



THE EUROPEAN ASSOCIATION OF  
JEHOVAH'S WITNESSES

27 March 2019

**From The European Association of Jehovah's Witnesses**

**Contribution  
for the  
34<sup>th</sup> Session (4-15 November 2019) of the UPR**

**KAZAKHSTAN**

Contact address: Rue d'Argile 60, 1950 Kraainem (Brussels), Belgium  
Tel.: ++ 32-2-782 00 15 - Fax: ++ 32-2-782 05 92 - E-mail: [JWitnesses@be.jw.org](mailto:JWitnesses@be.jw.org)

IBSA HOUSE | THE RIDGEWAY | LONDON NW7 1RN | UNITED KINGDOM

TELEPHONE: 020 8906 2211 (+ 44 20 8906 2211) | FAX: 020 8906 3938 (+ 44 20 8906 3938)

OFFICES IN: AUSTRIA BELGIUM FRANCE GEORGIA GERMANY GREECE ITALY POLAND RUSSIA SPAIN SWITZERLAND

REGISTERED CHARITY NO. 1085157

## **I. INTRODUCTION**

1. The European Association of Jehovah's Witnesses (EAJW) is a charity registered in the United Kingdom. It provides support to Jehovah's Witnesses facing fundamental human rights violations in various parts of the world.
2. The Christian community of Jehovah's Witnesses has been active in Kazakhstan since at least the early 1940s. They obtained registration in Kazakhstan in 1991 and were re-registered in October 2012 under Kazakhstan's new law on religion. For nearly 30 years, Jehovah's Witnesses in Kazakhstan have publicly shared their religious beliefs from door to door and on the streets, as is their religious practice worldwide. Concerning this well-known practice of Jehovah's Witnesses, the European Court of Human Rights held in the leading case of *Kokkinakis v. Greece* (25 May 1993, § 31, Series A no. 260-A) that the right to freedom of religion includes "the right to try to convince one's neighbour, for example through 'teaching', failing which, moreover, 'freedom to change [one's] religion or belief' . . . would be likely to remain a dead letter."

## **II. SUMMARY - RECOMMENDATIONS**

This submission to the Human Rights Council (HRC) on Kazakhstan highlights human rights issues during the past four and a half years and efforts by Kazakhstan to implement accepted recommendations during the previous review.

Since the EAJW submission for the UPR in 2014, the general situation with respect to religious freedom for Jehovah's Witnesses in Kazakhstan has ebbed and flowed. However, since August/September 2017, the situation has stabilized. Although some problems remain, the government of Kazakhstan has largely corrected past ICCPR violations. Jehovah's Witnesses commend the government of Kazakhstan for allowing them greater religious freedom.

While the situation has recently improved, Jehovah's Witnesses in Kazakhstan are concerned that the underlying problems with the Law on Religious Activity and Religious Associations (2011 Religion Law) have not been addressed. Even more troubling, the Senate was considering restrictive amendments to the 2011 Religion Law. Thankfully, in January 2019 the government of Kazakhstan issued a decree to recall them.

Additionally, Jehovah's Witnesses reported 39 cases of detention in 2018 and 7 cases in 2019. However, the number of these incidents has greatly reduced since the 2014 UPR submission, continuing through 2017.

## **III. POSITIVE DEVELOPMENTS CONCERNING RELIGIOUS FREEDOM**

- 3 The number of Jehovah's Witnesses who have been convicted for "illegal missionary activity" or detained for peaceful religious activity has greatly reduced in 2017 and 2018.
4. Police have not raided religious services of Jehovah's Witnesses since 1 January 2015.
5. Although the authorities conduct expert studies on all imported literature of Jehovah's Witnesses, the Committee of Religious Affairs did not restrict any religious publications of Jehovah's Witnesses from entering Kazakhstan since August, 2015.
6. State authorities have taken action to combat derogatory and defamatory speech by State officials directed at Jehovah's Witnesses and other minority religions. Local governmental websites were required to withdraw negative articles and to publish apologies, and newspapers were required to publish corrections.
7. Numerous court decisions in 2017 and 2018, including the Supreme Court of Kazakhstan, have dismissed or overruled cases against Jehovah's Witnesses for "illegal missionary activity" under Article 490 (3) of the Code on Administrative Violations of the Republic of Kazakhstan (CAV).
8. On 2 April 2018, President Nursultan Nazarbayev pardoned 61-year-old Teymur Akhmedov, who had been imprisoned for over a year on fabricated charges. The pardon cleared his criminal record and removed his name from the extremist list.

#### **IV. LEGISLATION RESTRICTING RELIGIOUS ACTIVITY**

9. The 2011 Religion Law, adopted on 11 October 2011, prohibits unregistered “missionary activity” (Articles 1(5) and 8(1)). Kazakhstan authorities have often used the provisions in this law to restrict the religious activity of Jehovah's Witnesses.
10. In past years, the application of the 2011 Religion Law to the religious activity of Jehovah's Witnesses has led to many administrative convictions, fines, court actions, and harassment by authorities.
11. On 11 July 2016, the UN Committee on Human Rights' (CCPR) concluding observations on Kazakhstan (117th session) included recommendations that Kazakhstan:
  - (a) “Should guarantee the effective exercise of the freedom of religion and belief and freedom to manifest a religion or belief in practice.” —par. 48.
  - (b) “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.

##### **Government of Kazakhstan recalls new restrictive amendments to the Religion Law**

12. On 23 May 2018, the Majilis (the Lower Chamber of the Parliament) approved a bill “On Amendments and Additions to Some Legislative Acts of the Republic of Kazakhstan on Religious Activities and Religious Associations.”
13. On 6 June 2018, the Senate began considering the proposed amendments, and on 27 September 2018, returned the amendments to the Majilis with recommended changes for consideration.
14. On 29 January 2019, the government of Kazakhstan issued a decree to call back from the Majilis the draft amendments.
15. Jehovah's Witnesses were concerned that if the amendments were adopted, they would restrict their right to worship in two ways:
  - (a) Deprivation of the right to conduct religious services in homes.
  - (b) Prohibition of a parent to take children to religious services without permission of the other parent.
16. In the “Report of the Working Group on the Universal Periodic Review” of the 28<sup>th</sup> session of the Human Rights Council (13 March 2015) (A/HRC/28/10/Add.1), several countries recommended that Kazakhstan amend its 2011 Religion Law or legislation concerning the exercise of the right to freedom of religion and belief (124.21, 126.28, 126.33, 126.34).
17. However, in the “Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review” (A/HRC/28/10/Add.1), Kazakhstan rejected recommendations 126.28, 126.33, and 126.34. The government stated, in part, that it is “considering the possibility of further improvement of the legislation on religious activities.”
18. Jehovah's Witnesses note that the government is maintaining a respectful attitude toward their religious beliefs, and they hope that this will continue despite the restrictions embodied in the 2011 Religion Law.

#### **V. INTERFERENCE WITH MANIFESTATION OF RELIGIOUS BELIEF (ICCPR – Articles 18, 19, 21, 22, 26, 27)**

The violations listed below have occurred in the recent past but have been resolved through open dialogue with the government of Kazakhstan and with international officials.

### **Unjust Imprisonment of Teymur Akhmedov**

19. On 18 January 2017, Teymur Akhmedov, a well-respected 61-year-old father and husband, was entrapped by authorities on false charges and placed in pretrial detention. On 2 May 2017, a court in Astana sentenced Mr. Akhmedov to five years in prison under Article 174(2) of the Criminal Code of the Republic of Kazakhstan for allegedly “inciting religious hatred.” The situation was particularly dire because Mr. Akhmedov was suffering from cancer and needed immediate treatment.
20. On 2 October 2017, the UN Working Group on Arbitrary Detention called for the immediate release of Mr. Akhmedov.
21. On 4 December 2017, the Supreme Court of Kazakhstan rejected Mr. Akhmedov's appeal.
22. On 3 January 2018, a complaint in the name of Teymur Akhmedov was filed with the CCPR. In a communication dated 9 January 2018, the CCPR urged Kazakhstan to take interim measures for Mr. Akhmedov's welfare.
23. On 2 April 2018, President Nursultan Nazarbayev pardoned Teymur Akhmedov. However, the pardon did not absolve Mr. Akhmedov of his “guilt” of “inciting religious hatred” for peacefully sharing his religious beliefs with others. Since Article 174 loosely defines what constitutes religious hatred, the law can be applied indiscriminately to Jehovah's Witnesses for the peaceful manifestation of their beliefs.
24. Although Mr. Akhmedov should never have been imprisoned, Jehovah's Witnesses are grateful that President Nazarbayev pardoned him. Mr. Akhmedov is reunited with his family and is able to obtain the crucial medical treatment he needs to battle cancer.

### **Suspension of the Operations of the National Office of Jehovah's Witnesses**

25. On 29 June 2017, the Almaty Administrative Court found the Christian Center of Jehovah's Witnesses in Kazakhstan guilty of alleged failure to comply with regulations requiring full coverage of on-site surveillance cameras. It therefore suspended all of the Center's activity for three months and imposed a fine of 680,000 tenge (approximately 1,846 euros [EUR]), based on the anti-terrorist law under article 149 (2) of the Administrative Code.
26. The court's decision was the result of an inspection alleging that the Center needed 3 more security cameras in addition to the 25 that were already installed in compliance with legislation concerning public venues. State officials had approved (on 6 February 2017) a plan for the Center's property that showed the location of all installed security cameras. By approving that official plan, the State officials had confirmed that the Center was in full compliance with the relevant legislation.
27. On 12 July 2017, the Witnesses filed an appeal. On 3 August 2017, the court amended the decision to allow the Center to operate once again, although the three-month suspension order remained in effect regarding the use of the Kingdom Hall and a tent on site. The Witnesses made temporary arrangements for nearby congregations to hold their religious services elsewhere in Almaty until the order expired.
28. Since the appellate court decision, the Administrative Center has operated without further interruption.

### **Detention for Peaceful Religious Activity for “illegal missionary activity”**

29. There were 39 cases of detention in 2018 and 7 incidents in 2019 for “illegal missionary activity.” However, all cases were resolved in the court of first instance or in the appellate court because of the absence of *corpus delicti* or because the police decided not to initiate administrative charges.

### Police Disruption of Religious Services

30. The following are examples of recent cases where the authorities have disrupted the religious services of Jehovah's Witnesses. Most cases since the 2014 UPR submission have been resolved through court decisions or through dialogue with the authorities.
- (a) **Chundzha (Almaty Region).** On 11 September 2017, representatives of the Department of Internal Politics (Akimat) of the Uighur District tried to enter a private home where Witnesses had gathered for a religious meeting. They wanted to videorecord the meeting in an effort to encourage non-Witness husbands to file complaints against Jehovah's Witnesses. On 10 November 2017, the local newspaper published a slanderous article.
  - (b) **Zhetigen (Almaty Region).** On 26 October 2017, four town officials, two police officers, and a lawyer, went to Stanislav Rimmer's home in order to "inspect" the location where religious meetings were held. One of the town officials stated that somebody had filed a complaint against Mr. Rimmer, who is one of Jehovah's Witnesses, claiming that members of an "illegal religious organization" were gathering in his house. Mr. Rimmer was not shown the alleged complaint. The officials made a videorecording inside the house against Mr. Rimmer's will and threatened him and his family.
  - (c) **Ushtobe (Almaty Region).** On 17 December 2017, a representative of the Department for Religious Affairs interrupted a peaceful religious meeting in a private home, asked to take pictures of everybody in attendance, and requested to see personal identification for each individual. When he left, local police officers arrived in order to check the identification documents of the owner of the house.
31. However, there are two cases that have yet to be resolved. Appeals up to and including the Supreme Court were unsuccessful. An appeal to the CCPR will be filed soon:
- (a) **Karabalyk (Kostanay Region).** Since October 2017, representatives of the Department for Religious Affairs have harassed Eduard Malykhin, one of Jehovah's Witnesses, concerning religious meetings in his home and have asserted that they receive many complaints that minors are involved in the religious activity. Mr. Malykhin has not been permitted to see the "complaints" and has not yet been formally accused of violating Article 490 (7) of the CAV.
  - (b) **Sarykol (Kostanay Region).** On 21 January 2018, police officers led by the head of the Department of Criminal Police, Erlan Sharipov, raided the home of 79-year-old Taisiya Ezhova during a peaceful meeting of Jehovah's Witnesses. The officers said they had received an anonymous phone call stating that a big group gathered for a religious meeting every week at her home. They forced everyone in attendance to write a statement.  
  
On 8 February 2018, in three separate court trials, the Sarykol District Court found Estay Asainov, Maksim Ivahnik, and Timur Koshkunbayev guilty of "illegal missionary activity" under Article 490 (3) of the CAV and imposed fines of approximately EUR 405 each.  
  
On 13 February 2018, the Sarykol District Court found Ms. Ezhova guilty under Article 490 (1) of the CAV and fined her approximately EUR 198 for hosting a peaceful religious meeting at her home.

## VI. CONCLUSION

32. Jehovah's Witnesses in Kazakhstan are grateful to the government of Kazakhstan for allowing them greater religious freedom. They sincerely hope that the current situation is not merely an anomaly or a temporary stay, but a permanent and lasting improvement toward greater religious freedom. Nevertheless, Jehovah's Witnesses in Kazakhstan and as a worldwide organization respectfully request the government of Kazakhstan to:
- (1) Amend the restrictive 2011 Religion Law to comply with international standards

34th Session of the Universal Periodic Review  
European Association of Jehovah's Witnesses – Kazakhstan

- (2) Abide by their commitment to uphold the fundamental freedoms guaranteed by the Constitution of Kazakhstan and the ICCPR for all citizens, including Jehovah's Witnesses
- (3) Apply the recommendations concerning religious freedom and concerning the misapplication of Article 174 (as in the case of Teymur Akhmedov) as stated in the "European Parliament resolution on the human rights situation in Kazakhstan" (2019/2610(RSP))