

28 April 2017

## STATEMENT

### **BHRC calls on Russian authorities to uphold religious freedom of Jehovah's Witnesses**

BHRC expresses serious concern at the Russian Supreme Court's ruling that the Jehovah's Witnesses organisation should no longer be allowed to operate legally in Russia.<sup>1</sup>

#### **Background**

On 20 April 2017, Russia's Supreme Court upheld an application by Russia's Ministry of Justice to declare the Jehovah's Witnesses Administrative Center an extremist organisation, and to ban its activities in Russia. The ruling requires the organisation to close, bans its activities, and allows its property to be confiscated to the state revenue.<sup>2</sup>

The Jehovah's Witnesses Administrative Center is the head office for 395 Jehovah's Witnesses branches and 175,000 members throughout Russia.<sup>3</sup> <sup>4</sup> If it enters into force, the ruling will criminalise those who continue to be involved with the organisation and its activities. Penalties of up to 10 years imprisonment may be imposed on conviction.

This ruling forms part of a series of actions by Russian authorities targeting the religious group in Russia. In 2004, the Moscow courts banned the local religious

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1 <https://www.hrw.org/news/2017/04/20/russia-court-bans-jehovahs-witnesses>

Russian version: <https://lenta.ru/news/2017/04/20/svideteli/>

2 <http://www.independent.co.uk/news/world/europe/russia-jehovahs-witnesses-ban-extremists-religion-christian-sect-vladimir-putin-supreme-court-a7693671.html>

3 <https://www.hrw.org/news/2017/04/20/russia-court-bans-jehovahs-witnesses>

4 <http://www.bbc.co.uk/news/world-europe-39661339>

organisation of Jehovah's Witnesses in Moscow. Since 2007, local Russian courts have banned at least eight local Jehovah's Witnesses organisations, and 95 pieces of Jehovah's Witnesses' literature have been placed on the federal registry of banned extremist materials.<sup>5</sup> In 2014, in the case of *Krupko and Others v Russia*, the European Court of Human Rights in Strasbourg followed their earlier judgment in a Jehovah's Witnesses case, *Kuznetsov and Others v Russia*,<sup>6</sup> and held that the arrest and detention of four Jehovah's Witnesses and the premature termination of their religious meeting on account of the arrival of the police, breached Articles 5 and 9 of the European Convention of Human Rights. The Court noted that the applicants had gathered with their fellow believers for a service of worship. The service was a form of manifestation of their religion that attracted the protection of Article 9 of the Convention (freedom of thought, conscience and religion).<sup>7</sup>

This is a significant attack on freedom of religion – for the first time a court has ruled that a registered national centralised religious organisation is "extremist" and should be banned.<sup>8</sup> The ruling poses a threat not only to Jehovah's Witnesses in Russia, but also to those who practice religious beliefs which are not approved by the authorities.

### **Legal framework**

Russia is obliged to protect freedom of religion and association under both domestic and international law.

Articles 14, 19 and 28 of the Russian Constitution safeguard freedom of conscience and religion. Article 30 of the Russian Constitution provides that everyone shall have the right to freedom of association.<sup>9</sup>

The right to freedom of association includes the right to association for religious purposes, and under international law this right can only be restricted in very narrowly-defined circumstances.

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<sup>5</sup> <https://www.hrw.org/news/2017/04/20/russia-court-bans-jehovahs-witnesses>

<sup>6</sup> Application no. 184/02, judgment of 11 January 2007

<sup>7</sup> Application no. 26587/07, judgment of 26 June 2014

<sup>8</sup> [http://www.forum18.org/archive.php?article\\_id=2271](http://www.forum18.org/archive.php?article_id=2271)

<sup>9</sup> [http://hudoc.echr.coe.int/eng#{"dmdocnumber":\["869647"\],"itemid":\["001-99221"\]}](http://hudoc.echr.coe.int/eng#{) II Relevant Law and Practice, A. Constitution of the Russian Federation

Russia's membership of the United Nations which entails acceptance of the 1948 Universal Declaration of Human Rights, and its treaty obligations under the 1966 International Covenant on Civil and Political Rights (ICCPR), requires it to protect freedom of thought, conscience and religion (Article 18 UDHR and ICCPR ) and freedom of association (Article 20 UDHR; Article 22 ICCPR;). Similarly, its ratification in 1998 of the European Convention on Human Rights protects those rights under Article 9 and Article 11, respectively.

The ruling denies Jehovah's Witnesses the right to worship, and cannot be justified as necessary or proportionate.

## **Conclusion**

The actions of the Russian authorities offend Russia's own constitution as well as international law.

BHRC calls on the Russian government to uphold religious freedom and restore the legal rights and protections of Jehovah's Witnesses as a religious group.

BHRC calls on the Russian government to comply with the clear and repeated judgments of the European Court of Human Rights in cases concerning Jehovah's Witnesses.

**ENDS.**

## **NOTES FOR EDITORS**

1. For an interview with our spokesperson, please contact Ed Gillett, Coordinator, on +44 (0)7854 197862
2. For more information on the Bar Human Rights Committee (BHRC), visit our website at <http://www.barhumanrights.org.uk>
3. The Bar Human Rights Committee of England and Wales (BHRC) is the international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges and human rights defenders around the world. The BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is independent of the Bar Council.