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Foreign experience in prevention of religious extremism and terrorism and its application in the Republic of Kazakhstan

In this article, the example of Great Britain and France analyzed the legal experience of foreign countries in the sphere of preventing religious extremism. A study of the religious situation in these countries showed that the main pan-European tendencies in the whole religious sphere are the processes of secularization and the involvement of religion (its distorted image) in world geopolitics to create a conflict-prone environment. For Kazakhstan, as a participant of globalization processes, this global trend is important in the aspect of building its own model of counteraction to emerging risks, as these tendencies are directly related to the problem of preventing religious extremism. Issues of building and implementing legal instruments of regulation in the religious sphere, which reduce the risks of propaganda in the society of the ideology of religious radicalism and terrorism, remain topical. Assessing the experience of developed countries of Western Europe in the field of countering religious extremism, the authors come to the conclusion that some foreign tools for resolving extremist issues can significantly enrich the domestic system of preventing religious extremism. The article attempts to systematize the existing foreign experience in improving anti-extremist legislation and law enforcement. Based on the study of legislation and practical experience of the UK, a conclusion is drawn on the need for effective involvement of non-governmental organizations in this work. The emphasis is on improving the quality of their work. UK experience in the implementation of the «Preventing Violent Extremism» program shows that the emphasis in prevention activities exclusively in Muslim (in a broad sense) communities is counterproductive. On the example of France, the expediency of seizing identity documents from persons suspected of involvement in extremist (terrorist) activities was emphasized.

Keywords: religious extremism, Foreign experience, experience of Great Britain and France, prevention of extremism.

Before analyzing specific aspects of the foreign experience of preventing religious extremism and its implementation in Kazakhstan, we consider it expedient to first identify pan-European tendencies in the whole in the religious sphere, since these tendencies are directly related to the prevention of religious extremism. Taking as a basis the conducted social and political study of the main trends in the development of the religious situation in the world [1; 59-67], we can identify the following features.

First, the religious factor in world geopolitics is visibly increasing. Today, against the backdrop of the rejection of religious values in Europe, there has been a marked politicization of religion (not its worldview role, namely the religious factor). This occurs against the backdrop of secularization (the decline of faith) in the world, the growth of a number of radical religious movements, the establishment of «democracy» in the Islamic world, the growing interest of the media in religious extremism and terrorism [1; 29].

Secondly, the legal documents of the Parliamentary Assembly of the Council of Europe (PACE), having a great impact on the state of European legislation in the field of religious regulation, recommend:

- consider religion an element of civil society, not to recognize its sacredness. Religion is equated with philosophical and ideological currents, with other judgments and opinions;

- not to criminalize defamation of religions (insulting religious feelings of citizens), consider it a manifestation of freedom of speech;

- Do not toughen national legislation in the field of religion, even arguing it with threats to national security. Against this background, artificially intensified inter-civilization contradictions, in particular, provocations between representatives of different beliefs. So it was with caricatures of the Prophet and with a number of documentary films of anti-Islamic character, the burning of the Koran, periodically declared «crusades» [1; 64]. These factors of political nature, together with socio-economic and other factors, become the determinants of religious extremism and further exacerbate religious problems both at the global and regional levels. Russian researchers come to the same conclusions, pointing out that «the rapprochement of religion (not its spiritual component - MR) with politics is a moment that contributes to the emergence of religious extremism» [2; 148].

Despite the fact that Kazakhstan society is secular (not religious), at present we have practically the whole spectrum of not only world and traditional religions, but also new beliefs and cults, which often have nothing to do with religion. A serious problem is the suppression of the activities of extremist organizations and radical movements. As well as in foreign countries, in Kazakhstan the formation of a subculture of adherents of radical currents, was influenced by missionaries (migrant preachers). For the purposes of effective prevention of religious extremism in the Republic of Kazakhstan, it is necessary to reliably own the criminological indicators of extremist criminality not only in the country, but also to know the worldwide trends in this issue. The threat of religious extremism is of a transnational nature, therefore effective counteraction to its manifestations is impossible without an analysis of foreign regulatory legal acts that regulate this sphere.

United Kingdom. In the normative legal acts of Great Britain, the prohibition of discrimination of persons on religious grounds is regulated by the Law on the Maintenance of the Public Order of 1986 [3] and the Prevention of Terrorism Act of 2005 [4]. In accordance with this Law, in order to prevent the spread of extremist ideas, the struggle for «hearts and minds», the Preventing Violent Extremism program was adopted, which is part of broader strategies aimed at reducing radicalization and countering violent extremism. The first one is CONTEST (Home Of the-the-2003) based on the principle of «four» P – «warning, harassment, protection (protection) and training». In March 2009, CONTEST was revised, in the new program the emphasis was shifted to the stage of radicalization of citizens, on the study of the factors that lead to the commission of extremist crimes. The revised program increased the emphasis on preventive work with individuals and communities from risk groups, reducing and neutralizing the factors that lead people to extremist and terrorist organizations. The purpose of CONTEST 2 (Home Of-2009) is declared as «reducing risks to the UK and its interests abroad from international terrorism so that people can live freely and confidently». Among the tasks declared, such as:

- challenge the ideology of violent extremism and support the main voices, interrupt those who propagandize violent extremism, and support people living in communities in which they can work
- support persons who are vulnerable to recruitment or have already been recruited by violent extremists;
- to increase the resilience of communities to violent extremism
- consider the discontent that ideologists use
- develop intelligence information, analysis and information
- improve strategic communication [5; 82].

In accordance with the Preventing Violent Extremism (PVE) program, the UK government at the legislative level restricted the entry of foreigners into the country, for which law enforcement bodies have information on the latter's involvement in extremism or the propagation of illegal or socially dangerous acts. For three years (2006-2009), 230 people were not admitted to the UK on these grounds, of which 80 were recognized as religious extremists [6]. Since 2004, the UK National Coordinator Domestic Extremism (NCDE), the main purpose of which is to reduce and eliminate threats related to internal extremism in the UK. In order to counteract the radicalization of youth in 2006, a document was adopted aimed at combating the propaganda of violent extremism in colleges and universities in the United Kingdom. Since 2010, counter-propaganda for extremism in the Internet has been actively conducted. Thus, the UK Ministry of Internal Affairs has a special unit that maintains contacts with British Internet providers and monitors the published materials on the Internet. At the legislative level, it was proposed to oblige Internet providers to provide law enforcement information about the IP addresses of Internet users suspected of terrorist activities. According to experts, approximately 1000 extremist materials are removed every week by site moderators. In addition, a bill was submitted to the Parliament of Great Britain for consideration, according to which it was proposed to withdraw British passports for up to 30 days if there was a suspicion of an intention to travel abroad to participate in terrorist activities, and also to prohibit the entry into the territory of the United Kingdom of persons suspected of carrying out terrorist activities outside the country, deny any airlines flying to the United Kingdom in the event that they refused to provide special services to the passenger information [6].

In accordance to the PVE, the fight against violent extremism is conducted at both the national and the public level. The British police, which is the coordinator of the work on countering violent extremism, acting at the local level (*an analog of the local police service in Kazakhstan – M.R.*) carries out:

- the wide involvement of local communities and the population and the involvement of the police itself in the consolidation of the public;
- active opposition to the propaganda and dissemination of extremism in the universities and colleges of the country;
- struggle against the active activity of extremists on the Internet.

The key to successful work is the state and public support of the structures dealing with youth problems and promoting their integration into society, active social and pedagogical work and psychological support, the formation of a positive identity among youth and a sense of unity with British society. Thus, the British police have accumulated significant experience of effective interaction with various segments of society, including primarily local communities.

The public also plays an important role in preventing the creation of extremist groups operating in their communities. In the United Kingdom, the prevention of violent extremism (this wording is used) is carried out in close cooperation with civil society institutions (non-governmental organizations – further NGOs, local communities). The ratio is bilateral. State bodies support activities to combat violent extremism in local communities, and local communities support their efforts to interact with grass-roots communities. At the central level, national coordination is carried out in the Government with the participation of cabinet ministers. At the local level – through the Coordinators of the Prevent Strategy. More attention is paid to implementation on the ground, because the risks and threats in different regions are different. As stated in the program: «The solution to the problem of radicalization depends on a clear, active, intransigent position of political parties, public, religious associations and individuals» [4]. The police sites of individual counties in the UK contain reminders of how individual citizens – members of the local community – can help the police in eliminating the threats of terrorism and extremism. Entire pages of sites are devoted to a review of the strategy of the county police to prevent extremism in society. The police draw attention to those who conduct underground subversive and agitation work in communities, identify cases of preparation for extremist activity, analyze the facts reported by the population [6]. At the same time, the planning of preventive activities of public structures, the definition of targets, tasks and methods for their solution, the amount of funding is carried out at the level of public authorities (usually various ministries and agencies - to work with young people). The PVE program aims to prevent the plans of extremist organizations operating in the communities. On the websites of law enforcement agencies it is noted that the prevention of extremism threats is focused on preserving public security in specific communities, counties, cities and towns of the UK, and, consequently, is caused by the activity of many population groups that have influence at the local level.

In recent years, the problem of illegal migration has been declared «absolute priority». Law enforcement agencies do not always succeed in successfully maintaining law and order in greatly changed new conditions, in the face of increasing criminality of migrants, in conditions of active attempts to spread the ideology of extremism.

In this regard, as noted by foreign researchers (P. Thomas), the current PVE program is recognized as unsuccessful and not conducive to solving the problem. PVE provides as a target group with which it is necessary to carry out preventive work – in general the Muslim community. From the start, PVE has focused on Muslim communities, and particularly on young Muslims. This focus might appear self-evident given the serious Islamist threat faced, but it is argued here that this focus, and the way that it has been framed and operationalised, has been damagingly counterproductive. While the terrorist bombings and other plots mentioned above are clearly serious, they have involved very small numbers of individuals. P. Thomas correctly, in our opinion, notes that «the mono-cultural approach of PVE to Muslims as a risk group is in complete contradiction with the main political goal of the British government – community cohesion» [7; 451]. There is a marking of the entire Muslim community as susceptible to terrorist activities. As Y. Birt notes, «the mistake is not to attract Muslims as citizens of the United Kingdom in the fight against terrorism and violent extremism, but to evaluate them as» risk groups» [8; 54]. In his work, this author argues that an effective means of solving the problems of radicalization must be sought in a moderate and progressive British Islam [8; 55]. This monocultural focus was a means of monitoring and collecting information from the police and security services, thus antagonizing those same communities, bringing them closer together (moderates with radicals). The approach to Muslim communities in general as risk groups for Britain is all the more controversial, since the political direction of British society (as European) is associated with the rallying of the community in search of a common identity. So, in Great Britain (as well as in Kazakhstan) there is a tangible uncertainty in the number, and in the «quality» of the believers. This moment is one of the main ones characterizing the religious situation. The lack of reliable data on the number and «quality» of believers significantly complicates the work on preventing religious extremism.

The next problem is state funding in the framework of PVE NGOs, which implement programs of deradicalization. In connection with the frequent cases of the departure of British citizens to participate in hostilities on the side of the terrorist organization of the DAIS, in this country, serious attention is paid to the development of programs for the de-radicalization. For example, NGOs «FAST» are actively working in

schools and higher educational institutions, showing films and interviews with parents whose children went abroad and joined the AAA. However, as some authors [8] point out, money is often given to organizations that later become associated with extremist organizations. To this we can add that the extremist organization «Hizb-ut-Tahrir», banned in Kazakhstan, quite legally operates in the UK and has its headquarters there.

In this regard, for the Republic of Kazakhstan, the experience of the UK seems to be fruitful in such positions as:

1. Given the experience of the UK, we should not allow any part of the population to be stigmatized on a religious basis. As the President of the country N.Nazarbayev noted, «the fight against religious extremism should not turn into a struggle with religion». The main efforts of the state should be focused on such tasks as strengthening the secular principles of the development of the state, ensuring the rights of citizens to freedom of conscience, ensuring the rights of citizens to freedom of conscience and respect for the religious beliefs of citizens. At the same time, without interfering in the activities of religious associations, it is necessary to support the Spiritual Board of Muslims of Kazakhstan as the only legitimate representative of the bearers of Islam of the Hanafi trend, whose historical role in the development of culture and spiritual life of the people of Kazakhstan is recognized at the legislative level.

2. Extreme prevention activities in the UK have a wide scope - it includes both police services and local government bodies, public and religious organizations, informal youth organizations, etc. At the same time, the planning of their preventive activities, the definition of its targets, tasks and methods for their solution, the amount of funding is carried out at the level of state authorities (usually various ministries and agencies – to work with young people).

3. Inadequate control over the financing of NGOs (the direction of spending money) acts as a criminal factor that determines the commission of extremist crimes. In this regard, the improvement of the financial control over their activities acts as an instrument to prevent the risks of extremist activity on their part.

France. French law provides protection to members of religious groups, along with groups that are characterized by a common race, as well as ethnic origin. Criminal liability is provided for insulting religious feelings. French law allows you to condemn a person for «hate speech», regardless of intent and consequences. For example, in Canada this offense is provided for by common law, and accordingly it is necessary to provide evidence that it threatens public tranquility, so that a person is brought to justice for insulting religious feelings, and also to prove the intent of a person. Also in France, there are various non-governmental organizations, and their purpose is to combat racism. They, by the way, have the right to initiate not only civil, but also criminal cases, on the facts of racist statements. Most of these cases are initiated by anti-racist organizations. The possibility of collecting fines and damages in the practice of France is widely used. It should also be said that the French system provides a choice between a criminal case and a civil suit (easier to handle and prove). Sanctions imposed from the perpetrator of the law are also compensation to the victim, and also reduces the likelihood of such behavior in the future [9; 218].

In 2014, the Law «On Strengthening Measures to Combat Terrorism» (No. 2014-1453) was passed permitting the seizure of identity documents from persons suspected of involvement in terrorist and extremist activities in order to prevent travel abroad to combat zones in Syria and Iraq. At the same time, it should be pointed out that earlier it was allowed to expel an undesirable foreign citizen from the country (under the Law No. 81-973 of October 29, 1981, Law No. 86-1019 of September 9, 1986 «On the conditions for entry and stay of foreigners in France»), According to which the grounds for expelling an undesirable foreign citizen may be that «his stay creates a threat to public order». These laws allowed expelling unwanted foreigners from the French territory.

In 2008, France adopted a law on the ratification of the Council of Europe Convention on the Prevention of Terrorism (of 13 February 2008 No. 2008-134). In March 2011, the country adopted Law No. 2011-267 on the directions and program for ensuring national security. To toughen the fight against terrorism, the country's migration legislation was amended, in particular, in the Law of France of September 3, 1986, No. 86-1004 «On the Verification of Personality». The law regulated a special procedure for checking persons entering France. He eliminated unnecessary formalities, simplified the procedure for checking the entry of people into France, allowed to photograph people entering the territory and take fingerprints. This facilitated the detention of persons suspected of having explosive, poisonous and other substances [10; 59].

The Law on Strengthening Measures to Combat Terrorism introduced the possibility of declaring an administrative ban on leaving French nationals from the national territory. The ban is provided by the seizure of identification documents, as well as by the obligation to transport companies to refuse to provide services to persons who are intent on leaving the zones of hostilities. The decision is made by the Minister of the Inte-

rior in writing on the basis of available information on the intention of the person to go abroad to participate in the E terrorist activities. Violation of the prescribed prohibition is punishable by up to three years' imprisonment and a fine of 45 thousand euros. The person's refusal to timely pass the passport to the authorities and is certified shall be punished with imprisonment up to two years and a fine of 4.5 thousand euros. The term of imposed restrictions is 6 months, after which the authorities will consider the issue of whether to extend it.

In addition, there is an opposition to the dissemination of extremist materials on the Internet. According to the Ministry of Internal Affairs of France in 2015, five sites containing terrorist and extremist materials were blocked. When you try to open sites that were previously free access, now there is an automatic redirect to the page with the logo of the Ministry of Internal Affairs of France. On the screen appears a prohibitory sign in the form of a raised palm of red color, as well as the inscription: «You were redirected to this official site, since from your computer there was a connection to a page whose content provokes acts of terrorism or publicly permits their commission». Providers received notifications from the Central Service for Combating Crime related to information and communication technologies.

In the laws of France, counteraction to extremism is carried out through the consolidation of preventive measures aimed at preventing extremism. Effective in the legislation of France is the practice of using recompensive norms that facilitate the involvement of individuals involved in extremist activities. At the same time, laws severely punish those involved in extremist activities. All these provisions of the French legislation, in our opinion, can be useful for improving Russian legislation in the field of countering extremism. It was in those years in France that new bodies were created that coordinated with the special services and the Ministry of Internal Affairs to work to counter extremism. Another authority promoting the prevention of extremism in France was the Muslim Council, which was called upon to carry out activities to integrate French Muslims into the social, cultural and political life of French society. Thus, special organizations have been set up in France to coordinate activities to prevent extremism. These organizations collect information, help state bodies fight extremist crime, cooperate with the media, scientists, and issue methodological explanations for state employees. The results of the analysis obtained by them are used to formulate the state policy and the legal basis for planned measures to counter extremism [10; 60].

Thus, we come to the conclusion that:

1. Given the experience of the UK, we should not allow any part of the population to be stigmatized on a religious basis. As the President of the country N.Nazarbayev noted, «the fight against religious extremism should not turn into a struggle with religion». The main efforts of the state should be focused on such tasks as strengthening the secular principles of the development of the state, ensuring the rights of citizens to freedom of conscience, ensuring the rights of citizens to freedom of conscience and respect for the religious beliefs of citizens. At the same time, without interfering in the activities of religious associations, it is necessary to support the Spiritual Board of Muslims of Kazakhstan as the only legitimate representative of the bearers of Islam of the Hanafi trend, whose historical role in the development of culture and spiritual life of the people of Kazakhstan is recognized at the legislative level.

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3. Inadequate control over the financing of NGOs (the direction of spending money) acts as a criminal factor that determines the commission of extremist crimes. In this regard, the improvement of the financial control over their activities acts as an instrument to prevent the risks of extremist activity on their part.

4. The French experience in the prevention of extremism can be actively used in the Republic of Kazakhstan.

At the same time, we are not talking about mechanical borrowing, but well thought-out, scientifically grounded application of effective foreign practice in domestic conditions and taking into account mistakes made by foreign colleagues in counteracting religious extremism.

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М.М. Рахымбеков, Л.Ч. Сыдыкова

Қазақстан Республикасында діни экстремизмді және терроризмді болдырмаудың шетелдік тәжірибесі және оны қолдану

Мақалада Ұлыбритания мен Францияның мысалында діни экстремизмнің алдын алу саласында шетелдердің құқықтық тәжірибесін талдау жүргізілді. Осы елдердегі діни ахуалды зерттеу бүкіл діни саладағы жалпы еуропалық үрдістердің дүниетанымдық үрдістер және дүниежүзілік геосаясатта дінді, (оның бұрмаланған имиджін) жанжалды жағдайды қалыптастыру үдерісі болып табылатынын көрсетті. Қазақстан үшін жаһандану үдерістерінің қатысушысы ретінде бұл жаһандық үрдіс қалыптасқан тәуекелдерге қарсы әрекет етудің өзіндік моделін құру тұрғысынан маңызды. Себебі бұл заңдылықтар діни экстремизмді алдын алу мәселесіне тікелей байланысты. Діни радикализм мен терроризм идеологиясының қоғамда насихаттау қауіпін азайтатын діни салада реттеудің құқықтық құралдарын құру және енгізу мәселелері өзекті болып қала береді. Діни экстремизмге қарсы әрекет ету саласындағы Батыс Еуропаның дамыған елдерінің тәжірибесін бағалай келе, авторлар экстремистік мәселелерді шешудің кейбір шетелдік құралдары діни экстремизмнің алдын алудың ішкі жүйесін айтарлықтай байытуы мүмкін деген қорытындыға келді. Олар экстремизмге қарсы заңнаманы және құқық қорғау органдарын жетілдірудегі қолданыстағы шетелдік тәжірибені жүйелеуге тырысты. Ұлыбританияның заңнамасын және практикалық тәжірибесін зерделеу негізінде осы жұмыста үкіметтік емес ұйымдарды тиімді тарту қажеттілігі туралы қорытынды жасалды. Өз жұмысының сапасын жақсартуға баса назар аударылды. «Экстремизмді болдырмау» бағдарламасының Ұлыбританиядағы тәжірибесі көрсеткендей, тек қана мұсылман (кең мағынада) қоғамдастықтарда алдын алу іс-әрекеттерде жемісті болып табылады. Франция мысалында экстремистік (террористік) қызметке қатысы бар деп күдіктенген адамдардың жеке басын куәландыратын құжаттарды алудың орындылығы ерекше атап өтілді.

Кілт сөздер: діни экстремизм, шетелдік тәжірибе, Ұлыбритания мен Францияның тәжірибесі, экстремизмді болдырмау.

М.М. Рахымбеков, Л.Ч. Сыдыкова

Зарубежный опыт предупреждения религиозного экстремизма и терроризма и его имплементация в Республике Казахстан

В настоящей статье проведен анализ правового опыта зарубежных стран в сфере предупреждения религиозного экстремизма на примере Великобритании и Франции. Исследование религиозной ситуации в указанных странах показало, что основными общеевропейскими тенденциями в целом в религиозной сфере являются процессы секуляризации и вовлечения религии (ее искаженного образа) в мировую геополитику для создания конфликтогенной среды. Для Казахстана, как участника глобализационных процессов, указанная общемировая тенденция имеет важное значение в аспекте выстраивания собственной модели противодействия возникающим рискам, так как эти тенденции

имеют непосредственное отношение и к проблеме предупреждения религиозного экстремизма. Актуальными остаются вопросы выстраивания и реализации правовых инструментов регулирования в религиозной сфере, снижающие риски пропаганды в обществе идеологии религиозного радикализма и терроризма. Оценивая опыт развитых стран Западной Европы в сфере противодействия религиозному экстремизму, авторы приходят к выводу, что некоторые зарубежные инструменты разрешения экстремистской проблематики могут существенно обогатить отечественную систему предупреждения религиозного экстремизма. В статье предпринята попытка систематизировать имеющийся зарубежный опыт в совершенствовании антиэкстремистского законодательства и правоприменения. На основе изучения законодательства и практического опыта Великобритании дается вывод о необходимости эффективного вовлечения в данную работу неправительственных организаций. Сделан акцент на повышение качества их работы. Опыт Великобритании по внедрению программы «Preventing Violent Extremism» показывает, что акцент в предупредительной деятельности исключительно в мусульманских (в широком смысле) общинах является контрпродуктивным. Учитывая пример Франции, авторы подчеркивают целесообразность изъятия документов, удостоверяющих личность, у лиц, подозреваемых в причастности к экстремистской (террористической) деятельности.

Ключевые слова: религиозный экстремизм, зарубежный опыт, опыт Великобритании и Франции, предупреждение экстремизма.

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