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KAZAKHSTAN: Parliament considers restrictions on freedom tomorrow; Baptist heavily fined and church activities banned

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

Kazakhstan's parliament will possibly tomorrow (Wednesday) consider sweeping new restrictions on religious freedom, Forum 18 News Service has learnt. Concurrently, a Baptist leader has been given a heavy fine for leading an unregistered religious community, and his church's activities have been banned. Law Professor Roman Podoprigora commented to Forum 18 that "the religion law does not require registration. This unjust demand is not in any law." Public Prosecutor Galim Kojekenov claimed to Forum 18 that "this is not persecution – we have freedom of conscience here." Planned restrictions on freedom include criminalising unregistered religious activity, banning unapproved "missionary" activity, requiring state approval for religious literature and dress, and widening officials' powers to ban religious communities. The Organisation for Security and Cooperation in Europe (OSCE) has commented that this will "result in non-compliance with a wide range of OSCE commitments regarding human rights, democracy and the rule of law," and raise "serious concerns, particularly with regard to freedom of association, freedom of religion or belief, as well as freedom of opinion and expression."

As the lower house of Kazakhstan's parliament, the Majilis, prepares to consider highly controversial amendments to a range of laws that will bring in sweeping new restrictions on religious freedom, perhaps as early as tomorrow (4 May), the latest in a long line of individuals has been given a heavy fine for leading a religious community that refuses to apply for state registration. "The Majilis will consider the draft law in plenary session tomorrow Wednesday and again the following Wednesday, 11 May," Aleksandr Klyushev, head of the Association of Religious Organisations of Kazakhstan (AROK), told Forum 18 News Service from the capital Astana on 3 May. He said the draft would then go to the upper house, the Senate, and then to the president for signature into law.

The sweeping range of amendments "on national security issues" to various laws and codes – including to the religion law – would criminalise unregistered religious activity, ban all unapproved "missionary" activity by local people or foreigners, require approval for religious literature and dress and widen the powers of officials to ban religious communities (see F18News 12 April 2005 http://www.forum18.org/Archive.php?article_id=542). Human rights activists, religious communities and international organisations like the Organisation for Security and Cooperation in Europe (OSCE) have spoken out against the proposals.

The proposed amendments have been strongly criticised by the OSCE, which held a forum in Astana to discuss them on 22 April. It said that if adopted in current form, the amendments "would be in breach of international legally binding standards on several accounts" and urged the authorities to reconsider them. "The proposed legislation contains amendments that may result in non-compliance with a wide range of OSCE commitments regarding human rights, democracy and the rule of law," the OSCE declared. "This raises serious concerns, particularly with regard to freedom of association, freedom of religion or belief, as well as freedom of opinion and expression."

It rejected the government's assertion that the security situation required such amendments, declaring that "national security cannot be used as a pretext for imposing vague or arbitrary limitations that jeopardize fundamental rights and freedoms. Furthermore, under international law, national security cannot justify restrictions upon the freedom of religion or belief."

Meanwhile, the public prosecutor who brought the case against Baptist leader Igor Isakov which saw him fined eighteen times the minimum monthly wage and a ban on the activity of his small congregation has denied violating anyone's rights. "This is not persecution – we have freedom of conscience here," Galim Kojekenov told Forum 18 from the town of Zaisan in Eastern Kazakhstan Region on 3 May. "Let him get registration and then he can meet with his fellow-believers and teach. The Orthodox and Muslims are registered – they don't pray at home." Kojekenov insisted Kazakhstan's religion law requires religious groups to register before they can operate, even though it does not, and denied that such a requirement would violate Kazakhstan's international commitments to freedom of assembly and of religion.

"Isakov believes that if he registers his church he will be subjecting it to non-religious officials," Kojekenov told Forum 18. "I don't agree with him. Anyway, it is against the law to reject registration."

Professor Roman Podoprigora of the Adilet Law School, in the city of Almaty, and an expert on religious freedom, rejects the

prosecutor's claim in Isakov's case that the law already requires registration. "I have spoken on this a hundred times," he told Forum 18 from Almaty on 3 May. "The religion law does not require registration. This unjust demand is not in any law."

Pastor Isakov leads the small Zaisan congregation which belongs to the Council of Churches Baptists, who reject registration in all the former Soviet republics where they operate as they believe such registration leads to unacceptable state interference into what they can and cannot do. On 27 April, Judge Kunanbai Musaev of Zaisan district court found him guilty under Article 375 part 1 of the code of administrative offences, which punishes "refusal of state registration at the justice organs", and fined him 17,478 tenge (839 Norwegian Kroner, 103 Euros, or 133 US Dollars). This is about 18 times the monthly minimum wage. The judge also banned all activity by his church.

Local Baptists rejected the accusation, insisting on 1 May that the demand for registration violates the law, especially as the church does not have the ten minimum adult members required for registration. They also claimed that one of the alleged "witnesses" at the court hearing "was not even known to and had no contact with Isakov". The church called for appeals to be sent to have the fine overturned. It will also lodge its own appeal to a higher court over the fine.

Klyushev of AROK – a group mainly representing Pentecostal Christian Churches - told Forum 18 that while such fines for unregistered religious activity have eased recently, a spate of individuals were fined last year, not just Council of Churches Baptists, but members of the Grace Presbyterian Church were also fined late last year in a village near the capital Astana and in the Caspian port city of Atyrau [Atyraü]. Protestants, Jehovah's Witnesses and Ahmadiya Muslims and Hare Krishna devotees have all been pressured by the authorities in recent months (see eg. F18News 15 March 2005 http://www.forum18.org/Archive.php?article_id=524 and 1 February 2005 http://www.forum18.org/Archive.php?article_id=502).

Law Professor Podoprigora complains that if the religion law is amended according to the current proposal, such pressure on religious communities will only increase. "There would be persecution as in the Soviet times – or as in Uzbekistan today, where a fight is already underway against unregistered religious organisations," he told Forum 18. "Even if they don't exist de jure, these religious communities exist de facto. No-one can prevent that."

He told Forum 18 that the national security amendments have been drawn up largely in secret with little official desire to see them discussed publicly.

For more background, see Forum 18's Kazakhstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=249

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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