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KAZAKHSTAN: "The first phase of this work has been fully completed"

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"The first phase of this work has been fully completed", State Secretary Kanat Saudabaev told a closed 27 October meeting in Kazakhstan's capital Astana. He identified this "first phase" as including adopting new legislation including the harsh new Religion Law restricting freedom of religion or belief, strengthening the Agency of Religious Affairs (ARA), law enforcement agencies, "special services", and other measures countering "religious extremism". Saudabaev said that "an algorithm of further actions for the planned implementation of the instructions of the Head of State [President Nursultan Nazarbaev]" is to follow, Forum 18 News Service has learned. Among those attending were: one of the Deputy Heads of the Presidential Administration; the head of the KNB secret police; the head of the Syrbat Foreign Intelligence Service; the Interior Minister; the Prosecutor-General; the Foreign, Finance, Justice, Communications, Education and Culture Ministers; the Chair of the ARA; and officials of the Prime Minister's Office, the Tax Committee and the Customs Control Committee.

"The first phase of this work has been fully completed", State Secretary Kanat Saudabaev told a closed 27 October meeting in the capital Astana of about 20 of Kazakhstan's most senior officials to consider their work restricting freedom of religion or belief. He identified this "first phase" as including adopting new legislation including the harsh new Religion Law, strengthening the Agency of Religious Affairs (ARA), law enforcement agencies, "special services", and other measures countering "religious extremism", including in educational institutions. These measures were adopted "on the initiative of the Head of State [President Nursultan Nazarbaev]".

Saudabaev said that "an algorithm of further actions for the planned implementation of the instructions of the Head of State" is to follow, according to the minutes and other documents from the meeting seen by Forum 18 News Service. The meeting agreed that restrictions on where religious services can be held, places of worship built and religious literature distributed must be strictly enforced, while places of worship in prison must be closed (a process which has already begun). Officials should strive to reduce the number of foreign "missionaries".

The 27 October meeting "on current tasks in the religious sphere" has not been officially publicised, but several Presidential Administration officials confirmed to Forum 18 that it had taken place (see F18News 29 November 2011 http://www.forum18.org/Archive.php?article_id=1640).

Also attending – and responsible for ensuring that the meeting's decisions are carried out – was one of the Deputy Heads of the Presidential Administration, Baglan Mailybaev. Attending from the security agencies were: Nurtai Abykaev, the head of the National Security Committee (KNB) secret police; Amanzhol Zhankuliev, head of Kazakhstan's Syrbat Foreign Intelligence Service; Interior Minister Kalmukhanbet Kasymov (who is in charge of the police); and Prosecutor-General Askhat Daulbaev.

The Foreign, Finance, Justice, Communications, Education and Culture Ministers also took part. The Chair of the government's Agency of Religious Affairs (ARA) Kairat Lama Sharif played a prominent part in the meeting. One of his assistants was also present, together with officials of the Prime Minister's Office, the Tax Committee and the Customs Control Committee.

The meeting was called to organise the implementation of the two controversial laws, a Religion Law and a law amending nine other laws, which imposed serious restrictions on the ability of people to exercise freedom of religion or belief. They were signed by President Nazarbaev on 11 October and came into force ten days after their 15 October official publication (see F18News 21 October 2011 http://www.forum18.org/Archive.php?article_id=1628).

Both before and after the adoption of the new Laws, state officials have raided religious communities, blocked the import of religious literature and fined individuals for religious activity. On 1 December, a Baptist pastor from Karaganda [Qaraghandy] Region, Nikolai Popov, began a two-day prison term for refusing to pay a fine for meeting for worship with his church without state registration (see F18News 13 December 2011 http://www.forum18.org/Archive.php?article_id=1646).

"Not to allow the holding of services"

State Secretary Saudabaev insisted at the 27 October meeting that the new Religion Law's strict controls on where religious activity can take place must be enforced.

Akims (administration heads), together with the Interior Ministry (which runs the police), are to "take measures not to allow the holding of services, religious rituals and ceremonies outside places [of worship] established by law, or the distribution of religious literature outside places of worship or specialised stationary premises".

Controls on places of worship

Akims in Kazakhstan's two main cities, Astana and Almaty, and all the country's regions were by 30 November, together with the ARA, to prepare regulations regulating the location and building of places of worship, as well as the redesignation of existing buildings as places of worship.

In his speech to the meeting, ARA chief Lama Sharif insisted that "it is necessary to observe all procedures" over allowing religious associations to build places of worship. This implies that the strict state controls over such building from local Akimats (administrations) and the ARA in Astana set out in the new Religion Law will be strictly enforced (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617). They were also to prepare regulations on where religious communities are allowed to hold religious rituals away from designated places of worship and what names religious communities could use for their places of worship.

Even before the Religion Law was in legal force and before the 27 October meeting, police and KNB secret police officers raided a meeting for worship of an officially registered Protestant church, claiming that under the new Law the church cannot meet outside its legal address. The church had been forced to meet away from its legal address because of pressure from the KNB (see F18News 19 October 2011 http://www.forum18.org/Archive.php?article_id=1627).

Lama Sharif told the meeting that, in relation to prisons, "by means of explanatory work and the change to the current normative acts, places of worship, including namazkhanas [Muslim prayer rooms], must halt their activity". The closure of prison places of worship began even before the new Religion Law had come into force (see F18News 11 November 2011 http://www.forum18.org/Archive.php?article_id=1635).

Censorship "a question of principle"

Other regulations being prepared would cover "the deployment of specialised stationary premises for distributing religious literature and other informational materials of religious content and objects of religious significance".

"Not allowing the distribution of religious literature outside places established by law is a question of principle," Lama Sharif told the meeting. "All street kiosks must be closed, while attempts to distribute religious literature on the streets, and in flats and homes must be strictly prevented."

A "harsh barrier" to the import of "extremist literature" into the country must be established, Lama Sharif added. However, he did not specify what constituted "extremist literature". Under the new Religion Law, the requirement for approval for imports from the ARA applies to all religious literature – not just to whatever is defined as "extremist" (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617).

The ARA presented to the meeting draft Censorship Regulations, which for the first time codify compulsory state censorship, breaking international human rights commitments not to impose such restrictions on freedom of religion or belief or interlocking freedoms such as freedom of expression (see F18News 24 November 2011 http://www.forum18.org/Archive.php?article_id=1639).

The Finance Ministry is to – together with "plenipotentiary state organs" – by the end of June 2012 "to draw up within the framework of the Customs Union [of Kazakhstan, Russia and Belarus] joint approaches to the import through its external borders of religious literature".

Yedil Mamytbekov, a Deputy Chair of the Customs Union Secretariat in Moscow, told Forum 18 from Moscow on 7 December that while he was aware of such discussions within the Kazakh government, no proposals have yet been put to the Customs Union.

Number of foreign "missionaries" to be cut

Lama Sharif described the presence of foreign "missionaries" in the country as an "important factor influencing the religious situation". "We must organise joint work so that we are informed about all the activity by foreign missionaries," he told the meeting, "and strive to reduce their number."

He said that as of 1 October, Kazakhstan had given permission for 310 foreign missionaries: 124 Catholics, 90 Protestants of various

churches, 48 Muslims, 42 Russian Orthodox, five Jews and one Buddhist. It remains unclear which of these religious communities will be denied visas for their foreign nationals.

Lama Sharif did not mention that under the new Religion Law, anyone – whether a Kazakh or foreign citizen - regarded by officials as engaging in "spreading a faith" or "missionary activity" is classed as a "missionary". These terms are undefined. The "missionary" must every year obtain approval from a registered religious association, as well as personal registration as such with state authorities (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617).

ARA Chair Lama Sharif stressed that the Law requires that a "missionary" be invited by a registered religious organisation only, and that it is "very important" that the individual – and any literature they will use - has been approved by the ARA's "religious expert analysis". He said that it is "not superfluous" to examine whether to increase the salaries of officials of the ARA's Scientific Research and Analytical Centre on Questions of Religion – which seems set to be involved in such analyses – and to improve the Centre's capacity.

Describing checking on the activity of current missionaries as of "special interest", Lama Sharif noted that they will be able to complete their current approved terms under the earlier rules, but any new "missionaries" – including from countries whose citizens do not require Kazakh visas – will be subject to the new rules.

Lama Sharif said his agency is preparing Missionary Regulations. As well as this, the ARA has already prepared, together with the Foreign and Interior Ministries, a Decree. This, he stated, helps to resolve problems like "the formation of a system of measures of social protection and countering of the destructive influence of certain non-traditional religious organisations on the spiritual/moral development process of Kazakh society". He said it also creates a database of those conducting religious activity, including those who have been expelled for violating the law "or other reasons".

Regulations, regulations ..

The ARA, together with the Justice and Interior Ministries, together with other "interested agencies", was to prepare by 15 November Regulations to implement the new Religion Law covering, among other things, registration and re-registration of religious associations, censorship of religious literature and other materials, personal registration of local people and foreigners who spread their faith and what religious literature is allowed into prisons.

Lama Sharif told the meeting that the new Registration Regulations will require religious associations' statutes to say that any change to them must be approved by the ARA. He said his agency and local Akimats "now have the task of checking the legality of the activity" of the 4,514 registered religious associations. He noted that many of them were registered under the "liberal" 1992 Religion Law which required only ten founders.

Lama Sharif called for the identity of the legal founders of mosques to be examined, to see if they are appropriate people (see F18News 29 November 2011 http://www.forum18.org/Archive.php?article_id=1640).

Forum 18 notes that as of 7 December, no Regulations have been published. ARA spokesperson Svetlana Penkova confirmed to Forum 18 on 5 December that they are still being worked on. "As soon as they are adopted they will be published, including on our new website." As of 7 December, the website din.gov.kz – which was set up on 26 September, according to internet records – had no content.

The Justice Ministry, together with the ARA, was to train religious associations by the end of 2011 on registration and re-registration procedures. The two bodies were also to help local government bodies draw up regulations implementing the new Law. The two bodies were also to prepare data each quarter on how many religious associations, their branches and representations are registered, are in the process of registration and are unregistered.

Financial controls

Lama Sharif noted that greater control must be imposed on religious associations' income, to establish how much is being spent on "goals not included in [a religious association's] statutes". He stressed that donations to religious associations "must be brought into accordance with the current law".

Lama Sharif singled out the Muslim community, saying contributions to the Muslim Board particularly needed to be recorded electronically and that everyone should have access to such information (see F18News 29 November 2011 http://www.forum18.org/Archive.php?article_id=1640).

The Finance Ministry is by the end of 2011 to propose ways – jointly with "other interested agencies" - to "improve control over the inflow of financial offerings to religious associations". It is also to improve the "transparency" of such income. By the end of March 2012 it is to check whether "current religious associations" are abiding by tax laws.

Lama Sharif said the Finance Ministry and the Anti-Corruption Agency must establish "permanent control" over all donations to religious associations and missionaries from abroad.

All Islamic activity to be under state control

Many of the meeting's other decisions were targeted specifically at the Muslim community, and would have the effect of bringing all Islamic religious activity under state control. The plans discussed at the closed meeting included banning all independent and ethnically-based mosques, taking over all formal Islamic education, and using the existing Muslim Board to control and report on all permitted Islamic activity.

The meeting also discussed changing the Muslim Board's name to Muftiate of Muslims of Kazakhstan, so "making the Muftiate a symbol as the spiritual centre of an independent state", according to ARA Chair Lama Sharif (see F18News 29 November 2011 http://www.forum18.org/Archive.php?article_id=1640).

"Huge work" - but no answers

Penkova, spokesperson for the ARA, told Forum 18 from Astana on 5 December that the agency currently has "huge work" to implement both the new laws. However, she declined to discuss any of Forum 18's detailed questions by telephone, insisting that they must be in writing.

Before the beginning of the working day in Astana on 6 December, Forum 18 asked Penkova in writing why – according to the records of the 27 October meeting - state officials feel free to interfere in the internal affairs of the Muslim community, why religious communities cannot choose for themselves what they call their communities and places of worship, why all mosques are to be handed to the ownership of the national Muslim Board, why the number of foreign "missionaries" is to be cut, and why places of worship in prison are to be closed, despite the provisions for example of the United Nations Standard Minimum Rules for the Treatment of Prisoners.

Article 19, Part 2 of the current National Security Law bans interference by religious communities in the affairs of the state - and interference by the state in religious communities. But this has not stopped state officials from interfering in religious communities, by for example demanding that independent mosques join the Muslim Board (see F18News 16 September 2011 http://www.forum18.org/Archive.php?article_id=1613).

Forum 18 also asked Penkova if the ARA could identify the "non-traditional religious organisations" against which the ARA head Lama Sharif believes Kazakhstan's people need to be protected.

Forum 18 had received no response to its questions by the end of the working day in Astana on 7 December.

Fulfilling the President's orders

State Secretary Saudabaev several times cited the decisions of an apparently unpublicised 22 July 2010 meeting of Kazakhstan's Security Council "on questions of strengthening stability in the religious sphere", which he stressed had been approved by President Nazarbaev. The Plan of Measures for Realising the Decisions of the 22 July 2010 Security Council meeting on Strengthening Stability in the Religious Sphere appears, from the documents seen by Forum 18, to have included measures to crack down on individuals conducting "missionary activity".

In late July 2010 an internal document from the ruling Nur Otan party attacked "non-traditional" faiths and called for laws on religious freedom to be harshened. The section of the July document on religion – seen by Forum 18 – attacked groups including the Tabligh Jamaat Islamic movement, Jehovah's Witnesses, the Protestant New Life Church and Grace Protestant Church. It added that such groups are financed by "the special services of Western countries". The report claimed that tens of thousands of people in Kazakhstan are members of such groups "and need help". An official of Nur Otan's Institute of Parliamentarianism – which produced the report - insisted to Forum 18 that it was halted before being issued and the section on religion represented only the views of one party researcher who had since been fired (see F18News 30 September 2010 http://www.forum18.org/Archive.php?article_id=1493).

In April 2011 President Nazarbaev claimed that "the sphere of scientific research of interethnic and interfaith relations requires the most serious attention. I want to particularly mention religious affairs in our country. Here we should understand it, and our associations of Muslims and Orthodox Christians should play a major role in protecting our religious relations from various sects and organisations, which have different views from what we need, entering Kazakhstan. Therefore, I instruct the Minister of Education and Science to take personal charge of this issue." The speech was broadcast by the state-run Khabar TV the same day. At the same time state-funded so-called anti-sect centres were encouraging public hostility to freedom of religion or belief through statements in the state-controlled national and local mass media (see F18News 6 May 2011 http://www.forum18.org/Archive.php?article_id=1568).

Exactly a year after the July 2010 Security Council meeting, on 22 July 2011, a further Security Council meeting also "on questions of strengthening stability in the religious sphere" took place. This was chaired by President Nazarbaev and was made public. The presidential website stated that the meeting noted that "while Kazakhstan is a secular state, this does not mean that organs of power can stand back from regulating relations in the religious sphere". The President ordered Heads of Administration in each Region to ensure "strict observance by religious associations of the norms of current law".

An official of the Presidential Administration told Forum 18 on 7 December that not all Security Council meetings or their decisions are publicised. (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://education.nationalgeographic.com/education/mapping/outline-map/?map=Kazakhstan>.

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