

International Partnership for Human Rights

Written statement by International Partnership for Human Rights (IPHR) to 2014 OSCE Human Dimension Implementation Meeting, Working session 14, Wednesday 1 October 2014: Fundamental freedoms II (Freedom of religion or belief)

A Downward Spiral:

Freedom of Religion and Belief in Crimea

The ability to enjoy the fundamental freedom of religion and belief has progressively deteriorated on the Crimean Peninsula since the territory's occupation and annexation by the Russian Federation. Despite the international community's refusal to recognize Moscow's authority in the region, targeted groups are suffering violations of their right to peacefully practice their religion. They are increasingly subjected to the provisions of Russia's menacing "anti-extremism law", which has long been criticized by human rights groups. The 2002 law imposes sanctions on religious extremism, which it defines as promoting the "exclusivity, superiority, or inferiority of citizens" based on religion. The law is routinely used to ban religious material and restrict the right of peaceful assembly. It is incited as a justification for frequent detentions, raids, confiscation of religious literature and other property, rejection of official registration with the Ministry of Justice, denial of official building registration, and refusal of visas to religious workers.

Shortly after the Russian-orchestrated referendum on Crimea's secession from Ukraine, members of Crimea's Muslim community were fleeing the region, citing the threat of persecution by the Russian government as a major reason for their displacement. According to a report compiled by the Civic Solidarity Platform, the region's Muslim population was being subjected to the precepts of Russia's "anti-extremism" legislation as early as April 2014¹. Several of those interviewed alleged that members of Russia's Federal Security Service (FSB) were regularly visiting mosques and questioning those who came to attend services; a practice perceived as highly intimidating and which constitutes interference with the right to practice one's religion free from threat or harassment.

The persecution of religious communities has intensified since the first wave of displacement. In June, officers forcefully entered a madrassa in the village Kol'chugino and threatened teachers and students. Several more raids on madrassas have been documented wherein members of the Russian security apparatus claimed to be searching for literature banned under the "anti-extremism" law². The Crimean Field Mission on Human Rights documented several other instances of violence including an incident wherein a church of the Kiev Patriarchate of the Ukrainian Orthodox Church was raided by a mob on a military base in Perevalnoe. The "Chukurcha Cami" mosque in Simferopol was attacked with a Molotov cocktail and was vandalized in a suspected act of provocation.

¹ International Partnership for Human Rights and Civic Solidarity Platform. May 2014. "In Search of New Lives: Situation of Internally Displaced Persons in Crimea".

http://www.civicsolidarity.org/sites/default/files/situation_of_internally_displaced_persons_from_crimea.pdf

² Forum 18. 26 Aug 2014. "CRIMEA: First known Russian religious literature 'extremism' prosecution."

http://www.forum18.org/archive.php?article_id=1989

Religious leaders are also being targeted, as evidenced in the cases of Eider Osmanov whose home was forcibly searched and the Protestant Pastor Ruslan Zuev, who was forced to flee with his family after persistent harassment, threats and interrogation by members of the FSB³. The authorities in the region have failed to prosecute violations of the freedom of religion and belief, to the extent that they have refused to take victim statements and failed to respond to calls concerning a physical attack on a member of the Jehovah's Witness⁴.

In addition to overt physical aggression towards religious institutions and community leaders, authorities in Crimea are actively creating administrative and legal obstacles to peaceful observances. Religious leaders are being refused renewal of their visas, previously established religious groups are being forced to re-register with limited information on how to do so, and recent decrees have led to substantial increases in the rent required of the Kiev Patriarchate Ukrainian Orthodox Church in Simferopol⁵. On August 26, a deputy-head of Crimea's Mutifate, Esadullakh Bairov, was fined 2,000 rubles for being found in possession of banned religious material⁶. His case constitutes the first known prosecution under the Russian "anti-extremism" law in Crimea.

The Ukrainian state and the international community do not recognize Russia's authority in Crimea. However, the rapid implementation of the Russian "anti-extremism" law demonstrates that there is no firm barrier against violations of the fundamental freedom of religion and belief in the region, either from the international community or Russia's legal infrastructure. Both the law and its application bluntly violate Russia's international human rights commitments, including the International Covenant on Civil and Political Rights and the European Convention of Human Rights and Fundamental Freedoms. It is clear that the international community must backup its condemnation of Russia's illegal annexation of Crimea with substantive action. Human rights are increasingly violated as Russia applies draconian laws in a territory to which it has no legitimate claim. Crimea's religious groups and minority communities must no longer be forced to pay the price of Russian aggression and international inaction.

Recommendations

Russia and those parties claiming authority on the Crimean Peninsula should:

- Publicly acknowledge that freedom of religion is an inherent right of all people that cannot be denied including through the enactment of restrictive legislation;
- Refrain from exploiting security concerns to enact and enforce prohibitive, antagonistic legislation such as the "anti-extremism" law, which is inconsistent with international human rights obligations;
- Bring all legislation and practice affecting freedom of religion into compliance with relevant international human rights standards, including the strict criteria for any permissible limitations of this right set out in Article 18, Paragraph 3 of the International Covenant on Civil and Political Rights;

³ Crimean Field Mission on Human Rights. June 2014. "Overview of the Situation in Crimea".

http://crimeahr.org/sites/default/files/crimea_field_mission_report_june_2014.pdf

⁴ Forum 18. 26 June 2014. "CRIMEA: Raids, violence, threats – but what protection do victims get?"

http://www.forum18.org/archive.php?article_id=1972

⁵ Forum 18, <http://www.forum18.org/archive.php?query=&religion=all&country=86>

⁶ Forum 18. 26 Aug 2014. "CRIMEA: First known Russian religious literature 'extremism' prosecution."

http://www.forum18.org/archive.php?article_id=1989

- Publicly condemn intolerance and discrimination toward religious minority groups and hold accountable those guilty of religiously motivated discrimination and attacks including abuses perpetrated by members of law enforcement bodies;
- Ensure that any individuals charged with criminal or civil misconduct in relation to their religious activities are granted fair proceedings in full accordance with requirements set out by international law;
- Work with civil society and different faith communities to promote religious tolerance in practice.

OSCE Participating States and OSCE institutions should:

- Consistently affirm that the international community does not recognize Russian authority in Crimea and hold Russia accountable for violations of its obligations as an occupying force under the Geneva Conventions to guarantee the rights of those falling under its effective control;
- Publically acknowledge the illegitimate implementation of “anti-extremism” legislation in Crimea and hold both Russian and local authorities accountable for the violations of the fundamental right of freedom of religion and belief under international law;
- Publicly and unequivocally communicate solidarity with those who have suffered abuse of their right to freedom of religion and use all available channels to provide support by raising awareness of violations, monitoring trials and trends of harassment, and demanding accountability for violations.