

Jehovah's Witnesses in

KAZAKHSTAN

Religious Freedom Concerns

Statement by the European Association of Jehovah's Christian Witnesses

OSCE Human Dimension Implementation Meeting, Warsaw

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Despite some improvements, Kazakhstan continues its restrictions on the religious activity of Jehovah's Witnesses, who are targeted for the peaceful manifestation of their religious beliefs.

- During 2016, the UN Human Rights Committee (CCPR) was to consider 48 complaints, principally for “illegal missionary activity” (one case concerns censorship of religious publications). The General Prosecutor's Office (GPO) requested that Jehovah's Witnesses ask the CCPR to suspend consideration of these cases. The GPO then protested a case regarding the deportation of Robert Panchukovsky, referring it to the Supreme Court of Kazakhstan. On **16 June 2016**, the Court reversed Mr Panchukovsky's conviction, dropped all charges, and allowed him to return to Kazakhstan.
 - In response, the Witnesses withdrew four applications to the CCPR concerning this legal issue—the charge of unregistered missionary activity brought for participating in religious services. This was the issue addressed by the Supreme Court's decision in the case of Mr Panchukovsky.
 - Since **January 2016**, local authorities have initiated seven new administrative cases under Article 490 (3) of the Administrative Code (illegal missionary activity). Jehovah's Witnesses conclude that the attitude of local authorities concerning religious freedom has not changed.
- In its List of Issues adopted in connection with the consideration of the second report on Kazakhstan (CCPR/C/KAZ/Q/2 par. 23, dated 4 December 2015), the CCPR requested comments from Kazakhstan authorities on reports of derogatory remarks against Jehovah's Witnesses in the mass media, police raids and disruptions of religious meetings, censorship and banning of religious activities, and arrests and convictions for missionary activities. Kazakhstan authorities failed to address the core issues in their Reply to the List of Issues.

On **11 July 2016**, the CCPR's concluding observations on Kazakhstan (117th session) included recommendations that Kazakhstan:

- “Should guarantee the effective exercise of the freedom of religion and belief and freedom to manifest a religion or belief in practice.” —par. 48.

- “Should consider bringing article 22 of its Constitution in line with the Covenant and revise all relevant laws and practices with a view to removing all restrictions that go beyond the narrowly construed restrictions permitted under article 18 of the Covenant.”—par. 48.

Abuses and Restrictions of Religious Freedom

- (1) Since **February 2016**, major Internet providers have blocked www.jw.org, the official website of Jehovah’s Witnesses. Because Internet traffic to Kazakhstan is mainly routed via Russia, the Internet providers claim that their action is based on court decisions in the Russian Federation concerning Internet resources.
- (2) Since **April 2016**, the government company Kazakhtelecom has periodically blocked the website wol.jw.org, a Bible research website used by Jehovah’s Witnesses. The company refers to the Esil Court decision that ordered the blocking of a number of pornographic websites. According to the company’s official statement, the IP address of this website matched the address of one of those blocked by the court.

On **13 June 2016**, a request was submitted to Kazakhtelecom, showing that the Esil decision does not apply. On **19 July 2016** the company claimed that jw.org was not blocked, though, in fact, the site remains blocked.

Interference With Manifestation of Belief

- (1) **Shymkent (S. Kazakhstan)**. On **6 September 2016**, the Specialised Administrative Court found Galina Baidina guilty of “illegal missionary activity” under the Code of Administrative Violations (CAV) Article 490 (3) and fined her 100 MCIs (approximately EUR 558). On **13 September 2016** an appeal was filed.
- (2) **Sarkand (S. Kazakhstan)**. On **22 July 2016**, the Sarkand District Court found Riskul Andakbaeva guilty of “illegal missionary activity” under CAV Article 490 (3) and fined her 100 MCIs¹ (approximately EUR 558). On **17 August 2016**, the Almaty Regional Court left the decision unchanged.
- (3) **Shymkent (S. Kazakhstan)**. On **20 June 2016**, the Shymkent Specialised Administrative Court found Asylbek Kiyanbekov guilty of “illegal missionary activity” under CAV Article 490 (3). He was fined 100 MCIs (approximately EUR 558). On **21 July 2016**, the South Kazakhstan Regional Court left the decision unchanged.
- (4) **Uralsk (W. Kazakhstan)**. On **25 April 2016**, the Oral Specialised Administrative Court found Dina Sarsebekova guilty of “illegal missionary activity” under CAV Article 490 (3) and fined her 100 MCIs (approximately EUR 558). On **12 May 2016**, the West Kazakhstan Regional Court left the decision unchanged.
- (5) **Semey (E. Kazakhstan)**. On **16 April 2016**, the Semey Specialised Administrative Court found Natalya Ayaganova and Tamara Nalyot guilty of “illegal missionary activity” under CAV Article 490 (3) and fined each of them 100 MCIs (approximately EUR 558). On **18 May 2016**, the East Kazakhstan Regional Court left the decisions unchanged.
- (6) **Saumalkol (N. Kazakhstan)**. On **25 January 2016**, the Ayirtau District Court found Viktor Shtrek guilty of “illegal missionary activity” under CAV Article 490 (3). He was fined 100 MCIs (approximately EUR 558). On **25 February 2016**, the North Kazakhstan Regional Court left the decision unchanged.

¹ The MCI, or monthly calculation index, is set at 2,121 KZT for 2016.

Societal Abuses and Discrimination

Arson of House of Worship

Pavlodar (Pavlodar Region). On **14 September 2016** unknown persons set fire to the only house of worship that Jehovah's Witnesses have in Pavlodar. The fire completely destroyed both the building and the property. A gasoline can was found nearby with some remaining gasoline, and authorities have initiated a criminal case for arson. This is the second attack on the building; on 17 December 2007, there was an unsuccessful attempt to set it on fire.

Negative Media Coverage

In 2016 a number of defamatory articles and reports were published.

- **Akkol (Akmola Region).** On **3 May 2016**, a local deputy official made defamatory comments about Jehovah's Witnesses during a speech at a school for sports. A complaint filed with the regional Agency for Civil Service Affairs brought a positive reply.
- **South Kazakhstan.** Two negative media articles were circulated about one of Jehovah's Witnesses who was convicted of "missionary activity."
- **Uralsk (W. Kazakhstan).** Approximately ten negative media articles were published concerning one of Jehovah's Witnesses who was found guilty of "missionary activity."
- The Kazakh National University prepared an analytical report about the religious situation in the country. The report included the statement: "Jehovah's Witnesses represent a large threat to the peace and calmness of the citizens."

Threats of Violence

- (1) **Almaty.** Raygul Soltanaeva, a 48-year-old mother of five, has been repeatedly attacked physically and verbally by her husband and other relatives and threatened with death. They have also threatened her two oldest children, a 16-year-old boy and a 14-year-old girl. The relatives sent her oldest daughter away to live with relatives on the border with China, have prevented Mrs Soltanaeva and her children from leaving the house, and demanded that they renounce their religious beliefs as Jehovah's Witnesses.
- (2) **Shahtinsk.** In **May 2016**, the ex-husband of Yuliya Nikolaenko subjected her to repeated death threats, both over the phone and in public, because she is one of Jehovah's Witnesses.

Positive Developments

- The Committee of Religious Affairs (CRA) did not restrict the importation of any religious publications of Jehovah's Witnesses during 2016. The Witnesses are appealing past decisions prohibiting the importation of 18 publications.
- The GPO protested one "illegal missionary activity" case, and the Supreme Court acquitted the defendant on **16 June 2016**. As a show of good faith, Jehovah's Witnesses withdrew four complaints on this issue that were pending with the CCPR.
- The Kazakhstan Agency on State Officials dealt effectively with several complaints regarding discriminatory statements by State officials. Local governmental websites were required to withdraw negative articles and publish apologies, and newspapers were required to publish corrections.

Meetings With Officials

- During 2016, representatives of Jehovah's Witnesses met several times with the CRA and the GPO. The GPO filed a protest with the Supreme Court regarding one of the 48 pending cases at the CCPR.
- The Presidential Administration refused to meet with the representatives of Jehovah's Witnesses regarding the 48 pending cases before the CCPR or the other challenging issues that Jehovah's Witnesses are facing in Kazakhstan.

Religious Freedom Objectives

Jehovah's Witnesses respectfully request the government of Kazakhstan to:

- (1) End the arrest, prosecution, and harassment of Jehovah's Witnesses for so-called unregistered missionary activity
- (2) Lift imposed bans on religious publications of Jehovah's Witnesses and restrictions on distribution
- (3) Fulfil 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 a 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

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

