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KAZAKHSTAN: "Attracting children" an offence?

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

Officials, police and journalists raided two Baptist children's summer camps to check if children were present with parents' consent. Also, a Pastor was fined because a church member's granddaughter attended a children's programme. Officials often insist religious organisations need written permission from both parents.

Two congregations belonging to the Baptist Union in West Kazakhstan Region were raided by officials in early July as they held summer camps for their own and invited local children. Officials and local journalists they brought along claim the churches were attracting young people, that children might have been present at a religious event without their parents' consent and that foreigners were present as "missionaries" without having the required state permission. The raids left the children feeling "frightened", the pastor of one of the congregations complained.

In Kostanai [Qostanay] Region a court fined a Pentecostal Pastor in mid-July after a church member brought her granddaughter to the Church's children's summer programme with written permission from the child's mother. The mother later called the police and denied she had granted permission. Anti-Extremism Police, ordinary police and the transport police then visited the church, after which the case was brought against the Pastor (see below).

Children's summer camps run by religious organisations are often raided. Hostile media coverage of the religious organisation often follows.

In July 2015 about 20 police officers, Prosecutor's Office officials and Education Department officials raided a church-run children's summer camp near Kazakhstan's second city Almaty. Officials frightened the children and "behaved like they were detaining some criminals", Pastor Sergei Li of Kapshagai Baptist Church told Forum 18. "One seven-year old girl was frightened and cried, and after that I told them to stop questioning the children." Asked why Almaty TV channel and its subsidiary attacked the Baptist Church without a right of reply and to the distress of members, Deputy Chief Editor Tatyana Lisitskaya responded: "The authorities gave us the materials for broadcast". Pastor Li was fined in January 2016 because foreigners had been present at the camp without personal registration as "missionaries" (see F18News 15 July 2016 http://www.forum18.org/archive.php?article_id=2199).

Punishment

Article 3, Part 16 of the Religion Law requires leaders of registered religious organisations "to take measures not to allow the involvement and/or participation of under age children in the activity of the religious association when one of the parents or their other legal representatives objects". Article 490, Part 7 of the Administrative Code punishes those who violate this provision.

The head of a Jehovah's Witness community in Almaty, Ruslan Bayanbayev, was fined on the second attempt under Administrative Code Article 490, Part 7 in February after allowing five children from one family to attend a meeting for worship in December 2015 with their mother. The mother wanted them to be present with her, but the father objected. At least three police officers arrived at the religious meeting and questioned Bayanbayev about the presence of the children (see F18News 31 March 2016 http://www.forum18.org/archive.php?article_id=2163).

Confusion and arbitrary decisions over parental consent

Confusion and arbitrary decisions surround the implementation of this legal requirement not only during religious communities' special events, but during regular worship. Officials have insisted to some religious communities that they must have such permission in writing from both parents. Officials have visited some religious communities to check that they are meeting this requirement.

Officials do not explain what happens if a child has only one parent or more than two parents. Nor do they explain how often such written permission must be renewed. Nor do they explain if leaders of religious organisations are supposed to halt a worship service, if they notice a child is present, to inspect whether both parents have provided written permission for the child's presence.

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This requirement is backed by official rhetoric and media hostility towards "non-traditional" and "destructive" religious communities and "sects" which "attract" children to their activities. After raids over several days on a children's church camp in Oral (Uralsk) in July, by the last day only children of church members remained, given the hostile atmosphere created (see below).

In early June, officials of the Regional Religious Affairs Department of Almaty Region visited local Akimats (administrations) and summoned the leaders of all local registered religious organisations. They warned them – on camera – that they must have written permission from both parents for children to participate in services and other events. Such permission must be brought personally, officials added.

"Officials said a new regulation had come in, but didn't give a copy or explain what it was," someone present at one such meeting in Almaty Region told Forum 18.

"I cannot tell you immediately" what parental permission needed

Madiyar Nurkhanov of the Department for links with non-Muslim organisations at the Religious Affairs Committee in the capital Astana explained that the only legal requirement related to parental permission is set out in Article 3, Part 16 of the Religion Law. He explained that if one parent brings a child to a religious event and the leader knowingly allows the child to remain if the other parent has objected, the religious leader would face prosecution.

Asked what leaders of religious organisations must do to ensure that children are present with appropriate permission, Nurkhanov was unable to say. "Other agencies are involved also, so I cannot tell you immediately," he told Forum 18 on 23 August.

Asked whether one or both parents need to give permission, Nurkhanov stressed that the Law does not require both parents to give permission. He said he was not familiar with demands made, for example, in Almaty Region that both parents must give written permission which they bring personally. Asked if such permission needs to be in writing, he was unable to say.

Asked for example if a Russian Orthodox priest must halt a worship service, if he suddenly notices a child present, to ensure that parents have given permission for the child to be present, Nurkhanov replied: "No."

Asked whether it was right that a religious leader had been punished because a grandmother had brought her granddaughter to a religious event with written permission from the mother, Nukhanov said he did not believe an offence had been committed if the child's mother had given permission. But he stressed he was not familiar with the case. He told Forum 18 he was also unfamiliar with raids by officials on summer camps held by religious organisations.

Two children's camps raided

On the same days in early July, officials raided two children's summer camps organised by separate Baptist congregations in West Kazakhstan Region, one in the regional capital Oral and the other in Aksai in Burli District. Both towns are close to Kazakhstan's northern border with Russia.

Light of the Gospel Baptist Church in Oral held its five-day children's camp in its church building from 4 to 8 July, with teenagers in the morning and younger children in the afternoon. Many were children of church members, but the church also invited children from the wider community.

Invitations distributed by the church, as well as a poster outside the church building – of which Forum 18 has seen photos – clearly indicate that this was a church-organised event at which, as well as play and tea, Bible reading would take place.

"Officials from the Regional Religious Affairs Department and the Regional Education Department turned up on three of the days that week during the sessions for younger children," Pastor Aleksandr Dimitrov told Forum 18 from Oral on 17 August. "They were accompanied by a number of journalists. On the Friday, two police officers even joined them." He said all the children were present with their parents' permission. However, he refused to show such permission to officials.

Khabar television carried a short hostile news item on the Light of the Gospel Church's summer camp on 7 July. The item included interviews with Bayangul Semgaliyeva of the Regional Religious Affairs Department, who led the raid, and Oksana Dementievskaya, a journalist who was captioned as a "local resident". The news item carried the caption "Children are being attracted to non-traditional religious organisations".

Children frightened

Pastor Dimitrov said that officials and journalists did not try to talk directly to the children at his Church's summer camp. "But the children were still frightened by their presence," he told Forum 18. He noted that on the Friday, the last day of the camp, only children of church members took part, not other children. "Perhaps they were put off by what they witnessed, or they told their parents when they got home, or the parents saw the coverage on local television."

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"They tried to check up on us, asking questions of organisers and seeking documentation, but they didn't find any violations," Pastor Dimitrov told Forum 18. "Maybe someone doesn't like us. Maybe that's why they did it." He said no administrative cases had been initiated against the church or any of its members following the summer camp.

Pastor Dimitrov noted that the same week a similar summer camp organised on church premises by the Baptist congregation in Aksai was also raided. "They put pressure on parents to sign statements, but they wrote that they had given their permission for their children to be present," he told Forum 18. "They also questioned the children directly, which left them feeling frightened."

"We weren't able to find out if they had parents' permission"

Semgaliyeva of the Regional Religious Affairs Department, who led the raid on the Oral Baptist summer camp, said she and other officials had simply been carrying out "monitoring" of the church event. "They invited children to read the Bible. We went to find out if the church had permission from parents," she told Forum 18 from Oral on 17 August. "But we weren't able to find out if they had parents' permission."

Although no administrative cases had been initiated following the church summer camp, Semgaliyeva did not exclude the possibility. "We will lodge cases if violations are found." She did not explain whether officials are still trying to seek reasons to lodge such cases.

Semgaliyeva then complained that foreigners had been present. "Foreigners came to read the Bible," she told Forum 18. "They must have permission for this as they are missionaries." She added that officials had taken statements from them and they have since left the country, so no further action will be taken against them.

But Semgaliyeva remained suspicious that 15 foreigners had come ostensibly to help repair a small church building. "They said they had come to undertake repairs. They don't need permission for that, but they do if they read the Bible with others." Asked why it was the business of the state whether foreigners had been present, she responded: "It's not dangerous, but they need permission."

Semgaliyeva declined to discuss the presence of journalists during the raid and who had notified them of the raid.

Saginbek Zhumagareyev of the Regional Education Department, who had also been present, said that the Religious Affairs Department had initiated the raid on the Baptists. He said he had little recollection of what happened. "I'm nearly at pension age and can't remember all the places I've visited, so ask the Religious Affairs Department," he told Forum 18 from Oral on 18 August. "I don't care what religion has organised an event, all I'm interested in is that children are present with their parents' permission." He estimated that he visits more than ten religious communities each year as they hold events for children.

Forum 18 sent written questions on 12 August to Dementievskaya, the journalist who wrote a 15 July article on liter.kz website and also appeared as a "local resident" in the 7 July Khabar television news item. In both she had complained that the "non-traditional church" was attracting children.

"Our laws are not able to defend children," Dementievskaya claimed to Khabar television. "Some of the children were present without the permission of parents, certainly, or parents were unaware of what it was about." She called for amendments to the Religion Law to ban children's participation in religious events "of these sects" without parental permission and "very harsh penalties" for those who violate this.

Forum 18 asked Dementievskaya who had invited journalists to take part in the raid on the Baptist summer camp, but had received no response by the evening of 23 August in Oral.

2015 raid

The raids on the Baptist children's summer events in West Kazakhstan Region came exactly one year after a similar raid on a similar event held by another Baptist church in the same Region. Transfiguration Baptist Church in the village of Darinskoe in Zelenov District had organised an event at the home of a church member in the nearby village of Yanvartsevo.

After raids on 6 and 7 July 2015, the Regional Religious Affairs Department accused the Church of conducting religious activity away from its registered legal address without having gained the Department's permission as required in law. However, the church's pastor Viktor Demyashev insisted in subsequent court hearings that its statute defines the area of its activity as West Kazakhstan Region. Nurmukhanov also accused the Church of involving children without their parents' consent. Pastor Demyashev similarly denied this in court.

Transfiguration Church was found guilty of violating Administrative Code Article 490, Part 1, Point 1. In September 2015 it was fined 200 Monthly Financial Indicators (MFIs) and banned from functioning for three months. The church lost its appeal in October 2015. It never paid the fine as it had no money (see F18News 28 December 2015

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http://www.forum18.org/archive.php?article_id=2136).

A fine of 200 MFIs represents more than three months' average wages for a person in work.

Fined after grandmother brought granddaughter

A court in Kostanai Region in northern Kazakhstan fined Pastor Zhanar Gainutdinova of Source of Life Pentecostal Church in Kostanai for allowing a 7-year-old girl to attend a religious event allegedly without written permission from a parent. On 14 July, Judge Nadezhda Zhumabayeva of Kostanai's Specialised Administrative Court found the Pastor guilty and punished her with the prescribed fine of 50 MFIs, 106,050 Tenge, according to the court decision seen by Forum 18.

Pastor Gainutdinova was punished under Administrative Code Article 490, Part 7. This punishes, among other things, "the leader of a religious association not taking measures not to allow the involvement and/or participation of under age children in the activity of the religious association when one of the parents or their other legal representatives objects". This is punished with a fine of 50 MFIs and, for foreigners, deportation.

Judge Zhumabayeva's decision notes that Pastor Gainutdinova should not be deported as she is a Kazakh citizen.

The grandmother of the girl had brought her to Source of Life Church's summer programme for children on 24 June, the court decision notes. The grandmother, a church member, brought with her written permission from the mother (a single mother who was working a night shift).

Pastor Gainutdinova, who was not present at the Church that day, told the court that the church leader that day was not aware that a parent must come themselves and write the statement granting permission for a child to be present at a religious event.

Following the mother's return home from work, she called the police to complain that her daughter was at the church without her permission. She claimed that she had never written a letter agreeing to her daughter's participation in the Church's summer programme for children. Officers of the Anti-Extremism Police, ordinary police and "even" the Transport Police arrived at the Church. "Many officers of all sorts were present, but no one from the Regional Religious Affairs Department," Pastor Gainutdinova told Forum 18 from Kostanai on 22 August.

The Police and Prosecutor's Office backed the record of an offence drawn up by the Regional Religious Affairs Department against Pastor Gainutdinova. Although she had not been present that day, as head of the religious community she bore responsibility for the "offence".

"The girl's mother did sign a statement, but later told the police she hadn't," Pastor Gainutdinova insisted to Forum 18. "We didn't know that a parent has to be present in person to hand over such written permission." The pastor chose not to appeal against the fine.

Nursultan Abishev, chief specialist at Kostanai Regional Religious Affairs Department, told Forum 18 on 22 August that his colleague Sapargali Abdiev, who had written the record of an "offence" against Pastor Gainutdinova and assisted the prosecution case in court, was out of the office.

However, Abishev insisted that Pastor Gainutdinova had committed an "offence" because the Church she leads had "attracted an underage girl". He said his colleague Abdiev had prepared the record of an "offence" in response to an application by the girl's mother and the police. Asked why such an issue was the responsibility of the police and the Religious Affairs Department, he insisted that "the law must be upheld". (END)

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.

For more background, see Forum 18's Kazakhstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1939.

For a personal commentary from 2005 on how attacking religious freedom damages national security in Kazakhstan, see F18News http://www.forum18.org/Archive.php?article_id=564.

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.

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