

11 April 2018

KAZAKHSTAN: State demands young worshippers' personal data

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

A Kazakh regional Religious Affairs Department has demanded the personal data of everyone under 18 who attends Christian meetings for worship. "It was not sent to Muslims, for example, just to Christians, and selectively", an official stated. She refused to explain what "selectively" means.

A research institute attached to the Religious Affairs Department of West Kazakhstan Region instructed some local registered religious communities to submit by 10 April full names, ages, place of study and personal state-assigned numbers of all people under the age of 18 who come to meetings for worship. The official who sent the letter claimed to Forum 18 the information is needed for "monitoring". Kazakh human rights defenders have expressed concern about the move.

"It was not sent to Muslims, for example, just to Christians, and selectively", an official stated. She refused to explain what "selectively" means (see below).

After the deadline expired, the official who issued the instruction told Forum 18 that five religious leaders who replied had all refused to supply the personal data. "We accepted this," he claimed. He added that he would apologise to them "verbally", but defended his original instruction seeking the information (see below).

A Deputy Head of the Religious Affairs Committee in the capital Astana, Balgabek Myrzayev, claimed to Forum 18 he knew nothing about the letter. He refused to say whether such a demand for personal data on people under 18 without their parents' or guardians' permission is legal or not (see below).

The Religious Affairs Committee is part of the Religion and Civil Society Ministry. In decrees on 4 April, President Nursultan Nazarbayev appointed Darkhan Kaletayev as the new Religion and Civil Society Minister and removed him from his former post as member of the upper house of Parliament. The previous minister, Nurlan Yermekbayev, was named Secretary of the Security Council.

Religious leaders risk prosecution if people under 18 attend meetings for worship against the wishes of at least one of their parents or guardians. Prosecutions have been brought even in cases where neither parent has told a religious leader of their objections to a person under 18 attending a meeting (see below).

The demand to supply personal data on people under 18 without their parents' or guardians' permission came as further restrictions on people under 18s' participation in meetings for worship are likely to be included in a proposed Amending Law. This now being discussed in a Working Group in the lower house of parliament, the Majilis (see below).

In late February, a court in the central Karaganda Region fined a local man for teaching his faith to 14 and 15-year-old people in his home village. "This is not allowed under the law," the chief lawyer of the District Administration who supported the prosecution in court told Forum 18 (see below).

School bans on girls wearing headscarves

In September 2017, at the beginning of the new school year, schools in some Regions of Kazakhstan banned girls wearing Muslim headscarves from further attendance. They argued that headscarves violate the January 2016 Education Ministry instruction on compulsory school uniforms, which does not allow clothes which demonstrate a religious adherence (see F18News 20 April 2018 http://www.forum18.org/archive.php?article_id=2371).

A group of 24 Muslim parents are planning a further appeal to the Supreme Court. They are seeking to have the ban on girls wearing headscarves in schools declared unconstitutional, but have failed so far in the lower courts (see F18News 20 April 2018 http://www.forum18.org/archive.php?article_id=2371).

A Muslim in West Kazakhstan Region has failed to overturn in court three separate fines handed down by the Education

Department, for refusing to send his daughters to school without a headscarf (see F18News 20 April 2018 http://www.forum18.org/archive.php?article_id=2371).

Demand for under-18s' personal data

On 30 March, Azamat Abdrakhmanov, the Head of the Centre for the Study of Problems of Religion of West Kazakhstan Region Religious Affairs Department, wrote to leaders of registered religious organisations. The letter, seen by Forum 18, demanded that they provide the full names, ages, place of study and personal number allocated by the state of all "underage community members attending your religious association". In Kazakhstan this means people below the age of 18.

Abdrakhmanov claimed the information was needed "within the parameters of a project being conducted" which he claimed was a lawful activity by state regional religious affairs agencies under Article 5, Part 1 of the Religion Law. He instructed the religious leaders to supply this information by 10 April.

Article 5, Part 1 of the Religion Law does state that state regional religious affairs agencies "conduct study and analysis of the religious situation in the region". But it makes no mention of demanding personal data about individuals.

Religious communities and human rights defenders expressed concern about such demands for personal data on individuals, especially about people under 18 without their parents' or guardians' permission. They pointed to incidents of harassment of children who participate in religious communities the state does not like, such as Kyzylorda's New Life Church, which police raided in February (see below).

One religious leader outside West Kazakhstan Region insisted that leaders of religious communities should not tell the state who attends their community. "If individuals want to tell the state, it is up to them," the leader told Forum 18.

Some local religious leaders refused to supply this personal data to the Religious Affairs Department. They feared how this data might be misused and insisted its collection was illegal.

Veronika Chernomorskaya of West Kazakhstan Religious Affairs Department, who prepared the letter for Abdrakhmanov, told Forum 18 from Oral on 9 April that some local religious leaders had supplied the personal data of under-18s as ordered. She refused to say how many or from which communities.

However, Centre Head Abdrakhmanov told Forum 18 on 11 April that only five leaders had responded and they had refused to give the under-18s personal data. "We accepted this," he claimed. He claimed he would apologise to the religious leaders, but vigorously defended his original instruction.

Information demands elsewhere in Kazakhstan

West Kazakhstan Religious Affairs Department Centre Head Abdrakhmanov told Forum 18 that state religious affairs officials had demanded similar personal data of under-18s from religious leaders in other regions of the country in 2017. He refused to identify these regions.

State officials in other parts of Kazakhstan have also in the past made highly intrusive demands to religious communities for personal information. These demands have included questionnaires covering an extremely wide range of personal, political, religious and other matters, including who the close friends of leaders are (see F18News 24 November 2011 http://www.forum18.org/archive.php?article_id=1638). All religious communities are thought to be under surveillance by the ordinary police and National Security Committee (NSC) secret police, and are subject to NSC attempts to recruit informers (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

Why the demand for under-18s' personal data?

West Kazakhstan Religious Affairs Department official Chernomorskaya had told Forum 18 on 3 April that the demand for under-18s' data had been sent only "selectively" to local communities. "It was not sent to Muslims, for example, just to Christians, and selectively". She refused to explain how Abdrakhmanov had decided which communities to send the instruction to.

Abdrakhmanov claimed that his Religious Affairs Department Centre "needs" this information. "We conduct monitoring, and this is all in line with the Religion Law," he told Forum 18 on 3 April. "They must give this information."

Asked why religious leaders were being asked to supply confidential data on underage individuals, including without their parents' permission, Abdrakhmanov insisted "we're not violating anyone's rights". Asked what would happen to religious leaders who refuse or fail to supply under-18s' personal data, he responded: "Nothing, we won't do anything."

Abdrakhmanov of the of the Religious Affairs Department then claimed that some under 18s attend meetings for worship without

their parents' knowledge or permission. Asked to explain how he knows this, he put the phone down.

"This is the first we heard of this" ?

A specialist at West Kazakhstan Regional Religious Affairs Department, who did not give his name, said his Department had not ordered the Centre to demand personal data on under-18s who attend meetings for worship. "This is the first we heard of this," he told Forum 18 on 3 April.

Balgabek Myrzayev, a Deputy Head of the Religious Affairs Committee in the capital Astana, also told Forum 18 on 10 April that he had no information about the 30 March instruction from the Religious Affairs Department Centre.

After Forum 18 read Abdrakhmanov's letter to him, Myrzayev responded: "I don't know what aim he [Abdrakhmanov] has." Asked what action the Committee might take in response to the demand for the personal data of people under 18, Myrzayev replied: "We're not preparing to do anything."

Guzal Galiakbarova, chief legal expert at the Religious Affairs Committee, said she had no knowledge of this demand for people under 18s' personal data by West Kazakhstan Religious Affairs Department. "We have not faced this issue," she told Forum 18 on 10 April. She referred all further questions to Deputy Head Myrzayev.

Prosecutions for under-18s at worship meetings

Religious leaders risk prosecution if people under 18 attend meetings for worship against the wishes of at least one of their parents (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939). Prosecutions have been brought even in cases where neither parent has told a religious leader of their objections to their child's attendance.

Police Department for the Struggle with Extremism officers raided Kyzylorda's New Life Church during Sunday worship on 25 February. Police claimed children were present against their parents' wishes. During the raid, police summoned as witnesses two teachers from Kyzylorda's Special School No. 6 for Hearing Impaired Children. They questioned adults who used to attend the school why they were present at the service and insulted their faith. Regional Education Department officials refused to tell Forum 18 if any action will be taken against the teachers (see F18News 26 March 2018 http://www.forum18.org/archive.php?article_id=2364).

Administrative Code Article 490, Part 7 punishes "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". The punishment is a fine of 50 MFIs plus deportation from the country (see F18News 21 July 2014 http://www.forum18.org/Archive.php?article_id=1979).

In 2017, at least seven religious leaders are known to have been prosecuted under Article 490, Part 7: 3 Jehovah's Witnesses, 3 Protestants (including 1 Seventh-day Adventist pastor) and 1 Russian Orthodox priest. Five of them were punished, while two were acquitted (see F18News 31 January 2018 http://www.forum18.org/archive.php?article_id=2348).

Fined for teaching faith

Police in Karkaraly District of Karaganda Region launched an investigation on 21 December 2017 after discovering during "operational/investigative activity" that a local man, Dastan Abdrakhmanov, was teaching his faith in his home village of Borlybulak. The 22-year-old Abdrakhmanov was teaching children aged about 14 or 15, according to the subsequent court decision.

On 2 February 2018 the police launched a case against Abdrakhmanov under Administrative Code Article 490, Part 1, Point 1. This punishes "Violating the requirements of the Religion Law for: conducting religious rites, ceremonies and/or meetings". Punishment for individuals is a fine of 50 MFIs, and for organisations a fine of 200 MFIs plus a three-month ban on activity (see F18News 21 July 2014 http://www.forum18.org/Archive.php?article_id=1979).

Police handed the case against Abdrakhmanov to the District Administration to be presented to court. Local officials are responsible for bringing prosecutions under Article 490, Part 1, Point 1. Kaiyrbek Tusupov, the District Administration's chief lawyer, led the prosecution case and appeared in court.

On 20 February, Judge Erden Boranbayev of Karkaraly District Court found Abdrakhmanov guilty, according to the decision seen by Forum 18. The Judge fined him 35 MFIs, 84,175 Tenge. This is about three weeks' wages for those in formal work. Abdrakhmanov was described in the court decision as "temporarily unemployed".

Abdrakhmanov did not appeal against the punishment within the legally-specified 10 day appeal deadline.

"The District Police initiated the case – all I did was hand it on to court," District Administration chief lawyer Tusupov told Forum

18 from Karkaraly on 9 April. Asked why he had sought punishment because an individual was teaching religion at home, he responded: "Home religious meetings are not allowed under the law" (see Forum 18's Kazakhstan religious freedom survey http://www.forum18.org/archive.php?article_id=1939).

Tusupov said the issue of whether or not parents had given permission for their children to attend the religious lessons "was not raised" during the case.

Bekpolat Zhitov said he had led Karkaraly District Police for only two months. "This was before I was here," he told Forum 18 on 9 April. "But if there was a court decision it must have been legal." He refused to answer any further questions about Abdrakhmanov's case by phone.

Draft new legal restrictions on under-18s

Amendments to the Religion Law and a range of other laws now in the lower house of Parliament, the Majilis, are likely to include new restrictions on and punishments for attendance by children at meetings for worship (see F18News 29 November 2017 http://www.forum18.org/archive.php?article_id=2335).

The initial version of the draft Law made public in August 2017 would have required written permission from both parents for a child under 18 to attend "religious services, religious rites, ceremonies and/or meetings", and/or for at least one parent to be present with them "or other legal representative with the exception of those studying in religious education establishments".

The draft handed to parliament in late 2017 required one parent, close adult relative or guardian to be present at a religious event with a child under 16, while a child would not be allowed to be present if one parent objected. In early February 2018, one deputy in the Working Group proposed that the draft should be amended so that parents need not be present, but both must give their permission in writing for a child's attendance.

Russian Orthodox and Protestant leaders told the Majilis Working Group on 6 February of their objections to the way the provision over children's presence at worship meetings was framed, Radio Free Europe's Kazakh Service noted the same day.

The proposed text from late 2017 has already been amended in the Working Group, and it remains unclear what final provisions will be proposed when the amendments finally reach the full lower house. The most recent Working Group meeting was held in the Majilis on 11 April. (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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