

Religious Freedom Concerns

Statement by the European Association of Jehovah's Christian Witnesses

OSCE Supplementary Human Dimension Meeting, Vienna

14 and 15 April 2016

Kazakhstan continues its restrictions on the religious activity of Jehovah's Witnesses

Since January 2015, Kazakhstan authorities have eased restrictions on Jehovah's Witnesses and the peaceful practice of their religion.

However, in a campaign that began in December 2012, the government continues to target the Witnesses for manifestation of their religious beliefs.

- Authorities have detained and convicted about 77 of Jehovah's Witnesses for speaking about their religious beliefs to relatives, friends, and neighbours and fined the Witnesses more than 750 euros each for manifesting their religious beliefs. From January to April 2016, five (5) new administrative cases were initiated, two (2) of which resulted in convictions, and three (3) pending with the court.
- Attorneys have filed 48 complaints with the UN Human Rights Committee (CCPR) on behalf of 45 of Jehovah's Witnesses convicted of "missionary activity."
- Three foreign citizens convicted of "missionary activity" were deported. The decisions against them were final.
- Since 1 January 2015, police have not raided religious services of Jehovah's Witnesses. Nonetheless, at times police detain and question Jehovah's Witnesses immediately after religious services.
- In August 2015, one citizen of Uzbekistan was convicted of practicing "missionary activity," but after the protest of the Prosecutor's office that case was reversed and terminated.
- In August 2015, the Committee of Religious Affairs (CRA) banned three of the Witnesses' publications for import and in September 2015 another three. Appeals to allow the importation of these religious publications are pending.
- At the end of **December 2015**, police in **Almaty** came to the peaceful meeting of Jehovah's Witnesses and issued an administrative protocol against the head of the local religious association (LRA). They explained that a husband who is not one of Jehovah's Witnesses complained to the police about his wife attending the Christian meetings with her five children.

On **18 February 2016**, a court penalized the head of the LRA, though he was unaware of that father's opinion, and imposed a fine of 106,050 tenge (225 euros, due to inflation).

On **18 March 2016**, the decision was affirmed on appeal.

Interference with Manifestation of Belief

Background. Kazakhstan authorities primarily restrict religious freedom by applying the Law on Religious Activity and Religious Associations (2011 Religion Law) adopted on 11 October 2011. The law prohibits unregistered “missionary activity.”—Articles 1(5) and 8(1).

State officials claim that it is illegal for Jehovah’s Witnesses, whether Kazakh or foreign, to share their Bible-based beliefs with friends, neighbours, and other interested persons and to participate in religious services at their registered places of worship without first obtaining registration as “missionaries.”

- On **23 March 2016**, the Witnesses peacefully observed the Memorial of Christ’s death at rented premises in an Astana trade center. The local police and Department of Religious Affairs (DRA) are interrogating members of the LRA and developing an administrative case against them for not confirming that location with the DRA. The action threatens heavy fines or restriction of the LRA’s free operation. It is noteworthy that the Astana city administration **officially seized the LRA’s house of worship** just a few months earlier under the pretext of a city utility project. Now the LRA has no official place to meet together for worship.
- On **6 April 2016**, a representative of the Semey City administration (East Kazakhstan) issued protocols for the administrative offense of “missionary activity” to two Witnesses.
- On **5 April 2016**, a representative of the local Department of Religious Affairs (DRA) (West Kazakhstan) issued a protocol for the administrative offense of “missionary activity” to one of Jehovah’s Witnesses.
- In **January 2016**, a male Witness was convicted for “illegal missionary activity” (North Kazakhstan) and ordered to pay a fine of 212,100 tenge (550 euros, due to inflation).
- In **November 2015**, two elderly female Witnesses in the city of Ust’-Kamenogorsk (East Kazakhstan) were fined for “illegal missionary activity,” 198,200 tenge each (994 euros).
- To date, about 77 Witnesses have been arrested and convicted of “missionary activity.”¹ All were ordered to pay the maximum fine.² When some of the Witnesses were convicted a second time, the court fined each of them twice as much (1,500 euros). Authorities have arrested and convicted several of the Witnesses three times.

International response to the 2011 Religion Law

- On 23 December 2014, the Special Rapporteur on freedom of religion or belief, Mr. Heiner Bielefeldt, released his report on Kazakhstan. He called on the government to amend its religion law, reiterating that the right to “bear witness to one’s convictions, to communicate within and across religious and denominational boundaries and to try to persuade others non-coercively” is a fundamental right guaranteed by Article 18 of the International Covenant on Civil and Political Rights (ICCPR). It cannot be made conditional on “state approval.”—UN Human Rights Council document A/HRC/28/66/Add.1, §§ 36, 69.
- On 21 October 2014, the CCPR released its decision in the case of *Viktor Leven v. Kazakhstan* (Communication No. 2131/2012). This case concerned a foreign citizen of another faith

¹ Courts now convict the Witnesses under Article 490(3) of the Code of Administrative Violations. Previously, courts convicted the Witnesses under Article 375(3).

² The maximum fine in 2014 was 185,200 tenge (approximately 750 euros); in 2015, was 198,200 tenge (approximately 994 euros); and in 2016, is 212,100 tenge (approximately 550 euros, due to inflation).

who was convicted and deported under a similarly-worded provision in Kazakhstan's previous law on religion. The CCPR ruled that Kazakhstan had failed to justify why it was necessary for Mr. Leven to first register as a foreign missionary "in order to engage in prayer together with his associates from the same church," to conduct church meetings, and to preach. The CCPR directed Kazakhstan to "prevent similar violations in the future."

State Censorship of Religious Literature

Background. The Kazakhstan Constitution states that "censorship is prohibited" (Article 20(1)). However, Articles 6(1) and 9(3) of Kazakhstan's 2011 Religion Law make it illegal to import any religious literature into Kazakhstan without first submitting it for an "expert study" and obtaining CRA approval of that literature. The requirement violates freedom of religion and freedom of expression rights guaranteed by ICCPR Articles 18 and 19.

The 2011 Religion Law also imposes a ban on the public distribution of religious literature outside of places of worship and other places authorized by the local authorities, even if the literature received a positive conclusion in a religious "expert study" (Article 9(2)).

In violation of the prohibition on religious discrimination in Article 26 of the ICCPR, the CRA has adopted two contradictory and discriminatory approaches. For Jehovah's Witnesses, it has taken an extreme approach and banned the importation of **31** of their publications because it takes exception to the religious beliefs expressed in those publications. However, the CRA freely permits the importation of publications from State-approved religious organizations, such as certain Islamic organizations and the Russian Orthodox Church.

- On **22 September 2015** the CRA denied permission to import of *The Watchtower* magazine of 15 November 2015, and *the Awake!* magazine of November 2015. On 26 December 2015 the CRA reviewed these magazines and approved *The Watchtower* to be imported but still denied permission for the *Awake!* magazine.
- On **20 and 25 August 2015** the CRA denied permission to import three more religious publications of Jehovah's Witnesses: *What Does the Bible Really Teach?*, *"Keep Yourselves in God's Love,"* and *Good News From God!*
- On **1 April 2015**, the Cassation Collegium of the Astana City Court upheld the CRA decisions to ban four publications. The Witnesses have appealed to the Supreme Court.
- In three decisions dated 31 January 2013, the CRA denied permission to import ten religious publications. On **27 March 2015**, after exhausting all domestic remedies, the Witnesses filed a complaint with the CCPR.
- Generally, the passages to which the CRA objects are either direct quotations from the Bible or the Witnesses' sincere explanation of the meaning of these quotations.

Societal Abuses and Discrimination

- In **March 2016**, the "Centre for Study and Analysis," subject to the Almaty DRA, posted an article making slanderous statements against the Witnesses (who have filed a complaint).
- In **2015**, journalists reported on five cases where Aleksandr Mikhailov delivered "lectures" in schools that defamed Jehovah's Witnesses and criticized their teachings. The local DRA had retained Aleksandr Mikhailov as an "expert" on the activity of "propagandistic groups." Complaints have been filed with appropriate administrative agencies.
- In **July 2015**, the Institute of Analysis and Forecasting distributed a questionnaire in the East Kazakhstan Region regarding the "Extent of Proliferation and Influence of Destructive

Religious Organizations in the East Kazakhstan Region.” The Institute is listed on the official site of the governor’s office as a “cooperating institution for sociological reviews” and apparently acts on the order of the DRA. Jehovah’s Witnesses are mentioned in this questionnaire in an offensive and discriminatory way. A complaint has been filed with the DRA and the CRA has been informed.

Positive Developments

- Recently, State authorities have taken action to combat derogatory and defamatory speech by State officials directed at minority religions. In a number of cases in the past year, State agencies have disciplined State officials for religiously intolerant speech.
- In August 2015 a Witness with Uzbekistan citizenship living in Kazakhstan was convicted of practicing “missionary activity,” but after the protest of the Prosecutor’s office that case was reversed and terminated.

Jehovah’s Witnesses respectfully request that the government of Kazakhstan:

- (1) Stop imposing bans on religious publications of Jehovah’s Witnesses
- (2) Allow the free distribution of religious literature in locations other than places of worship and places authorized by the local authorities
- (3) Stop the arrest, prosecution, deportation, and harassment of Jehovah’s Witnesses for so-called unregistered missionary activity
- (4) Annul the deportation of several of Jehovah’s Witnesses for unregistered “missionary activity”
- (5) Fulfill its obligations under international law to guarantee freedom of religion, expression, assembly, and association for all citizens, including Jehovah’s Witnesses

Representatives of Jehovah’s Witnesses welcome the opportunity to engage in constructive dialogue with representatives of the Kazakhstan government.

For more information:

Please contact the Office of General Counsel of Jehovah’s Witnesses at generalcounsel@jw.org

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