

21 November 2012

KAZAKHSTAN: "Complex", "arbitrary", "unnecessary" and "expensive" re-registration process

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

Many religious communities in Kazakhstan have complained to Forum 18 News Service of what they variously describe as the "complex", "burdensome", "arbitrary", "unnecessary" and "expensive" compulsory re-registration process – which breaks the country's international human rights obligations. Few were prepared to give their names, for fear of state reprisals. One community denied re-registration was the Kostanai congregation of the Russian Orthodox Church Outside Russia (ROCOR) which is not part of the Moscow Patriarchate. "ARA officials told us that as we don't have a place of worship there to meet in we couldn't apply for re-registration," Fr Gennadi Subbotin told Forum 18. Not having a place of worship has not prevented others from gaining re-registration. Agency of Religious Affairs (ARA) spokesperson Svetlana Penkova told Forum 18 that those failing to gain re-registration "can still meet until they have been liquidated through the courts". And in an apparently co-ordinated move, Russian Orthodox (Moscow Patriarchate), Armenian Apostolic, Won Buddhist, Catholic, Baptist and Pentecostal leaders have written to President Nursultan Nazarbaev praising him for ensuring what they claim is "religious tolerance" in Kazakhstan. All their communities have been re-registered.

As the compulsory re-registration of all Kazakhstan's religious communities nears completion, smaller religious communities appear to be the main communities forcibly closed down or merged, Forum 18 News Service has found. These include Muslim communities unaffiliated to the state-backed Hanafi Sunni Muslim Board, and Jewish communities. Religious communities including a congregation of the Russian Orthodox Church Outside Russia (ROCOR) which is not part of the Moscow Patriarchate, and a number of Protestant churches have arbitrarily been denied re-registration. This denies them the right to exist and their followers the right to exercise freedom of religion or belief, violating the country's international human rights obligations.

Many religious communities complained to Forum 18 of what they variously describe as the "complex", "burdensome", "arbitrary", "unnecessary" and "expensive" re-registration process. Few were prepared to give their names when voicing such criticisms, for fear of state reprisals.

The deadline for religious communities to lodge re-registration applications under the harsh 2011 Religion Law expired on 25 October, the first anniversary of the Law's entry into legal force. Some applications lodged before the deadline have not yet been processed. Justice Departments have already filed court applications to liquidate communities which did not apply for re-registration or which were refused re-registration, Forum 18 has found.

Svetlana Penkova, spokesperson for the government's Agency of Religious Affairs (ARA) in the capital Astana, refused to explain what religious communities which failed to get re-registration should do now to ensure that when they next meet together for worship they do not encounter problems from the police or other state agencies.

"Such communities can still meet until they have been liquidated through the courts," Penkova told Forum 18 on 19 November. "This hasn't happened yet. We can speak on this again after the courts have ruled." Told that many such communities are likely to continue to meet for worship even if they are liquidated and that Kazakhstan's international human rights commitments allow people to meet for religious purposes without registration, she responded: "We will seek consensus with them." However, she insisted that unregistered religious activity is illegal.

Baptist communities who refuse to apply for state registration have been threatened with penalties up to confiscation of homes if they continue to meet, and raids continue against registered and unregistered communities (see F18News 5 November 2012 http://www.forum18.org/Archive.php?article_id=1763).

Penkova of the ARA claimed to Forum 18 – wrongly - that all such punishments had happened before the new Law came into force. She then said she did not have time to discuss any other issues with Forum 18. Forum 18 was thus unable to ask why Kazakhstan is not abiding by its international human rights commitments.

All Muslim communities - who must all be both Hanafi Sunni Muslim and belong to the Muslim Board - and Catholic communities

are both being given different treatment from all other religious communities in state decisions on whether they are allowed to exist (see F18News 22 November 2012 http://www.forum18.org/Archive.php?article_id=1769).

Self-censorship

Forum 18 notes that very few religious community leaders – even those whose communities had been unable to apply for re-registration because of the new requirements – were prepared to discuss the re-registration process either on the record or privately.

By contrast, in what appears to have been a co-ordinated move, leaders of at least six different religious communities wrote to President Nursultan Nazarbaev praising him for ensuring what they claim is "religious tolerance" in Kazakhstan, of which they regarded re-registration of their communities as a part. The presidential website reported on 7 November the letters from Metropolitan Aleksandr (Mogilev) of the Russian Orthodox Church (Moscow Patriarchate), Fr Markos Sargsyan of the Armenian Apostolic Church, and Larisa Palagina of the Won Buddhist Association.

The following day the presidential website noted similar letters from the five Catholic bishops of Kazakhstan, Frants Tissen of the Baptist Union, and Pentecostal Pastor Sergei Serov from Karaganda. Catholics, unlike other communities, were registered under an Agreement with the Vatican (see F18News 22 November 2012 http://www.forum18.org/Archive.php?article_id=1769).

The government-backed press, such as the state-owned Kazinform news agency, quoted comments by Lutheran, Russian Orthodox (Moscow Patriarchate), and other religious figures praising the re-registration process as "successful" and "necessary".

What benefit to Kazakhstan?

Asked how the re-registration process with its violations of human rights has benefited Kazakhstan, Penkova of the ARA told Forum 18: "Well, it has helped us to gain an accurate picture of the religious situation in the country and prepare a database." She did not explain what other "benefits" the re-registration process has brought Kazakhstan.

All religious communities were required to bring their statutes into line with the provisions of the harsh new Religion Law which entered into force on 25 October 2011. Such changes to their statutes meant that they also had to re-register with the Justice Ministry.

Under the complex new registration system, organisations could apply to register in one of three forms: local, regional or national. Local registration was in the hands of Regional branches of the Justice Ministry. Registration of regional or national organisations was in the hands of the Justice Ministry's Registration Service and Provision of Legal Assistance Committee in Astana (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617).

In every case – including for the nationally-registered Muslim Board and the Moscow Patriarchate Russian Orthodox Church's Metropolitan Region of Kazakhstan – an "expert opinion" was required from the ARA, Kanat Myktybaev of the Justice Ministry's Committee told Forum 18 from Astana on 19 November. No other nationally registered organisations yet exist (see F18News 22 November 2012 http://www.forum18.org/Archive.php?article_id=1769).

Local registration

Under Religion Law Article 12, Part 2, local religious organisations need 50 adult citizen members within one region of the country or main town, and register with the local Justice Department. The ARA is required to give its "expert opinion" on each local application, as well as those of regional and national organisations (see F18News 23 September 2011 http://www.forum18.org/Archive.php?article_id=1617).

One community which was denied the possibility of re-registration was the Kostanai congregation of the Russian Orthodox Church Outside Russia (ROCOR) which is not part of the Moscow Patriarchate. "ARA officials told us that as we don't have a place of worship there to meet in we couldn't apply for re-registration for the community," Fr Gennadi Subbotin told Forum 18 on 14 November from the nearby village of Oktyabrsky. He maintains that not having re-registration for the Kostanai community is not a great burden as parishioners can travel on the half-hour bus ride to the re-registered community in the village. However, he notes that had it been possible the community would have liked to have been re-registered.

Other ROCOR communities in southern Kazakhstan which are not part of the Moscow Patriarchate are still awaiting re-registration decisions, Bishop Irinei Klippenstein told Forum 18 from Jambul Region on 14 November.

Other religious communities told Forum 18 that the lack of a place of worship has not prevented them from gaining re-registration.

Forum 18 tried to find out from Nurikan Nugurbekov, head of Kostanai regional ARA Department, why the ARA had denied the Kostanai community the opportunity to apply for re-registration. The official who answered the phone on 21 November told Forum

18 Nugurbekov was not there and put the phone down.

The ARA claimed that as of 25 October, the deadline for re-registration applications to be lodged, a total of 3,088 religious communities of all sorts and their branches had state registration. This they claimed compared to 4,551 on 1 January 2011. However, the January 2011 figure included 579 small groups which were recognised by local administrations but which did not have legal status.

ARA Chair Kairat Lama Sharif has made repeated claims that the total number of registered religious communities has significantly fallen in the re-registration process (see F18News 22 February 2012 http://www.forum18.org/Archive.php?article_id=1671). More recently, he has claimed a cut of one third, but it has been suggested within Kazakhstan that this is an exaggeration which includes branches of communities without their own legal status. If these small communities are recognised as branches, the number may rise.

ARA figures claim large falls for many communities. The number of Jewish communities fell from 26 to four, New Apostolic Church communities from 47 to eight, Presbyterian communities from 229 to 55, Hare Krishna communities from 14 to eight, Baha'is from 20 to six, and Mennonite communities from six to one. Many of these communities were too small to apply for re-registration, and they may seek status as branches of other registered communities.

Despite such falls, religious leaders claim that they are satisfied with the process. "We received support from the state," Boris Manoilenko, an aide to Kazakhstan's Chief Rabbi, told Forum 18 on 19 November. "All four of our communities got re-registration." He said a fifth, in Oskemen, which never had registration before, lodged an application in late October.

Jehovah's Witnesses, the Church of Jesus Christ of Latter-day Saints (LDS Church, commonly known as the Mormons), Baha'is, the Armenian Apostolic community and others told Forum 18 that they managed to gain re-registration for the communities they submitted applications for.

Re-registration process

Members of numerous religious communities have complained to Forum 18 about the time, money and effort of the re-registration process. Few were prepared to be identified, out of fear of state reprisals against their communities.

"We gained re-registration after great trouble from the ARA," a member of one community told Forum 18. "ARA and Akimat [local administration] officials spoke to us as if we were in kindergarten."

Many communities complained that the ARA and local Justice Departments kept asking them to change their charters on arbitrary grounds. "They wanted us to write in more detail in our statutes what our doctrine is," Jehovah's Witnesses told Forum 18. "What we believe about army service and blood transfusions. We talked this through with them in a normal dialogue."

Such attempts to control beliefs and "expert analyses" are obstructing communities gaining state registration and so permission to exercise freedom of religion or belief. They break Kazakhstan's international human rights obligations (see F18News 30 May 2012 http://www.forum18.org/Archive.php?article_id=1708).

Once applications were lodged, Justice Departments and Regional ARA branches checked the full details of each founder of many organisations, religious leaders told Forum 18. In one case the street number of one founder was given incorrectly, requiring a correction and the whole application to be resubmitted.

In some cases, individual founders were questioned about their religious affiliation and why they had signed a registration application. "Many of our founders were summoned by Regional ARA offices," Jehovah's Witnesses told Forum 18. "Although no pressure was put on them to remove their names, they were asked: why do you belong to this particular faith?"

This has happened throughout Kazakhstan. For example, officials pressured nearly a quarter of the signatories on the re-registration application of Grace Protestant Church in Karaturyk to remove their names (see F18News 24 October 2012 http://www.forum18.org/Archive.php?article_id=1758).

In another case, a religious leader who asked not to be identified told Forum 18 that by relentless examination of people on the list of founders, the authorities had been able to remove enough to bring the number down to 49, making the community ineligible to apply. The community had to resubmit the application, and they made sure they had more than 70 founders on the list the second time. The Justice Department has still not responded to the application.

Enforced restructuring

A number of religious communities have been forced to restructure themselves to meet the registration requirements of the new Law. Most drastic has been the requirement that local religious communities have at least 50 adult citizen founders (see F18News 23

September 2011 http://www.forum18.org/Archive.php?article_id=1617). This means that many local communities defined as "small religious groups" – particularly of Protestants and Hare Krishna devotees – are having to turn themselves into branches of other registered communities.

Some of these small communities have been forced to "voluntarily" close, such as a Methodist Church which was threatened with a fine state officials have admitted is unlawful (see F18News 13 August 2012 http://www.forum18.org/Archive.php?article_id=1731).

The Lutheran Church – with declining membership as ethnic Germans and others leave Kazakhstan – had 32 registered communities at the beginning of 2011, according to ARA figures. The Church chose to restructure with one main organisation in each Region, its leader Bishop Yuri Novgorodov told Forum 18 on 19 November. "It's certainly a little easier for us." He said registration then followed "surprisingly quickly – the state helped us". Lutherans now have 13 registered communities.

An independent mosque has been threatened with demolition with a bulldozer if it does not join the state-backed Muslim Board, Imam Kinayat Ismailov noting to Forum 18 that he thinks criminal allegations against him are to "create the grounds for his firing or closing the Mosque". Other independent mosques are also being pressured into joining the Muslim Board (see F18News 5 November 2012 http://www.forum18.org/Archive.php?article_id=1763).

Since the beginning of 2012, Kazakhstan has cancelled the registration of hundreds of "small religious groups" across the country, so depriving them of the right to exist. Local ARA officials and other state officials then summoned the leaders of such communities and demanded that they stop their activity (see F18News 22 February 2012 http://www.forum18.org/Archive.php?article_id=1671).

How much does re-registration cost?

Each religious community applying for re-registration at whatever level had to pay the standard fee for registering almost any legal entity of 6.5 Monthly Financial Indicators. At the 2012 level, this has meant each religious community has had to pay a fee for re-registration of 10,517 Tenge (400 Norwegian Kroner, 55 Euros or 70 US Dollars).

Members of a wide range of religious communities pointed out to Forum 18 that even for small communities in poor villages, such a sum is affordable, even if some believe the whole re-registration process was an unnecessary burden.

Penkova insisted that the re-registration process did not entail any extra expense for the taxpayer-funded ARA though, unlike religious communities. "This is our normal work, so no extra funds were needed," she told Forum 18.

Figures on the website of the Finance Ministry reveal that the ARA spent 367 million Tenge (14 million Norwegian Kroner, 2 million Euros or 2.5 million US Dollars) between January and September 2012, the latest figures available. It remains unclear if this spending includes that of the regional ARA Departments, which were established earlier in 2012.

"This is an enormous sum," one member of a religious community told Forum 18 from Almaty. "It must have been spent on all those unnecessary 'expert analyses', 'agitational groups', seminars and international conferences." The religious believer referred to ARA "agitational groups" of officials running high-profile seminars around the country praising the government's violations of freedom of religion or belief and religious policy generally. The believer also identified ARA activity for foreigners, including so-called "Congresses of Leaders of World and Traditional Religions" (see F18News 30 May 2012 http://www.forum18.org/Archive.php?article_id=1708).

Asked whether this was a good use of tax-payers' money, the religious believer responded with a laugh. "There's nothing I can do about it."

An example of ARA spending is that the Aktobe regional ARA Department has stated, on its website that, in the first half of 2012 it gave out "agitational materials" at various events amounting to 21,000 books, leaflets and DVDs. However, Penkova of the Agency defended the ARA's total spending, including on the re-registration process. "I speak as a tax-payer when I speak up in support of the re-registration process."

Similarly, Myktybaev of the Justice Ministry's Registration Service and Provision of Legal Assistance Committee insisted that the re-registration process had not cost the Ministry any extra expenditure. "We're registering legal entities of all sorts all the time," he told Forum 18.

Whether the re-registration process has cost regional Justice Ministry Departments extra expenditure remains unknown.

"Not involved"?

Several regional ARA departments refused to tell Forum 18 which local religious communities they had given negative "expert opinions" on and why, referring all enquiries to regional Justice Departments. The official who answered the telephone at the North Kazakhstan regional ARA Department in Petropavl claimed to Forum 18 that it "is not involved" in the re-registration process.

Dinara Sarsebekova of Kostanai regional Justice Department claimed that 25 communities which previously had legal status failed to apply for re-registration. "I don't know if these communities still exist or not," she told Forum 18 on 13 November. She said that at the end of October the Justice Department had lodged individual suits to liquidate all 25 at the Regional Economic Court.

Sarsebekova said 57 communities in Kostanai Region gained re-registration, none of them Muslim: 26 Russian Orthodox, one Hare Krishna and Jehovah's Witness community each, as well as Seventh-day Adventists and other Protestants. She said two Jewish communities who enquired about registration were told they were too small. Asked what will happen if those Jewish communities seek to continue meeting for worship, Sarsebekova responded: "It is not in our competence."

An official of Almaty Regional Justice Department claimed on 13 November that 110 religious communities had gained re-registration: 63 Protestant of various jurisdictions, 45 Russian Orthodox (Moscow Patriarchate), one Hare Krishna, and one Baha'i community. The official added that Muslim and Catholic communities had their own procedures. A total of 37 communities – six Muslim and 31 Protestant – did not lodge re-registration applications. In late October, suits were lodged in the Economic Court for them to be liquidated.

Natalya Sharipova of Aktobe Regional Justice Department and her colleague Farida Bikhanova told Forum 18 on 13 November that of the 23 communities which applied for re-registration, 17 were approved: 9 Protestant, 7 Russian Orthodox (Moscow Patriarchate), and 1 Hare Krishna.

They said suits had been lodged in court to liquidate seven religious communities. Three were Muslim, all based in Aktobe itself – the Nurdaulet mosque, the Fatikha mosque and the Kosym Ishan community. They did not identify the other four. "Very many issues led the expert analyses to reject these communities," Bikhanova told Forum 18. "Their statutes contradicted the law." However, she refused to specify what these contradictions were. (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>.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY