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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

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KAZAKHSTAN: Alarm at state-backed planned new Religion Law

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Kazakhstan is planning more restrictions on freedom of thought, conscience and belief, Forum 18 News Service has learnt. Human rights activists and some religious communities have expressed alarm at a planned new Religion Law penalising "unapproved" religious activities. The proposals include banning missionary activity by people who do not both represent registered religious communities and have state accreditation, and banning small religious communities from maintaining public places of worship or publishing religious literature. Prime Minister Karim Masimov has backed the latest draft, writing that "perfecting" legislation at the "contemporary phase of state-confessional relations" is "timely and necessary." Fr Aleksandr Ievlev of the Russian Orthodox Church vigorously defended the proposals, telling Forum 18 that "the current Law has allowed sectarians to spread in the country." He complained that "the proposed amendments do not at all restrict the rights and freedoms of religious organisations – those that say otherwise are lying." Accompanying the draft Law, the mass media is being used by officials and parliamentary deputies to promote intolerance of religious communitioes they dislike.

Kazakhstan's government has backed moves by parliamentary deputies to increase restrictions on religious communities and spell out further penalties for "unapproved" religious activities. Human rights activists and some religious communities are already gearing up for a new campaign for religious freedom, Forum 18 News Service has learnt. Many are unhappy not only at the proposed new restrictions but at the restrictions on religious activity that already exist.

The new initiative – prepared by four deputies of the lower house of parliament, the Majilis, and two from the upper house, the Senate – was approved for consideration on 2 April. The draft Law on Amendments and Additions to Several Legislative Acts on Questions of Freedom of Conscience and Religious Organisations – if adopted – would tighten numerous articles of the current Religion Law, the controversial Article 375 (see F18News 15 July 2005 http://www.forum18.org/Archive.php?article_id=608) and one other article of the Code of Administrative Offences, as well as several other laws.

Many of the restrictions envisaged in the new draft Law echo earlier proposals for a harsh new Religion Law (see F18News 21 February 2007 http://www.forum18.org/Archive.php?article_id=916).

Kazakhstan's Prime Minister, Karim Masimov, formally backed the new draft in a letter to the Majilis [parliament's lower chamber], which Forum 18 has seen. He declared that "perfecting" legislation at the "contemporary phase of state-confessional relations" is "timely and necessary", though without explaining why. His only demand was that the formulation of the proposed new crimes in the Code of Administrative Offences be aligned with those specified in the proposed revised Religion Law.

"The draft Law is now with a working group, which has not yet begun to discuss it," parliamentary deputy and working group member Serik Temirbulatov told Forum 18 from the capital Astana on 28 April. "It will then be presented to parliament's committees. Only when all their views are taken into account will it be presented to the full lower house of parliament. A parliamentary resolution earlier this month has given 1 December as the deadline by which this will be adopted."

Temirbulatov declined to discuss any specific provisions in the draft Law or any of the concerns that human rights activists and religious communities have already expressed.

Ninel Fokina of the Almaty Helsinki Committee told Forum 18 on 15 April that her and other local human rights groups have "many points of concern" about the new draft Law. She worries in particular that it would make it hard for smaller religious groups to develop or even survive.

Concerns among religious communities focus on the draft Law's ban on missionary activity by individuals who do not represent registered religious communities and do not have state accreditation; the institution of a national quota for missionaries; the ban on small religious communities from maintaining public places of worship or publishing religious literature; and the requirement that state officials must monitor all financial contributions to religious organisations (see F18News 6 May 2008 http://www.forum18.org/Archive.php?article_id=1125).

Roman Podoprigora, a law professor at the Caspian Public University in the commercial capital Almaty, who studies the legal

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position of religious communities, says he does not understand the necessity for a new Religion Law. "Senior officials have stated numerous times from different podiums that there is perfect peace and accord between the State and religious confessions and also between religious communities themselves in Kazakhstan," he told Forum 18 from Almaty on 16 April. "What is the reason for a new law then?"

Natalya Kotenko, the head of the Social and Economic Department who is handling the issue of the new Law in the Prime Minister's Office, refused to explain to Forum 18 specifically why a new Religion Law is needed. "It's an old law and like any law needs to be perfected," she told Forum 18 from the capital Astana on 29 April. However, she declined to explain Masimov's assertion that amending the Law is "necessary". "I won't comment on the Prime Minister's statement."

Kotenko claimed that the proposed new Law is entirely an initiative of individual deputies. "These deputies are working with state agencies, such as the Religious Affairs Committee." She declined to say how closely they are or are not working with the government.

Kayrat Tulesov, the deputy Chair of the Justice Ministry's Religious Affairs Committee, also stressed to Forum 18 on 15 April that the initiative for the draft Law came from Parliament. Asked why the government wants to amend the law, he said he sees nothing surprising as the law was adopted more than a decade ago. "It probably needs some brushing up technically and theoretically," he maintained.

Some religious communities have already declared their opposition to the new restrictions in the draft Law. Some Protestants have told Forum 18 that various Protestant churches have already discussed how to oppose the new Law and have announced a joint fast across Kazakhstan from 8 to 11 May. Franz Tissen, the head of the Baptist Union, criticised several provisions of the draft Law in a 16 April statement and called on churches to hold a one-day fast on 21 April.

Also highly critical of the draft Law was the Council of Churches, another Baptist network which refuses on principle to register its congregations with the authorities. In a detailed letter to President Nursultan Nazarbayev, the Council of Churches complained that the draft Law unveiled to parliament on 2 April contains "absurd demands of believers that did not even exist in the years of Soviet rule". "How can this be termed a law on freedom of conscience?" they ask. "This Law puts believers in Kazakhstan outside the law."

The Baptists complained of more than a hundred court cases against their members since the Religion Law was last amended in 2005. It said fines since then have amounted to more than 3,000,000 Tenge (127,525 Norwegian Kroner, 16,010 Euros or 24,905 US Dollars). "We didn't have such astronomical fines even in the Soviet period," they complained. They quoted one judge as declaring at a court case that Kazakhstan is returning to Soviet times.

Also highly concerned is the Hare Krishna community, which has long faced opposition from officials, particularly to its commune near Almaty. "The draft Law has so many restrictions that it will produce many problems for us, as well as for Protestants, minority Muslims, Jehovah's Witnesses and others," Maksim Varfolomeev told Forum 18 from Almaty on 30 April. "All will suffer. We'll be closed down, but that will be just the start." He said the turn for the worse began with the 2005 amendments to the Religion Law and conditions have continued to worsen since then.

Varfolomeeev said the Hare Krishna community is already working with other religious communities to try to get their views heard. However, he said he remains pessimistic. "I don't know if we will have any impact," he told Forum 18. "I fear this draft will be adopted more or less as it is."

The Russian Orthodox Church is more measured in its response. Fr Aleksandr Ievlev maintained that the current law needs revisions, but said the new draft – which he has read – also needs some revisions. "Some provisions could be better phrased," he told Forum 18 from Almaty on 30 April, but added that the Church is waiting to discuss the draft with the initiators. He declined to specify any provisions that the Church might want rephrased.

However, Fr Ievlev vigorously defended restrictions on what he called "pseudo-Christian" and "anti-Christian" groups. "The current Law has allowed sectarians to spread in the country," he complained. "Those that criticise the current law are lying. The proposed amendments do not at all restrict the rights and freedoms of religious organisations – those that say otherwise are lying."

Asked about the state-favoured Muftiate's [the Islamic Spiritual Administration] attitude to the new draft Law, a representative told Forum 18 from Almaty on 30 April that this was "both a simple and a complicated question". He declined to expand by phone but promised to give the Muftiate's views in writing.

Some Kazakh Muslims disagree with the Muftiate, an independent community losing its mosque in the western city of Atyrau in summer 2007 (see F18News 12 December 2007 http://www.forum18.org/Archive.php?article_id=1060). A group of 15 independent Muslims were given heavy prison sentences for belonging to a terrorist organisation. 14 of the 15 Muslims were given prison sentences of between 14 and 19 and a half years at a closed trial. The fifteenth received a three-year corrective labour sentence. The terrorist allegations by the authorities were not proven, according to independent legal experts (see F18News 8 April 2008 http://www.forum18.org/Archive.php?article_id=1110)

Copyright Forum18 News Service 2008 - Page 2/4

Kazakhstan's Religion Law was first adopted in 1992 and imposed hardly any restrictions on individuals' or communities' religious freedom. However, the Law was amended in 1995, 1997, 2004 and 2005, with ever increasing restrictions. In 2005 further restrictions on freedom of thought, conscience and belief were imposed in "extremism" and "national security" legal amendments (see F18News 8 December 2005 http://www.forum18.org/Archive.php?article_id=701). The Administrative Code's controversial Article 375 was condemned by an official of the government's Human Rights Ombudsperson's Office, who told Forum 18 in 2006, that this article had to be removed for Kazakhstan to comply with international human rights commitments such as the International Covenant on Civil and Political Rights (see F18News 1 March 2006 http://www.forum18.org/Archive.php?article_id=735).

Despite the increasing restrictions, government officials at all levels and pro-government parliamentary deputies have repeatedly spoken of the need to make the Religion Law even tighter. Further drafts since 2005 concentrated on trying to ban "missionary" activity, restrict the right to publish religious literature, impose controls on receipt of funds and restrict charitable activity (see F18News 21 February 2007 http://www.forum18.org/Archive.php?article_id=916).

Officials and parliamentary deputies who support the draft Law have been vigorously promoting it. On 28 April, a group of deputies met local residents in the southern city of Shymkent to present the text. Khabar Television reported that local people praised the deputies for their attempt to curtail the activities of some "non-traditional" religious groups, including the Jehovah's Witnesses.

One of the deputies who initiated the new draft Law, Berik Bekzhanov, told the meeting that it also aims to curb the activities of missionaries in the area, which he criticised as "undermining family traditions and social principles". The deputies argued that the existing Religion Law is "too flexible", and asserted that "some religious organisations have started posing a threat to the principles of tolerance and inter-religious accord".

The media have been full of stories in recent months highlighting what officials claim to be law-breaking by religious organisations. A 10 April report by Kazakhstan Today quoted Saparbek Nurpeisov of the General Prosecutor's Office as claiming that representatives of 1,870 "occult-mystical religious teachings" have been conducting "active destructive activity". Among the groups he named in this category – which he said bring "harm" to the country and are "dangerous" to individuals - was the New Life Protestant Church. The mass media is often used by the state to promote intolerance against religious communities the authorities dislike (see eg. F18News 22 February 2008 http://www.forum18.org/Archive.php?article_id=1091).

Nurpeisov added that 50 leaders of "non-traditional faiths" and "occult-mystical" groups had been punished under the Criminal or Administrative Codes in 2007-8, while 13 foreigners had been expelled for "missionary" activity. As usual in such official statements, peaceful religious communities are deliberately mentioned in the same breath as Al-Qaida and other violent groups.

Speaking at a conference on terrorism on 25 April, Majilis deputy Erzhan Isakulov said the Religion Law must be strengthened to help counter terrorism and extremism. Kazakh authorities have in the past sought to link terrorism and serious crime with peaceful religious activity through the mass media (see F18News 28 February 2007 http://www.forum18.org/Archive.php?article_id=921). Isakulov too quoted the figure of 1,870 religious communities out of the more than 4,000 officially registered religious communities which he claimed "represent a danger to national security and stability".

He quoted unnamed experts as claiming (wrongly) that Kazakhstan's Religion Law "is the most liberal law in the area of religion" of all twelve CIS states. He complained that it is currently possible to register a religious community in Kazakhstan with just a few members. Isakulov appears to be unaware that Georgia has no Religion Law, while Ukraine, Russia, Armenia and Moldova do not ban unregistered religious activity or impose such tight restrictions as in Kazakhstan.

Law professor Podoprigora told Forum 18 that he is perplexed by how little Parliament seems to care about initiatives such as the new restrictive draft Law, despite the international human rights commitments Kazakhstan took on and the country's forthcoming chairmanship in 2010 of the Organisation for Security and Co-operation in Europe (OSCE).

Asked what he thought were the motives behind the new draft Law, Podoprigora gave two possible reasons. "First it is the old problem of the Soviet legal mindset, where the State must control every activity right down to the very lowest level," he told Forum 18. "Second, this new law might be an initiative from a few parliamentarians who want to make some political gain." He maintained that there could be bona fide reasons to fight terrorism but on a different level and with different methods.

Podoprigora commented that it seems that some officials are thinking about democracy and freedoms while others are going against it. "It is like the saying that the right hand does not know what the left hand is doing." (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

Copyright Forum18 News Service 2008 - Page 3/4

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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