



THE EUROPEAN ASSOCIATION OF  
JEHOVAH'S WITNESSES

RELIGIOUS FREEDOM SUBCOMMITTEE

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**Submissions in Connection with the Special Report to the  
75th United Nations General Assembly on Eliminating Intolerance and Discrimination Based  
on Religion or Belief and the Achievement of Sustainable Development Goal 16 (SDG 16)**

Jehovah's Witnesses are a Christian religion present in 240 lands. They have 8.6 million active adherents, and some 20.9 million attend their meetings for worship.<sup>1</sup> Although their beliefs and practices are protected by, *inter alia*, the ICCPR and the European Convention on Human Rights, as recognised by the UN Human Rights Committee (CCPR) and the European Court of Human Rights (ECHR), they suffer discrimination on account of their religion or beliefs in a number of countries. The European Association of Jehovah's Witnesses (EAJW) is a charity registered in the United Kingdom. It provides support to Jehovah's Witnesses facing human rights violations. We respectfully respond to the Special Rapporteur's call for submissions and offer brief representative examples under the following bulleted headings:

- Patterns and examples of discrimination against minority religious or belief communities in the area of civil and political rights, including, but not limited to, participation and representation in public life, access to justice and effective remedies, liberty and security, freedom of expression, assembly and association.

In the **Russian Federation**, Danish citizen Dennis Christensen was arrested on 25 May 2017, for practising his religion as one of Jehovah's Witnesses. He was detained until 6 February 2019, when he was sentenced to six years' imprisonment and, after losing his appeal, was placed in Penal Colony No. 3, Lgov, Kursk Region. Mr Christensen has been subjected to periodic harassment in prison. On 19 September 2019, Leninsky District Court, Saratov, imprisoned Konstantin Bazhenov and Aleksey Budenchuk for three and a half years; Feliks Makhmadiyev for three years; and Genadiy German, Roman Gridasov and Aleksey Miretskiy for two years for practising their religion. Prison guards at Penal Colony No. 1, Orenburg, violently assaulted five of the men, and Feliks Makhmadiyev required hospitalisation. On 20 April 2020, Mr Bazhenov had his Russian citizenship revoked though he still holds Ukrainian citizenship. Also, on 23 April 2020, Mr Makhmadiyev's Russian citizenship was revoked, rendering him stateless because his former Uzbek citizenship was annulled after he became a Russian citizen. Russia is the second of only two States to have formally made Jehovah's Witnesses stateless for their religious beliefs.

These actions follow the Russian Supreme Court declaring Jehovah's Witnesses 'extremist' on 20 April 2017, pursuant to legislation that has been very widely criticised as overly broad and imprecise. At the time of this decision, there were approximately 175,000 religiously active Jehovah's Witnesses in Russia. Despite the Court's stating explicitly that its decision did not criminalise or proscribe freedom of religion or belief for individual Witnesses, there have subsequently been nearly 900 arbitrary searches of private homes with confiscation of personal religious literature including Bibles, computers, tablets and smartphones. Thirty-two individuals are imprisoned in Russia, 9 of whom have been convicted, and 23 are in pretrial detention. An additional 18 are under house arrest. As a result, 331 Jehovah's Witnesses are facing criminal charges, effectively for peacefully manifesting their religion or belief. Cases of torture are documented in Surgut (7 victims), Orenburg (5 victims) and Chita. Jehovah's Witnesses have made 21 applications to the UN Working Group on Arbitrary Detention (WGAD), 3 of which are already decided in the applicants' favour; 9 applications to the CCPR, 2 of which are already decided in the applicants' favour; and 53 pending applications to the ECHR. Calls by the UN High Commissioner for Human Rights, the OSCE, the Council of Europe (CoE), the European Union (EU), numerous national foreign ministries, human rights lawyers and reputable scholars to respect freedom of religion or belief for this peaceful community of believers have had little discernible effect.

In **Eritrea**, Jehovah's Witnesses, who remain politically neutral in all lands because of their religious beliefs, did not vote in the 1993 national independence referendum. Subsequently, by decree dated 25 October 1994, Eritrea's president declared that Eritrean-born Jehovah's Witnesses had revoked their citizenship by 'refusal to take part in the referendum'. Thereafter, the government stripped them of basic civil rights. Since then, Jehovah's Witnesses have been denied participation in public life; they have no effective access to justice; and their liberty, security, as well as freedom of expression, assembly or association are constrained. A number are arbitrarily imprisoned, including Paulos Eyasu, Isaac Mogos and Negede Teklemariam, who have been incarcerated without charge, in inhumane conditions, since 24 September 1994 and are the subject of an ongoing application to the African Commission on Human and Peoples' Rights. Four Jehovah's Witnesses have died in custody: Yohannes Haile and Misghina Gebretinsae in Meitir prison camp; Habtemichael Tesfamariam and Habtemichael Mekonen in Mai Serwa prison. Tsehaye Tesfamariam, Kahssay Mekonnen and Goitom Gebrekristos died shortly after release from Meitir. Currently, 42 male and 10 female Witnesses are imprisoned for simply practising their religious beliefs.

- Laws and policies restricting the right to manifest freedom of religion or belief of minority religious communities, including blasphemy, national security and counter-terrorism laws; laws and policies with regard to the registration of faith-based organisations and associations; and those pertaining to religious property, religious educational institutions and places of worship and of burial.

While Jehovah's Witnesses are formally registered in **Kyrgyzstan** and generally enjoy freedom of religion, registration is denied in the southern regions, notwithstanding the 2 May 2019 CCPR decision (CCPR/C/125/D/2312/2013) that refusal to register Jehovah's Witnesses in Batken violates ICCPR rights and is discriminatory. On 27 June 2018, the State Commission on Religious Affairs presented draft amendments to the law 'On Freedom of Worship and Religious Associations'. Two are of serious concern to Jehovah's Witnesses: Article 5, which incorporates a ban on 'house to house dissemination of religious convictions'; and Article 8(3), providing that a religious organisation must comprise no less than 200 founding members who must be adult citizens of Kyrgyzstan living in the 'corresponding territory'.

In **Tajikistan**, on 10 September 2019, Khujand City Court sentenced 68-year-old Shamil Khakimov, who is in poor health, to seven and a half years' imprisonment with a subsequent three-year ban on religious activities for allegedly 'inciting religious hatred', which amounted to no more than manifesting his beliefs as one of Jehovah's Witnesses. This followed arbitrary searches of seven homes in Khujand, detention of 24 individual Jehovah's Witnesses and interrogations lasting up to 14 hours. German Embassy and EU representatives as well as 10 of Mr Khakimov's friends were excluded from the unsuccessful appeal hearing before Sughd Regional Court on 9 October.

The government makes no provision for alternative service. Currently, there is one young male Witness imprisoned for conscientious objection to military service. On 4 October 2019, military officers in the city of Khujand forcibly took 19-year-old Jovidon Bobojonov from his home to an enlistment office and placed him in custody. Two days later, he was put on a train against his will and taken to a military training centre. He was later transferred to a military prison where officers physically abused him and repeatedly put him under intense emotional stress in an effort to make him wear a military uniform and take the military oath of allegiance. A criminal case was initiated against him for evading military service. On 2 April 2020, he was sentenced to two years of imprisonment in a general regime colony.

Jehovah's Witnesses were formally registered in Tajikistan in 1994 and re-registered in 1997, but their registration was cancelled on 11 October 2007. All attempts to re-register have failed. The CCPR recommended that Jehovah's Witnesses be granted re-registration in its Concluding Observations on the Second Periodic Report on Tajikistan (CCPR/C/TJK/CO/2) and in paragraphs 43, 44 of the Concluding Observations on the Third Periodic Report (CCPR/C/TJK/CO/3, 2019), but it has not proved possible to open dialogue with the authorities on this matter.

In **Turkmenistan**, Jehovah's Witnesses are unregistered and cannot exercise freedom of religion. Since September 2018, there has been an increase in government interference with the Witnesses' religious activity. The authorities have intimidated and harassed them by searching homes without a warrant, seizing personal belongings, forcibly taking individuals from their workplace or homes for interrogation and physical violence. Fifty-five-year-old Bahram Hemdemov served a four-year sentence in Seydi prison after his arrest on 14 March 2015, for holding a peaceful religious meeting at his home in a Turkmenabad suburb.

The government does not recognize conscientious objection to military service and makes no provision for alternative civilian service. Since 2018, the authorities have imprisoned 22 young Witness men who refused military service. Most were prosecuted under Article 219(1) of the Criminal Code for the 'absence of legal ground for exemption from military service'. Domestic courts have denied numerous appeals submitted against the sentences. Thirteen of these young Witnesses have been released, and nine are currently imprisoned in the Seydi prison (LB-E/12). They are serving between a one- to four-year prison sentence. From 2015 through 2019, the CCPR released 13 favourable decisions on complaints submitted by Witness men who had been imprisoned in harsh conditions as conscientious objectors to military service. At present, the Witnesses have three other complaints against Turkmenistan pending with the CCPR, one of which deals with conscientious objection.

In April 2019, Jehovah's Witnesses in **Uzbekistan** received exceptional permission to conduct a Christian religious service, using rented premises in Fergana, Qarshi and Urgench. Jehovah's Witnesses are registered only in Chirchik, and all religious activity outside that registered premises, including possession of a Bible, remains unlawful. An international delegation of Jehovah's Witnesses was able to meet the Ministry of Justice and other officials and discuss legal registration, but there is no progress in registering additional Local Religious Organisations (LROs). To register, an

LRO must obtain approval for its registered address from the local mahalla (self-government body) and from the Committee of Religious Affairs before applying to the Ministry of Justice. After new legislation was adopted, Jehovah's Witnesses applied to the respective mahallas in Bukhara, Fergana, Qarshi, Samarkand, Tashkent, Urgench and Nukus, Republic of Karakalpakstan. In no case was the two-stage initial process successful. Additionally, an application to register a branch of the U.S.-based Christian Congregation of Jehovah's Witnesses was denied by the Ministry of Justice.

- Examples of laws (constitutional and other legal provisions) and policies at the national and local levels or public statements by political and religious leadership that impose a uniform understanding of national identity around one dominant religion.

Speaking about their faith is integral to the religious practice of Jehovah's Witnesses. This is protected by Article 18 of the ICCPR and was seen by the ECHR as the paradigm of Convention-protected 'Christian witness'.<sup>ii</sup> Jehovah's Witnesses neither endeavour to coerce individuals nor offer incentives to convert. However, in **Sri Lanka** and in **Nepal**, the authorities endeavour to apply laws prohibiting forced or coercive conversions to their activity. In **Azerbaijan**, representatives of the EAJW were informed by the State Committee for Work with Religious Associations that Jehovah's Witnesses' 'Christian witness' is a barrier to further registrations.

While Jehovah's Witnesses respect governmental authorities and national symbols, their religious beliefs preclude participation in ceremonies venerating such symbols, such as flag saluting or formally singing a national anthem. Children of Jehovah's Witnesses have been expelled from school and denied education in a number of African and Asian countries because of respectfully declining to participate in such ceremonies. This violates Articles 18, 24 of the ICCPR as well as Articles 2, 14, 28 of the Convention on the Rights of the Child.

- Examples of family and personal laws, particularly those related to marriage, divorce, inheritance and alimony that impose beliefs traditions of the predominant religion on religion or belief minorities.

In **Rwanda**, under Law N° 32/2016 of 28 August 2016, governing persons and family, persons getting married are required to hold the national flag while solemnising the marriage. The religious beliefs of Jehovah's Witnesses view this as an act of worship incompatible with their conscience. Accordingly, they are unable to marry while complying with that law. This limits their freedom of religion or belief and also violates Article 23.2 of the ICCPR.

In **Israel**, freedom of religion is guaranteed by law. Various religious minorities have the right to register marriages and have burial places allocated for their adherents. Jehovah's Witnesses outnumber some of these religious minorities but are denied such privileges, and hence are unable to marry or to perform funerals in harmony with their religious beliefs. Their most recent application for recognition as a religious community came before the Supreme Court on 13 June 2019, and the government submitted that for 48 years new religious communities have not been approved as a matter of policy. No decision has been rendered.

- Instances of communal violence against religious minorities and incitement to such violence and the adequacy of state responses.

Jehovah's Witnesses have registration and freedom to practise their religion in **India** but frequently suffer communal violence and vandalism because of their religious identity. The authorities have a record of failing to record, investigate and prosecute such incidents as hate crimes but pressure victims to abandon their peaceful religious manifestation. Between January and May 2019, 33 inci-

dents were recorded in which Jehovah's Witnesses in different parts of India were falsely accused of 'conversion' and denied the fundamental rights of practising and professing their religion. Frequently, where the attackers file a First Information Report, Jehovah's Witnesses are denied the right to file a counter/cross allegation. In 27 of 29 incidents in which the police apprehended Jehovah's Witnesses on fabricated allegations of 'forced conversion', blasphemy or disturbing the peace, the Witnesses were released only after signing a formal undertaking.

- Good practices.

On 28 November 2017, **Armenia's** Minister of Justice requested opinions from the OSCE Office for Democratic Institutions and Human Rights and the CoE Venice Commission on a draft Law on Freedom of Conscience, and on Religious Organizations. At the Venice Commission's request, Jehovah's Witnesses in Armenia provided their comments, and the joint review was published on 20 March 2018. Jehovah's Witnesses continue to enjoy freedom of religion and good relations with the Armenian authorities.

In May 2020, the WGAD issued a 15-page opinion concluding that Russia violated international law by arresting and detaining 18 Jehovah's Witnesses in different cities from May 2018 to July 2019. The opinion demands the immediate and unconditional release of those Witnesses who are still detained. This is the third time in the past year that the WGAD has rendered favourable decisions against the prosecution of Jehovah's Witnesses in Russia.

We express appreciation for the opportunity to make this submission. Should you require further information, please do not hesitate to contact us.

Respectfully submitted,



Marc Hansen



Tony Brace

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<sup>i</sup> Details may be found in the 2019 Service Year Report of Jehovah's Witnesses Worldwide.—  
<https://www.jw.org/en/library/books/2019-service-year-report/2019-country-territory/>.

<sup>ii</sup> *Kokkinakis v Greece*, Application no. 14307/88, 25 May 1993.