. Indeed, the extensive analysis, published by the Web site "portal-credo.ru" and signed by Mufti Ravil Gainutdin, concluded that in this case the analytical methods of the Tatarstan prosecutor's office had been "anti-religious," as well as prejudicial toward Islam.

A group of more than 3,000 Muslims, including four prominent imams, published an unprecedented open letter to Putin in March 2007 asking him to intervene and stop the repression of Muslims in the name of the struggle against terrorism. The letter, published in the *Izvestia* daily, complained of the phenomenon of alleged Muslim prisoners of conscience, including an arrested imam in the southern city of Pyatigorsk who they alleged was guilty only of having converted non-Muslims to his religion. The imam, Anton Stepanenko, received a suspended one-year sentence in March for inciting inter-ethnic and inter-religious hatred and for "arbitrariness." The letter also protested the criminal case against Nursi's writings, saying it could become "a precedent for practically all literature that cites the Koran to be outlawed in Russia." Russian officials have consistently denied discriminating against Muslims.

A Restrictive New NGO Law That Also Applies to Religious Organizations

The law passed in 2006 that restricts the activities of NGOs could have a significantly negative effect on religious groups. Although Aleksandr Kudryavtsev, Director of the Presidential Administration Liaison with Religious Organizations, told the Commission delegation that the new law would have little such impact, Sergei Movchan, until recently the director of the Federal Registration Service (FRS), confirmed that some of the law's most intrusive provisions do apply to religious organizations, charitable and educational entities set up by religious organizations, and groups defending human rights.

Fr. Gleb Yakunin of the All-Russian Movement for Human Rights (center) with Commissioners Felice D. Gaer, Michael Cromartie, and Richard Land

The FRS, established as a department in the Ministry of Justice in late 2004, is charged with enforcement of the NGO law, as well as the registration of all political parties and real property in Russia. Among its staff of 30,000, the FRS currently has 2,000 employees nationwide who are tasked with the oversight of NGOs, including religious organizations. During the next two years, the FRS plans to hire an additional total of 12,000 employees. Since the new NGO law took effect in April 2006, the FRS reports that it has received 6,000 requests for registration, of which 600 applications were refused, mainly, the agency claims, on technical grounds.

Under the new law, FRS officials can order an examination of an organization's documents, including financial information, as well as attend its events, without the group's consent or a court order. If violations are found, the FRS can call for court proceedings against the group, possibly resulting in the group's eventual liquidation. FRS officials told the Commission that the FRS regulations on the use of these powers had not yet been finalized, but that officials would be able to use this new authority if they believed that an organization was acting contrary to its charter.

In one such example, the FRS branch in Novosibirsk found in June 2006 that a registered local Pentecostal church, the Word of Life, had violated its charter when it organized a show in a Siberian military unit its representatives had been visiting for three years, the SOVA Center reported. If the church does not change its charter accordingly, it could face court proceedings leading to its liquidation. The SOVA Center also reported that FRS officials in the Novgorod region moved in June to shut down the local branch of the Salvation Army for violating its charter.

Moreover, the FRS has almost complete discretion to cancel programs and ban financial transactions by Russian branches of foreign organizations. Although the law provides only the vaguest guidance regarding the circumstances under which officials could take these actions, FRS officials confirmed to the delegation that no further regulations

These provisions of the NGO law on foreign funding are part of the broader effort by Russian officials . . . to link human rights groups to "foreign interference," and thus to discredit—and perhaps ultimately halt—their activities.

were being considered. Instead, they plan to wait until FRS actions are challenged in court to undertake any refinements in guidelines regarding the scope of these powers.

The new law also establishes extensive and onerous reporting requirements. NGOs are required to submit detailed annual reports regarding all of their activities, the composition of their governing bodies, as well as documentation of spending and the use of other property, including assets acquired from foreign sources. NGOs have expressed concern about the administrative and financial burdens of these requirements. Russian authorities simplified registration requirements for religious organizations in April 2007, after a wave of protest including from the majority, Kremlin-allied Moscow Patriarchate Russian Orthodox Church, suggesting an official admission that the rules were too stringent. They have not eliminated the requirements altogether, however, leaving in place excessively strict regulatory measures.

Given the unfettered discretion granted to FRS officials under the new law, its actual impact will be measured by its practical implementation. Security Council Deputy Secretary Spasskiy said that implementation of the law would be monitored by the Public Chamber, a new body consisting of civil society figures appointed by the Russian government with no formal oversight authority or accountability to the courts or the Duma. The Russian Ministry of Foreign Affairs insists that the new law is in line with those found in European and other Western countries. This assertion, however, is questioned by legal experts in the United States. the Council of Europe, and by the Commission.

FRS officials told the Commission that one of the problems the law was designed to address was that foreign funding had reached Russian political parties via NGOs or had otherwise influenced the political process. In Kazan, the Tatarstan Human Rights Ombudsman told the Commission delegation that one of the key purposes of the new legislation was to prevent NGOs and other non-commercial organizations from engaging in political activities, especially those entities that receive funding from foreign sources. Yet this purpose is not directly stated in the NGO law. Russia's human rights organizations are particularly vulnerable to this implicit prohibition, which is subject to arbitrary interpretation. These provisions of the NGO law on foreign funding are part of the broader effort by Russian officials, described above, to link human rights groups to "foreign interference," and thus to discredit—and perhaps ultimately halt—their activities.

Continuing Restrictions on Religious Freedom at the Regional and Local Levels

Unlike under the Soviet regime, most people in Russia today are generally able to gather for worship and profess and practice the religion of their choice. Nevertheless, minority religious groups continue to face some restrictions on religious activities, especially at the regional and local levels. These restrictions stem from a variety of factors, including Russia's weak judicial system, inconsistent adherence to the rule of law, and local officials' sometimes arbitrary interpretations regarding the status of the so-called "traditional" religions, deemed to be Russian Orthodoxy, Islam, Judaism, and Buddhism. These problems include denials of registration (status of legal person) requests; refusals to allot land to build places of worship; restrictions on rental space for religious activities and lengthy delays in the return of religious property; and attacks in the state-controlled media that incite intolerance.

The Russian Federation Human Rights Ombudsman's office (RFHRO) receives 200 – 250 religious freedom complaints every year, representing thousands of alleged individual violations; its investigations reveal that about three-quarters of these cases represent genuine violations of religious freedom guarantees under Russian law. The RFHRO reports that the restrictions and limitations that produce these problems are due to subjective factors, including the notion that Russian officials should accord

different treatment to the four so-called "traditional" religions than to the many alleged "non-traditional" religious communities in Russia. Another factor is the alleged preferential treatment given to the Russian Orthodox Church, and the documented influence of Russian Orthodox priests who object to the activities of other religious groups on local and regional government officials.

Official Barriers to Legal Status and Practice and Societal Intolerance

Since the passage of the 1997 law "On Freedom of Conscience and on Religious Communities," the number of registered religious communities has increased, but there has also been a steady rise in groups experiencing chronic difficulties in obtaining legal status. According to the RFHRO's 2006 annual report, religious groups experiencing such difficulties include various Orthodox churches that do not recognize the Moscow Patriarchate, Jehovah's Witnesses, the Hare Krishna Society, Pentecostal churches, and the Church of the Latter-day Saints.

Religious groups that have taken their cases to court to overturn denials of registration have often been successful, but some administrative authorities have been unwilling to implement court decisions. For example, the Salvation Army has not been re-registered in the city of Moscow, despite a 2002 Russian Constitutional Court ruling in its favor and an October 2006 ruling by the European Court of Human Rights that the Russian government should pay damages to the group. Russian authorities have also denied registration to certain religious communities because they allegedly have not been in existence for a sufficiently long period, despite a 2002 Russian Constitutional Court decision that an active religious organization registered before the 1997 law could not be deprived of legal status for failure to re-register. The problem is particularly acute at the local level, since local officials sometimes either refuse outright to register groups or create prohibitive obstacles to registration.

The 1997 religion law gives a minimum of 10 citizens the right to form a religious association, which, in turn, provides them the legal right for a house of worship. Yet, despite this legal guarantee, building or renting worship space remains a problem for a number of religious groups. For example, local authorities in Kaliningrad, Sochi, and St. Petersburg have not responded to longstanding requests from Muslim communities for permission to build mosques. Roman Catholics, Protestants, Old Believers, Molokans, and other alternative Orthodox communities have also reported difficulties in obtaining permission to build houses of worship.

Many of the problems faced by minority religious communities in Russia stem from the notion set forth in the preface to the 1997 law that only four religions—Russian Orthodoxy, Islam, Judaism, and Buddhism—have "traditional" status in that country.

There are also concerns about property. The March 2007 RFHRO report noted many complaints concerning the inability of religious organizations to regain property that had been confiscated in the Soviet era or to acquire new property. That concern was echoed by the SOVA Center, which said that the property problem was most acute among Muslims, Protestants (especially Pentecostalists), and new religious movements. Throughout 2006, the SOVA Center reported, authorities had tried to take away facilities already in use by various religious groups**.** The *Itar-Tass* news agency reported in March 2007 that the government had made a preliminary decision to return to religious organizations land and real estate that they had controlled only by lease since the 1917 Bolshevik Revolution—with the exception of monuments on the UNESCO world culture and heritage lists—but implementation of the decision remains to be seen.

Muslim and Protestant leaders and non-governmental sources describe articles in the Russian media that frequently are hostile to Muslims or that spread falsehoods about Protestants. For example, according to the SOVA Center, in April 2006, in the Buddhist-majority republic of Kalmykia, a local parliamentarian branded Protestants as "Satanists" in a statement broadcast on TV. A Pentecostal church service in the Siberian city of Perm was disrupted by a gas attack in August 2006; the church's pastor believes the attack may be connected to negative articles in the local media, the SOVA Center reported.

Evangelical Protestants and members of other minority Christian communities have been targeted in violent attacks, to which local authorities reportedly do not

adequately respond. For example, the Forum 18 News Service reported that Russian police failed to respond after drunken youths attacked a Pentecostal service in the Siberian city of Spassk in April 2006, or when a Catholic service in St. Petersburg was disrupted by intruders in late May. In both incidents, only after church leaders complained did the authorities take action. Security police have also reportedly restricted the religious activities of certain religious minorities. In May 2006, Forum 18 reported that in Ivanovo near Moscow, the FSB raided a Baptist event at a rented cinema and detained two Baptists who were distributing religious literature.

"Traditional" vs. "Non-Traditional" Religions

Many of the problems faced by minority religious communities in Russia stem from the notion set forth in the preface to the 1997 law that only four religions—Russian Orthodoxy, Islam, Judaism, and Buddhism—have "traditional" status in that country. Others are held to be "non-traditional," and their activities and leaders are subject to official oversight. The Russian Orthodox Church (ROC), which has played a special role in Russian history and culture, receives the bulk of state support, including subsidies for the construction of churches, although other so-called "traditional" religious communities also sometimes benefit from such subsidies. The ROC also has agreements with a number of government ministries on guidelines for public education, religious training for military personnel, and law enforcement decisions.

Metropolitan Kirill has said that religious organizations will be empowered to operate based on "their weight in society," with proselytism "totally [prohibited]…to avoid conflict between faiths." ROC officials 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 permission from the ROC before being allowed to build, buy, or rent a house of worship and that local authorities sometimes deny registration to minority groups at the behest of local ROC officials.

The proposal of the ROC to add a voluntary course on Russian Orthodox culture as part of the national education curriculum can also be viewed as an example of the ROC's assertion of preferential status. As of September 2006, four regions of the Russian Federation—Kaluga, Belgorod, Bryansk, and Smolensk—had introduced compulsory classes focusing on Russian Orthodoxy. The course will be offered as an elective subject in at least six more regions and a variety of smaller districts, according to the SOVA Center. Representatives of the four "traditional" religions told the Commission that they favored religious instruction as part of the state curriculum, but only on a voluntary basis and available to members of all religious communities based on the number of participating students. However, several Muslim, Jewish, and Protestant leaders informed the Commission delegation that they objected to the proposal to introduce even voluntary courses on the "Russian Orthodox Culture," because it asserted one religious tradition to be the foundation of Russian culture.

Because of the threat to the constitutionally mandated secular status of the state and the separation of the state from religion set forth in Russian law, an RFHFO representative told the Commission delegation that teaching about religion in state schools must be conducted by academics and other experts on world religions rather than clerics. Moreover, in May 2006, Interfax reported that the Ombudsman had declared that the mandatory teaching of religious subjects in public schools would be unconstitutional. Andrei Fursenko, the Russian Federation Education Minister, told *Itar-Tass* in September 2006 that he disapproves of the introduction of the courses on Russian Orthodoxy, that he favors teaching children "the history of all religions," and that he would ask the Public Chamber to resolve the issue. In November, the Chamber largely ruled in favor of the supporters of the Russian Orthodox Culture curriculum, but stressed that students should be taught only with the permission of their parents or, if they are over 14 years of age, with their own consent, the SOVA Center reported.

COMMISSION RECOMMENDATIONS

1 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, take steps to discourage 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;
- implement the numerous specific recommendations made by Russia's Presidential Council on Human Rights, the official 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.

2 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 non-governmental organizations (NGOs), including its impact on religious organizations;
- 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;
- encourage the Russian government to publish precise and transparent statistical data on a regular basis regarding the Ministry of Justice's Federal Registration Service (FRS) activities related to implementation and enforcement of the NGO law; and
- devote added resources to legal training for Russian NGOs, giving them the tools to defend the civil society they have built, and speak out in support of defense attorneys who are harassed and threatened for defending their clients, including human rights defenders and religious groups.

3 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:

- ensure that law enforcement officials vigorously investigate and prosecute acts of violence, arson, and desecration perpetrated against members of any religious com-

munity, their property, or houses of worship; set up a 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 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; 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 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 religions communities;
- denounce 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;
- 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 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 89 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 to regions where religious freedom abuses are reported.

4 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 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, 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 2007-2008;
- ensure that U.S. Embassy officials and programs (a) engage with regional and local officials throughout the Russian Federation, especially when violations of freedom of religion occur, and (b) 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.

5 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 freedom of religion or belief as well as methods to combat xenophobia, including intolerance based on religion; solicitations and requests for proposals should include these objectives;
- 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 expertise 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 funding of Russian-language radio broadcasts of Voice of America and Radio Free Europe/Radio Liberty (RFE/RL) to the levels of fiscal year 2007, restoring the broadcast hours that have been cut and planned staff reductions, 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.

6 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 military 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 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 and to reconsider the October 2006 decision to deny access to the UN Special Rapporteur on Torture;
- 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.

ENDNOTES

[1] For example, Article 282 of the Russian Criminal Code forbids the incitement of ethnic and religious hatred. Article 63 contains a provision for enhanced penalties in violent crimes with evidence of bias motivation. The Russian Criminal Code also contains five articles (105, 111, 112, 117, 244) with explicit provisions for the punishment of violent hate crimes.

[2] The three men have been charged with multiple counts of racially motivated murders and investigators reportedly will order psychiatric examination. As of this writing, they are being held in jail awaiting trial.

[3] For example, President Putin has not condemned the August 2006 incident of communal violence in Kondopoga, in the northern republic of Karelia. In a televised question-and-answer session last year, Putin used a question about Kondopoga to advance his government's policy of restricting foreign labor. "We need neither provocateurs, on the one hand, nor corrupt (government officials), on the other," Putin said in remarks translated by Radio Free Europe/Radio Liberty. "We should bring order to the (retail and wholesale) trade system, to food markets, we should bring order on issues of migration and labor."

[4] Geraldine Fagan, "Russia: Muslim rivalry behind criminal charges?" Forum 18 News Service, February 8, 2006.

[5] According to the head of the FSB Department for Combating International Terrorism, there are three criteria for inclusion on this list: violent activities aimed at changing Russia's constitutional system; links to illegal armed groups and other extremist organizations operating in the North Caucasus; and connections to groups regarded as terrorist by the international community.

[6] In October 2005 in Nalchik, violence erupted in which some 300 persons attacked military garrisons and police stations, leaving 34 police and armed forces members dead.