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KAZAKHSTAN: Religious freedom survey, December 2005

By Igor Rotar, Forum 18

In its survey analysis of religious freedom in Kazakhstan, Forum 18 News Service notes that the de facto religious freedom situation continues unchanged. Religious communities – notably Protestant Christian and Hare Krishna religious minorities, as well as non-state controlled Muslims - continued to experience state hostility and attacks on their freedom to carry out peaceful religious activity. The passage in 2005 of new "extremism" and "national security" laws significantly worsened the de jure religious freedom situation. However, it is generally agreed within Kazakhstan that the de facto religious freedom situation has not yet significantly worsened. Professor Roman Podoprigora, an expert on religious law, commented to Forum 18 that it will only be some time after the recent presidential elections – in which the incumbent President Nazarbayev was declared the winner – that it will become clear whether state religious policy will become harsher.

Kazakhstan is the largest republic of Central Asia, occupying 2,717,300 square kilometres [1,049,175 square miles]. Kazakhstan is also one of the largest countries in the region in terms of population, with an estimated population of 15,185,844, which is much larger than most other Central Asian states, being second only to Uzbekistan where the population is estimated to be nearly 27 million.

Another feature of Kazakhstan, which has a direct impact on the religious situation, is the fact that it is the only Central Asian state in which Russians, who are historically Orthodox, make up almost half the population. Ethnic Kazakhs have throughout much of their history been a nomadic people and are in general regarded as not particularly devoutly Muslim. Among Kazakhs, Islam is practised at a superficial level in everyday life and is closely connected with pagan rituals. The most devout Muslims in Kazakhstan are normally ethnic Uzbeks, who mainly live in densely populated areas in south-western districts, on the border with Uzbekistan. So, compared with other Central Asian states, the threat of Islamic fundamentalism is much less acute in Kazakhstan. In its ethno-cultural characteristics, Kazakhstan is closer to its northern neighbours of Altai and Tuva (autonomous regions within Russia) and to its eastern neighbour Mongolia, than to other Central Asian countries.

Another characteristic specific to Kazakhstan, which also influences the religious situation, is the relative health of the state's economy in comparison with the other Central Asian states. Kazakhstan is the only country in the region in which a relatively large wealthy class of entrepreneurs has formed, estimated to be around 10 per cent of the population. The higher standard of living in Kazakhstan has led to a massive influx of illegal workers from other Central Asian countries. Economic development has also attracted many Western investors, making for example the commercial capital Almaty the most cosmopolitan city in the region and allowing many smaller towns to offer a range of services to be found in developed countries. Relatively high income allows many people to travel internationally. All this contributes to a greater informal religious tolerance in society – despite state hostility to many religious communities - than in other Central Asian countries.

The legal basis

Prior to 2005, religious legislation was not too oppressive for religious believers. For example, under the previous version of the Law on Religious Associations, a religious community did not require registration and it was sufficient to collect just 10 signatures in order to register a religious association – this was one of the lowest requirements for registration in the former Soviet Union. However, officials and courts frequently ignored the law and proceeded on the basis that registration was compulsory. But the legal situation changed dramatically this year.

In February, President Nursultan Nazarbayev signed laws "On combating extremism" and "Introducing changes and amendments to several legislative documents in the Republic of Kazakhstan on issues relating to combating extremist activity". These measures were heavily criticised in advance by a wide range of local and international organisations, including the Organisation for Security and Co-operation in Europe (OSCE).

Professor Roman Podoprigora, an Almaty-based law professor who specialises in religious law, pointed out to Forum 18 on 23 February that the extremism laws "have so many imperfections it is impossible to list them all briefly. I should like just to note that the term extremism is defined very unclearly in the new laws. So, if one wishes, practically any non-traditional religious organisation could be listed as extremist" (see F18News 25 February 2005 http://www.forum18.org/Archive.php?article_id=520).

Among many problematic provisions, article 6 significantly strengthens state control over the life of religious communities, by laying down that "the state agency for relations with religious associations will

- study and analyse the activity of religious associations that have been established on the territory of the Republic of Kazakhstan and of foreign citizens engaged in preaching and/or disseminating any form of religious belief;
- the agency will also implement information and propaganda measures on issues that are within its competence
- will consider issues relating to breaking the law on freedom of conscience by religious associations,
- and will make representations to forbid the activity of religious associations which have broken the Republic of Kazakhstan's laws on countering extremism."

No clear definition of "extremism" is given and, as the president of the Almaty Helsinki Committee Ninel Fokina told Forum 18 on 23 February, "in the law on countering extremist activity the term 'religious' occurs ten times, although it would seem that religion and extremism are two totally different concepts," she insisted to Forum 18. "The new law can be used by the state to combat religious organisations it does not like."

The legal situation became still harsher in July, when President Nazarbayev signed a law introducing amendments and additions to legislation on the pretext of increasing "national security." Some parliamentary deputies used the passage of this law to express open hostility to democratic values (see F18News 13 May 2005 http://www.forum18.org/Archive.php?article_id=561) and to "ideological diversity" (see F18News 30 May 2005 http://www.forum18.org/Archive.php?article_id=572).

The "national security" legal provisions, like the earlier "extremism" legal provisions, were also heavily criticised in advance by a wide range of human rights and international organisations, including the OSCE. It is unambiguously clear that the "national security" changes also substantially restrict freedom of religion and belief in Kazakhstan (see F18News 15 July 2005 http://www.forum18.org/Archive.php?article_id=608).

Article 4 of the amended religion law has a new fourth section that forbids the activity of unregistered religious organisations. A new article, 4-1, requires all citizens and foreigners engaged in missionary activity to register before they conduct such activity. The article specifically bans all missionary activity by any individual who does not have such registration.

A new article, 4-2, sets out the way missionaries register with the local authorities annually: the potential missionary has to present the local authorities with proof that they represent a registered religious organisation which has specifically engaged them to do missionary activity in the local area and all literature, video and other materials that the missionary intends to use for local officials to censor. Any new materials to be used after the missionary already has registration also have to be submitted to the local authorities for censorship.

A new article, 10-1, bans all activity by religious organisations whose activities have been suspended or banned by a court.

The new law also made corresponding changes to the Code of Administrative Offences, adding a new article, 374-1, to punish "leadership of 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.

Additions were also adopted to Article 375 of the Administrative Code, an article that already punished violations of the religion law (including refusal to register a religious organisation). According to the new addition, "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."

Article 375 also now punishes leaders of religious organisations that break any law with fines of up to thirty times the minimum monthly wage, while the organisations themselves can be fined up to 200 times the minimum monthly wage and banned for up to six

months. Religious organisations that "systematically carry out activity in defiance of their statute" or refuse to stop activities that led to their being suspended face fines of up to 300 times the minimum monthly wage and a total ban on their activities, while leaders of such organisations can be fined up to 40 times the minimum monthly wage.

However, Professor Podoprigora has noted that the provisions as passed contradict each other. Article 6-2 of the Religion Law states that "local executive agencies in the regions (and in towns and cities that have regional significance in the republic) will carry out formal registration and re-registration of missionaries and religious groups with a small membership that do not have the characteristics of a juridical person". This is an apparently contradictory form of notification, for organisations which do not have formal legal status.

As Professor Podoprigora commented to Forum 18 on 2 August, "this article says that formal registration is adequate, which directly contradicts Articles 4 and 9 of the same law, which says that juridical registration is compulsory!" He thinks that the reason for the contradiction is that parliamentary deputies did not notice it (see F18News 4 August 2005 http://www.forum18.org/Archive.php?article_id=625).

Discrimination against believers

This year numerous clashes have been recorded between the authorities and religious minorities.

Children under 18-years-old have been one particular target for the authorities to apply pressure against religious communities, with some teachers putting pressure on children not to attend Protestant prayer meetings, telling children that prayer "can even cause death," and turn them into suicide bombers (see F18News 27 May 2005 http://www.forum18.org/Archive.php?article_id=571). The Ministry of Education and Science issued a written instruction to headteachers "not to permit teachers or pupils to visit religious associations and confessions," forced schoolchildren in central Kazakhstan to answer a questionnaire about their religious beliefs and whether they attend a place of worship, banned under-18s from going to places of worship or Sunday School, as well as ordering compulsory "educational work" with children who disobey the ban (see F18News 20 January 2005 http://www.forum18.org/Archive.php?article_id=494).

In November 2004, the authorities in northern Kazakhstan closed a Baptist children's home, and followed this with moves to close a church-run charity (see F18News 7 January 2005 http://www.forum18.org/Archive.php?article_id=485).

The most widespread conflicts have been between the authorities and representatives of unregistered (usually Protestant) religious organisations. These have involved the authorities finding pretexts to refuse arbitrarily religious communities registration and banning all religious activity, even when the law did not at that time impose compulsory registration (see F18News 3 May 2005 http://www.forum18.org/Archive.php?article_id=554). The passage of the "national security" amendments in July provided increased possibilities for the authorities to use registration charges against communities, such as Protestants, who they dislike (see F18News 8 September 2005 http://www.forum18.org/Archive.php?article_id=645).

Foreign Protestant missionaries have experienced some visa bans and problems in the past year, but Catholics have not had problems (see F18News 8 June 2005 http://www.forum18.org/Archive.php?article_id=578).

Hare Krishna devotees, continue to experience state hostility, with persistent and repeated attempts to close down the only Hare Krishna farming commune in the entire Commonwealth of Independent States (see F18News 14 October 2005 http://www.forum18.org/Archive.php?article_id=671).

The authorities have also increased control over mosques and imams in south Kazakhstan, by using imam attestations to remove imams the authorities dislike (see F18News 8 December 2004 http://www.forum18.org/Archive.php?article_id=472). Kazakhstan also continues to try to use court cases to suppress non-state controlled Islam, especially in the case of the independent Union of Muslims of Kazakhstan (UMK). "Unlike the de facto government-controlled Spiritual Administration of Muslims [the Muftiate], our organisation is truly independent. That is the reason for our constant clashes both with the authorities and with the Muftiate," Murat Telibekov, head of the UMK, told Forum 18 from Almaty on 4 December (see F18News 14 October 2005 http://www.forum18.org/Archive.php?article_id=671). State officials also have ambitions to control Islamic rituals (see F18News 7 July 2005 http://www.forum18.org/Archive.php?article_id=599).

A new religious policy?

However, it appears that the new "extremism" and "national security" laws have not yet had a significant worsening effect on the existing religious freedom situation, despite initial indications of a crackdown after the "national security" law was signed (see F18News 20 July 2005 http://www.forum18.org/Archive.php?article_id=612) "The state, helped by the de facto state-controlled Spiritual Administration of Muslims, is trying to control the lives of believers, but I cannot claim that state policy has become harsher this year in particular," Telibekov of the UMK told Forum 18 from Almaty on 2 December.

Aleksandr Klyushev, head of the Association of Religious Organisations in Kazakhstan (AROK), agrees that the adoption of the new

laws has not had any effect on the life of believers. "It's true that every so often the provincial authorities take action against Christians – usually members of unregistered religious communities," he told Forum 18 on 4 December. "But such incidents also happened before the 'extremism' and 'national security' laws." He does not believe that the repression of believers is done at the direct behest of the central authorities, but rather that this is "on the personal initiative of provincial officials who retain a Soviet outlook".

The Jehovah's Witnesses – who have faced intermittent problems in recent years – also report that "so far at least" they have had no problems. "On 4 December, the day of the presidential elections, we met senior government officials and were very well received," Anatoli Melnik of the ruling council of Jehovah's Witnesses in Kazakhstan told Forum 18 on 5 December. "We will see how the situation develops after the 4 December presidential elections."

Hare Krishna community members told Forum 18 their situation had not deteriorated further since the adoption of the new laws, but they remained concerned about continuing pressure. "The persecution of Krishna followers who live on the farm near Almaty began long before the recent laws were adopted and is still under way," Rati Manjari (Ekaterina Levitskaya) of the Society for Krishna Consciousness in Kazakhstan commented to Forum 18 on 5 December.

Ninel Fokina of the Almaty Helsinki Committee agreed with this assessment, noting that the adoption of the new laws has caused virtually no change in the state's religious policy.

Professor Podoprighora concurred with Ninel Fokina's view, pointing out that he had noticed no changes. "Sometimes – not very often – religious believers face problems from the authorities. As a rule these are members of unregistered religious communities," he told Forum 18 from Almaty on 8 December. "However, it would be wrong to link these individual incidents with the new laws – the same problems existed before." He believes it will only be some time after the recent presidential elections – in which the incumbent President Nazarbayev was declared the winner – that it will become clear whether the authorities have indeed made their religious policy harsher.

Klyushev of AROK offered the most original interpretation of the authorities' religious law changes, stressing a possible link with the presidential election. Observers from the Parliamentary Assemblies of the OSCE and the Council of Europe, as well as the European Parliament, found that this election did not meet international democratic standards, citing among a range of violations "numerous and persistent examples of intimidation by the authorities, including undue restrictions on campaigning and harassment of campaign staff," as well as "legal restrictions on freedom of expression and dissemination of information".

The similar treatment meted out to religious believers may support Klyushev's contention that "the new laws were simply preventative measures on the eve of the presidential elections." He believes the authorities wanted to safeguard themselves in case religious believers formed an alliance with the opposition. "As a result, the government now has a strong legislative basis to deal with religious communities it dislikes," he told Forum 18. "But I don't think that this set-up has been put into practice. Kazakhstan is not Uzbekistan or Turkmenistan." He maintained that his government has no interest in putting pressure on religious communities that do not get involved in politics.

"Astana has a strong interest in ensuring that the international community thinks of Kazakhstan as a law-governed state," Klyushev added. "So I hope that religious believers with no political ambitions won't encounter any real problems."

Conflicts between religious believers and the state are an ongoing feature of life in Kazakhstan. But it appears at present that the new "extremism" and "national security" laws have not yet significantly worsened the de facto religious freedom situation. However, the legal de jure religious freedom situation is significantly worse than before. (END)

For a personal commentary on how attacking religious freedom damages national security in Kazakhstan, see F18News http://www.forum18.org/Archive.php?article_id=564

Full reports of the religious freedom situation in Kazakhstan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=29>

Previous Forum 18 Kazakhstan religious freedom surveys are at <http://www.forum18.org/Analyses.php?region=29>

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806, and of religious intolerance in Central Asia is at http://www.forum18.org/Archive.php?article_id=815.

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