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COMMENTARY: National security suffers if religious freedom attacked

By Aleksandr Klyushev, Association of Religious Organisations of Kazakhstan

Wide-ranging national security amendments now in parliament will negatively affect many groups - including the media, NGOs, business people and religious communities - but religious believers will suffer the most, argues Aleksandr Klyushev, chairman of the Association of Religious Organisations of Kazakhstan (AROK), in this personal commentary for Forum 18 News Service <<http://www.forum18.org>>. If adopted, these amendments will cause unjustified suffering to law-abiding believers, who could be punished for peacefully practising their faith. He believes that this will cause national security to suffer, both by alienating citizens from the state and also by enabling incompetent law-enforcement personnel to claim successes in combating illegal but harmless religious organisations, instead of effectively policing real criminal and terrorist threats to Kazakh society. He calls on the international community to influence the Kazakh government not to adopt the amendments.

Here in Kazakhstan, when our legislators speak of religious leaders one gets the impression they are speaking about dangerous people who cause harm to the nation. But in civilised countries it is widely acknowledged that religious leaders have a legitimate place in society, heading spiritual, moral and social organisations and initiatives. Dedicated religious leaders aim to serve people and God, thus bringing much good to society - for example by encouraging people to help their neighbour. But what a crude and discriminatory attitude our legislators show towards them! This is in stark contrast to their attitude to business leaders. Distrust towards religious leaders is, in my view, a legacy of the Soviet-era thinking still deeply embedded in the consciousness of society.

This distrust shows itself in proposals such as the draft law "On additions and amendments to laws of the Republic of Kazakhstan relating to national security", which has caused great concern in Kazakhstan and beyond. Its provisions significantly restrict the fundamental rights and freedoms guaranteed in our Constitution and in international treaties our state has freely ratified (see F18News 3 May 2005 <http://www.forum18.org/Archive.php?article_id=561>).

The Association of Religious Associations of Kazakhstan, which I chair, actively lobbied the working groups in the Majilis, Kazakhstan's lower parliamentary chamber. We managed to achieve some compromises, as a result of which a number of harmful amendments to the religion law were either changed or dropped. In particular, the understanding of missionary activity was changed, where the original draft would have targeted all religious believers who openly expressed their religious views. The original draft had also proposed a very complex process for registering missionaries, significantly limiting the rights of every believer. Other provisions we managed to get changed included one limiting parents' rights to give their children a religious upbringing and another giving public prosecutors the right to close down religious organisations before a court ruling.

But the legislation is still so broad that it allows religious organisations to be punished for almost any alleged offence, such as trimming trees to improve their appearance without the necessary permission, also late payments to the budget, or the absence of a sign at the entrance in the Kazakh language (if there is a sign in Russian).

One of the most outrageous proposals still left is requiring the compulsory state registration of religious organisations. This not only contradicts our Constitution and current law, but also harms the country's reputation at home and abroad. For example, Kazakhstan freely accepted obligations under the International Covenant on Civil and Political Rights (ICCPR) and the compulsory registration violates Article 18 of the ICCPR. This states that "freedom to manifest one's religion or beliefs may be subject only to such limitations (...) necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others."

When I look at these legislative proposals, the words of Felix Dzerzhinsky, founder of the Soviet secret police, come to my mind: "If you do not have a criminal record it does not mean that you have not broken the law but that we have not been working properly." If you try hard enough you can always find some violation of the law by any religious organisation, even those most punctilious in obeying the law. Do we see, for example, many Orthodox churches today with the required sign in Kazakh as well as in Russian?

For this and many other similar - even inadvertent - legal violations, the proposals before parliament call for punishment to be imposed without a right of appeal, as if parliament were rushing hasty legislation through to deal with especially dangerous international terrorists. Legislators' legal illiteracy and incompetence in religious matters can be seen as nothing less than hatred for

their own voters - many of whom are religious believers.

As in other countries, there are in Kazakhstan believers who as a matter of religious principle cannot accept that the state has the right to demand compulsory registration, but are otherwise law-abiding citizens who are happy to invite the authorities to attend their public worship. Such citizens were persecuted in Soviet times, but taking salary levels in today's Kazakhstan into account, the fines proposed today for refusing this demand of the state are 50 to 100 times higher than under the atheist Soviet regime. And all this under the banner of "national security" and "combating extremism".

Justice Ministry officials and parliamentary deputies often tell me that compulsory state registration is necessary "so that we won't have incidents like the Beslan school siege in Russia". This argument only testifies to absolute incompetence, both legal and logical, in such matters. Do officials and deputies really believe that the terrorists responsible for the Beslan tragedy would have been stopped if they were required to register as a legal religious organisation at the Justice Ministry? I myself do not share this astounding belief in the powers of state religious bureaucracy over non-religious terrorists.

Sadly, one can be quite certain that proposals such as this damage our national security by creating unnecessary tension in society. Still worse, they allow incompetent law-enforcement personnel to claim successes in combating illegal but harmless religious organisations instead of effectively policing threats to our society from criminals such as terrorists. Similar provisions were adopted eight years ago in neighbouring Uzbekistan. The tragedies being enacted now in that unhappy country give us no confidence that we should follow the Uzbek model. Why do our legislators look to countries with massive political and social problems for a model to emulate, and take offence when urged to follow the example of free, democratic countries?

The draft amendments to eleven of our laws were rushed through the lower parliamentary chamber, the Majilis, without time for deputies to examine them in detail. As I write, the draft law has been sent to the upper chamber, the Senate, for approval. The unrest that broke out in Andijan in Uzbekistan on 13 May will only hasten the authorities' desire to get these amendments approved as fast as possible, just as earlier impetus to adopting these draconian restrictions was given by the overthrow of the old regimes in Ukraine and Kyrgyzstan.

If the Senate approves these amendments without detailed examination and modification and they are then sent to President Nursultan Nazarbayev for signature, religious believers and all who care for human rights and our national security must hope that our president will refer the proposals to the Constitutional Council to examine whether they accord with the Constitution. After all, these proposals do not conform to the president's stated views on religion policy.

Although the amendments will negatively affect a whole range of groups - including the media, non-governmental organisations, business people and religious communities - it is religious believers who will suffer the most. Only rarely are people prepared to go to prison for their political ideas. But religion is higher than people's lives. If adopted, these amendments will cause unjustified suffering to believers who are law-abiding citizens.

The international community - the Organisation for Security and Cooperation in Europe, other governments and religious groups around the world - must try to influence our government not to make the mistake of adopting these amendments. Our government must have the courage to listen to well-meaning advice from abroad. The international community has great legislative experience - experience which unlike ours is not tainted with past Soviet practices. I am sure it will be positive in its recommendations. Meanwhile, believers here can only pray and appeal to the Senate not to adopt this draft law. (END)

For more background, see Forum 18's Kazakhstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=701.

More reports on freedom of thought, conscience and belief in Kazakhstan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=29>.

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

Aleksandr Klyushev, contributed this comment to Forum 18 News Service. Commentaries are personal views and do not necessarily represent the views of F18News or Forum 18.

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