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OSCE COMMITMENTS: CENTRAL ASIA: Implementation the issue for OSCE – a survey

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All Organisation for Security and Co-operation in Europe (OSCE) states are committed to "respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief," recognising that this is a litmus test of the state of human rights. OSCE commitments to human rights have been reiterated and enhanced. Yet some OSCE states, especially in the eastern part of the OSCE region where Forum 18 News Service works, repeatedly break their commitments and attack religious freedom. Examples include Belarus, Kazakhstan, Turkmenistan and Uzbekistan, which commit persistent and even worsening religious freedom and other human rights violations. Forum 18 here surveys the situation. The question facing the OSCE is: How, concretely, are its repeated commitments to free, democratic, tolerant societies which respect human rights to be implemented, faced with states whose concrete actions directly contradict their commitments?

The Helsinki Final Act of 1975 – to which all Organisation for Security and Co-operation in Europe (OSCE) participating States are committed - states the binding importance of "respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief." This recognises that freedom of religion or belief is a litmus test of the state of human rights in any society, embracing, as it does, freedom of speech and association, freedom to promote one's beliefs, freedom to change one's beliefs, freedom of the media, freedom to think differently, etc. Only yesterday (28 June), the OSCE Chairman-in-Office, Belgian Foreign Minister Karel De Gucht reiterated that the commitments under the Helsinki Act are the OSCE's bedrock.

Religious freedom is, as the European Court of Human Rights stated in 1993, "one of the foundations of a democratic society". The 2005 Supplementary Human Dimension Meeting on Human Rights and the Fight against Terrorism strongly emphasized that religious freedom and respect of human rights is an essential tool in effective counter-terrorism - a key international human rights issue. Repression fuels support for extremist groups claiming a religious motivation, and hatred and intolerance endanger stability and threaten security. Yet some OSCE participating States - for example Belarus, Kazakhstan, Turkmenistan and Uzbekistan - repeatedly break their international religious freedom and wider human rights commitments. This brings the OSCE process into disrepute and denies basic "human dimension" insights of the OSCE process: that "security is more than merely the absence of war," and that "a free society allowing everyone to fully participate in public life is a safeguard against conflict and instability," as the OSCE Office for Democratic Institutions and Human Rights (ODIHR) puts it.

The OSCE's strong commitments to religious freedom have been repeatedly reaffirmed and extended. The 2005 Cordoba Declaration stressed, as its first point, the importance of "ensuring the freedom of the individual to profess and practice a religion or belief, alone or in community with others through transparent and non-discriminatory laws, regulations, practices and policies." OSCE discussions have linked such calls with the promotion of tolerance and non-discrimination. The 2003 Maastricht Ministerial Council, for example, emphasised the importance of a "continued and strengthened interfaith and intercultural dialogue to promote greater tolerance, respect and mutual understanding".

The key issue in considering the OSCE's human dimension commitments is implementation. The situation since the time of last year's Cordoba Declaration http://www.forum18.org/Archive.php?article_id=574 has worsened, not improved. This problem was recognised by the 2004 Sofia Ministerial Council which stressed the need "to intensify efforts for the implementation" of commitments in the field of religious freedom. If OSCE participating States had implemented their commitments, there would not be the persistent and even worsening year-on-year religious freedom violations which take place – especially in the eastern part of the OSCE region, where Forum 18 News Service works.

Kazakhstan

Kazakhstan, for example, devotes much effort to promoting an image of tolerance, as in its hosting in June 2006 of an OSCE Tolerance Implementation Meeting on Promoting Inter-Cultural, Inter-Religious and Inter-Ethnic Understanding. Yet Kazakhstan's record is of concrete actions that directly oppose its OSCE commitments, which make its claim of tolerance and aim of being OSCE Chairman-in-Office in 2009 appear to be at best bizarre. The OSCE's Office for Democratic Institutions and Human Rights has strongly criticised "extremism" and "national security" amendments. Passed in 2005 – as Forum 18 News Service has documented –

these (amongst other things) ban unregistered religious activity, greatly curtail missionary activity, enhance state control over religious education, and permit suspension of registration of a religious organisation, with a ban on speaking to the media by members of the organisation. One local human rights activist suggested to Forum 18 that these amendments were directly related with official preparations for the 2005 presidential election.

Passage of the amendments did not cause a substantial deterioration in the de facto situation of Kazakhstan's religious minorities, as both Protestants and Jehovah's Witnesses confirmed to Forum 18. But this has recently changed, with a hardening in official policy towards religious believers. For example, the size of fines imposed on unregistered Baptists has increased sharply, one fine recently imposed being approximately 10 times the size of the maximum fines being imposed a year ago. In some Kazakh regions, state registration demands information on the ethnicity ("Kazakhs, Russians, Germans, Koreans, Tatars, and Others"), family status, religious education of congregational leaders, their age and type of work and "the most acute problems worrying parishioners", as well as details of members' political affiliation. "Facts demanding attention on the part of state bodies," are also required by the state.

The situation of Kazakhstan's Hare Krishnas has also deteriorated recently. On 25 April, in the latest twist in a long-running campaign against the only Hare Krishna commune the former Soviet Union, the authorities attempted to bulldoze five Hare Krishna-owned dachas. The interest and presence of local journalists – including Forum 18's correspondent – caused a postponement, with the authorities promising to continue the demolition when the "fuss" has died down. A court executor defended the planned demolitions to Forum 18, claiming that it is all "perfectly legal" – despite the lack of the required five days notice of such demolitions. Only Hare Krishna-owned dachas have been targeted for confiscation and destruction. Maxim Varlomeyev of the Society for Krishna Consciousness told Forum 18 on 29 June that the position of the Hare Krishnas' farm has not improved since the demolition attempt, the district authorities having recently refused to allow the Hare Krishnas to celebrate a religious festival.

The Kazakh approach appears to be that tolerance is best promoted by human rights violations. But perhaps Kazakhstan's attitude to its international human rights obligations was most concisely summarised by a Justice Ministry official, who told Forum 18 News Service in June 2006 – when we enquired why unregistered Baptists were attacked by the state and in the media for refusing to register – that "international agreements are nothing to us."

Thus, Kazakh President Nursultan Nazarbaev claimed to the Almaty Tolerance Implementation Meeting that "for us the principle of tolerance is not only the norm of political culture but is also one of the key principles of Statehood, which we are supporting and strengthening in a most decisive way." But as he spoke, his state-controlled mass media was conducting smear campaigns against both unregistered Baptists and Hare Krishna devotees – which Hare Krishna devotees are convinced provokes aggressive attacks they have experienced from other Kazakh citizens. As Kazakhstan's experience demonstrates, attacks on religious freedom directly attack the tolerance which the OSCE strives for – and without religious freedom, the tolerance which the OSCE strives for cannot flourish.

Ninel Fokina, head of the Almaty Helsinki Committee, says she does not understand the new attack on religious minorities. "It's difficult to discover the logic for this new wave of attacks," she told Forum 18. "On one side the government is hoping to chair the OSCE, which is holding a conference on tolerance in Almaty this weekend. On the other, local prosecutors offices are getting much harsher." She also noted that it is not just religious communities facing greater restrictions – the media and political parties are also facing tighter controls.

As Ninel Fokina observed – given the "litmus test" nature of religious freedom – this is not the only human right violated. In June 2006, the OSCE Representative on Freedom of the Media called for Kazakhstan to withdraw amendments to the Media Law which would be "a setback for media freedom." "It is against international democratic standards for the Government to define which press outlets are trusted by the public, or to decide on the right number of outlets," Miklos Haraszti commented. Observers from the Parliamentary Assemblies of the OSCE and the Council of Europe, as well as the European Parliament, found that the 2005 presidential election did not meet international 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".

A personal commentary by a Kazakh Protestant on how attacking religious freedom damages national security is at http://www.forum18.org/Archive.php?article_id=564

Turkmenistan

Turkmenistan is one of the OSCE's worst violators of religious freedom and wider human rights. Some observers suggest that changes in registration procedures for religious communities are an improvement in the country's bleak record of violations, but many religious communities within the country are critical of this opinion. Many within the country have – as a Jehovah's Witness recently told Forum 18 – pointed out that "there's still the very important question: what will registration give us? Others have got registration and it hasn't helped them." Examples of these problems have been raids on registered Baptist communities. Registration conditions are onerous – involving for example, so Forum 18 has been told, strong pressure to work with the Ministry of State Security secret police – and many Protestant communities, for example, are sceptical of their chances of gaining such paper recognition.

Within the past month, an official confirmed to Forum 18 that a 'black list' of people banned from travelling abroad exists - despite a claimed abolition of exit visas under international pressure - after a former Baptist prisoner of conscience was barred from travelling. Such cases are common. Current Hare Krishna prisoner of conscience Cheper Annaniyazova is still in jail, on a seven year jail term, after being accused on three charges, two of which relate to illegally crossing the border in 2002. The third charge has not been made public. A Baptist who is a Russian citizen, Aleksandr Frolov, was deported from Turkmenistan on 10 June because of his religious activity. Frolov's deportation separates him from his wife, a Turkmen citizen, their three year old son, and five month old daughter at their family home. Local Baptists have appealed for Frolov to be allowed back to his home and his family, for local Baptists to be allowed to hold worship services freely, for an end to restrictions on receiving Christian literature and for believers to be able to travel freely to visit other congregations.

The former Chief Mufti, Nasrullah ibn Ibadullah, was sentenced to 22 years' jail in March 2004 at a closed trial, the Turkmen government refusing repeated international requests to make the verdict public. The number of Muslims allowed to go on the haj pilgrimage to Mecca is severely restricted by the state, to under five percent of potential pilgrims, despite the requirement in Islam for able-bodied Muslims who can afford to do so to make the pilgrimage.

Violation of religious freedom in Turkmenistan is part of an ongoing assault the state conducts on human rights. Just over a week ago, activists of the Turkmen Helsinki Foundation and a freelance reporter for Radio Free Europe/Radio Liberty were arrested and are credibly reportedly as being tortured for what is alleged - without evidence - to be a plot against the state. Also part of this alleged plot are - supposedly - a French diplomat, a BBC journalist and the OSCE's Human Dimension Officer. Simultaneously, the head of the state Religious Affairs Committee - part of the apparatus of repression - has been "retired." The arrests took place just before a visit by a delegation from the European Parliament (EP), to determine whether the European Union (EU) should sign a trade agreement with the country. Reasons advanced for the proposed agreement included a claimed "new willingness shown by the Turkmen side to engage with the EU in a dialogue" and "by isolating Turkmenistan even further than it is already, the possibility of democratisation and improvements in human rights will be made much more remote."

However, many agree with the conclusions of the International Crisis Group's recent report "Central Asia: What role for the European Union?" <http://www.crisisgroup.org/home/index.cfm?id=4065&l=1> This observed that "efforts to "engage" even the region's worst offenders - Uzbekistan and Turkmenistan - may be undermining the EU's stand on human rights and democratisation" and that "recognition is needed that engagement with regimes such as Turkmenistan and Uzbekistan is unlikely to yield results, and that policies should focus on how to ease their eventual transition from dictatorship."

A personal commentary by a Protestant within Turkmenistan, on the fiction - despite government claims - of religious freedom in the country, and how religious communities and the international community should respond to this, is at http://www.forum18.org/Archive.php?article_id=728.

Uzbekistan

Of all the former Soviet states, Uzbekistan at present treats unregistered religious activity more harshly than the others. (Belarus and Kazakhstan also criminalise this, and Turkmenistan attacks unregistered activity under the Administrative Code.) Moreover, it is virtually impossible to register a religious community with the Uzbek authorities. In this month alone, Uzbekistan's Jehovah's Witness community has made eight unsuccessful attempts to register its community with Tashkent's Justice Administration. Since the Andijan uprising, the authorities have been closing down registered religious communities on spurious grounds, such as the Seventh-day Adventists and Korean-led churches in Samarkand region.

All Protestant Christian activity of any sort is illegal in north-west Uzbekistan. In the most recent incident known to Forum 18, a Protestant source in Tashkent told Forum 18 on 29 June that Lepes Omarov has just been arrested in the town of Muynak, in Karakalpakstan in the north-west. A criminal case has been brought against him under Article 216-2 of Uzbekistan's Criminal Code, which forbids "breaking the law on religious organisations". The maximum sentence under this article is three years' imprisonment.

Virtually every week, the police and National Security Service secret police raid private apartments where religious believers meet when they are unable to register their communities. Until recently, the authorities suppressed illegal Muslim activity (who were sentenced generally to lengthy periods in prison) much more harshly than religious minority communities (a typical sentence was a fine or a few days' arrest). However, recently the authorities have also hardened their policy towards unregistered communities of believers from religious minorities. A Protestant pastor from Andijan in eastern Uzbekistan, Dmitry Shestakov, faces between ten and twenty years in prison if found guilty of treason charges.

Uzbekistan is the only Central Asian republic where evangelism or proselytism is legally banned. Amongst many other violations of religious freedom, those known to Forum 18 in the last two months include: the deportation of a Jehovah's Witness to Kazakhstan; a raid on a Baptist church in the Fergana Valley during Sunday worship and a subsequent fine imposed on the host; trials of Muslims, apparently for being serious in the practice of Islam; the jailing of a Jehovah's Witness, a banned Protestant church being raided and children intimidated and threatened in a bid to force them to renounce their Christian faith; and Muslim prisoners being banned from saying Muslim prayers.

A personal commentary by a Muslim scholar, advocating religious freedom for all as the best antidote to Islamic religious extremism in Uzbekistan is at http://www.forum18.org/Archive.php?article_id=338.

Belarus

Belarus is another example of states which violate religious freedom. Unregistered religious activity is illegal and will be prosecuted – contrary to international human rights standards. Registered activity is restricted by a variety of laws and regulations, such as a bar on registered religious groups working outside their registered area. Another example is that although Greek Catholic Church parishes have re-registered, as it does not qualify as a "central association," it cannot own media publications or invite non-Belarusians to work, for example, as missionaries. A key feature of state religious policy is an extensive centralised network monitoring religious communities and active religious believers. There has been at least one attempt by the Committee of State Security (KGB) secret police to persuade a pastor to collaborate with them.

Within the past month, Forum 18 News Service has reported on a Jewish kindergarten music teacher in Belarus, who celebrated the traditionally joyful Jewish holiday of Purim with Jewish children, being threatened with criminal prosecution. Lyudmila Izakson-Bolotovskaya was accused of "illegal and deliberate dissemination of religious dogma to young children, which could cause considerable harm to their world view, rights and legal interests." Public prosecutor Sergei Kopytov refused to talk to Forum 18 about his threat - one of several recent attempts, known to Forum 18, to restrict all religious activity to existing state approved places of worship. Minsk City Court has liquidated the Christ's Covenant Reformed Baptist Church, thus making it illegal. Earlier, its pastor, Georgi Vyazovsky, was jailed for ten days for leading worship in his home. The charismatic New Life Church in Minsk has been visited again by police, demanding confirmation of state permission to hold worship services. Also, three evangelical Christians were given official warnings for silently reading the Bible on Brest's central square, as an expression of solidarity with those arrested after March's presidential elections.

The question facing the OSCE

Sadly, this does not exhaust the list of religious freedom violators. Forum 18 News Service continues to document violations of this basic human right – normally by governments - within many countries in the OSCE region. Serbia's controversial new Religion Law, for example, has been openly admitted by President Tadic to break the European Convention on Human Rights.

The Director of the ODIHR, Ambassador Christian Strohal, commented in his opening statement to the last Human Dimension Implementation Meeting that OSCE commitments "need to be brought to life, every day." The question facing the OSCE is this: How, concretely, are its repeated commitments to free, democratic, tolerant societies which respect human rights to be implemented, faced with participating States whose concrete actions directly contradict their commitments? For, as Ambassador Strohal said when he took up his appointment in ODIHR, "it is there, on the ground, where we have to live up to people's expectations and where we have to make a difference." (END)

A paper on religious intolerance in Central Asia is at http://www.forum18.org/Archive.php?article_id=815.

Surveys of countries' religious freedom situation are available on the Forum 18 website at <http://www.forum18.org/Analyses>, along with reporting of events at <http://www.forum18.org> and personal commentaries on religious freedom issues at <http://www.forum18.org/Commentaries>.

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