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FREEDOM OF RELIGIOUS ASSEMBLY IN THE OSCE SPACE

Human Rights Without Frontiers International (HRWF Int'l) is a non-governmental organization with an objective to promote democracy, the rule of law and human rights in a global perspective. HRWF Int'l has branches in Belgium, China, Nepal, Bhutan and the US, and cooperates with associate member organizations in Armenia, Bulgaria, Georgia, Iraq, Japan, Russia, etc.

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Article 18 of the Universal Declaration of Human Rights guarantees the individual right to freedom of religion, including the right to manifest one's religious beliefs alone or in community, in public and in private.

Despite these clear guarantees confirmed by the OSCE/ODIHR, notably in its "Guidelines for Review of Legislation Pertaining to Religion or Belief", Kazakhstan and Kyrgyzstan are in the process of adopting religion laws which dramatically restrict freedom of association and freedom of assembly of unregistered groups of believers. Their meetings in private homes or in public places are criminalized; leaders and participants have been sentenced to several years in prison in 2008. On one hand, Baptist groups refuse to be registered by the state on the grounds of their own theological principles. On the other hand, Jehovah's Witnesses have been denied registration or have been banned in Tajikistan and Kazakhstan even though they have existed for several decades and even a century in other countries without ever posing any security or public order problems. The tendency in an increasing number of former Soviet countries is even now to combat Jehovah's Witnesses and non-registered Baptist groups under the motto of "religious extremism" and to involve anti-terrorist units in raids on their meetings in private homes. As the authorities of several countries failed to react about our allegations of violations of freedom of assembly for peaceful religious purposes and to clarify their position with regard to the OSCE standards, we are denouncing these violations here today publicly.

In Kazakhstan, several Jehovah's Witnesses communities lost their registration this year. In July and August, nine Jehovah's Witnesses congregations were raided by State officials across the South Kazakhstan Region in an apparently coordinated campaign. The Anti-Terrorist Police was involved in the crackdowns.

Throughout 2008, Baptist believers continued to be given large fines for worshipping without state approval. Pavel Leonov, a member of a small congregation in Ayagoz in East Kazakhstan region, was fined one hundred times the minimum monthly wage in late July for leading an unregistered religious community.

In Uzbekistan, only one Jehovah's Witness congregation is still registered - in Chirchik near Tashkent. In August 2006, their congregation in Fergana was stripped of its registration. No other group of Jehovah's Witnesses has managed to get registered. The authorities have hereby created the necessary conditions to declare illegal any of their meetings in public or in private homes. Four Jehovah's Witnesses are known to be in prison. On 23 July, a police raid in Margilan led to the arrest of Abdubannob Ahmedov who was sentenced to a four-year term and of Sergei Ivanov to three and a half years for so-called "illegal" religious activity. Three female Jehovah's Witnesses were each given suspended sentences, while another female Jehovah's Witness was given a massive fine. In Samarkand, Olim Turaev was sentenced to four years in a labour camp after an "anti-terrorist" raid on his home. Also sentenced in May 2007 was Jehovah's Witness Irfon Khamidov, who is now serving a two-year labour sentence for "illegal religious teaching".

Of the other religious minority prisoners of conscience, Pentecostal Pastor Dmitry Shestakov was in May 2007 sentenced to four years in a labour camp for so-called illegal religious activity and distributing religious material.

In Tajikistan, two Protestant communities, Ehyo Church and Abundant Life, and Jehovah's Witnesses were banned in 2007. From now on, any collective religious activity of their members, even in private homes, is illegal. Jehovah's Witnesses appealed against the ban and against a decision by customs officials in the capital, Dushanbe, to seize a large consignment of religious literature sent from Germany in the summer of 2007. However, the ban was however confirmed a few days ago.

In Russia, Belgorod Regional Court dissolved a functioning Methodist congregation on 29 February merely for failing to file a report about its annual activities on time. Deprived of legal personality status, they cannot use a private home as a legal address and the authorities obstruct the use of public and commercial premises for their gatherings. At least one other Protestant congregation that meets for worship in private flats has faced police intimidation in Belgorod Region.

Jehovah's Witnesses also reported numerous disruptions of their meetings this year despite the 11 January 2007 judgment of the European Court in the case *Kuznetsov v. Russia* which stated that "the collective study and discussion of religious texts by the members of the religious groups of Jehovah's Witnesses was a recognized form of manifestation of their religion in worship and teaching."

In Ukraine, some congregations have faced a number of difficulties this year. On two occasions, *Human Rights Without Frontiers* asked some clarification from the State Committee for Nationalities and Religions about the non-registration of the Unification Church but we did not get any answer. That is why we ask again – publicly this time – why this group has not been registered. The Falun Gong movement in Ukraine also complains that Falun Gong practitioners from China are denied asylum and are threatened to be repatriated despite the risks of imprisonment and torture in China. It has namely been noticed that a local anti-sect movement supported by China's embassy in Kiyv, the Ukrainian Communist Party, is responsible for the anti-Falun Gong propaganda in Ukraine.

Last but not least, eighth grade middle school students are using a text book called "The Basics of Health" edited by Boychenko T.Y. which on p. 99 stigmatizes Mormons, Jehovah's Witnesses, the Unification Church, Neo-pentecostals, Hare Krishna believers and others in a column entitled "Danger! List of destructive sects whose activity should be outlawed."

Human Rights Without Frontiers recommends

- **to the authorities of Kazakhstan, Uzbekistan, Kyrgyzstan and Tajikistan** to adapt their legislation to the OSCE standards guaranteeing freedom of association and assembly;
- **to the authorities of Russia** to protect freedom of assembly of religious groups as guaranteed by the OSCE standards and the European Court decision in the case *Kuznetsov v. Russia*, and to prosecute the law enforcement agents disrupting peaceful religious meetings;
- **to the authorities of Ukraine** to cooperate with specialized human rights organizations in their dealings with newly settled religious groups and to eradicate intolerant statements from their school text-books.

