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KAZAKHSTAN: "Draconian amendments" approved by Majilis

By Igor Rotar, Forum 18

"The ban on the activity of unregistered religious associations and the draconian amendments to the administrative code significantly limit believers' rights," Aleksandr Klyushev, of the Association of Religious Organisations of Kazakhstan (AROK) told Forum 18 News Service after 12 May Majilis parliamentary approval of sweeping "national security" amendments to eleven laws. The parliamentary debate had been expected on 18 May, but was suddenly brought forward. Klyushev said to Forum 18 that "deputies discovered that the discussion of the draft would take place on 11 May only on the day of the session. I believe this was done deliberately to prevent deputies from preparing for the consideration of the draft and from submitting amendments." Communist party deputy Yerasyl Abylkasymov told Forum 18 that "in the time of Genghis Khan such ideological saboteurs were hung, drawn and quartered. Alas it is now unfortunately not possible to do this and so we have to defend ourselves by means of laws." Having been approved by the Majilis, the lower house of parliament, the amendments now go to the upper house, the Senate, for approval.

Controversial sweeping amendments to eleven laws – including the religion law - under the guise of protecting national security were approved by the Majilis, the lower house of parliament, on 12 May and now go to the upper house, the Senate, for approval. "The ban on the activity of unregistered religious associations and the draconian amendments to the administrative code significantly limit believers' rights," Aleksandr Klyushev, the chairman of the Association of Religious Organisations of Kazakhstan (AROK) who observed the proceedings, told Forum 18 News Service from the capital Astana on 12 May. However he welcomed the fact that already registered local believers apparently may not suffer restrictions on their own religious activity.

The second and final reading of the draft law on additions and amendments to laws relating to national security – which began on 11 May - had originally been expected on 18 May, but was suddenly brought forward. "It is indicative that the new draft law was adopted very hastily - deputies discovered that the discussion of the draft would take place on 11 May only on the day of the session," Klyushev told Forum 18. "I believe this was done deliberately to prevent deputies from preparing for the consideration of the draft and from submitting amendments. As a result all those present for the session fully approved the draft."

But Tokhtarkhan Nurakhmetov - the chair of the working group which drafted the law and member of the Majilis committee on international affairs, defence and security - insisted that all proposals submitted by deputies were carefully considered by the working group. "There were no proposals of anything new in principle that would have changed the concept or ideology of the draft," he told the Kazinform news agency.

The new law – which the Majilis had approved in the first reading on 4 May (see F18News 3 May 2005 http://www.forum18.org/Archive.php?article_id=554) - significantly limits believers' rights. Article 4 of the draft amended religion law has a new sixth section that forbids the activity of unregistered religious organisations. Kazakhstan would thereby join two other Central Asian republics, Uzbekistan and Turkmenistan, whose laws on religion forbid the activity of unregistered religious organisations in defiance of international human rights commitments.

The new draft law also makes corresponding changes to the administrative code of offences. A new article, 374-1, will be inserted to punish "leadership and participation in the activity of public and religious associations that have not been registered in accordance with the law of the Republic of Kazakhstan, as well as financing their activity". Those leading, taking part in or supporting financially unregistered or banned religious organisations will face heavy fines.

An addition is also proposed to Article 375 of the administrative code, an article that already punishes violations of the religion law (including refusal to register a religious organisation). According to the new draft law "Missionary work carried out by citizens, foreign citizens and persons who have no citizenship, without the appropriate registration, will attract a fine of up to 15 times the monthly wage of a citizen, while foreigners and persons without citizenship will be fined up to 15 times the monthly wage and will be expelled beyond the borders of the Republic of Kazakhstan."

Another addition to Article 375 punishes religious organisations and their leaders if the organisations break any law. In such cases religious organisations can be closed down for between three and six months or banned. Klyushev of AROK, a group that mainly brings together Pentecostal Christian churches, believes this is too widely drawn. A religious community could be banned merely for

failing to sweep up the rubbish in its courtyard, he told Forum 18.

Klyushev is not surprised that deputies approved the draft. "Our parliament is absolutely submissive to the government," he told Forum 18. "Our deputies can be described in the words of a Central Asian proverb as people who if ordered to bring a tyubeteika (Central Asian hat) will bring a head. I believe the now approved amendments can only harm national security and contradict the policy set out by the President."

He lamented that there are "practically no deputies who respect Western-style democratic values" and maintained that there were at most half a dozen deputies who would speak out against the draft. "But these people cannot be called democrats in the European sense - they had only partial objections to the draft which were not at all dictated by adherence to democratic values." Klyushev told Forum 18 even these deputies were not present on 11 and 12 May when the draft was considered. "They were upset that they had no chance to study the documents properly and prepare their amendments."

One deputy who boycotted the session was Bulat Abishev. "I didn't attend since I was outraged by the haste with which this document was prepared," he told Forum 18 from Astana on 12 May. "I simply couldn't prepare for the session and draft my amendments." Although Abishev was unable to answer Forum 18's question as to whether the draft approved by the deputies infringed believers' rights, he was the only deputy who told Forum 18 that he did not approve of the draft.

According to independent deputy Amangeldy Ayatyly "the Kazakhs are too inexperienced as far as the religious upbringing of the nation is concerned". "The West takes advantage of this and tries to undermine our traditional culture by means of ideological expansion and sometimes direct bribes," he told Forum 18 from Astana on 12 May. He maintains that the draft law defends the "historic values" of the Kazakh nation and is long overdue. In the view of Askar Beysenbayev, a deputy of the pro-government Otan (Fatherland) party, there has long been a legal vacuum in the sphere of religion and the draft law "at last does away with anarchy and introduces order into the activity of religious associations".

Most outspoken is Communist party deputy Yerasyl Abylkasymov. He claims that power in the United States and Europe is in the hands of a Jewish-Masonic conspiracy which is trying to dominate the whole world. "They have already conquered Georgia, Ukraine, Moldova and Kyrgyzstan and now they are sneaking up on Kazakhstan," he told Forum 18 on 12 May from Astana. According to Abylkasymov, Protestant "sects" are carrying out the role of "ideological saboteurs" and he claims the CIA has allocated 12 billion dollars to support their activities. "In the time of Genghis Khan such ideological saboteurs were hung, drawn and quartered," he told Forum 18. "Alas it is now unfortunately not possible to do this and so we have to defend ourselves by means of laws."

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>

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY