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Working session 14: Agenda item Fundamental Freedoms II, FoRB

## **Freedom of Religion or Belief in Kazakhstan and Kyrgyzstan**

Today, the Forum 18 News Service in cooperation with the Norwegian Helsinki Committee launches a new report on Freedom of Religion or Belief in Kazakhstan and Kyrgyzstan, updating our report from 2010. It is one of the outcomes of a project on strengthening freedom of religion or belief in the two countries through dialogue, reporting and strengthening of civil society.

We have visited Kyrgyzstan and Kazakhstan on several occasions over the last years, and met with authorities, religious communities, civil society activists, and academics. We conducted a large number of interviews in person or by phone. We respect that some of the interviewees prefer to stay anonymous although this might make the impression they have no recommendations to give to the authorities. However, we urge the authorities to take note of the fact that religious believers are reluctant to pass on recommendations as they fear for their own safety, and to carry out the necessary procedures to get rid of the impunity that officials on all levels enjoy in order to create such an atmosphere.

We hope the report can serve as a resource for the Kyrgyz Republic's continued process to align its policies with international human rights standards. We also hope that Kazakhstani authorities will reconsider current policies and legislation that are in clear breach of international standards.

### **The main recommendations of the report are unfortunately very similar to the recommendations of 2010:**

Revise the legislation in order to ensure they are in compliance with Kazakhstan's and Kyrgyzstan's international obligations and national legislation, namely to end:

- mandatory registration of religious groups,
- censorship of content and limitations on distribution of religious material,
- complicated restrictions on foreign religious workers and proselytism,
- severe punishments for religious activities that are protected by human rights law.

### **In particular, we urge Kazakhstan to revise the 2011 Law on Religion, the 2014 Criminal Implementation Code and other related laws, namely to end:**

- discrimination of leaders of religious and other civil society groups;
- and the shameful practice of enforced psychiatric confinement for religious activities that are protected by human rights law.

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We also urge the states to halt the practice of:

- unfair trials,
- surveillance and raids on religious groups,
- threats to signatories of documents submitted for registration of a religious group,
- deportation of foreign citizens or exit bans of nationals for religious activities that are protected by human rights law.

**The Kyrgyz Republic is now in the process of revising its state policy on religion, and we appreciate the beginning efforts, the welcoming attitude in dialogue meetings and the invitation to provide assistance. However, there is still room for improvement in the procedures and the documents that exist as draft version at present. We therefore urge the Kyrgyz Republic to:**

Ensure that revised legislation is in compliance with international human rights documents they are signatory to and prevent provisions that contradict national legislation;

Involve civil society actors and religious believers in a genuine dialogue in the process; ensure that necessary information is available to all participants of the working groups; and that discussion is carried out in both the official and the state languages.

Finally, we would like to underline the need to ensure that burial can take place in the way the deceased and relatives wish in all regions of the country, having in mind the challenges that exist despite already functioning legislation.

**To the international community:**

Address freedom of religion or belief from a human rights-based perspective as an individual and collective human right for all, not from a perspective that splits consideration of this freedom based on beliefs;

Underline the importance of respecting privacy, rule of law and human rights, including freedom of religion or belief, in protecting the population from terrorism;

Halt the threat of the "traditional" values, beliefs and communities approach to established human rights universality, state responsibilities and terminology, and return to the intrinsic principle of human dignity for all.