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KAZAKHSTAN: More planned restrictions on religious freedom

By Igor Rotar, Forum 18

Kazakhstan plans to even more severely restrict religious freedom than it currently does following 2005 restrictions, Forum 18 News Service has learnt. According to a draft of a new Religion Law, all unregistered religious activity would be banned, and registered religious communities with fewer than 50 members would be banned from publishing or importing religious literature, maintaining open places of worship or conducting charitable activity. Human rights activists and religious minorities have condemned the latest proposals, Ninel Fokina of the Almaty Helsinki Committee describing them as "reminiscent of army regulations." Kazakh law professor Roman Podoprighora finds it "very alarming that the draft Religion Law says nothing about the procedure for formal registration," he told Forum 18. "The procedure should merely be of a question of notification." The KNB secret police are also planning separate restrictions on religious freedom via the Anti-terrorism Law.

Kazakhstan's religious minorities have told Forum 18 News Service of their concern over the new Religion Law now being prepared by the government's Religious Affairs Committee. According to one recent draft, seen by Forum 18, all unregistered religious activity would be banned, while communities with fewer than 50 adult citizen members would be prohibited from publishing or importing religious literature, maintaining open places of worship or conducting charitable activity. The head of the Almaty Helsinki Committee, Ninel Fokina, condemned these planned restrictions. "The rights and obligations of members of religious groups would be reminiscent of army regulations," she complained to Forum 18.

Amanbek Mukhashev, deputy head of the Religious Affairs Committee within the Justice Ministry, insists it is necessary to change the Religion Law yet again. "The need for this Law arose long ago. The old Religion Law was adopted back in 1992," he told Forum 18 from the capital Astana on 16 February. "So far, it is too early to say definitively what the new Law will say." He did not discuss why the authorities think a new Religion Law is necessary, when the current Law was last amended in 2005 for what were claimed to be "national security" reasons (see Forum 18's religious freedom survey at http://www.forum18.org/Archive.php?article_id=701).

Mukhashev said the draft text would be given to "representatives of the various confessions" to consider "in about a month", without indicating which religious communities would be allowed to see the draft. He said the draft would go to parliament and then if approved to the President for his signature.

Pressed by Forum 18, Mukhashev insisted that "any" religious groups may participate in discussions on the draft law, as well as Organisation for Security and Co-operation in Europe (OSCE) experts and human rights activists. But he did not indicate whether Kazakhstan would ever reply to the OSCE Advisory Council on Freedom of Religion or Belief's November 2006 offer to help resolve the government's dispute with the Hare Krishna community (see F18News 31 January 2007 http://www.forum18.org/Archive.php?article_id=905).

Most Protestant churches have fewer than 50 members, Aleksandr Klyushev, head of the Association of Religious Organisations of Kazakhstan, told Forum 18 on 14 February. He described the planned changes as "placing severe restrictions on the rights of Protestant believers". Similarly restricted would be the Hare Krishna community, as only two of their 10 currently registered communities – in Astana and in the commercial capital Almaty - have more than 50 members.

"The draft Law is no surprise to me," Maksim Varfolomeyev of the Hare Krishna community told Forum 18 on 16 February, commenting that Krishna followers in most of their communities "will lose the most elementary rights". Referring to the government's attacks on his community's religious freedom, Varfolomeyev described the draft Law as "more evidence that state policy towards religious minorities is becoming harsher" (see F18News 31 January 2007 http://www.forum18.org/Archive.php?article_id=905).

Jehovah's Witness communities mostly have more than 50 members and are not at present publicly commenting on the draft Law. "Let us see how events unfold," Anatoli Melnik, deputy head of the Jehovah's Witnesses in Kazakhstan, told Forum 18 on 16 February.

As has been the case with previous restrictions on religious freedom (see eg. F18News 4 August 2005 http://www.forum18.org/Archive.php?article_id=625), the Russian Orthodox Church has welcomed the government's proposed

increased restrictions. Indeed, it thinks that the planned restrictions are not restrictive enough.

"I understand the subtext to your question. The new draft Law will certainly bring difficulties to followers of sects," Archpriest Aleksandr Ievlev, spokesperson for the Astana and Almaty Diocese of the Russian Orthodox Church, told Forum 18 on 20 February. "But unfortunately, not as many difficulties as we would like." He thinks that the draft Law "holds no fears for Orthodox believers".

Unlike the Russian Orthodox Church, the official Muslim community has not been so publicly enthusiastic about the draft Law. "We have heard that a new Religion Law is being drafted, and we do not think it can bring any difficulties for Muslims," Muhamad-Hussein Alsabekov, deputy to the mufti of Kazakhstan, told Forum 18 on 20 February.

The copy of the draft Religion Law seen by Forum 18 clearly shows that, if adopted in its current form, it will introduce even more limitations to religious freedom than currently exist. There are several such drafts being circulated. The new draft Law divides religious communities into "associations", which must have more than 50 adult members, and "groups", which have fewer than 50 adult members and have fewer rights. Under the current Religion Law 10 people are enough to found a new religious community. Under the new Law, all religious organisations that are not legally registered with the justice agencies and formally registered with the local authorities will not be allowed to carry out any activities.

According to a new Article 4-3 of the draft Law, "a religious group has the right to perform religious rituals and ceremonies and to give religious instruction and religious education to its followers". However, it adds that a religious group may not:

- 1.) Publish, produce, export, or import items that carry religious significance, theological literature or other informational documents with a religious content.
- 2.) Set up companies to distribute theological literature or produce religious objects.
- 3.) Establish or maintain open spaces with general access for services or religious meetings, places that followers of one or another religion may revere (such as places of pilgrimage), or religious buildings.
- 4.) Appeal for or accept financial donations or other forms of aid.
- 5.) Carry out charitable work.

The draft also radically increases the powers of the Religious Affairs Committee in Article 6-1, requiring its permission for foreigners to lead local religious communities and for the building of any place of worship in the entire country.

Almaty-based law professor Roman Podoprighora, who has long studied religious freedom issues, is highly concerned about the potential impact of the draft Law. He worries particularly over vagueness over how small religious "groups" are to gain formal registration (*uchetnaya registratsia* in Russian) from local authorities as required in the draft Law. "I find it very alarming that the draft Religion Law says nothing about the procedure for formal registration," he told Forum 18 on 16 February from Almaty. "Theoretically, the procedure should merely be of a question of notification."

However, Podoprighora points out that according to the current Religion Law a missionary must hand in several documents within three days of registering his passport in order to qualify for the required formal registration. "The authorities frequently find inaccuracies in the missionaries' documentation, and then refuse them registration," Podoprighora noted. "If the law does not clearly state that it is sufficient for a religious group simply to inform the local authorities of its existence, then they could end up in the same situation as the missionaries."

Both Muslim and Christian foreign missionaries have been fined and deported for their religious activity (see eg. F18News 15 November 2006 http://www.forum18.org/Archive.php?article_id=871). This has even happened to foreigners who merely take part in the normal activity of churches they are ordinary members of (see eg. F18News 12 December 2006 http://www.forum18.org/Archive.php?article_id=886).

Professor Podoprighora and Klyushev of the Association of Religious Organisations of Kazakhstan have both previously noted that 2005 "national security" amendments of the current Religion Law, to require all religious activity to be registered, contradict themselves (see F18News 4 August 2005 http://www.forum18.org/Archive.php?article_id=625). Religious minorities, human rights activists and international organisations, including the Organisation for Security and Co-operation in Europe (OSCE), strongly criticised the 2005 amendments (see F18News 15 July 2005 http://www.forum18.org/Archive.php?article_id=608).

Current registration procedures are highly intrusive, and clearly designed to provide means of control, and not just a mechanism for acquiring legal status (see F18News 9 June 2006 http://www.forum18.org/Archive.php?article_id=797). Fines for unregistered religious activity have continued to escalate (see F18News 30 January 2007 http://www.forum18.org/Archive.php?article_id=904).

In one of the most high profile cases of official attacks on the religious freedom of communities, the authorities are trying to crush a

Hare Krishna commune near Almaty, by partially bulldozing it, and continuing "perfectly legal" state threats against it (see F18News 31 January 2007 http://www.forum18.org/Archive.php?article_id=905). The religious freedom of other religious minorities, such as Protestant Christians, also continues to be attacked (see F18News 30 January 2007 http://www.forum18.org/Archive.php?article_id=904).

As well as the Religion Law changes, the KNB secret police are planning changes to Kazakhstan's Anti-terrorism Law. These changes may - despite official assurances to the contrary - ban sharing beliefs and missionary activity (see F18News 24 October 2006 http://www.forum18.org/Archive.php?article_id=859). (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

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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