



# Input on Advocacy of Hatred Based on Religion or Belief in Russia

for the report of the Special Rapporteur on freedom of religion or belief

20 October 2023

## **Introduction**

This report is prepared by Memorial Human Rights Defence Centre and Independent Human Rights Project “Political Prisoners Support. Memorial” in response to the Special Rapporteur on freedom of religion or belief’s call for input on advocacy of hatred based on religion or belief.

**Memorial Human Rights Defence Centre (Memorial)**<sup>1</sup> is a non-governmental organization founded in June 2022 by supporters of Memorial Human Rights Centre (Memorial HRC) (dissolved on 29 December 2021) to continue the work of the latter NGO. It was founded in 1993 in Moscow and became one of the first human rights NGOs in modern Russia. It worked with grave human rights violations in (post-)conflict areas, civil and political rights and vulnerable groups such as migrants.

**Independent Human Rights Project “Political Prisoners Support. Memorial”**<sup>2</sup> was part of Memorial HRC as “Support for political reasons and other victims of politically motivated repressions” programme up until 5 April 2022. After Memorial HRC's dissolution, the Programme's team started operating as an independent human rights project named “Political Prisoners Support. Memorial”, which collects, studies and systematizes information about illegal criminal prosecutions for political reasons, and also provides assistance to victims of such persecution.

This input is examining advocacy of hatred based on religion or belief in Russia, primarily carried out by the authorities. In particular, this report covers the use of the concepts of traditional religions and of traditional values for persecution and hatred (I), political prosecution (II) and use of repressive laws (III) against certain religions groups and believers. Furthermore, we analyze the specifics of advocacy of hatred based on religion or belief in the North Caucasus (IV) and prosecution for pacifism (V). Finally, this report provides recommendations for states (VI).

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<sup>1</sup> See website: <https://memorialcenter.org/>

<sup>2</sup> See website: <https://memopzk.org/>

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### **I. Use of the concepts of traditional religions and of traditional values for persecution and hatred**

1. Russian authorities refer to the traditional religions (for example, Orthodoxy and Islam) and to the “traditional values” to advocate hatred, discrimination and intolerance towards the social groups whose lifestyles do not correspond to the authorities’ perception of traditional values. For example, state’s officials often make public statements calling “non-traditional sexual relations” or a child-free lifestyle unacceptable, as well as declaring a duty of each person to create a traditional family. This official propaganda creates a stigmatization of the LGBTQA+ community and other alternative lifestyle groups, legalizes the discrimination against them and creates a climate of impunity towards these groups.<sup>3</sup>
2. The problem is particularly serious in the North Caucasus region of Russia, where high-level state’s officials’ statements about the necessity to follow the Islamic rules have led to the discrimination of women and the risks of death to the members of the LGBTQA+ community.<sup>4</sup>
3. The authorities and state’s propaganda also refer to the traditional religions and to the traditional values to justify the prohibition of religious organizations which are not viewed as traditional ones, the disproportionate prosecution of the individuals accused of insulting the feelings of believers, the necessity to fight with the liberal opposition and the Western countries, and even to justify the war with Ukraine, which is sometimes called a war for traditional values.<sup>5</sup>

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<sup>3</sup> “Bills on the protection of traditional values have been adopted”, State Duma, URL: <http://duma.gov.ru/news/55609/>; “Fight selfishness and family destruction: what is said in Putin’s decree on state policy”, Gazeta.Ru, URL: <https://www.gazeta.ru/social/2022/11/09/15756595.shtml>

<sup>4</sup> See: <https://www.yuga.ru/news/459780-kadyrov-vyskazalsya-o-predstavitelyakh-lgbt-v-respublike/>

<sup>5</sup> “By defending traditional values, Russia protects all humanity”, Russtrat, URL: <https://russtrat.ru/aktualno/23-fevral-2023-1750-11722>; “Kadyrov invited those who did not want to “live under the LGBT banner” to participate in the special military operation”, Rianews, URL: <https://ria.ru/20221229/svo-1842325765.html>

## II. Prosecution of political prisoners on the grounds of religion or belief

4. For more than 20 years, authoritarianism emerged and developed in Russia. The scale of politically motivated criminal prosecution grew accordingly. Eventually, the phenomenon of criminal repression directly related to religious affiliation and the exercise of the right to freedom of conscience arose and became increasingly noticeable.
5. The first notable milestone on this path was the recognition of the religious-political organization Hizb ut-Tahrir al Islami as a terrorist organization in 2003 based on a decision of the Russian Supreme Court.<sup>6</sup> Over the past years, hundreds of people have been convicted of involvement in this organization.<sup>7</sup> In the last 10 years, they were sentenced exclusively to long terms of imprisonment, and the severity of the sentences had a constant tendency to become tougher,<sup>8</sup> reaching a maximum of 24 years for one sentence.<sup>9</sup> After the occupation and annexation of Crimea, local Muslims, primarily Crimean Tatars, began to be massively subjected to repression on charges related to belonging to Hiz but-Tahrir.<sup>10</sup>
6. Muslims are also subject to criminal prosecution due to their religious affiliation. They are accused, often unfoundedly, of belonging to the organizations “Nur Cemaati”, “Tablighi Jamaat” and “At-Takfir wa-l-Higra”, arbitrarily and without evidence declared extremist. In addition, the authorities are fabricating criminal cases on charges of religiously motivated terrorism against Muslims. Such persons are deprived of the right to a fair trial and are often subjected to coercion and torture.
7. The repression is carried out with propaganda support, which actually incites religious intolerance. The combination of the persecutions mentioned above stigmatizes religious Muslims in the eyes of society, creates an exaggerated idea of the terrorist threat posed by them, thereby giving the authorities grounds for further restrictions on human rights and freedoms.
8. Moreover, after the Jehovah's Witnesses Administrative Center was recognized as an extremist organization in 2017,<sup>11</sup> repressions against this religious group became

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<sup>6</sup> Decision of the Supreme Court of the Russian Federation of 14 February 14 2003 N GKPI 03-116,

URL:<http://nac.gov.ru/zakonodatelstvo/sudebnye-resheniya/reshenie-verhovnogo-suda-rf-ot-14-fevralya.html>

<sup>7</sup> “List of persecuted Hizb ut-Tahrir members”, Independent Human Rights Project “Political Prisoners Support. Memorial”, URL: <https://memopzk.org/list-persecuted/spisok-presleduemyh-chlenov-hizb-ut-tahrir/>

<sup>8</sup> “Daria Kostromina. “Criminal prosecutions for terrorism in Russia and state abuses: Hizb ut-Tahrir””, Independent Human Rights Project “Political Prisoners Support. Memorial”, URL: <https://memopzk.org/figurant/nurlygayanov-rinat-ranifovich/>

<sup>9</sup> Case of Nurlygayanov Rinat Ranifovich, Independent Human Rights Project “Political Prisoners Support. Memorial”, URL: <https://memopzk.org/figurant/nurlygayanov-rinat-ranifovich/>

<sup>10</sup> ““CrimeaSOS”: after the annexation of Crimea by Russia, 106 Ukrainian citizens became victims of persecution in the Hizb ut-Tahrir case”, Current Times, 28 August 2023, URL: <https://www.currenttime.tv/a/ukraina-krym-rossiya-hizb-ut-tahrir/32568057.html>

<sup>11</sup> Decision of the Supreme Court of the Russian Federation of 20 April 2017 N AKPI17-238, URL: <https://legalacts.ru/sud/reshenie-verkhovnogo-suda-rf-ot-20042017-n-akpi17-238/>

widespread, based solely on the facts of the continuation of its religious practices and the exercise of the right to freedom of religion. At least 800 adherents of this religion were criminally prosecuted,<sup>12</sup> more than 150 people were sentenced to imprisonment (up to 8 years in some cases) and a similar punishment in the form of forced labor. In relation to Jehovah's Witnesses, repressive policies and hostile state propaganda lead to the stigmatization of members of this religious group and the growth of religious intolerance towards them.

### III. Use of repressive laws to target religious organizations and believers

9. Russian authorities use repressive laws on “foreign agents”<sup>13</sup>, “undesirable organizations”<sup>14</sup> and “extremism”<sup>15</sup> to advocate hatred against certain religious organizations or believers in Russia. For example, Erdne Ombadykow, a former Tibetan Buddhist spiritual leader of the Kalmyk people and representative of the 14th Dalai Lama in Russia, Mongolia and the Commonwealth of Independent States, and Philip Goldschmidt, a former Chief Rabbi of Moscow, were designated as “foreign agents” in 2023.<sup>16</sup> The reason for their designation was their anti-war beliefs and expressions. “Foreign agents” are subject to excessive and discriminatory restrictions, and violation of this law may result in criminal penalties.
10. At least 16 religious organizations are recognized as “undesirable” in Russia, including the World Institute of Scientology Enterprises International and the European Falun Dafa Association.<sup>17</sup> Such organizations are banned from continuing their activities in Russia. Participation in their work may entail criminal liability for Russian citizens.
11. Moreover, more than 400 religious organizations were recognized as extremist.<sup>18</sup> Most of these organizations are divisions of Jehovah's Witnesses. Such organizations are forcibly dissolved and banned from operating in Russia. Public display of symbols of an extremist organization, financing, organization and taking part in the activities of an extremist organization are criminally punishable.

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<sup>12</sup> “List of those persecuted on charges of belonging to Jehovah's Witnesses (updated), Independent Human Rights Project “Political Prisoners Support. Memorial”, URL: <https://memopzk.org/dossier/spisok-presleduemyh-po-obvineniyu-v-prinadlezhnosti-k-svidetelyam-iegovy-obnovlyaetsya/>

<sup>13</sup> Federal Law “On Control over the Activities of Persons Under Foreign Influence” of 14 July 2022 N 255-FZ, URL: [https://www.consultant.ru/document/cons\\_doc\\_LAW\\_421788/](https://www.consultant.ru/document/cons_doc_LAW_421788/)

<sup>14</sup> Federal Law “On measures of influence on persons involved in violations of fundamental human rights and freedoms, the rights and freedoms of citizens of the Russian Federation” of 28 December 2012 N 272-FZ (as amended on 13 June 2023), URL:

[https://www.consultant.ru/document/cons\\_doc\\_LAW\\_139994/a2a2c3de18de17987c273111214cd45393805c36/](https://www.consultant.ru/document/cons_doc_LAW_139994/a2a2c3de18de17987c273111214cd45393805c36/)

<sup>15</sup> Federal Law “On Combating Extremist Activities” of 25 July 2002 N 114-FZ, URL:

[https://digital.gov.ru/ru/documents/3075/?utm\\_referrer=https%3a%2f%2fwww.google.com%2f](https://digital.gov.ru/ru/documents/3075/?utm_referrer=https%3a%2f%2fwww.google.com%2f)

<sup>16</sup> See the registry of “foreign agents”: <https://minjust.gov.ru/ru/activity/directions/998/>

<sup>17</sup> See the registry of “undesirable organizations”: <https://minjust.gov.ru/ru/documents/7756/>

<sup>18</sup> See the registry of public associations and religious organizations recognized as extremist: <https://minjust.gov.ru/ru/documents/7822/>

#### IV. Advocacy of hatred based on religion or belief in the North Caucasus

12. Russian authorities in the Dagestan region are spreading hatred by equating certain religious groups with extremists. Decades ago, they introduced and still maintain a surveillance register called “profuchet”, supposedly aimed at individuals suspected of engaging in extremist activities.<sup>19</sup> However, this register primarily targeted members of religious Islamic minority groups, particularly Salafis, solely based on their religious affiliation. Other individuals adhering to profound Islamic traditions are also impacted, for example, women who choose to wear the niqab. By March 2016, the register included over 15,000 individuals, along with personal and family details.<sup>20</sup> The authorities enroll people in this register for a period of many decades, practically for life.
13. The specific criteria for inclusion are undisclosed, as they are only governed by internal ministry directives that remain confidential. Moreover, despite considerable evidence to the contrary, the authorities deny the existence of this register. For that reason there are no formal mechanisms or judicial remedies for reconsideration or annulment of listing.
14. Being placed in the register carries a range of significant outcomes and limitations.<sup>21</sup> Memorial has recorded cases where people were refused to open a bank account and obtain a foreign passport, which allows Russians to travel abroad. Enlisted people also often face difficulties and lengthy police check ups when traveling to different regions of Russia. Many employers are hesitant to hire individuals associated with extremism, regardless of the accuracy of the listing. Moreover, the authorities detain such people, photograph them, take fingerprints, conduct searches in their homes - and all this only because these people are on the “profuchet” register.
15. Listed individuals face stigmatization within their communities and broader society. The association with extremism, even if unfounded, can lead to isolation, strained social relationships, and discrimination. Relatives, friends, and community members may distance themselves due to concerns about guilt by association, further isolating the individual.
16. In addition, the authorities in the Caucasus use illegal and cruel methods of punishment for behavior that does not correspond to “traditional Muslim values”. For example, on 25 September 2023, the head of the Republic of Chechnya, Ramzan Kadyrov, published a video on Telegram in which his 15-year-old son, Adam Kadyrov, is beating

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<sup>19</sup> “*Invisible War. Russia’s Abusive Response to the Dagestan Insurgency*”, Human Rights Watch. URL: <https://www.hrw.org/report/2015/06/18/invisible-war/russias-abusive-response-dagestan-insurgency>.

<sup>20</sup> “*Dagestan’s Abandoned Counter-insurgency Experiment*”, International Crisis Group. URL: <https://www.crisisgroup.org/europe-central-asia/caucasus/russianorth-caucasus/counter-insurgency-north-caucasus-i-dagestans-abandoned-experiment>

<sup>21</sup> “*De-radicalisation tactics in the North Caucasus can serve as a lesson and a warning*”, The Foreign Policy Centre. URL: <https://fpc.org.uk/de-radicalisation-tactics-in-the-north-caucasus-can-serve-as-a-lesson-and-a-warning/>

19-year-old Nikita Zhuravel, who is facing criminal prosecution for burning pages of the Koran on camera.<sup>22</sup> Ramzan Kadyrov called Nikita an accomplice of the Ukrainian special services and said that he was proud of his son, since burning the Koran offends tens of millions of Russian citizens and there should be severe punishment for this.<sup>23</sup> The police refused to open a criminal case in connection with the beating, since Adam Kadyrov was under 16 years old - the age for prosecution.<sup>24</sup> At the same time, Nikita Zhuravel's case went to court, he was accused of insulting the feelings of believers<sup>25</sup> and hooliganism<sup>26</sup> based on religious hatred.<sup>27</sup> These types of cases clearly illustrate the general climate of impunity in the Caucasus.

## V. Prosecution for pacifism

17. Since the start of the full-scale invasion of Ukraine, the Russian authorities have been persecuting pacifists en masse. 8 days after the invasion, new repressive laws were introduced banning any anti-war and pacifists stance.<sup>28</sup> Article 20.3.3 of the Code of Administrative Offences (CAO) provides for an administrative fine for “discrediting the use of Russian armed forces”.<sup>29</sup> If a repeat offense is committed within the same year and while the first administrative penalty under Article 20.3.3 is in effect, the person is in danger of being charged under Article 280.3 of the Criminal Code (CC).<sup>30</sup> The punishment under this criminal provision is up to 7 years in prison. Moreover, Article 207.3 of the CC punishes dissemination of deliberately false information on the use of Russian armed forces. The prosecution under this provision may lead up to 15 years of imprisonment.<sup>31</sup> Due to these provisions, any anti-war and pacifist stance is effectively banned in Russia. Authorities prosecute religious figures and persons, expressing pacifist views, including for expressions such as “No war”, “Peace”, “Thou shalt not kill” and other quotes from the bible and commandments.<sup>32</sup>

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<sup>22</sup> “Kadyrov confirmed the beating by his son of a person detained for burning the Koran”, Kommersant, URL: <https://www.kommersant.ru/doc/6237559>

<sup>23</sup> Read the full post: [https://t.me/RKadyrov\\_95/3924](https://t.me/RKadyrov_95/3924)

<sup>24</sup> See: <https://t.me/meduzalive/92705>

<sup>25</sup> Article 148 of the Criminal Code.

<sup>26</sup> Article 213 of the Criminal Code.

<sup>27</sup> “The case of Nikita Zhuravel, who set fire to the Koran, was transferred to a Chechen court; in addition to insulting the feelings of believers, he was accused of hooliganism”, Mediazona. URL: <https://zona.media/news/2023/10/04/juravel-sud>

<sup>28</sup> “No to war: How Russian authorities are suppressing anti-war protests”, OVD-Info, 14 March - 14 April 2022. URL: <https://reports.ovd.info/no-to-war>

<sup>29</sup> Article 20.3.3 of the Code of Administrative Offences (CAO), URL:

[https://www.consultant.ru/document/cons\\_doc\\_LAW\\_34661/300eb21d6921afe5e35e2f6b48059e7cd2851c01/](https://www.consultant.ru/document/cons_doc_LAW_34661/300eb21d6921afe5e35e2f6b48059e7cd2851c01/)

<sup>30</sup> Article 280.3 of the Criminal Code (CC), URL:

[https://www.consultant.ru/document/cons\\_doc\\_LAW\\_10699/c10532ab76df5c84c18ee550a79b1fc8cb8449b2/](https://www.consultant.ru/document/cons_doc_LAW_10699/c10532ab76df5c84c18ee550a79b1fc8cb8449b2/)

<sup>31</sup> Article 207.3 of the CC, URL:

[https://www.consultant.ru/document/cons\\_doc\\_LAW\\_10699/11177828050e6cdd8d29ef24e9b6095aa05e2d89/](https://www.consultant.ru/document/cons_doc_LAW_10699/11177828050e6cdd8d29ef24e9b6095aa05e2d89/)

<sup>32</sup> “In Cherepovets, a resident was fined for writing “Thou shalt not kill” in the snow”, Severreal, URL:

<https://www.severreal.org/a/v-cherepovtse-zhitelnitsu-oshtrafovali-za-nadpis-ne-ubiy-na-snegu/31930098.html>

18. In particular, 6 priests are being criminally prosecuted for anti-war and pacifist expressions.<sup>33</sup> Among them 4 are prosecuted under Article 270.3 of the CC and one is prosecuted under Article 280.3 of the CC. For example, Dmitry (Ioann) Kurmoyarov was sentenced to 3 years in prison under Article 207.3 of the CC for a video in which he said that Russian soldiers killed in Ukraine will go to hell, not heaven, because they are not peacekeepers.
19. In addition, priests and pacifists are also charged under Article 20.3.3 of the CAO. For example, priest Gleb Krivoshein was fined under this provision for signing an anti-war petition. Gleb Krivoshein did not plead guilty and explained that “he did not violate the law, since his signing of the petition was not of a political nature, but only of a spiritual, religious one.”<sup>34</sup> Furthermore, priest Ioann Burdin was fined under this article for a speech to parishioners in which he condemned “fratricide” on the territory of Ukraine.<sup>35</sup>

## VI. Conclusion and recommendations

20. In Russia, the authorities are the main actors spreading hatred based on religion or belief. Russian authorities use concepts of “traditional religions” and “traditional values”, as well as repressive legislation and practices to do so. In addition, they often endorse and stimulate such advocacy of hatred transmitted by other people.
21. We therefore provide the following recommendations to national governments and the international community:
  - Refrain from using concepts of “traditional religions” and “traditional values” as it facilitates advocacy of hatred based on religion or belief;
  - Stop dividing religions into traditional and non-traditional since it leads to subsequent persecution of the latter;
  - Release all political prisoners prosecuted on the grounds of their religion or belief;
  - Repeal the repressive laws on “foreign agents”, “undesirable organizations”, as well as significantly revise the law on “extremism” to ensure that they are not used as grounds for the advocacy of hatred;
  - Ensure that anti-extremism legislation is instead used to protect against hate speech and threats to democracy and the rule of law;

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<sup>33</sup> “*Antiwar infographics. Infographic of criminal prosecutions for anti-war stance*”, OVD-Info. URL: <https://en.ovdinfo.org/antigrafika?tab=articles&items=Article%20207.3,recJVjyZbEFFdg8>

<sup>34</sup> “*The court fined a Kazan priest under the article on “discrediting” the army for signing an anti-war petition*”, Idealreal, URL: <https://www.idelreal.org/a/32183130.html>

<sup>35</sup> “*“It doesn’t matter to me whose blood is being shed”*”, Kommersant spoke with a priest fined for “discrediting” the army”, Kommersant, URL: <https://www.kommersant.ru/doc/5252219>



- Stop using the provisions designed to protect the feelings of believers and other similar legislation to prosecute critics of the government and other activists;
- Refrain from promoting propaganda of war and prosecuting for anti-war and pacifists beliefs and expression, including during the armed conflict, and repeal the legislation that allows to do so;
- Ensure that international human rights standards and national laws protecting human rights have priority over all values and policies of the authorities.