

Jehovah's Witnesses in

Kazakhstan

Religious Freedom Concerns

Statement by the European Association of Jehovah's Christian Witnesses

OSCE Human Dimension Implementation Meeting, Warsaw

21 September 2015 – 2 October 2015

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. The government had targeted the Witnesses in a campaign that began in December 2012 and continued through December 2014.

- In that period, authorities detained and convicted 70 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.
- Attorneys have filed 35 complaints with the UN Human Rights Committee (CCPR) on behalf of 45 of Jehovah's Witnesses convicted of "missionary activity." Kazakhstan responded to the CCPR on 30 January 2015, insisting that its "missionary activity" accusations are justified.
- Three foreign citizens convicted of "missionary activity" were deported. The decisions against them were final.
- On 2 March 2015, a criminal case was initiated against two female Witnesses for manifesting their religious beliefs.
- From December 2014 through July 2015, the Committee of Religious Affairs (CRA) approved all of the religious publications that Jehovah's Witnesses asked to import. However, in August 2015 it banned three of the Witnesses' publications for import. Appeals to allow the importation of these religious publications are pending.
- Police have not raided religious services of Jehovah's Witnesses since 1 January 2015. Nonetheless, police have still detained and questioned Jehovah's Witnesses immediately after religious services.

Interference With Manifestation of Belief

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).

In letters dated 28 March 2013 and 16 May 2013, the CRA directed the Christian Centre of Jehovah's Witnesses to instruct the more than 17,000 Witnesses that they must comply with the total ban on unregistered "missionary activity." The CRA claims that it is illegal for Jehovah's Witnesses, whether Kazakhstani 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.”

To date, about 70 Witnesses have been arrested and convicted of “missionary activity.”¹ All were ordered to pay the maximum fine—185,200 tenge in 2014 (approximately 750 euros) or 198,200 tenge in 2015 (approximately 994 euros). When some of the Witnesses were convicted a second time, the court fined each of them twice as much (approximately 1,500 euros). Authorities have arrested and convicted several of the Witnesses three times.

- On 23 December 2014, the Special Rapporteur on freedom of religion or belief, Mr. Heiner Bielefeldt, released his report on Kazakhstan, calling on the government to amend its religion law. He reiterated 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 *Victor Leven v. Kazakhstan* (Communication No. 2131/2012). This case concerned a foreign citizen of another faith 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 reopen the case and to take action to “prevent similar violations in the future.”

Zoning Permit Withheld

Jehovah’s Witnesses planned to build a house of worship in the town of Zyryanovsk. However, in December 2014 the Department of Construction, Architecture, and Town Planning of the East-Kazakhstan Region refused to issue a decision on the building’s proposed location. The department provided no legitimate reason.

State Censorship of Religious Literature

The Kazakhstan Constitution states that “censorship is prohibited” (Article 20(1)). However, according to Articles 6(1) and 9(3) of Kazakhstan’s 2011 Religion Law, it is illegal to import any religious literature into Kazakhstan without first submitting it for an “expert study” and obtaining approval of that literature from the CRA. The requirement that a religious organization obtain the CRA’s approval of a religious publication before it can be imported for use by the organization’s members is a violation of the right to freedom of religion and freedom of expression guaranteed by Articles 18 and 19 of the ICCPR.

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 30 of their publications because it takes exception to the religious beliefs expressed in those publications. However, the CRA

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).

freely permits the importation of publications from State-approved religious organizations, such as certain Islamic organizations and the Russian Orthodox Church.

- (1) In three decisions dated 31 January 2013, the CRA denied permission to import ten religious publications. On 3 July 2013, the Astana Economic Court rejected the Witnesses' appeal and upheld the CRA's ban. On 27 March 2015, after further efforts had exhausted all domestic remedies, the Witnesses filed a complaint with the CCPR.
- (2) On 31 December 2013, the CRA denied permission to import the booklet *Examining the Scriptures Daily—2014*, which Jehovah's Witnesses use each day during their personal and family worship. On 3 June 2014, the Astana Economic Court rejected the appeal and upheld the CRA's ban of four publications. On 1 April 2015, the Cassation Collegium of the Astana City Court upheld the decisions to ban the publications. The Witnesses have appealed to the Supreme Court.
- (3) 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!*
- (4) In the 13 publications of Jehovah's Witnesses that the CRA banned from import between September and November 2014, virtually all of the passages to which the CRA objected are either direct quotations from the Bible or the Witnesses' sincere explanation of what they understand these quotations to mean.

Societal Abuses and Discrimination

- (1) From January to July 2015, media outlets made 16 false reports on the Witnesses, including a broadcast on the national TV channel Eurasia.
- (2) Officials from the Department of Domestic Policy (DDP) of the Esil District of the Akmolinsk Region published an intolerant and libellous report on Jehovah's Witnesses. The Witnesses filed a complaint against the DDP with the Agency of Civil Service and Anti-Corruption, and the DDP published an apology.
- (3) In five cases, journalists reported on "lectures" delivered by Aleksandr Mikhailov in schools. During these "lectures," Jehovah's Witnesses were defamed and their teachings criticized. According to information received from the CRA, the local Department of Religious Affairs (DRA) retained Aleksandr Mikhailov as an "expert" on the activity of "propagandistic groups."
- (4) In three cases, journalists reported on State-organized "seminars" in the Mangistau, Karaganda, and West Kazakhstan regions, where officials and religious figures from major religious organizations made discriminatory and defamatory statements about Jehovah's Witnesses, grouping them with extremist and banned organizations.
- (5) 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.
- (6) In two separate incidents, leaflets and posters containing false information about Jehovah's Witnesses were distributed in the West Kazakhstan and South Kazakhstan regions.

Positive Developments

Recently, State authorities have taken action to combat derogatory and defamatory speech by State officials directed at minority religions, such as Jehovah's Witnesses. In a number of cases in the past year, State agencies have disciplined State officials for religiously intolerant speech.

Police have not raided religious services of Jehovah's Witnesses since 1 January 2015. Nonetheless, there were three incidents in which police detained and questioned Jehovah's Witnesses immediately after religious services.

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) Prevent police raids and harassment of peaceful gatherings of Jehovah's Witnesses
- (6) Require that officials not make disparaging and discriminatory comments about minorities, including Jehovah's Witnesses
- (7) 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 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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