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KAZAKHSTAN: Fears over planned sweeping new restrictions on religion

By Igor Rotar, Forum 18

Religious minorities and human rights activists have condemned planned new restrictions that would ban unregistered religious activity, ban unapproved missionary activity by both local citizens and foreigners and subject religious literature to official approval. The proposed changes to the religion law, part of sweeping changes to more than ten laws now being discussed by a parliamentary working group, are set to go to the lower house of parliament on 16 April. "The entire draft bears the clear imprint of mistrust of religious organisations and a desire to put them in a much worse legal position than other legal bodies," a group of Protestant churches in Almaty complained in a letter seen by Forum 18 News Service. "Essentially, today it is the KNB secret police that lays down religious policy in the country," human rights activist Ninel Fokina told Forum 18. One Orthodox priest welcomed the proposed restrictions, declaring: "Now Protestants and religious missionaries will not be so free in their activities in Kazakhstan."

A new draft religion law and other legal changes that significantly restrict believers' rights are likely to be considered at a session of the lower house of parliament on 16 April after current discussions in the parliamentary working group are complete, Forum 18 News Service has learnt. Religious minority leaders and human rights activists have expressed fears to Forum 18 over plans to require all religious communities to register before they can function and to ban missionary activity by both foreigners and local citizens unless it is licensed. Religious literature and recordings are also set to require approval. Such sweeping controls violate Kazakhstan's constitution and its international human rights commitments, including as a member of the Organisation for Security and Cooperation in Europe (OSCE).

Under the draft law "on the introduction of additions and amendments to several legal documents of the Republic of Kazakhstan relating to the provision of national security", substantial changes will be made to more than ten laws, including the current law on religion. The parliamentary working group which is currently considering the amendments consists of eighteen members and is chaired by Tokhtarkhan Nurakhmetov.

Article 4 of the draft amended religion law has a new sixth section that forbids the activity of unregistered religious organisations (Kazakhstan would thereby join two of the other Central Asian republics, Uzbekistan and Turkmenistan, whose laws on religion forbid the activity of unregistered religious organisations in defiance of international human rights commitments).

Kazakhstan's prime minister Danial Akhmetov signed the draft law on 24 February but interestingly, the text became known to the general public only at the beginning of April, when it was published on the parliament's website.

Some see the hand of the National Security Committee (KNB) secret police in this tightening of state control over religious activity. "This draft law was drawn up in the National Security Committee and has merely been signed by the prime minister," Ninel Fokina, head of the Almaty Helsinki Committee, told Forum 18 from the country's commercial capital on 9 April. "Essentially, today it is the KNB secret police that lays down religious policy in the country."

In a March letter to the head of the parliamentary working group, Protestant churches in Almaty complained that the proposed new restrictions on religious activity violated the country's constitution and international commitments. "The entire draft bears the clear imprint of mistrust of religious organisations and a desire to put them in a much worse legal position than other legal bodies," the letter declared. It cited concerns over the requirement to register religious communities and missionaries, to submit religious literature and recordings for approval and the ease with which religious organisations could be liquidated "even for trivial violations". Protestant churches in Karaganda region wrote a similar complaint earlier in March.

As well as making registration of religious communities compulsory, the new draft law substantially restricts missionary activity (defined in the draft as "preaching and promotion of any faith-based doctrine by means of religious proselytising activity"). Additional articles are to be introduced into the religion law which will oblige missionaries to register with the local authorities. Additionally, the local authorities will in future be able to control the activity of a religious organisation. Thus, according to the legal amendment, "After registration the additional use of documents with a religious content must be agreed with the local authorities".

In a significant new move, the amendment specifies that not just foreigners but also Kazakh citizens who are carrying out missionary work are to be considered missionaries. In other words, believers may only promote their views with the agreement of the authorities. This provision was confirmed on 11 April by the parliamentary working group considering the draft law after what local Khabar television described as "heated debate".

The new draft law also makes corresponding changes to strengthen the administrative code of offences. A new article, 374-1, will be inserted into the administrative code. (Leadership and participation in the activity of public and religious associations that have not been registered in accordance with the law of the Republic of Kazakhstan, as well as financing their activity). Under this article:

- The leadership of the activity of public and religious associations that have not been registered in the proper manner, and also those organisations whose activity has been halted or banned will attract a fine amounting to 100 times the minimum monthly wage, currently 971 Tenge [47 Norwegian Kroner, 6 Euros, or 7 US Dollars].

- Participation in the activity of public and religious associations that have not been registered in the proper manner and also those organisations whose activity has been halted or banned will attract a fine amounting to 50 times the minimum monthly wage.

- The financing of the activity of public and religious associations that have not been registered in the proper manner and also those organisations whose activity has been halted or banned will attract a fine amounting to 200 times the minimum monthly wage.

An addition is also proposed to Article 375 of the administrative code, an article that already punishes violations of the religion law (including refusal to register a religious organisation). According to the new draft law "Missionary work carried out by citizens, foreign citizens and persons who have no citizenship, without the appropriate registration, will attract a fine of up to 15 times the monthly wage of a citizen, while foreigners and persons without citizenship will be fined up to 15 times the monthly wage and will be expelled beyond the borders of the Republic of Kazakhstan."

Kazakhstan's first television channel identified the parliamentary deputy Amangeldi Aytaly as the author of one section of the draft law aimed at restricting the activities of religious communities. In words closely echoing the earlier views of the KNB secret police, he told the channel on 11 April that various unnamed "sects" had installed themselves in Kazakhstan and had converted many people to "alien values". The report cited "official statistics" that half a million Kazakhs have been "diverted from the traditional Islamic religion" and adopted other faiths. Aytaly said missionaries who convert young people and split up families should be banned.

All things considered, Fokina's view that the KNB is behind the proposed changes has some basis. On 21 February, Kazakh president Nursultan Nazarbayev signed a law "On combating extremism" and also a law introducing changes and additions to several legal documents relating to the battle against religious extremism (see F18News 25 February 2005 http://www.forum18.org/Archive.php?article_id=520). These controversial laws had been considered in parliament for six months. During the drafting process, successive texts were criticised by a range of human rights organisations – the OSCE, the Kazakhstan International Bureau for Human Rights, the Almaty Helsinki Committee and the International Centre for Non-commercial Law – which regarded the draft law as potentially limiting the rights of Kazakh citizens.

Protestant sources have told Forum 18 that in late February, within days of the adoption of the extremism law, an official from the local administration came to the Baptist leader in Chimkent district of South Kazakhstan Region to ask whether any foreign missionaries were at work there. Similar visits to religious communities are believed to have been made in other parts of the country.

In recent months representatives of the law-enforcement agencies – above all the KNB secret police – made no attempt to hide the fact that they initiated the law on extremism and the amendments to other laws. Last November, the chairman of the KNB, Nartay Dutbaev, admitted publicly that his agency was trying to change the laws on terrorism, national security, law enforcement, criminal investigations, and freedom of religion, believing that the existing laws contained "weaknesses" and arguing that it was necessary to augment the laws to strengthen state influence over believers.

The first deputy chairman of the KNB secret police, Vladimir Bozhko, declared in January that efforts were needed to "defend society from the penetration of ideas that are alien to our mentality, alien to our traditional forms of religious expression". He emphasised that the KNB "definitely" intended to regulate missionary activity strictly.

In other words, the current draft law is simply a logical continuation of the KNB's policy to exert greater control over religious organisations.

However, some religious leaders seem unconcerned by the draft legal changes now in parliament. "I am sure that the draft law does not in any way limit Muslims' rights," Ongar Omerbek, press secretary to the Muftiate of Kazakhstan, told Forum 18 on 8 April. The dean for the Almaty region in the Orthodox Astana and Almaty diocese, Fr Vasili Zaleznyak, turned out to be even more adamant. "We simply welcome the new draft law," he told Forum 18 the same day. "The requirement to register a religious community does not present any problem to us. Now Protestants and religious missionaries will not be so free in their activities in Kazakhstan."

Roman Dudnik, head of the Protestant Emmanuel community, is among those worried by the provisions in the draft law, arguing that the state has stepped up its policy against religious minorities. "In many areas we have communities where there are fewer than the 10 members required for registration," he told Forum 18 from Almaty on 9 April. "Now it turns out that these believers will be legally persecuted. The discussion about missionary activity in the draft law is also very dangerous. It turns out that no believer can tell people his religious views without the permission of the authorities."

Wideranging concerns have been expressed by Aleksander Klyushev, head of the Association of Religious Organisations of Kazakhstan, which has called for more openness in discussing the proposed changes with legal experts and representatives of religious communities.

The deputy head of the ruling council of Jehovah's Witnesses in Kazakhstan, Anatoli Melnik, declined to comment to Forum 18 on 9 April on the new draft law, saying that he was not aware of its contents. Likewise the same day the head of the Ahmadiyya religious community in Kazakhstan Akhmed Muzafar also declined comment to Forum 18. At the same time, representatives of Ahmadiyya and the Jehovah's Witnesses said pressure from the authorities on their communities had increased in recent months.

The authorities have long sought to restrict religious rights by tightening the 1992 religion law. A harsh new law was adopted by parliament in 2002 (the eighth such attempt) and approved by President Nazarbayev. However, under pressure from international and local human rights organisations, the constitutional council ruled in April 2002 that the new law contradicted the constitution and it was withdrawn. (END)

For more background, see Forum 18's Kazakhstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=249

A printer-friendly map of Kazakhstan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=kazakh>

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY