

*(Translated from Russian)*

Permanent Mission of the Russian Federation to the United Nations Office and other  
International Organizations in Geneva  
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1202, Geneva

The Permanent Mission of the Russian Federation to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and, with reference to letter AL RUS 2/2017 regarding the activities of the Administrative Centre of Jehovah's Witnesses in Russia, has the honour to transmit herewith the response of the Russian Federation to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on minority issues.

The Permanent Mission of the Russian Federation takes this opportunity to convey to the Office of the United Nations High Commissioner for Human Rights the renewed assurances of its highest consideration.

Geneva, 25 May 2017

HRC/NONE/2017/59  
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**Information from the Russian Federation in response to the letter of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on minority issues regarding the activities of the Administrative Centre of Jehovah's Witnesses in Russia**

*Reference: AL RUS 2/2017*

The Russian Federation is a multi-confessional State, in which there has historically been a tradition of peaceful coexistence between adherents of different religions. Established world religions and a wide range of other religions and creeds are an integral part of the historical heritage of the people of Russia.

Under article 14 of the Constitution, the Russian Federation is a secular State, and religious organizations are separate from the State and equal before the law. Under the law, no religion may be established as the State or mandatory religion. It is prohibited to incite religious strife, hatred or animosity. Freedom of conscience, freedom of religion and equality of human and civil rights and freedoms are guaranteed irrespective of attitude to religion or religious beliefs. No one may be compelled to express or renounce his or her religious beliefs.

The legal status of religious organizations in the Russian Federation is regulated by the Civil Code, Federal Act No. 125-FZ of 26 September 1997 on Freedom of Conscience and Religious Associations, Federal Act No. 7-FZ of 12 January 1996 on Non-Profit Organizations and other laws and regulations.

The State may not interfere in the attitude to religion or religious identity that citizens chose to adopt or in the way in which parents or guardians raise their children in accordance with their beliefs and in the light of the right of children to freedom of conscience and freedom of religion. Nor may the State require religious organizations to carry out the functions of central or local government bodies and agencies. It may not interfere in the activities of religious organizations if they comply with the law. It ensures that education in State and municipal educational establishments is secular. In turn, religious organizations must not interfere in State affairs, participate in the activities of political parties or carry out the functions of central and local government bodies.

Russian law on religion fully complies with the country's international obligations, including the obligations under article 19 of the International Covenant on Civil and Political Rights concerning the right of all persons to freedom of expression and the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of their choice. Under this article, the exercise of this right carries with it special duties and responsibilities and may be subject to certain restrictions, but these may only be such as are provided by law and are necessary.

Under article 14 of the Federal Act on Freedom of Conscience and Religious Associations, religious organizations may be closed down by court order if they repeatedly violate the Constitution or federal law or carry out activities inconsistent with their own statutes.

In accordance with article 7 of the Federal Act on Combating Extremist Activities, religious organizations that show evidence of extremism in their activities, including in the activities of any one of its branches or organizational units, are issued with a written warning that such activities will not be tolerated. If it is possible to take remedial action, the warning will also establish a time frame for doing so.

The Act provides that, if the warning has not been appealed against in court under the established procedure or has not been ruled unlawful by a court, or if no remedial action has been taken during the period established in the warning, or if new evidence of extremism in the activities of the religious organization has emerged during the twelve months from the date of issuance of the warning, then the religious organization will face being closed down in accordance with the established legal procedure.

The Administrative Centre of Jehovah's Witnesses in Russia is a central religious organization that comprises 395 branch organizations.

Much of the printed material published by the Centre was found to contain information inciting religious strife or promoting the exclusivity, superiority or inferiority of citizens on the basis of their attitude to religion. Under final judgments of the court, 95 of the Centre's publications, including a number of issues of *Awake!* and *The Watchtower*, were found to be extremist. On the same grounds, a number of websites were also included in the federal list of extremist materials, including the Jehovah's Witnesses website,<sup>1</sup> the online library of the Jehovah's Witnesses<sup>2</sup> and a range of other online publications.

In accordance with Order No. 268 of 26 April 2010 of the Federal Service for the Supervision of Communications, Information Technology and Mass Media, the authorization granted to the Centre on 24 July 1997 to distribute *Awake!* and *The Watchtower* in the Russian Federation was revoked.

Nevertheless, the Centre and its local branches continued to distribute those materials. Accordingly, on 2 March 2016, the Deputy Procurator General of the Russian Federation issued the Centre with a warning on the inadmissibility of its illegal activities.

The Procurator General's warning of 2 March 2016 was appealed against before the courts by the Centre. The warning was declared lawful and valid by the ruling of Tverskoy District Court in Moscow on 12 October 2016 and by the appellate ruling of the administrative division of Moscow City Court of 16 January 2017.

However, following the period set by the procuratorial authorities to take remedial action, new evidence of violations was identified, including the dissemination by communities under the Centre's jurisdiction of materials recognized as extremist.

Representatives of a number of local Jehovah's Witnesses religious organizations were found guilty under final court decisions of administrative offences in accordance with article 20.29 of the Code of Administrative Offences concerning the mass dissemination, or production or storage for the purpose of mass dissemination of extremist materials.

According to final judgments of the court, nine of the Centre's local branches were found to be extremist and were closed down in connection with activities contrary to the Federal Act on Combating Extremist Activities.

Pursuant to the submissions of the Office of the Procurator General of 27 January 2017 and in accordance with the order of the Ministry of Justice of 1 February 2017, an unannounced visit of the Centre was carried out from 8 to 27 February to assess the extent to which its activities were consistent with the principles and purposes set forth in its statute and with the legislation of the Russian Federation.

Evidence of multiple breaches of the law was found during the inquiry, involving mass dissemination by the Centre of materials already found to be extremist by the courts and violations of the principles and purposes set forth in the statute of the Centre itself. During the inquiry, it was established that, in the period 2014-2017, the Centre had provided funding to a number of local branches that had been ordered to be closed down by decision of the courts.

The law enforcement authorities gave due consideration to international practices in carrying out their activities, including the judgment of the European Court of Human Rights in *Ismailova v. Russia* of 29 November 2007, which confirmed the conclusion of the courts of the Russian Federation that Ms. K. Ismailova's religious commitment to the teachings of Jehovah's Witnesses had adversely affected the development of her two children and their daily lives.

On the basis of the results of the inquiries and above-mentioned provisions in federal legislation, the Ministry of Justice filed an application with the Supreme Court to institute administrative proceedings to recognize the Centre and the 395 local branches under its

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<sup>1</sup> <http://www.jw.org> (No. 2904 — federal list of extremist materials).

<sup>2</sup> <http://www.wol.ps8318.cot> (No. 3718 — federal list of extremist materials).

jurisdiction as extremist and order their closing down, which it granted on 20 April 2017. Representatives of the Centre have the right to appeal against the decision of the Supreme Court.

The court decision does not restrict the right of citizens to freedom of religion. The members of the dissolved organization are still able to practice their faith independently provided that it does not involve distributing literature with extremist content or otherwise engaging in illegal activities, including as part of religious groups not subject to registration requirements (Federal Act on Freedom of Conscience and Religious Associations, art. 7).

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