

Kazakhstan

Legal amendments further limiting Freedom of Religion or Belief

Summary

Forum 18 reports that the Religion and Civil Society Ministry prepared a draft Amending Law which proposes changes to three Codes and nine Laws, including the 2011 Religion Law. The Muslim Board and the Metropolitan Region of the Russian Orthodox Church, are the only two organisations with the status of nationwide religious organisation. They don't have to re-register under the new Amending Law. Regional and local religious organisations that have failed to bring their statutes into line with the new provisions and have failed to gain re-registration will face liquidation.

Local sources are extremely concerned about this Amending Law and related re-registration. When the 2011 Religion Law came into force, all religious organisations had to register anew as well. Out of more than 1,300 Protestant organisations/churches, only 495 have been able to renew their legal status. All others went underground or just disappeared. This included many Kazakh speaking churches.

Our call

The European Evangelical Alliance calls on those with political influence to use their position and good offices to defend and promote Freedom of Religion or Belief in Kazakhstan and to express their concerns about the proposed Amending Law "Introducing changes and Additions to Laws on Questions of Religious Activity and Religious Associations" as this law adds further limitations to Freedom of Religion or Belief in the Central-Asian country.

Background

Amending Law

On 17 November, the Religion and Civil Society Ministry of Kazakhstan completed its work on the Amending Law "Introducing changes and Additions to Laws on Questions of Religious Activity and Religious Associations". A senior official of the Ministry told Forum 18 she expects Prime Minister Bakytzhan Sagintayev to approve the draft Law "soon" and send it to the lower house of Parliament, the Majilis.

Once the government has approved a draft Law, it can be swiftly adopted in Parliament and signed by the president. The 2011 Religion Law was introduced in Parliament on 5 September 2011. The president signed the proposal into law on 11 October 2011.

New Restrictions

The draft Amending Law would remove none of the existing restrictions on the exercise of Freedom of Religion or Belief in Kazakhstan and would add several new ones. Just to name a few:

- A new Article 3, Part 6 of the Religion Law effectively bans religious teaching unless it takes place within registered places of worship or registered religious education establishments “in accordance with their statutes”, or with the permission of the Regional authorities.
This would among other things effectively ban religious discussions in private homes (e.g. Bible study groups).
- A new Administrative Code Article 490, Part 10 would punish “violations of legal requirements for observance of the internal order in places of worship and the premises of religious organisations.”
This would affect Muslims who follow rituals and practices which are not in line with those espoused by the state-backed Hanafi Sunni Board that has a de facto monopoly on all Muslim activity. The Muslim Board’s Council of Scholars approved new Regulations for the Internal Order of Mosques in November 2016. This includes a ban on worshippers praying with the word “Amen” aloud.
- The 2011 Religion Law already put high restrictions on conducting “missionary activity”, banning all discussion of faith without state permission, not using state-approved texts, or outside state-approved locations. Article 3, Part 8 of the proposed amended Religion Law further narrows what was left of an individual’s explicit right to “spread” religious beliefs without state permission. Unregistered religious communities are explicitly banned from sharing their beliefs.
- Article 1, Part 5 provides a narrow definition of “clergy”. They seem to be the (only) ones to conduct preaching. They require nomination by the leaders of a state-registered religious body. This would e.g. affect those religious communities which do not have a hierarchical structure. Further, it would reduce the number of people allowed to exercise leadership roles in a community’s worship.
- It would further strengthen the state religious censorship and ban circulation of all religious materials, including icons, which have “received a negative religious expert conclusion.”
- A proposed addition to Article 13, Part 6 of the 2011 Religion Law would ban state officials from being “initiators in the creation of, as well as participants (members) of religious associations”.

Further reading

For a more thorough and detailed analysis of the Kazakh Amending Law, please check www.forum18.org and especially: http://forum18.org/archive.php?article_id=2335