

1. Ahead of the May 2018 Universal Periodic Review of Russia by the United Nations (UN) Human Rights Council, Forum 18 notes an extremely significant worsening of the government's violations of freedom of thought, conscience and belief since the previous April 2013 and February 2009 UPRs. Since the last UPR, the government has increased its widespread systemic violations of the right to freedom of thought, conscience and belief, and of interlinked freedoms such as the freedoms of expression, association and assembly, and the right to a fair trial. Laws restricting freedom of religion and belief have increased, as have prosecutions of people exercising this freedom. This trend has been particularly marked in the case of the July 2016 "anti-missionary" legal changes (which were part of a broader package restricting human rights), and the subsequent widespread nationwide prosecutions using these changes of people and religious communities exercising freedom of religion and belief.

2. The most serious threat to freedom of religion and belief remains the 2002 "Extremism" Law and associated Criminal and Administrative Code articles (with ever-harsher punishments) and their use to arrest, imprison or fine individuals exercising freedom of religion and belief, punish religious communities for meeting, and ban publications on religion which do not encourage violations of others' human rights. The most high profile recent case in this regard was the Supreme Court's April 2017 nationwide ban on the Jehovah's Witnesses, which made all their activity illegal, confiscated their places of worship and other buildings and property, and allows the prosecution for "extremist activity" of any of Russia's estimated 170,000 Jehovah's Witnesses who continue to meet for prayer or bible study. The prosecution and jailing as "extremist" of Muslims who meet to read the works of theologian Said Nursi have also continued. As then-UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association Maina Kiai pointed out to Forum 18 on 20 March: "The Russian government is claiming that the Jehovah's Witnesses are an extremist group, but in fact it's their move to ban them outright that appears to be extreme."

Increasing attempts to make human rights dependent on state permission

3. Legal restrictions which aim to make the exercise of freedom of religion and belief dependent on state permission have increased in recent years. The two most apparently significant such restrictions are noted below. All such legal restrictions are discussed in Forum 18's January 2017 general survey analysis (see footnote).

4. From July 2015, changes to the Religion Law require all religious communities without legal status to notify the authorities of their existence and provide the names and addresses of all their members, as well as addresses where any meetings take place. Previously, no such requirement existed. International human rights law does not allow the exercise of freedom of religion and belief to be dependent on state permission. Local communities of groups such as Baptists and Seventh-day Adventists frequently operate unregistered, and they and other such smaller communities are concerned about the changes' impact. Failure to notify the authorities of a group's existence can now be used as evidence in prosecutions under the July 2016 "anti-missionary" changes, which severely restrict the sharing of beliefs.

6. In July 2016, despite protests from religious leaders, human rights defenders, and his own Presidential Council on Civil Society Development and Human Rights, President Vladimir Putin signed changes to the Religion Law imposing restrictions on the sharing of religious beliefs in public. These changes were part of an "anti-terrorism" package proposed by United Russia deputy Irina Yarovaya and Senator Viktor Ozerov, which caused protests in Russia because of its

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requirement for telecoms companies to store metadata about calls and messages and its criminalisation of failure to report possible terrorist activity.

7. The “anti-missionary” parts of the package restrict those who can share their beliefs to people with permission from state-registered belief organisations. Among the other restrictions – often couched in vague language allowing much room for arbitrary official interpretations - the changes also: make informal sharing of beliefs by individuals on their own behalf liable to prosecution; restrict beliefs that can be shared; restrict the places where beliefs may be shared; and ban beliefs from being shared in residential buildings. They also bar the conversion of residential property to religious use – something which many belief groups do across Russia. As one lawyer told Forum 18, “the law is impossible either to understand or to implement. Believers don't understand what is permitted and what is forbidden. It is possible to sentence people under this for any religious activity”. Police and prosecutors have interpreted activities as diverse as holding prayer meetings in homes, posting worship times on a religious community's website, and giving a lecture on yoga as “missionary activity”. For example, in January 2017, Hare Krishna devotee Andrei Puchkov was found guilty of “missionary activity” after law enforcement investigations in Tver decided that “all Krishnaite events”, regardless of what they are, are to be considered “missionary acts”.

8. The same day the changes entered into legal force they began being used nationwide. The first person to be charged (on 22 July 2016) was Baptist Pastor Aleksei Teleus, because children using a playground at a prayer house might, officials alleged, have been able to hear sermons and prayers from inside and have access to religious literature. Officials therefore said the playground was a “children's camp without state permission” and Pastor Teleus was fined 5,000 Roubles under Administrative Code Article 5.26, Part 4 (“Russians conducting missionary activity”). Before July 2016, a children’s playground beside a place of worship of a state-registered religious community did not attract such official hostility. In the year since July 2016, 193 cases against mainly Protestant and Jehovah's Witness individuals and religious communities were brought to court.

9. As noted above, from July 2015 all religious communities without legal status must now notify the authorities of their existence, provide the names and addresses of all their members, and of addresses where they meet. Judges are increasingly seeing a lack of formal written evidence of a religious group's notification to the state of its existence as grounds for conviction. Although no explicit punishment currently exists for not submitting notification of a religious group’s existence (usually to local branches of the Justice Ministry), failure to do is now frequently taken as evidence of unlawful “missionary activity”. This amounts to a de facto ban on any group of two or more persons who wish to exercise freedom of religion and belief together without state permission – for example two people meeting to pray or study a religious text together in a private home.

“Extremism”?

11. While ostensibly aimed at preventing the incitement of violence and hatred on racial, religious, and social grounds, the 2002 “Extremism” Law and associated articles of the Criminal and Administrative Codes are regularly used against religious communities and individuals for beliefs and practices which do not violate the human rights of others. The authorities’ hostility has since 2007 focused on two groups of people exercising their freedom of religion and belief: Jehovah's Witnesses (who have since April 2017 been banned nationwide, after some local organisations were banned); and Muslims who study the works of late Turkish theologian Said Nursi. They are accused among other things of membership of a banned organisation “Nurdzhular” (a russification of the Turkish for “Nursi followers”), although they themselves deny such an organisation has ever existed.

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Individuals of other beliefs (including atheism) have also been targeted for alleged "extremism", although such cases are so far rare.

12. "Extremism" legislation is also employed against violent nationalist and radical Islamist groups, but as it is used to restrict and punish the exercise of freedom of religion and belief by individuals and religious communities, it fuels an atmosphere of hostility and suspicion towards people who follow certain religious traditions. The rhetoric surrounding such cases – from prosecutors' offices, local authorities, and in some cases "anti-sectarian" activists and the Moscow Patriarchate Russian Orthodox Church – also contributes to the impression that particular groups are inherently dangerous. In some cases, this may be enhanced by the release in the media of police or FSB security service "operational footage" of raids and arrests.

13. State censorship of texts is imposed via the Federal List of Extremist Materials. Any Russian court can declare a work (eg. a book, leaflet, song, slogan, video, website or webpage) "extremist". The Justice Ministry must then place such a work on its Federal List of Extremist Materials. The Federal List includes thousands of items, often does not include full bibliographical details, and is irregularly updated. Checking whether a particular item is on the List can be very difficult or even impossible, and prosecutions have often been brought for the possession of editions not on the Federal List. The removal of an item from the Federal List is rare and can be short-lived. In recent years, new titles have been added at an increasing rate. Among recent 2017 additions are Jehovah's Witnesses' New World Bible, other Jehovah's Witness and Muslim books, an article on the Jewish concept of the Holy Land, a Jewish historical novel claimed to incite hatred of Catholics, a book on "Christian women persecuted for their faith" and an atheist slideshow. The authorities have prohibited as "extremist" many works which do not incite the violation of human rights.

14. Jehovah's Witness individuals and communities, mosque communities, individual Muslims, and booksellers offering Islamic texts have also been prosecuted for the "mass distribution of extremist materials", and administrative prosecutions are launched even if (against the law's text) only one copy is found. Both Jehovah's Witness communities and mosques have credibly stated that the authorities have planted "extremist" texts on their premises during searches which lead to prosecutions.

13. The UN Human Rights Committee, in its April 2015 Concluding Observations (CCPR/C/RUS/CO/7), repeated concerns it expressed in 2009 that "the vague and open-ended definition of "extremist activity" in the ["Extremism" Law] does not require any element of violence or hatred to be present and that no clear and precise criteria on how materials may be classified as extremist are provided in the law" and that "the law is increasingly used to curtail freedom of expression, including political dissent, and freedom of religion". The Committee reiterated its recommendations that Russia "should revise without undue delay the ["Extremism"] law with a view to clarifying the vague and open-ended definition of "extremist activity", ensuring that the definition requires an element of violence or hatred and establishing clear and precise criteria on how materials may be classified as extremist", and "should take all measures necessary to prevent the arbitrary use of the law and revise the Federal List of Extremist Materials".

14. The UN Committee on the Elimination of Racial Discrimination in its September 2017 Concluding Observations (CERD/C/RUS/CO/23-24) expressed concern "that the definition of extremist activity as contained in the Federal Law on Combating Extremist Activity remains vague and broad, which is further exacerbated by the new Criminal Code provisions with similar contents, and that no clear and precise criteria on how materials may be classified as extremist are provided in the law. The Committee is particularly concerned that such broad definitions can be used arbitrarily to silence individuals, in particular those belonging to groups vulnerable to discrimination". It

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recommended that Russia “amend the definition of extremism ... to ensure that it is clearly and precisely worded” and “to do away with the federal list of extremist materials”.

15. In relation to the nationwide Jehovah’s Witnesses ban, on 4 April 2017 the Special Rapporteur on Freedom of Opinion and Expression David Kaye, then-Special Rapporteur on the Freedoms of Peaceful Assembly and Association Maina Kiai, and Special Rapporteur on Freedom of Religion and Belief Ahmed Shaheed noted in a joint statement that “the use of counter-extremism legislation in this way to confine freedom of opinion, including religious belief, expression and association to that which is state-approved is unlawful and dangerous, and signals a dark future for all religious freedom in Russia”. They called on Russia to “drop the lawsuit in compliance with their obligations under international human rights law”. But Russia did not do this.

16. After the ban, the Jehovah’s Witnesses national Administrative Centre has been added to the Justice Ministry's list of banned "terrorist and extremist organisations", alongside several local Jehovah's Witness communities which have already been liquidated. This list, which currently has 59 entries, comprises mainly violent nationalist and far-right groups. Buildings belonging to the Administrative Centre and local religious organisations, many of which have already been sealed off, have now become state property and have been seized by bailiffs. Jehovah's Witnesses are now barred from meeting for worship and Bible study and have faced increasing violence and difficulties in their day-to-day lives. "In this situation, it is absurd that Jehovah's Witnesses are the ones being called extremist," Jehovah's Witnesses commented. The liquidation ruling triggered "a wave of aggressive actions" against Kingdom Halls and believers' homes, Jehovah's Witnesses complain. These include the burning down of a family's home, and the vandalism of Kingdom Halls. They note 10 incidents in 10 different regions in the month following the Supreme Court's decision, in several of which the perpetrators referred directly to the liquidation. These incidents, and others such as bullying and threats by the authorities against the children of Jehovah's Witness families, represent a rapid escalation in aggression and violence against Jehovah's Witnesses, Forum 18 notes. There has been harassment of Jehovah's Witnesses in their workplaces, including being dismissed with no notice or made to resign "of their own free will". In one case, the FSB security service ordered a factory to make all Jehovah's Witness staff resign. A manager told one of the Jehovah's Witnesses that two FSB officers had visited the premises and said that "extremists" could no longer work there.

17. Russian law allows young men the right to conscientious objection to military service. Following the April 2017 Jehovah’s Witness ban, members of this pacifist religious community might face problems exercising this right. On 12 May, Avel Lukin, an 18-year-old Jehovah's Witness conscientious objector, was refused permission to perform alternative civilian service. Lukin's call-up notice, seen by Forum 18, directly links the refusal to allow him to carry out alternative service to the Supreme Court's ruling that the Administrative Centre is an "extremist organisation". He was ordered to do military service in the nuclear-armed Strategic Missile Forces. “Clearly, the Russian government itself does not believe that Jehovah's Witnesses are 'extremist'!", European Association of Jehovah's Witnesses spokesman Yaroslav Sivulsky commented. "Otherwise, would an 'extremist' be sent to serve in the Strategic Missile Forces?"

Prisoners of conscience jailed for exercising freedom of religion or belief

On 19 June, Muslim prisoner of conscience Yevgeny Kim was found guilty on two charges of “organising the activities of a banned extremist organisation” and sentenced to 3 years and 9 months in an ordinary-regime correctional colony. According to the formal charges, seen by Forum 18, Kim "systematically organised the carrying out of religious gatherings, united by one theme – the study of the works of Said Nursi, which are the foundation of the ideology of the international religious

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organisation Nurdzhular, which threatens inter-ethnic and inter-confessional stability in society and the territorial integrity of the state". Kim refused to admit any guilt, does not recognise the existence of "Nurdzhular", and does not consider himself a member. Kim's imprisonment is to be followed by one year of restrictions on freedom. During this time, he will not be allowed to move house or travel outside his place of residence without permission, and may have to report regularly to probation authorities.

These are the same Criminal Code charges under which Danish Jehovah's Witness Dennis Christensen has been held in pre-trial detention since May 2017. He was arrested during a police and FSB security service raid on a meeting for Bible study in a Jehovah's Witness place of worship, during which the authorities confiscated a large quantity of religious literature, audio-visual equipment, electronic devices, and financial documentation. Since May 2017, Christensen has not been allowed to see or speak to his wife Irina. His Bible has been removed, and he has become ill in the cold and damp conditions of his cell as he has not been given warm clothing.

Kim is the first prisoner of conscience jailed for exercising freedom of religion and belief to receive a non-suspended jail sentence since 2015. Other Muslims are also facing similar charges.

The future?

29. Unless the government ends its increasing hostility to people and religious communities exercising freedom of religion and belief and related freedoms – and especially implements its politically and legally binding human rights commitments and obligations in a way that is independently verifiable – freedom of religion and belief and interlinked human rights may in future be even more restricted than at present. (END)