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Excerpts from the report:

Working Session 2

BROKEN PROMISES: Freedom of Religion or Belief Issues in Kazakhstan and Kyrgyzstan. (available on www.nhc.no)

A Summary

There are in both **Kazakhstan and Kyrgyzstan** threats to freedom of religion or belief and other fundamental rights, which are ongoing and caused by the actions of the states. Kazakhstan and Kyrgyzstan are participating States in the Organisation for Security and Co-operation in Europe (OSCE), and have committed themselves to implementing OSCE commitments to strengthen freedom of religion or belief and other fundamental freedoms. Kazakhstan is currently (2010) the Chairman-in-Office of the OSCE, the first Central Asian and former Soviet country to take on this role.

Forum 18 News Service, the Norwegian Helsinki Committee, the Oslo Coalition on Freedom of Religion or Belief, the Oslo Center for Peace and Human Rights and the Norwegian Mission to the East have joined together in a project aimed at strengthening freedom of religion or belief in Kazakhstan and Kyrgyzstan, funded by the Royal Norwegian Foreign Ministry. This report is part of that project. It is compiled by Forum 18 with input from all project partners and outlines:

- The current state of freedom of religion or belief in Kazakhstan
- The current state of freedom of religion or belief in Kyrgyzstan
- What freedom of religion or belief is in international human rights law
- The most important OSCE human dimension commitments in the field of freedom of religion or belief, from 1975 to the end of 2009

In **Kazakhstan** there are continuing violations of human rights commitments. Serious violations include: attacks on religious freedom by officials ranging from President Nursultan Nazarbaev down to local officials; literature censorship; state-sponsored encouragement of religious intolerance; legal restrictions on freedom of religion or belief; raids, interrogations, threats and fines affecting both registered and unregistered religious communities and individuals; unfair trials; the jailing of a few particularly disfavoured religious believers; restrictions on the social and charitable work of religious communities; close police and KNB secret police surveillance of religious communities; and attempts to deprive religious communities of their property.

These violations interlock with violations of other fundamental human rights, such as freedom of expression and of association. The Administrative Code – a fundamental part of the legal system – is being revised, and the current draft continues the existing punishments for peaceful religious activity.

In **Kyrgyzstan** the state continues to violate its commitments to implement freedom of religion or belief for all. Limitations on this fundamental freedom and other human rights have increased – in both law and practice – under President Kurmanbek Bakiev. A harsh new Religion Law was adopted in 2009, despite international protests, and a similarly harsh new Law on Religious Education and Educational Institutions is being drafted. There are also plans for a new Law on Traditional Religions.

State actions, including banning unregistered religious activity and raids on meetings for worship, show little sign of either a willingness to implement human rights commitments, or an understanding that genuine security depends on genuine respect for human rights. As a Baha'i put it: "Our country has so many urgent problems – poverty, the lack of medicine, AIDS, crime, corruption. Why don't officials work on these instead of making life harder for religious believers?"

State actions and policies which directly undermine the implementation of OSCE commitments both undermine the security of individual states and OSCE regional security. As workshops organised by Kyrgyz NGO Foundation for Tolerance International and the example of neighbouring Uzbekistan demonstrates, repression increases support for extremist and violent movements. In this context, it is increasingly important that both Kazakhstan and Kyrgyzstan implement their OSCE commitments as part of seeking and implementing alternatives to repressive state actions.

C Recommendations

In both Kazakhstan and Kyrgyzstan it is a problem that rhetoric, often directed at international audiences, of willingness to respect freedom of religion or belief is not followed-up with implementing practice.

For respect for freedom of religion or belief to become reality in Kazakhstan and Kyrgyzstan, it will be necessary *to end*:

- mandatory registration of religious groups;
- censorship of religious literature and limitations on the distribution;
- "legal" restrictions on freedom of religion or belief;
- raids, interrogations, threats and fines affecting both registered and unregistered religious communities and individuals;
- unfair trials;
- actions against foreign religious workers;
- the jailing of a few particularly disfavoured religious believers;
- restrictions on the social and charitable work of religious communities;
- close police and secret police surveillance of religious communities;
- attempts to deprive religious communities of their property or restrictions of the use of such property.

And in Kazakhstan, which chairs the OSCE in 2010 and hosts a high level conference on tolerance in Astana the same year, *to end*:

- attacks on religious freedom by officials ranging from President Nazarbaev down to local officials;
- state-sponsored encouragement of religious intolerance through state programmes and the media.

For the authorities of Kazakhstan, there is also a need to *include positive benchmarks, the most important being*:

- implementing OSCE commitments in Kazakhstani legislation on freedom of religion and belief,
- freedom of association and peaceful assembly;
- ensuring independence of judiciary as recommended by UN Special Rapporteur on Independence of Judges and Advocates;
- introducing effectively the principles of due process of law;
- introducing religious education curricula and teaching based on respecting fundamental human rights for all – as recommended in the OSCE/ODIHR Toledo Guiding Principles on Teaching about Religions and Beliefs;
- revise the newly introduced school book An Introduction to Religious Studies to bring it into line with the recommendations of the OSCE/ODIHR Toledo Guiding Principles. Such a revision should

be an open and transparent process including at every stage all interested parties, including any civil society organisations, religious and belief organisations, and independent experts who wish to take part.

Kyrgyzstan is now in the midst of a challenging period, facing enormous problems due to conflicts and widespread violence in South Kyrgyzstan. These have been fuelled by the lack of implementation of OSCE human dimension commitments - including on freedom of religion or belief - which marked the Bakiev regime. A future elected government should comply with international legislation on the topic of freedom of religion or belief and *take concrete actions to remove the limitations introduced by the Bakiev regime, including:*

- Abolish the restrictive 2009 Law on Religion or put it in line with the joint Council of Europe Venice Commission/OSCE Advisory Council on Freedom of Religion or Belief legal review of October 2008;
- Abolish mandatory registration requiring the signatures of 200 members;
- Facilitate the process of burial for non-Muslims;
- Ensure that any process to amend or introduce draft laws on religion is open and transparent, facilitating full participation from all interested stakeholders and religious communities;
- Ensure that the October 2009 draft Strategy on State Policy in the Religious Sphere from 2009 to 2015 is revised to embrace the internationally recognised principle that freedom of religion or belief is not subject to derogation even in cases invoking national security.

