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KAZAKHSTAN: Government attacks human rights defenders for criticising draft Law

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

As a law severely restricting freedom of religion and belief awaits Kazakh President Nursultan Nazarbaev's signature, Justice Ministry officials attacked local human rights groups for criticising the Law, accusing them of "openly lying." Denying that the Law will impose restrictions, Ministry officials claimed that "benevolent conditions" have been created for religious communities. The Law has been condemned by many religious leaders, such as Protestant leaders and Murat Telibekov of the Union of Muslims. Fr Vsevolod Chaplin of the Moscow Patriarchate pointed out to Forum 18 News Service that, under the proposed Law, "if a young person is walking past and goes into a mosque during prayers, the imam could be arrested." Fr Chaplin pointed out that he was himself a believer at the age of 13, against the wishes of his parents, which would be forbidden by the Law. Pope Benedict XVI has made an apparent oblique criticism of Kazakh policy. In a personal letter, he wrote to the Kazakh Ambassador to the Holy See that "it is incumbent upon the State to guarantee full religious freedom, but it also has the duty of learning to respect what is religious, avoiding interference in matters of faith and the conscience of the citizen."

As Kazakhstan's restrictive "Law on Amendments and Additions to Several Legislative Acts on Questions of Freedom of Conscience and Religious Associations" awaits President Nursultan Nazarbaev's signature, human rights defenders and religious communities have made last-ditch appeals for him to reject the Law. One human rights defender, Yevgeny Zhovtis, says the senior political leadership is divided over the new amendments. "Officials are nervous over the new Law, but very angry and aggressive when people complain about it," he told Forum 18 News Service. President Nazarbaev is formally due to sign or reject the amendments by around 2 January 2009.

Zhovtis also told Forum 18 that his human rights group, the Kazakhstan International Bureau for Human Rights and Rule of Law, is facing the threat of being closed down as a result of a tax inspectorate investigation which began early in 2008. "Our problems don't appear to be directly related to our work opposing the new Law, but represent pressure over all our activity, including on this Law." He believes the decision to crack down on his group "comes from the top", but says it is unclear how far the authorities will go.

Forum 18 is also aware of other Kazakh human rights defenders who have faced similar hostility from the authorities.

Justice Ministry representatives, speaking on Kazakhstan's Channel 31 television station on 11 December, attacked unnamed local human rights groups for criticising the new Law, accusing them of "openly lying". Denying that the Law will impose restrictions, Ministry officials claimed that "benevolent conditions" have been created in the country for religious communities.

Official attempts have repeatedly been made to encourage support for the draft Law are being made through the mass media, which is being used to encourage intolerance of religious communities (see F18News 30 April 2008 http://www.forum18.org/Archive.php?article_id=1123).

Amanbek Mukhashev, deputy head of the Justice Ministry's Religious Affairs Committee, told Forum 18 on 22 December that he has "no idea" if the President will sign the controversial Law. "How do I know?" He also declined to comment on the criticism by his colleagues of campaigning by human rights groups over the new Law.

The "Law on Amendments and Additions to Several Legislative Acts on Questions of Freedom of Conscience and Religious Associations" seriously restricts freedom of religion and belief in Kazakhstan, and breaks the country's international human rights commitments. Among the new restrictions on human rights, it would for the first time explicitly ban unregistered religious activity (see F18News 14 October 2008 http://www.forum18.org/Archive.php?article_id=1202).

The Law amends numerous articles of the current Religion Law, the Code of Administrative Offences and several other laws, and was finally approved by the lower house of parliament on 26 November (see F18News 26 November 2008 http://www.forum18.org/Archive.php?article_id=1222). It is being considered by President Nazarbaev as state officials continue to take actions against religious communities' right to freedom of thought, conscience and belief (see F18News 19 December 2008 http://www.forum18.org/Archive.php?article_id=1233).

The Kazakh authorities have repeatedly refused to allow the publication of a legal review of the draft conducted by the Organisation for Security and Co-operation in Europe (OSCE), claiming – falsely – that this refusal is due to the OSCE (see F18News 18 November 2008 http://www.forum18.org/Archive.php?article_id=1218). Ambassador Janez Lenarcic, Director of the ODIHR, has expressed disappointment at the "hasty" passage of the Law, and has called for it to be changed to make it "fully reflecting OSCE commitments and other international standards" (see F18News 26 November 2008 http://www.forum18.org/Archive.php?article_id=1222).

The Permanent Mission of Kazakhstan to the OSCE insisted to Forum 18 on 22 December that the review related to an earlier draft of the Law and was therefore "outdated". It insists that a new OSCE review is still being prepared – even at this late stage – and "will be published".

The Law also contradicts the recent OSCE Ministerial Declaration on the Occasion of the 60th Anniversary of the Universal Declaration of Human Rights. This states, among other reaffirmations of existing commitments, that: "We reiterate that everyone has the right to freedom of thought, conscience, religion or belief; freedom of opinion and expression, freedom of peaceful assembly and association. The exercise of these rights may be subject to only such limitations as are provided by law and consistent with our obligations under international law and with our international

commitments" (see <http://www.osce.org/item/35582.html>).

Among the latest religious figures to speak up against the proposed new Law is Murat Telibekov, who leads the Union of Muslims of Kazakhstan, which represents some groups outside the state-backed Muftiate. "This is a repressive, reactionary Law far from democratic principles," he told Forum 18 from Almaty on 22 December. He believes that if signed by the president, the new Law would restrict religious organisations' activity, prevent many from gaining state registration and drive them underground.

A group of Protestant leaders from Almaty wrote to President Nazarbaev on 5 December urging him to veto the Law. The letter, which Forum 18 has seen, criticises in particular the harsh new registration criteria, the difficulties that existing religious communities will face in re-registering, new restrictions on religious activity and harsh punishments for peaceful religious activity. The Protestant leaders also complain of provisions "with a wide range of interpretations, which could be used to justify repressive measures against various religious groups". Protestant leaders in the capital Astana wrote a similar appeal to the president on 9 December.

Fr Vsevolod Chaplin of the Department of External Church Relations of the Moscow Patriarchate also expressed concern at the Law. Stressing that he was speaking in a personal capacity, he was worried about "serious punishments" imposed by the Law on religious leaders, if any of those present at worship are minors who do not have the permission of both parents to be present. "If a young person is walking past and goes into a mosque during prayers," he told Forum 18 from Moscow on 22 December, "this means the imam could be arrested." Fr Chaplin points out that he himself was a believer when he was 13 years old against the wishes of his parents.

The ban on distributing religious literature in hospitals and educational establishments also worried Fr Chaplin. "It's not clear what this means," he told Forum 18. "If a person is in hospital often he or she wants – indeed needs religious books. In my view it wouldn't be bad to allow them the possibility to buy such books."

Fr Chaplin also pointed out that the requirement in the Law that a founders' meeting be held to establish a centralised religious organisation creates problems. "In some religious traditions creating such organisations – like dioceses – takes place in another way."

However, Fr Chaplin said he understands the motives for adopting the Law, which he identified as "concern among the people and government over foreign religious influence, especially from extremists, which puts the security of the state under threat".

Pope Benedict XVI made an apparent criticism of Kazakh policy when he accepted the credentials of Amanzhol Zhankuliyev, the new Kazakh ambassador to the Holy See, along with other ambassadors on 18 December. The official Vatican Information Service that day highlighted one comment by Pope Benedict in a written personal message to Ambassador Zhankuliyev. Writing of the positive role that religions can play in society, the Pope noted that "it is incumbent upon the State to guarantee full religious freedom, but it also has the duty of learning to respect what is religious, avoiding interference in matters of faith and the conscience of the citizen." (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>.

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY