



## **EMN Ad-Hoc Query on NO EMN AHQ ON applications for protection from Jehovah's Witnesses from Russia**

Requested by Kathleen CHAPMAN on 28th September 2018

### **Protection**

Responses from Austria, Belgium, Croatia, Cyprus, Czech Republic, Estonia, Finland, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Slovak Republic, Sweden, United Kingdom, Norway (19 in total)

#### Disclaimer:

*The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.*

### **Background information:**

As a result of new country-information on the situation for Jehovah's Witnesses (JW) in Russia, specifically for the period from January to July 2018, a number of applicants for asylum from this group have been granted protection in Norway the last few months (no applications were granted in 2017). We would like your assessment of the situation in Russia for this religious group, with focus on the actual reactions from the Russian authorities in the mentioned period, and whether reactions from the Russian authorities have had any consequences on the general policy towards this group in your MS. We are also interested in knowing if you foresee any potential changes in policy due to reactions from the Russian authorities towards this group.

### **Summary**

See attached summary with table.

### **Questions**

1. Has your MS granted international protection or any other type of protection to Jehovah's Witnesses from Russia? YES/NO
2. If YES:

Does your MS consider there to be a real risk of persecution for all Jehovah's Witnesses in Russia or it is limited to a certain status/ position in the congregation (i.e. body of elders or as member of the clergy)?

Does your MS consider the risk of persecution to be limited to a certain region of the Russian Federation or it is nationwide? YES/ NO





If YES, does your MS consider it possible to apply the internal flight option?





Briefly describe which conduct or action by the Russian authorities your MS considers as persecution against the Jehovah witnesses?



3.




Did your MS experience an increased number of these applicants in 2018? Can you please indicate numbers so far in 2018, and the percentage granted protection – OR provide rough estimates. Please fill out attached table and upload to IES site.




**Responses**



	Country	Wider Dissemination	Response
	Austria	Yes	<p>1. Statistics divided by religious affiliation are not available. Hence, also statistics regarding Jehovah's Witnesses from the Russian Federation are not available either. Decisions are taken for each individual case. The necessary grant of a protection status is therefore dependent on the individual situation of persecution as defined within the Geneva Refugee Convention or the Qualification Directive, respectively. --- Source: Ministry of the Interior</p> <p>2. n/a --- Source: Ministry of the Interior</p> <p>3. Statistics divided by religious affiliation are not available. Hence, statistics regarding Jehovah's Witnesses from the Russian Federation are not available either. --- Source: Ministry of the Interior</p>
	Belgium	No	
	Croatia	Yes	<p>1. 1. No.</p> <p>2. 2. N/A</p> <p>3. 3. N/A</p>
	Cyprus	Yes	1. NO

			<p>2. N/A</p> <p>3. N/A</p>
	Czech Republic	No	
	Estonia	Yes	<p>1. Yes.</p> <p>2. It is not possible to make any generalisations. All applications are assessed on a case by case basis. No, the regional aspect is not taken into account. Well founded fear of persecution under the religious grounds is assessed and the possible circumstances in case of returning to Russia are taken into account, e.g possibility of detention, confiscation of property etc.</p> <p>3. In 2017 there were 6 asylum applications submitted by the Jehovah's Witnesses from Russia. In 2018 there have been none. In 2017 one person received international protection.</p>
	Finland	Yes	<p>1. YES</p> <p>2. All applicants have to demonstrate individual grounds to receive international protection. NO Earlier serious harassment or criminal proceedings by the Russian authorities.</p> <p>3. There has been a slight increase. See the table enclosed and please note that majority of cases are still pending decision.</p>
	Germany	Yes	<p>1. Yes.</p> <p>2. 2. If YES: <span style="float: right;"><input type="checkbox"/> Does</span>  Witnesses in Russia or it is limited to a certain status/ position in the congregation (i.e. body of elders or as member of the clergy)? No. The Russian government forbade the general organization of Jehovah's Witnesses and its regional affiliates by characterizing them as "extremist organization". The practice of the faith by an individual is not forbidden. Criminal persecution (which is the general</p>

			<p>form of prosecution towards Jehovah's Witnesses) thus depends on whether or not an individual engages in operating or financing an organization or continuing in operating an organization that has been forbidden and does not depend on his/her status or position in the congregation. The criminal persecution becomes relevant for international protection if the organization of the congregation or the promotion of the faith through an organization is part of the religious identity of the applicant. <input type="checkbox"/></p> <p>Does your MS consider the risk of persecution to be limited to a certain region of the Russian Federation or it is nationwide? YES/ NO No, the risk is nationwide. • If YES, does your MS consider it possible to apply the internal flight option? <input type="checkbox"/> <del>Country or region by the</del></p> <p>Russian authorities your MS considers as persecution against the Jehovah witnesses? Criminal persecution</p> <p>3. Though modest in numbers, there was a rise of applicants all through 2017 and 2018. Recognition numbers have been higher than expected, as substantial guidance was not initially available. see also attached table</p>
	Hungary	Yes	<p>1. No.</p> <p>2. Not applicable.</p> <p>3. Among the asylum seekers of Russian nationality no one claimed to be persecuted for belonging to the Jehovah's Witnesses.</p>
	Italy	Yes	<p>1. The statistical database does not detect this type of information (religious membership of asylum seekers and beneficiaries of international protection, even if during the individual assessment this persecution's reasons is take into account)</p> <p>2. n/a n/a n/a The ordinary asylum procedures for processing the asylum application apply, and the assessment is individual.</p> <p>3. see Q1</p>

	Latvia	Yes	<p><b>1.</b> No. The first asylum request from a Jehovah's Witness was negative. The rest is still under consideration.</p> <p><b>2.</b> N/A</p> <p><b>3.</b> Until 2018 no Jehovah's Witnesses asked for asylum in Latvia. Requests for asylum in Latvia in 2018 has been made by 8 Jehovah's Witnesses (including family members) from Russia. The first (negative) decision was appealed and now is waiting for a court decision.</p>
	Lithuania	Yes	<p><b>1.</b> Yes.</p> <p><b>2.</b> a) Does your MS consider there to be a real risk of persecution for all Jehovah's Witnesses in Russia or it is limited to a certain status/ position in the congregation (i.e. body of elders or as member of the clergy)? -It should be noted that in LT each application is examined and decisions are adopted individually. Therefore, it is not possible to make any generalizations. b) Does your MS consider the risk of persecution to be limited to a certain region of the Russian Federation or it is nationwide? -NO c) Briefly describe which conduct or action by the Russian authorities your MS considers as persecution against the Jehovah witnesses? LT received only few applications on this ground, therefore no further conclusions are available.</p> <p><b>3.</b> No. Official statistics are not available.</p>
	Luxembourg	Yes	<p><b>1.</b> No.</p> <p><b>2.</b> N/A. The simple fact that Jehovah's Witnesses activities are forbidden in Russia or the possibility of being prosecuted are not sufficient grounds to receive international protection (See in this respect decision of the Administrative Court no. 35755C of 7 July 2015). Luxembourg treats every international protection application on a case by case basis analyzing the facts described by the applicant and the particular situation in the country of origin.</p> <p><b>3.</b> N/A. Luxembourg registers the nationality of the applicant and not religion when keeping</p>

			statistics.
	Netherlands	Yes	<p><b>1.</b> Our system only registers nationality, not religion or the reason to seek asylum. Therefore, it is not possible to answer this question.</p> <p><b>2.</b> It is not possible to answer this question. Every asylum application is assessed individually. In the case of Jehovah's Witnesses, the asylum seeker needs to demonstrate individual grounds.</p> <p><b>3.</b> N/A</p>
	Poland	Yes	<p><b>1.</b> Yes, Poland has granted refugee status to one applicant.</p> <p><b>2.</b> Poland does not consider there is a real risk of persecution for all Jehovah's Witnesses in Russia. Each application is assessed on individual merits and applicants need to credibly demonstrate real risk of persecution due to religious beliefs. No, individual risk of persecution is not limited to a certain region of the Russian Federation, it is nationwide. Discrimination on many fields and serious physical and mental violence (often perpetrators are third persons, not a state agents), with no help and protection from the state (police, prosecutors, etc.).</p> <p><b>3.</b> Number of Russian applicants claiming to be Jehovah's Witnesses: 2015: 0 2016: 0 2017-2018 (January-November 2018): 12 applications – 1 granted refugee status</p>
	Slovak Republic	Yes	<p><b>1.</b> Slovak Republic has not have any applicants for international protection from this group.</p> <p><b>2.</b> N/A</p> <p><b>3.</b> N/A</p>
	Sweden	Yes	<p><b>1.</b> No information available since we only register nationality and not religion in the asylum process.</p>

			<p>2. NA</p> <p>3. No information available since we only register nationality and not religion in the asylum process.</p>
	United Kingdom	Yes	<p>1. The UK do not hold statistics on claimed grounds for protection or an applicant's religious beliefs so we are unable to provide this information.</p> <p>2. The UK does not have a policy position on this issue; each case is considered on its individual facts.</p> <p>3. The UK does not hold statistics on claimed grounds for protection or an applicant's religious beliefs so we are unable to provide this information.</p>
	Norway	Yes	<p>1. yes</p> <p>2. <input type="checkbox"/> Does your MS consider there to be a real risk of persecution for all Jehovah's Witnesses in Russia or it is limited to a certain status/ position in the congregation (i.e. body of elders or as member of the clergy)? Norway does not consider everyone in this group to be at risk, but Norway is currently conducting a more extensive analysis of the situation in Russia. Ordinary members that have not experienced any problems in Russia might still get their applications rejected. Persons in leading and/or profiled roles or positions in JW will to a greater extent be at a real risk of persecution. Norway is still conducting concrete and individual risk-assessments. <input type="checkbox"/></p> <p>consider the risk of persecution to be limited to a certain region of the Russian Federation or it is nationwide? YES/ NO YES • If YES, does your MS consider it possible to apply the internal flight option? It depends on the circumstances at hand. If the reactions are more formal and from the official authorities, it will in most cases not be possible to apply internal flight to other regions in Russia. <input type="checkbox"/></p> <p>persecution against the Jehovah witnesses? Administrative reactions like suspended sentences, travel restrictions or monetary fines given to members of JW will not automatically in our view suffice to constitute a situation of persecution according to the refugee convention. A wide range of reactions, like house arrest and more repeated and systematic harassment, may in some cases meet the criteria</p>



			<p>in the convention. Imprisonment for months or years, with or without formal sentencing, obviously will constitute persecution. Norway will continue to evaluate each individual case both on evidence and risk assessment.</p> <p><b>3.</b> Norway experienced an increase from the second half of 2017, with some applicants continuing to arrive in 2018. But the total numbers are so far relatively low. We refer to the numbers below (Norwegian numbers are approximate numbers for decisions made by the Norwegian Directorate of Immigration as well as the Norwegian Immigration Appeals Board (UNE)). Applicants for international protection: Jehovah's Witnesses from Russia 2017 Jan. 1 - Sept.1, 2018 Total number of applicants from this group 68 Number Granted protection from this group 06</p>
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