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Enclosed information material is submitted by the European Association of Jehovah's Witnesses

European Association of Jehovah's Witnesses

K A Z A K H S T A N

RELIGIOUS FREEDOM ISSUES

STATEMENT BY THE
EUROPEAN ASSOCIATION OF
JEHOVAH'S WITNESSES

**OSCE Human
Dimension
Implementation
Meeting, Warsaw**

16-27 SEPTEMBER 2019

Kazakhstan

Jehovah's Witnesses in Kazakhstan enjoy a measure of religious freedom and note recent improvements that show increasing respect for their fundamental rights.

Since September 2018:

- Some Witnesses were exonerated of false charges and compensated for wrongly imposed penalties.
- Kazakhstan officials met with representatives of the Witnesses and listened to their concerns about religious freedom violations. Some officials visited the Witnesses' Kingdom Halls (places of worship) during open house events.
- The Witnesses were allowed to import religious literature without hindrance. However, distribution remains tightly controlled.
- No Witnesses were convicted of "illegal missionary activity".

Despite improvements, Jehovah's Witnesses still experience violations of basic religious freedoms and contend with efforts to restrict their religious activity.

Between September 2018 and August 2019:

- **There were 22 incidents** where police detained a total of 52 Witnesses while they were sharing their faith with others.
- **Law enforcement officers disrupted 10 peaceful religious meetings** in different parts of the country and fined 3 of the Witnesses in attendance.
- **Thirty-two Witnesses** who are conscientious objectors to military service faced difficulties in obtaining ministerial exemption.
- **Seventeen of Jehovah's Witnesses faced various forms of harassment**, including compulsory participation in ceremonies incompatible with their beliefs and expulsion from college.

Despite improvements, Jehovah's Witnesses still experience violations of basic religious freedoms and contend with efforts to restrict their religious activity.

Interference With Manifestation of Religious Belief

POLICE HARASSMENT AND THREATS

Between **September 2018** and **June 2019**, there were **22 incidents** where 52 of Jehovah's Witnesses were forcibly detained while peacefully speaking to others about their religious beliefs. Although the authorities did not pursue administrative or criminal charges, they warned some of those detained that they would be fined for "engaging in missionary activity without registration" under Article 490 (3) of the Code on Administrative Violations of the Republic of Kazakhstan (CAV).

INTERFERENCE WITH PEACEFUL RELIGIOUS MEETINGS

Law enforcement officers disrupted 10 peaceful religious meetings in different parts of the country and fined 3 of the Witnesses in attendance.

- 1. Aiet Village (Kostanay Region).** On **2 May 2019**, the Taranovsk District Court found Sergey Nurmanov guilty under Article 490 (1/1) of the CAV for "violations of requirements on holding religious rites, ceremonies and/or assemblies." Mr Nurmanov was conducting religious meetings at the registered address of the Local Religious Organisation (LRO). However, the court penalized him for conducting these meetings without obtaining permission from his neighbours, even though the law does not require him to do so. The court fined him approximately EUR 205 (USD 230). On **3 June 2019**, the Kostanay Regional Court upheld the decision.
- 2. Nur-Sultan (formerly Astana).** On **24 May 2019**, the City Department of Religious Affairs filed charges against Dimitriy Bukin, a member of the Witnesses' Astana LRO, under Article 490 (7) of the CAV for the alleged "failure to prevent the involvement of a minor in religious activity when one or both of the parents object to it." On **4 July 2019**, the Specialised Inter-district Administrative Court ruled to terminate the case for technical reasons. However, in the ruling, the judge pronounced Mr Bukin guilty. His attorneys filed a complaint against the ruling, and the case is still pending.
- 3. Kandyagash (Aqtöbe Region).** On **6 June 2019**, the Mugalzhar District Court found Bolat Isabayev, a male Witness, guilty under Article 490 (1/1) of the CAV because he had conducted the Memorial of Jesus' death (the most sacred occasion in the year for Jehovah's Witnesses) in a private home without obtaining the neighbours' consent, even though there is no requirement in the law for him to do so. The court fined him approximately EUR 203 (USD 230). On **2 July** the Aqtöbe Regional Court left the decision unchanged.



Dimitriy Bukin

RESTRICTIONS ON DISTRIBUTING RELIGIOUS LITERATURE

While the Witnesses were permitted to import all of their religious literature during the past year, the government severely restricts distributing it. The Witnesses can distribute literature only in designated “religious buildings” and not on the street or even in a private home. Some of their Kingdom Halls have been classified as offices, further restricting locations for legal distribution of religious material.

Currently, the Witnesses have four complaints pending with the UN Human Rights Committee concerning past issues of censorship and the proscription of 18 of their religious publications.

RESTRICTIONS ON CONSTRUCTING PLACES OF WORSHIP AND MEETING IN PRIVATE HOMES

Although the Witnesses are allowed to renovate the buildings they currently own and use for worship, they face difficulties in constructing new Kingdom Halls. Current legislation governing religious organisations does not restrict the Witnesses from constructing new Kingdom Halls, but the Witnesses face obstacles in obtaining permission to do so. One of the prerequisites is that the neighbours give their consent. Even in cases where the neighbours have agreed, they later rescinded because of pressure from the local authorities.

Authorities also make it difficult for the Witnesses to conduct religious meetings in private homes. In three cases the authorities issued written warnings to the Witnesses for conducting religious meetings in private homes. In the warnings, the authorities also reminded the Witnesses that they must obtain approval from the authorities to conduct the meetings in rented facilities, even though this is not required by law.



Almaty

A typical religious meeting at a Kingdom Hall

Abuses and Restrictions of Religious Freedom

DIFFICULTIES IN OBTAINING RECOGNITION AS CONSCIENTIOUS OBJECTORS

Military service is compulsory in Kazakhstan, with no provision for conscientious objectors. In recent years, Jehovah’s Witnesses have been exempted from military service when an LRO issues a certificate that acknowledges a young man as a religious minister.

Between **September 2018** and **August 2019**, there were 32 Witness conscientious objectors in various parts of Kazakhstan who initially encountered difficulties in obtaining ministerial exemption from military service. Local enlistment officers considered the certificate issued by an LRO to be insufficient evidence to exempt the young men. When it was necessary, the LROs

provided clarification on the ministerial status along with a letter from the conscientious objector formally asking to be released from military service. All cases were eventually resolved with the authorities.

Societal Abuses and Discrimination

COMPULSORY PARTICIPATION IN PATRIOTIC CEREMONIES

Shymkent. On **1 September 2018**, the College of Light Industry and Service expelled a Witness student for not singing the national anthem. The student and her mother explained her position to her teachers and to the dean of the college but without success. Her mother then wrote to the dean, citing her daughter's constitutional right to freedom of conscience and belief. The college administration denied that her daughter had ever been enrolled. Her mother filed a complaint with the District Prosecutor's Office and the City Department of Education. The Department of Education denied the facts set out in the complaint.

DEFAMATORY MEDIA STATEMENTS

During the past year, more than 50 false and defamatory articles about Jehovah's Witnesses have been published in various media outlets. Even though these reports are blatantly false, they damage the reputation of the Witnesses.

Positive Developments

- **Kökshetaū.** On **20 December 2018**, the State Revenue refunded Andrey Korolev, one of Jehovah's Witnesses, a fine of approximately EUR 395 (USD 450), pursuant to the 1 June 2017 decision of the Supreme Court of Kazakhstan that exonerated him from 'engaging in missionary activity without registration'. On **27 December 2018**, Mr Korolev received an additional EUR 105 (USD 120) as further compensation.
- **Shymkent.** On **4 January 2019**, police in Shymkent City charged two female Witnesses with harassment (annoyance) in public places under Article 449 (1) of the CAV because they were sharing their faith with others. The women were fined approximately EUR 29 (USD 33). On **22 and 25 January 2019** respectively, the Shymkent City Specialised Administrative Court annulled the fines.
- **Glubokoye Village (East Kazakhstan Region).** On **19 April 2019**, the Glubokovsk District Court convicted Sergey Merkulov under Article 490 (1/1) of the CAV for conducting religious meetings in his private home. He was fined approximately EUR 291 (USD 328). Mr Merkulov appealed to the East Kazakhstan Regional Court. The Glubokovsk District Pro-

Jehovah's Witnesses are grateful to the government of Kazakhstan for allowing them to worship in relative freedom.

secutor's Office also lodged an appeal with the regional court, stating that there was no record of complaints from the neighbours or other individuals, and therefore no violations were found. On **16 May 2019**, the appellate court found no evidence that Mr Merkulov had committed a crime and reversed the decision.

- **Religious literature** was imported without hindrance this past year. However, distribution remains tightly controlled.
- **Open house events** were held in select cities throughout the country. Jehovah's Witnesses invited the public, including neighbours, government officials and journalists, to visit their Kingdom Halls. The initiative was supported and welcomed by the Committee on Religious Affairs of the Ministry of Religious Affairs and Civil Society of the Republic of Kazakhstan. Some employees and heads of State institutions, including those who specialise in religious affairs, attended these events.



Qaraghandy

Officials visit a Kingdom Hall during an open house event.

Meetings With Officials

When problems arise, the Witnesses make efforts to meet with officials. Most of the meetings the Witnesses conducted with officials were amicable and yielded positive results.

- During **January and February 2019**, representatives of Jehovah's Witnesses visited high-ranking officials in Nur-Sultan. The representatives also met with the head of the Department for Religious Affairs of the East Kazakhstan region and the head of the Advisory and Methodological Centre Parasat in Öskemen.
- During the period of **March to May 2019**, representatives of Jehovah's Witnesses made more than 10 visits to Kazakhstan officials in different cities and met twice with the Consulate General of Almaty. In Nur-Sultan, representatives of the Witnesses met with the management of Eurasia Channel One to pre-empt an upcoming broadcast containing false accusations against Jehovah's Witnesses.
- On **7 August 2019**, a meeting was held with the representatives of the Committee for Religious Affairs of the Ministry of Information and Social Development in Nur-Sultan.

RELIGIOUS FREEDOM OBJECTIVES

JEHOVAH'S WITNESSES RESPECTFULLY REQUEST THE GOVERNMENT OF KAZAKHSTAN TO:

- **Ensure that Jehovah's Witnesses are not harassed or impeded when sharing their faith with others or meeting with fellow believers in private homes;**
- **Remove obstacles to allow construction of new Kingdom Halls;**
- **Eliminate restrictions on distribution of literature; and**
- **Enforce media standards prohibiting defamation and incitement to religious hatred.**

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 Public Information for Jehovah's Witnesses at OPIGov@jw.org.



Visit the Newsroom at jw.org or scan the QR code to learn more about legal developments and human rights affecting Jehovah's Witnesses.

