

Jehovah's Witnesses Use of the United Nations Human Rights Committee to Fight Discrimination in Central Asia

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ABSTRACT: The article summarizes the efforts of the Jehovah's Witnesses to make use of an alternative non-judicial venue to promote and protect their beliefs and way of life in Central Asian nations that have been under the influence of Russia for many decades. They have submitted a number of cases to the Human Rights Committee of the United Nations, which is the enforcement arm of the UN for the International Covenant on Civil and Political Rights. The efforts have been somewhat successful, with a number of judgments of the HRC in favor of the Witnesses, and there have been some positive effects of these rulings.

KEYWORDS: Jehovah's Witnesses in Russia, Jehovah's Witnesses in Central Asia, Religion in Kazakhstan, Religion in Kyrgyzstan, Religion in Tajikistan, Religion in Turkmenistan, Religion in Uzbekistan, International Covenant on Civil and Political Rights and Religious Liberty, Human Rights Committee and Religious Liberty.

Introduction

The Jehovah's Witnesses have fought many successful legal battles in various national judicial systems around the world, especially in Western nations such as the United States, Canada, Australia, and others (Côté and Richardson 2001; Richardson 2020, 2021) The group has also amassed an impressive record with the European Court of Human Rights (ECtHR), which is the court of last resort on human and civil rights issues for citizens of the 46 member nations of the Council of Europe. The Witnesses have gained favorable outcomes in over 60 cases to date with the ECtHR (Richardson 2015, 2017b). Indeed, an argument can be made that Witness cases have been used by some court systems to extend

their authority in substantive areas of law and over geographic areas (Richardson 2017a).

This admirable record championing religious freedom notwithstanding, a question can be raised about how the Witnesses defend themselves and their beliefs and practices in regions of the world that do not have functioning judicial systems (or systems with no real independence or authority). This report will detail one such situation where the Witnesses have attempted to use a non-judicial, treaty based, venue to further their goals, that being by making use of the United Nations and its committee structure, especially those portions charged with protecting and enforcing human and civil rights.

Virtually all nations in the world are members of the United Nations, and most are signatories to the very important International Covenant for Civil and Political Rights (ICCPR). This includes five nations in Central Asia: Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, most of which have had numerous instances of various types of harassment of Jehovah's Witness members and organizations over recent decades (Fautré, this issue of *The Journal of CESNUR*). Included are claims of censorship of publications, refusal to register Witness organizations, arrest and deportation for preaching, fabrication of charges and unfair trial, and, especially in Turkmenistan, denial of opportunity for an alternative of purely civilian nature to military service.

Russian Influence in Central Asian Region

All the Central Asian nations being discussed herein were formerly part of the Soviet Union and only gained a degree of independence with the collapse of the Soviet Union over three decades ago (see Massimo Introvigne's detailed history in this issue of *The Journal of CESNUR*, as well as Rosita Šorytė's presentation on Russian influence in the region, also in this issue). However, there remains a considerable cultural affinity with Russia, and it is not surprising that Russia's treatment of the Witnesses has been emulated to some extent by the Central Asian nations. Thus, as background for this report it seems worthwhile to discuss what has happened recently concerning Russia's treatment of the Witnesses.

Russia had declared the Jehovah's Witnesses an extremist organization in 2017, and has been prosecuting members and seizing Witness property since

that decision (and even before the official ruling). Witness publications have been seized, the Witness website was shut down, many meetings in homes and churches were raided, and dozens of members have been arrested using violent tactics. Long prison sentences have been given against dozens of members, and those incarcerated have experienced much ill treatment, including torture.

Russia was earlier this year still a member of the Council of Europe (CoE) and still is subject to the European Court of Human Rights for cases relating to events up to six months from the date of leaving, under exit provisions in the relevant treaties. Given this situation the Witnesses had filed dozens of cases against Russia in the ECtHR, and have won a number of them, most recently in a very unusual and sweeping decision on June 7, 2022. The ECtHR ruled in favor of the Witnesses in a decision that consolidated numerous pending cases against Russia brought by the Witnesses (19 cases with 1,444 applicants, which included 430 legal entities): violations were found of Articles 9, 10, 11, and Article 1 of Protocol No. 1 (European Court of Human Rights 2022).

In this 191-page ruling, the Court ordered that all Jehovah's Witnesses be released from prisons, further legal proceedings be discontinued, and that Russia return all property or pay 64 million Euros for damages to the Jehovah's Witnesses. However, Russia, although a member of the CoE at the time of the ruling (and until December 31, 2022), has refused to take any action to implement the decision, despite its treaty obligations. The decision is very important symbolically, however, and may have influence over former Soviet nations including those in Central Asia.

The United Nations Human Rights Committee

The Human Rights Committee (HRC) of the United Nations is charged with investigation of alleged instances of violation of provisions of the International Covenant on Civil and Political Rights (ICCPR); and it does so, issuing public reports of its findings that sometimes can make a difference in how a member nation of the UN deals with such matters.

Key provisions of the ICCPR include Article 18:

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and

freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

There are other provisions of the ICCPR that are also relevant and which have been used in efforts to defend the activities and beliefs of religious groups in signatory nations. They include Article 7 (dealing with torture), Article 9, (arbitrary arrest), Article 10 (treatment of prisoners), Article 14 (fair trial requirement), Article 22 (freedom of association), and Article 22 (equal treatment before the law).

The Witnesses first made efforts to avail themselves of the UN's HRC in 2012 when a number of conscientious objection cases were filed that involved Turkmenistan's refusal to allow alternatives to military service. Since then, a number of additional cases have been submitted against all five Central Asia nations, and in 19 such cases strongly worded rulings have been obtained against four of the nations. All 19 cases cited a violation of Article 18, and several other articles mentioned above were cited in specific cases.

Kazakhstan has been ruled against by the HRC in a case dealing with censoring Witness publications. Both Kyrgyzstan and Tajikistan have lost cases dealing with registration, and Tajikistan has also lost a case dealing with arrest and deportation of a Witness preacher. Turkmenistan has lost 12 cases dealing with conscientious objection and refusal to perform military service. Rulings in a few cases filed against Uzbekistan have not been finalized; thus, no record is available of the outcome of those cases.

Has This Approach Had Any Effects?

According to reports received from the Jehovah's Witnesses, in recent months Turkmenistan has refrained from further imprisonments of young Witness men

for refusing to accept military service, and it has released some from prison. The government also has proposed a new alternative service program, but this does not meet international standards, so does not completely resolve the issue there. There have been no further arrests for preaching in Tajikistan, and there have not been other efforts to stop importation of Witness literature into Kazakhstan. There are continued problems with registration in Kyrgyzstan in some regions but there has been recognition of the Witnesses at the national level.

Thus, it seems that making use of the venue has had some positive effects but there are remaining problems (and, as noted, the cases from Uzbekistan have not been fully adjudicated as of this writing).

The generally positive reactions to the rulings of the UN's HRC indicate some movement by these Central Asian nations away from the shadow of Russia and its extremely punitive treatment of the Jehovah's Witnesses in that country. This movement, however slow and halting, is a welcome outcome for those who value religious freedom in all nations of the world.

References

Note: The article also refers to the texts by Willy Fautré, Massimo Introvigne, and Rosita Šoryté published in this issue of *The Journal of CESNUR*.

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