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KAZAKHSTAN: Government "trying to force all foreign religious believers out of the country"?

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New visa regulations that came into force in March have caused growing problems for some religious communities to invite foreign citizens for religious work, Forum 18 News Service has found. The new "missionary visa" is valid for a maximum 180 days and is not renewable. "No one wants to spend so much money to move, only to be able to stay in the country for a maximum of six months," Rabbi Elkhonon Cohen of Chabad Lubavitch Jewish Centre of Kazakhstan told Forum 18. "It will be difficult for us to open new synagogues, since it will be very difficult to invite rabbis to lead them." He insists that he and his colleagues are not "missionaries" and are in Kazakhstan "first of all to serve the Jews". After one Catholic priest failed to get a visa for two months, the nuncio spent a week going to the Foreign Ministry before a business visa was granted. Two Ahmadi Muslim imams have been forced to leave after visas were denied. Kazakhstan is "trying to force all foreign religious believers out of the country," one Ahmadi commented to Forum 18. The government's Religious Affairs Committee told Forum 18: "There are no problems with giving missionary visas, you do not need to invent these cases."

In the wake of new visa regulations for foreigners working in Kazakhstan – which for the first time introduced a category of "missionary visa" – some religious communities have found it difficult or impossible to get visas for foreigners they argue they need to sustain their communal life, Forum 18 News Service has found. While the Catholics appear to have overcome their difficulties for foreign priests and nuns, Ahmadi Muslims have seen their two imams unable to remain, while the Jewish community fears no foreign rabbi will volunteer to work in Kazakhstan because only short-term visas are likely to be obtainable. Kazakhstan is "trying to force all foreign religious believers out of the country," one Ahmadi commented to Forum 18.

A representative of one faith, who asked not to be identified, told Forum 18 that they are afraid to apply for missionary visas for any foreigner that they would like to invite because they are almost certain that the application will be refused. "We wouldn't want to apply for someone who gets rejected and then gets problems trying to come in." In a comment echoed to Forum 18 by other communities, the representative argued that people who visit a religious community from abroad are not missionaries and therefore should not be required to have a missionary visa.

Isolation policy?

The new regulations appear to be part of a government policy of increasingly trying to isolate religious communities from fellow-believers abroad. In 2005, restrictions on missionary activity by both local people and foreign residents of Kazakhstan were introduced in amendments to the Religion Law, which required prior registration of missionaries with the authorities. It defined missionary activity as "the preaching and spreading by means of religious educational activity of a religious faith which is not contained in the statutes of a religious association which carries out its activity on the territory of the Republic of Kazakhstan".

Also amended at the same time was the Code of Administrative Offences to introduce punishment for missionary activity without permission from the state. For those who are not citizens, the punishment includes deportation (see F18News 15 July 2005 http://www.forum18.org/Archive.php?article_id=608).

Numerous foreign citizens legally present in Kazakhstan have been deported or forced to leave in recent years because the authorities have objected to their religious activity. A number of foreign religious leaders have been banned from re-entry to Kazakhstan after being deported or because they have been banned from entry to other former Soviet republics (see F18News 30 January 2009 http://www.forum18.org/Archive.php?article_id=1247).

Kazakh-born Baptist Viktor Leven was ordered deported in 2009 under the Code of Administrative Offences for leading a church service while he was still a German citizen (see F18News 24 June 2010 http://www.forum18.org/Archive.php?article_id=1460). The authorities have still not carried out their threat to deport him, Baptists told Forum 18.

In May, Ukrainian citizen Sergei Shestel, who is married to a Kazakh citizen and who led the Grace Protestant Church in Ekibastuz, was refused an extension to his residence permit unless he signed a document to collaborate with the National Security Committee

(KNB) secret police. He refused, and was unable to remain in Kazakhstan with his wife and three children, as he told Forum 18 from the Ukrainian city of Kirovohrad on 1 October.

Grace Church is one of a number of religious communities which have faced repeated media attacks, reportedly with official encouragement. It also featured in a July 2010 internal document by the ruling Nur Otan party as one of the country's "non-traditional religious movements of destructive character" against whom action needs to be taken (see F18News 30 September 2010 http://www.forum18.org/Archive.php?article_id=1493).

New regulations

The new visa procedures were introduced in a joint order of the Foreign and Interior Ministries in December 2009. The procedures came into force on 1 March 2010.

"Missionary visas are issued to foreigners going to the Republic of Kazakhstan (RK) for the purpose of carrying out religious activity," the order stated. "Missionary visas are issued on the basis of the invitation extended by a religious association registered in the territory of RK and approved by the local state organ responsible for religious affairs."

Approval of the KNB secret police is required before visas can be approved. Among the reasons allowed for a refusal is "national security". The maximum a missionary visa can be issued for is 180 days. Such a visa cannot be extended and is not renewable.

The visa requirement does not appear to extend to citizens of most other former Soviet republics, who can live and work in Kazakhstan without a visa.

Concept of missionary visas questioned

A number of religious communities have objected to Forum 18 that those they invite to lead religious communities or to take part in their activities are not "missionaries" and thus should not need such visas. Some added that under Kazakh law and international human rights conventions, foreign citizens legally resident in Kazakhstan have the same rights to freedom of religion or belief as local citizens.

After two visiting Jehovah's Witnesses, American Theodore Jaracz and Canadian John Kikot were fined and ordered deported for "illegal missionary activity" after they addressed a Jehovah's Witness meeting in Almaty in May 2008, the General Prosecutor's Office eventually argued that they had not been conducting "missionary activity" by addressing a meeting at the invitation of a registered religious community. Their punishment was overturned by the Supreme Court in March 2010 (see F18News 8 September 2010 http://www.forum18.org/Archive.php?article_id=1486).

Daulet Zhakibayev of New Life Protestant Church in Almaty told Forum 18 on 28 September that by introducing the concept of a missionary visa, Kazakhstan's authorities have "contradicted" themselves. He points to the Religion Law's definition of a "missionary" as someone who propagates a religion which did not exist before in Kazakhstan. The Ministerial Order requires foreigners wanting to visit Kazakhstan for religious purposes to obtain a missionary visa, for which one must get an invitation from a religious organisation officially registered in the country. "If the religious organisation already exists in the country, then how can it be said of individuals visiting the same organisation that they are propagating a new religion?" asked Zhakibayev.

Echoing Zhakibayev, Rabbi Elkhonon Cohen of Chabad Lubavitch Jewish Centre of Kazakhstan told Forum 18 that as Jews, their religious activity cannot be classified as missionary activity. "Under missionary activity we understand that one proactively invites people of other faiths to their faith," he told Forum 18 from Almaty on 29 September. "We, however, do not go to others to draw them to our faith. And even if some come to us wanting to accept our faith, it is a very difficult process. We do not encourage others to accept our faith." He insisted that he and his colleagues are in Kazakhstan "first of all to serve the Jews".

Officials refuse to explain procedures, discuss problems

An official of the Foreign Ministry Consular Service, who did not give his name, categorically refused to explain to Forum 18 how religious communities can invite foreigners to lead their activity or to explain why so many communities are facing difficulties over inviting foreigners. He told Forum 18 from Astana on 30 September that it must send an official letter to the Kazakhstan Embassy.

The Culture Ministry's Religious Affairs Committee on 30 September referred Forum 18 to the department which oversees missionary visas. An official of the Department, who did not give her name, insisted to Forum 18 that no one has complained to them over the visa issue.

Asked why the Kazakhstan authorities appear to discriminate between some faiths and others over issuing visas, the official responded: "We do not differentiate between religious communities - all are equal before the law." Asked how then she could explain the complaints from the communities, she said, "There are no problems with giving missionary visas, you do not need to invent these cases." Then contradicting her previous statement, she said that "it is the fault of the religious communities themselves

in some cases since they do not know how to properly file their documents to obtain visas."

Asked why religious believers visiting or wanting to stay in Kazakhstan who will not be involved in missionary activity as described in the law are still required to obtain missionary visas, she said did not know and referred Forum 18 to Asylkhan Nurmagambetov. However, he in his turn on 1 October referred Forum 18 to the Committee Chair, Ardak Doszhan, and his Deputies. "I am just a specialist here, I do not decide visa issues," he said.

Doszhan was in Warsaw at the Organisation for Security and Co-operation in Europe (OSCE) Review Conference and telephones of his Deputies went unanswered on 1 October.

New regulations bar communities' leaders

Among the first to be affected by the new regulations was Catholic priest Janusch Wollnie who leads St Joseph's parish in Karaganda [Qaraghandy] and heads the local Catholic charity Caritas. He left for Germany on holiday on 25 February and could not return until 1 May, after his visa problems were overcome. Anatoly Kim, a lawyer at the Karaganda branch of the Kazakhstan International Bureau for Human Rights and Rule of Law said the nuncio, Archbishop Miguel Maury Buendía, spent a week going back and forth to the Foreign Ministry in Astana before the visa was finally granted. However, Fr Wollnie was given a six-month business visa, which is renewable, not a missionary visa.

In mid-May, imam Said Hassan Tahir Bukhari, one of the leaders of the Ahmadi community, had to leave Kazakhstan since his missionary visa was expiring and the authorities would not extend his visa, Nuryim Taibek of Kazakhstan's Ahmadi Muslim Community told Forum 18 on 27 September from Almaty. He said that Imam Bukhari has still not been able to get a new visa from the Kazakhstan embassy. The community's only remaining visiting imam, Tahir Hayat, was forced to leave on 2 September as his visa too was not extended, Taibek added.

Hayat had long faced problems extending his visa (see F18News 10 February 2010 http://www.forum18.org/Archive.php?article_id=1407).

Recounting the process the two imams went through to extend their visas, Taibek said both applied to the Foreign Ministry, but the Ministry referred them to the local authorities in Almaty, where they conducted religious activity, to gain accreditation first. The local Akimats (Administration) in their turn told them that they could not give them any accreditation without them first getting visas.

Vladimir Ivanov, Chief Inspector of Almaty City Akimat overseeing the work with Religious Associations, said that local authorities are in no way involved in the process of visa issuance. "It is the prerogative of the Foreign Ministry, please talk to them about the visa problems," he told Forum 18 on 29 September.

Ivanov tried to avoid the question by saying "the imams had their accreditation" but when Forum 18 insisted he asked, "How can we give accreditation to someone who doesn't even have the necessary visa in the first place?"

"Kazakhstan in the international arena gives the message that there's democracy in the country," Taibek told Forum 18, "but at the same time it is trying to force all foreign religious believers out of the country so the people of Kazakhstan do not hear about various faiths." He said the Ahmadi community does not have enough local imams who can teach their faith.

Expressing similar concern is Rabbi Cohen of Chabad Lubavitch Jewish Centre. "Our cultural life cannot be separated from our religious life," he told Forum 18. "That is why it is difficult for Jews to celebrate their holidays without having the religious ministers leading them."

Rabbi Cohen pointed out that his community has existed in Kazakhstan for 120 years, and during Soviet rule for over 70 years "a void in the religious and cultural life" of Kazakhstani Jews was created because Rabbis and teachers could not be invited from outside. After Kazakhstan gained independence it was possible to invite religious leaders, and revive the Jewish traditions, he added. "But now we are concerned for the future of our work here."

His fellow rabbi Betzael Lifschitz told Forum 18 the same day that several of their leaders have had to leave Kazakhstan to get new visas this year. "Some were given six-month visas and one was given even a one-month visa," he told Forum 18 on 29 September from Almaty.

Rabbi Cohen said that his Centre is not currently having "major problems" in getting visas for the visiting Jews wanting to work in Kazakhstan. "But I see that it will soon become a major problem. After this Ministerial Order it will be difficult for us to open new synagogues, since it will be very difficult to invite rabbis to lead them."

He explained that it will be difficult to convince Jewish leaders to move to Kazakhstan to help the new synagogues. "On one hand, any person who makes an important decision to move to work in another place, knowing they will be there for only a short time, will

not be able to concentrate well on their work," he said, "and on the other hand, no one wants to spend so much money to move, only to be able to stay in the country for a maximum of six months."

Is it worth applying for missionary visas?

Other religious communities complain that the new visa regulations make it all but impossible to invite missionaries or other foreigners to work in their communities.

Zhakibayev of New Life Church said so far they have not had visa problems because they did not invite missionaries to Kazakhstan. "It is a problematic issue for us," he told Forum 18, referring to the Ministerial Order. "It creates such bureaucratic barriers for us to invite believers or speakers from outside the country to our regular conferences." Zhakibayev explained that the invitation documents have to be submitted to the local authorities, who will take their time to consider them, and it is "not sure" then the central authorities will issue the needed visas on time.

No problems – for some

Some religious communities say they face no problems under the new regulations. The visa problems of Catholic priests and nuns have been resolved as a result of talks between the Kazakhstan authorities and the papal nuncio, Sister Maria Grenova of the Catholic Church in Balkhash told Forum 18 on 27 September. "We do not have to leave the country at the moment when the six month period is over." Asked how that was made possible given the new limitation on missionary visas, she responded: "I don't exactly how, but a legal way was found to put us beyond the reach of this limitation."

The Russian Orthodox Church – whose three bishops were all born outside Kazakhstan – do not face visa problems for their clergy either, according to Father Mikhail Pastushenko "Those who are going to work here for a long time obtain a residence permit, and we have no problem getting them," he told Forum 18 from Almaty on 30 September. "This is how we resolve the visa problem." He explained they submit the necessary documents to the local Administrations, and receive their residence permits. (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=1352.

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 compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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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