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KAZAKHSTAN: How simple is it to gain legal status?

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Atyrau's Jehovah's Witnesses first applied for registration in 2001. Their 2007 application was rejected because they failed to supply work telephone numbers for some of the founders. Their December 2007 application was rejected in August 2008 despite successfully passing two "expert assessments" at the Religious Affairs Committee in the capital, Jehovah's Witnesses told Forum 18 News Service. The Justice Department rejected it because one of the 20 founders (twice the required legal minimum) could not provide an up-to-date identity document. "Tens" of Protestant churches have been denied registration in recent years. Kuanysh Sultanov, head of the Kazakh government delegation to an OSCE human rights conference, boasted of a "simplified mechanism" for registering religious organisations. Yet Lyudmila Danilenko, head of the registration department at the Religious Affairs Committee, told Forum 18: "There have been no changes to the registration procedures over the past year." She claimed they were already "simple", even though for the past year any religious community applying for registration must undergo an "expert assessment" by her Committee.

Seven years after first applying for legal status, a Jehovah's Witness community in the Caspian port city of Atyrau was again refused registration in August, Jehovah's Witnesses told Forum 18 News Service from the country's commercial capital Almaty. The application was presented by twenty founders, twice as many as are required in law. However, it was refused because one of the founders presented an expired personal identification document as she was waiting for a new one to be issued. The latest denial came eight months after the application was lodged and after the Justice Ministry's Religious Affairs Committee in the capital Astana had twice conducted an "expert assessment" of the community's application.

The latest denial of registration to the Atyrau Jehovah's Witnesses - the eighth such denial - appears to contradict government claims this week to a human rights conference of the Organisation and Security and Co-operation in Europe (OSCE) of "simplified" procedures for religious communities to gain legal status.

In the written text of a speech to the OSCE Human Dimension Implementation Meeting in Warsaw on 29 September, posted to the OSCE website, the head of the Kazakh government delegation Kuanysh Sultanov declared: "The simplified mechanism of registration of religious associations, together with the tax policy of the state, creates a legal field for their free activity without tension."

Sultanov's claims were also contradicted by Lyudmila Danilenko, head of the Expertise and Registration Department at the Religious Affairs Committee. "There have been no changes to the registration procedures over the past year," she told Forum 18 from Astana on 2 October. Asked why Sultanov appears to be claiming that procedures have been simplified, she responded with a laugh: "You'll have to ask him."

However, Danilenko then went on to claim that the registration procedures are "already simple". She said the procedure was last amended in a government instruction of April 2007. She said any religious community applying for registration must now undergo an "expert assessment". "This applies to the Russian Orthodox just as much as to the Jehovah's Witnesses."

Yet far from simplifying registration procedures, the instruction (which covered registration of other organisations also) increased the number of documents and the information required with applications.

The 6 August Atyrau Regional Justice Department rejection to the Jehovah's Witnesses, signed by its Deputy Head Nurulbeg Utesinov and seen by Forum 18, cites a "violation" in the application. It declares that one of the twenty founders had presented a personal identity document that had expired 11 days before the application was lodged, therefore giving ground for refusing the application.

The Jehovah's Witness centre in Almaty that the identity document had indeed expired because the individual had reached the age of 25. "Identity documents are changed at the age of 25 and 45, but it takes one or two months to get the new one," they told Forum 18 on 2 October. "She had lodged her papers for a new one but not yet received it. This is not a ground for refusing the application as the law requires only ten legal founders and the identity documents appended to the application do not form part of the application itself."

In justifying the November 2007 denial of the Atyrau Jehovah's Witness registration application, Aset Kitarov, head of the religious affairs section of Atyrau Justice Department, told Forum 18 that the work phone numbers of some of the founders were missing in the registration application.

The Atyrau Jehovah's Witness community has faced repeated official harassment because it functions without legal status. They would like to build a place of worship, a Kingdom Hall, in Atyrau but without legal status cannot do so. The Prosecutor's Office raided a local meeting in May 2007, filming those present without their permission and confiscating religious magazines. Six Jehovah's Witnesses, including the Atyrau community's leader Aleksandr Rozinov, were given massive fines in June 2007 for meeting for worship without registration.

Several Protestant churches in Atyrau Region have also been denied registration. The local Catholic bishop, Janusz Kaleta, reported that it took six months to gain legal status for the parish in the town of Gulsary (see F18News 12 December 2007 http://www.forum18.org/Archive.php?article_id=1060).

Aleksandr Klyushev, who heads the Association of Religious Organisations of Kazakhstan, says he knows of "tens" of Protestant churches across Kazakhstan which have been denied legal status in the past few years "on various pretexts". "Over the last few years no Protestant churches have been registered in the country, although many want to register," he told Forum 18 on 3 October. "It is strange to hear what Kuanysh Sultanov said in Warsaw."

In defiance of Kazakhstan's international human rights commitments, including OSCE commitments, officials often wrongly insist that unregistered religious activity is banned. Council of Churches Baptists – who reject registration on principle – have been the main victims. Many of their leaders have faced fines, confiscation of property and detention of up to several days (see F18News 11 September 2008 http://www.forum18.org/Archive.php?article_id=1186 and 6 October 2008 http://www.forum18.org/Archive.php?article_id=1199).

Asked why the Jehovah's Witnesses in Atyrau have been seeking legal status in vain since 2001 and why the application they lodged in December 2007 had still not been successful, Danilenko responded: "The expert assessments we did here were both positive – I believe everything is OK now." Told that the Atyrau Regional Justice Department had rejected the application in writing on 6 August, Danilenko responded: "I'll talk to the Jehovah's Witnesses about it. What's it got to do with you?"

Danilenko refused to discuss why an application could be rejected because one of the founders had not been able to present a valid identity document. She also refused to discuss whether the difficulties the Atyrau Jehovah's Witnesses have faced accord with her claim that the application process is "already simple".

Law professor Roman Podoprigora of the Caspian Public University in Almaty – a specialist on religion and law - complained to Forum 18 in 2007 that state bodies sometimes use "just any excuse", even an insignificant one, to reject religious communities' registration applications (see F18News 12 December 2007 http://www.forum18.org/Archive.php?article_id=1060).

Klyushev of the Association of Religious Organisations of Kazakhstan pointed out that if the revisions to various laws covering religion now in the upper house of parliament, the Senate, are approved, registration will become even more difficult. During consideration of an earlier draft of the Law, one deputy even proposed that religious communities should have 1,000 adult citizen members before being allowed to register, although this proposal was rejected.

Under what is believed to be the latest draft of the new Law (the text has not yet been finalised), individual religious communities will require 50 adult citizen members. Centralised religious organisations will require registered communities in five of the country's regions, a provision that will prevent two of the four Catholic dioceses, as well as the country's Jewish community, from retaining legal status.

The controversial draft Law passed through its final reading in the lower house of parliament on 24 September (see F18News 29 September 2008 http://www.forum18.org/Archive.php?article_id=1194). It then passed to the Senate. The Senate press office has reported that a roundtable with senators and experts is due to take place on 7 October. (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.

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 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 a survey 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>.

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