



## **THE INSTITUTE on Religion and Public Policy Report**

### **Religious Freedom in Russia**

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#### **Introduction**

(1) According to an August 2011 report produced by the *Pew Forum on Religion & Public Life*, “*Rising Restrictions on Religion*,” Russia was one of only ten countries in the world that had a substantial increase in social hostilities involving religion from mid-2006 to mid-2009.<sup>1</sup> In particular, *the 2002 Extremism Law*, justified by the need to combat terrorism after 9/11, is being increasingly used to censor religious scriptures and disrupt religious organizations and to target minority faiths under the pretext of “religious extremism.”

(2) The misuse of the Extremism Law has resulted in violations of the right to freedom of belief and religion. These violations are wide-scale, and they come against an established pattern of government obstruction of religious minority communities, using provisions of the 1997 Religion Law and the 2006 NGO Law.

(3) *From the 2011 U.S. Department of State International Religious freedom Report for 2011*<sup>2</sup>: The most significant constraints on religious freedom during the year included the use of extremism charges to target minority religions and a broad range of speech and activities, in addition to efforts related to denial of registration, preventing access to places of worship, denial of visas for religious visitors, and detention of members of religious organizations.

#### **THE INSTITUTE on Religion and Public Policy**

(4) Nominated for the Nobel Peace Prize, **THE INSTITUTE** on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. **THE INSTITUTE** works globally to promote fundamental rights, and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. **THE INSTITUTE** encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

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<sup>1</sup> <http://pewforum.org/Government/Rising-Restrictions-on-Religion%282%29.aspx>

<sup>2</sup> <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>

## ***The First Misuses of the Extremism Law***

(5) In 2007 the Federal List of Extremist Materials was started. Since then it has grown to 255 items by the end of August 2008, to 573 items by March 2010, to 1,073 items by January 2012.<sup>3</sup> While the Justice Ministry compiles the list, local authorities can instigate cases and any low-level court can rule a religious work “extremist.” The work is then automatically added to the list and banned throughout the Russian Federation if the decision becomes final. Once religious works are on the Federal List of Extremist Materials, the government can open investigations, raid homes and churches, seize the works, prosecute and convict individuals of the faith in question, and even liquidate or dissolve their organizations.

(6) In 2007, a Russian court banned as extremist the Russian translations of *Messages of Light*, Turkish theologian Said Nursi’s commentaries on the Koran and Islam. Russia’s Human Rights Ombudsman denounced the ban on Nursi’s writings.

(7) In February 2008 the Government added to the list of banned books the widely read *The Personality of a Muslim*, a moderate and pacifist work by Muhammad Ali al-Hashimi. The Chairman of the Council of Muftis condemned the ban as a violation of the freedom of religious belief.

(8) In December 2009, Russia’s Supreme Court upheld a September 2009 ban on 34 Jehovah’s Witness titles as extremist. In late July 2010, police and local officials disrupted a Jehovah’s Witness congress in southern Russia, using cars, dustcarts and power cuts to prevent it from going ahead, before sealing off the building on alleged security grounds. Other congresses elsewhere were disrupted or blocked.

(9) In August 2010 extremism-related criminal cases have been opened against three individual Jehovah’s Witnesses, followed by raids of their personal homes. At the same time, one individual member of the works of Said Nursi was convicted under the Criminal Code and punished under extremism-related charges.

(10) The Church of Scientology was the next major religious target. *From Human Rights Without Frontiers*:<sup>4</sup> in March 2010 a Russian court rendered a decision finding that 29 Scientology religious books, lectures and brochures should be labeled as “extremist” under the Extremism Law. The hearing did not include any party on behalf of Scientology, no Church of Scientology or Scientologists were allowed to intervene as a party to attend the hearing. The American publisher of the materials, Bridge Publications, was also denied the right to intervene.

(11) Despite the fact that the original decision finding Scientology religious materials to be “extremist” was formally reversed by courts, and that in April 2011 the Ministry of Justice removed the Scientology related materials from the Federal List of Extremist

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<sup>3</sup> <http://www.minjust.ru/nko/fedspisok/>

<sup>4</sup> <http://www.hrwf.org/Joom/images/forbnews/2010/russia%202010.pdf>

Materials, authorities are proceeding with new efforts to label Scientology materials as “extremist” literature. In June 2011 a court in the Moscow Region issued a decision finding 9 distinct sets of materials to be “extremist.” As evidenced by the record, *the ruling was rendered by the Court without even examining the religious materials ruled to be “extremist.”* Instead, the Court relied on “expert opinions” furnished by the Public Prosecutor which are demonstrably false, as he did not provide a single quote from the materials to support the claim. Further, the Court did not give the Church of Scientology Moscow Management Center the opportunity to provide explanations regarding the materials in response to the expertises and did not assign a forensic expertise as required.

### ***Increasing Misuse of the Extremism Law***

(12) The most recent news provides evidence that the situation is getting worse, and that Russian misuse of the Extremism Law is now extending to websites and new religious targets – Hare Krishna and Falun Gong.

(13) *From an October 10, 2011, Forum 18 article on Russia, “How can a believer light a match to destroy holy books?”*:<sup>5</sup> prosecutors in Tomsk sought through the courts to have the Russian translation of the most important work for Hare Krishna devotees – the *Bhagavad-Gita As it Is* - declared “extremist” and placed on the Federal List of Extremist Materials. This attempt to ban the *Bhagavad-Gita* was eventually defeated in the courts.

(14) *From an October 14, 2011, Forum 18 article on Russia, “New sentences, raids, criminal cases”*:<sup>6</sup> six readers of the works of the late Turkish Muslim theologian Said Nursi were convicted at a two-hour trial on 11 Oct. in Nizhny Novgorod. Also in October 2011, in Novosibirsk, police and FSB security service officers raided several homes looking for copies of Nursi's books. Several people were detained and later released. Two of them now face criminal charges.

(15) *From a November 3, 2011 New York Times article titled, “Russian Terror Law Has Unlikely Targets.”*:<sup>7</sup> over the last week, a very well-known Russian writer of best-selling historical mysteries, and an individual Jehovah's Witness in Siberia have become two more Russians to fall foul of a murky and much-criticized law being turned against a broad and seemingly random array of people.

(16) Jehovah's Witnesses were repressed, imprisoned and exiled in Soviet times, and their leaders in Russia say that there are now nearly a dozen criminal cases against members on charges of extremism across Russia.

(17) *From the December 2, 2011, Forum 18 article on Russia, “This isn't about freedom of conscience or censorship”*:<sup>8</sup> Russian state censorship of religious literature is now

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<sup>5</sup> [http://www.forum18.org/Archive.php?article\\_id=1623](http://www.forum18.org/Archive.php?article_id=1623)

<sup>6</sup> [http://www.forum18.org/Archive.php?article\\_id=1625](http://www.forum18.org/Archive.php?article_id=1625)

<sup>7</sup> [http://www.nytimes.com/2011/11/04/world/europe/russian-terror-law-has-unlikely-targets.html?\\_r=1](http://www.nytimes.com/2011/11/04/world/europe/russian-terror-law-has-unlikely-targets.html?_r=1)

<sup>8</sup> [http://www.forum18.org/Archive.php?article\\_id=1642](http://www.forum18.org/Archive.php?article_id=1642)

extending to websites. Jehovah's Witness websites nationwide are now being blocked for carrying copies of their works.

(18) Internal government documents have revealed that moves against Jehovah's Witnesses and readers of the works of Muslim theologian Said Nursi are coordinated at a high state level, and in ways that suggest that their believers and communities are closely watched by the police and FSB security service.

(19) From a December 29, 2011, *NTD News article*, "*Russian Court Bans Falun Gong Book Again*."<sup>9</sup> it was a bestseller in Beijing and has been translated into more than 30 languages, but the main book of the Falun Dafa spiritual practice, called the Falun Gong, was banned in Russia.

### ***The Expansive Definition of "Extremism"***

(20) In June 2011, the Russian Supreme Court made clear that cases under "extremism"-related Articles of the Criminal Code must be very carefully and narrowly framed. However, the government continues to use the Extremism Law as a weapon to suppress minority religious freedom by expansively interpreting "extremist activity" to include religious writings that imply superiority of one's religion to another, or that express opposition to ethical shortcomings in society.

(21) This expansive definition of "extremism" contravenes the narrow construction articulated in the Shanghai Convention on Combating Terrorism, Separatism and Extremism, which Russia has signed and ratified:<sup>10</sup> "*Extremism*" is an act aimed at seizing or keeping power through the use of violence or changing violently the constitutional regime of a State, as well as a violent encroachment upon public security.

### ***Increasing Raids and Misuse of the Administrative Code to Crack Down on Religion***

(22) In addition to the misuse of the Extremism Law, raids and fines on religious communities are on the rise. In September, 4 Jehovah's Witness communities and one Muslim community in different parts of Russia were raided as they met for worship. In 2011, armed police broke up a service where several hundred Muslims were in the middle of Friday prayers, and more than 150 men were taken to police stations. In February 2010 armed police with dogs raided a Lutheran Sunday morning service in their church in Kaluga. In April 2010 police and a Federal Security Service (FSB) officer raided the Sunday morning service of a Baptist church in a private home.

(23) From an October 28, 2011, *Forum 18 article on Russia*, "*Fined for meeting for worship*."<sup>11</sup> an increasing number of people are being fined or threatened with fines

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<sup>9</sup> [http://english.ntdtv.com/ntdtv\\_en/news\\_europe/2011-12-29/russian-court-bans-falun-dafa-book-as-extremist-.html](http://english.ntdtv.com/ntdtv_en/news_europe/2011-12-29/russian-court-bans-falun-dafa-book-as-extremist-.html)

<sup>10</sup> <http://www.sectesco.org/EN/show.asp?id=68>

<sup>11</sup> [http://www.forum18.org/Archive.php?article\\_id=1631](http://www.forum18.org/Archive.php?article_id=1631)

across Russia for organizing or conducting meetings for religious worship which has not been specifically approved by the local authorities.

(24) The increasing use of the Administrative Code to punish or try to punish meetings for worship comes as raids on religious communities as they worship also appear to be increasing. Punishing meetings for religious worship in private homes or in rented accommodation is a misuse of the Article, since the right to meet with others to profess a religion is guaranteed by the Russian Constitution, Article 28, as well as by the provisions of the 1997 Religion Law.

### ***Conclusion***

(25) Rising government restrictions have fostered an atmosphere of intolerance and discrimination against religious minorities and their individual members throughout Russia.

(26) International and legal standards mandate that religious minorities be treated fairly and without discrimination. But Russia's misuse of the Extremism Law contravenes these standards. Its official actions cannot be countenanced under UN and OSCE standards, including the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, Article 18 of the International Covenant on Civil and Political Rights and the Helsinki Accords.

(27) The international community should increase its pressure on the Russian government to reverse course and begin to respect the fundamental rights of individuals and communities.