

# **USA: Top female GOP senators just introduced a bill to fight the abhorrent practice of female genital mutilation**

By Andrea G. Bottner

Washington Examiner (28.06.2019) – <https://washex.am/2LalqKT>– Most Americans are shocked to hear that more than 200 million young women and girls around the world have been subjected to the barbaric practice of female genital mutilation. FGM is the cutting or removal of female genitalia for non-medical purposes: a practice that has no real health benefits yet brings lifelong physical and psychological consequences.

In 1996, the United States outlawed the practice, but – disturbingly – it still happens secretly here sometimes.

Last year, a U.S. district judge dismissed charges against two doctors who were charged with cutting or mutilating at least nine girls' genitalia. The judge's ruling wasn't because there was any doubt as to whether these girls, as young as age seven, were brought by their mothers to the Detroit area for a procedure which left them permanently injured and in excruciating pain. Rather, the judge concluded that Congress did not have the authority to pass the 1996 law against FGM, because it had no impact on interstate commerce.

Now Congress is working to right this wrong.

Sens. Marsha Blackburn, Martha McSally, Joni Ernst, Cindy Hyde-Smith, Shelley Moore Capito, and Deb Fisher introduced the Federal Prohibition of Female Genital Mutilation Act of 2019 to amend federal law to make this practice a federal crime under several circumstances. This bill includes the requisite commerce clause language to address the district judge's concerns and pretext for dismissing the Michigan case.

Blackburn and her colleagues are making it clear that Americans will not tolerate this abuse against our young women and girls. For that, they deserve commendation. But this isn't the end of the fight against FGM.

Another way to further protect our young women and girls is by making certain all 50 states have laws on their books outlawing FGM. Currently, only 33 states have anti-FGM laws. There are still 17 states that need to recognize this violence and act to protect their young women and girls. Over the next several months, all 50 states should put anti-FGM laws in place or strengthen existing ones.

In addition to putting laws on the books, our state and federal leaders should identify education and outreach opportunities within at-risk communities. According to the Centers for Disease Control and Prevention, an estimated 513,000 women and girls in the United States have experienced or are at risk of FGM. Our legislators should make resources available to train medical and law enforcement representatives to recognize and prevent the practice.

Currently, the Violence Against Women Act is being considered in the Senate. Senators should make sure anti-FGM efforts are included in this important legislation and that VAWA's funding is available to those who seek to end this practice, which is unquestionably a form of violence against women.

There is much to do, but today, Blackburn began that work and stood up for vulnerable young women and girls. Her colleagues from both sides of the aisle should join her and take this important step to protect young women and girls from a practice that should have no place in this country.

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## **KAZAKHSTAN: The state of religious freedom in Kazakhstan**

**Willy Fautré, *Human Rights Without Frontiers***

HRWF (12.04.2017) – Kazakhstan is a sparsely-populated country in Central Asia with a population of about 17 million. More than 70% of the population is Muslim (mainly Sunni of the Hanafi School), 26.2% is Christian (mainly Russian Orthodox) and the rest is made up by other minorities such as Jews and non-believers.

The country is home to 130 ethnic groups and an advisory body (the Assembly of the People in Kazakhstan) has been put in place to promote inter-ethnic relations. The two major ones are: the Kazakhs (63.1% of population, for the most part

Muslims) and Russians (23.7%, mainly Christians). The Kazakhs came into prominence in the 16<sup>th</sup> century, only to be dominated two hundred years later by the Russians. Kazakhstan became a part of the Russian Empire in the 19<sup>th</sup> century and then became the Kazakh Soviet Socialist Republic in 1936.

Kazakhstan was the last of the Soviet Republics to declare its independence following the dissolution of the Soviet Union in 1991. Nursultan Nazarbayev has been the country's president since independence.

### ***Constitutional Framework***

The Constitution of the Republic of Kazakhstan establishes a secular democracy 'whose highest values are an individual, his life, rights and freedoms' (Article 1). It recognises 'ideological and political diversity' and forbids the state to interfere with the free functioning of 'public associations,' as long as it does not undermine state security or incite enmity among the people (**Article 5**).

Discrimination of any kind is prohibited, including discrimination on the basis of religion (**Article 14**). The right to peacefully assemble is also assured, although it may be 'restricted by law in the interests of state security, public order, protection of health, rights and freedoms of other persons' (**Article 32**).

The Kazakhstani approach to statehood is clearly woven into the language of the Constitution: the respect of individual human rights is fine as long as it does not conflict with the interests of the state. Even the right to freedom of conscience is tempered by one's 'responsibilities before the state' (**Article 22**).

The Constitution is honoured annually by a national holiday, the 30<sup>th</sup> of August, the day when it was approved in 1995. In 1998 and 2007, the Constitution was amended to make significant changes in the structure and powers of government, notably increasing the authority of the President. **Article 42** was amended by the Kazakh Parliament two days after its approval by national referendum, making an exception to the two-term limit on the presidency in the case of 'the First President of the Republic of Kazakhstan,' effectively giving President Nazarbayev the status of de facto President for life.

One final observation on Kazakhstan's constitutional law is the country's relation to international treaties, including those which potentially protect freedom of religion or belief. Article 4.2 of the Constitution states that international treaties are the law of the land in Kazakhstan unless inconsistencies with national laws are found at the time of ratification, in which case correctives would be made through the legislative process.

However, the Kazakh Parliament passed in 2005 a Law on International Treaties which directs in the case of conflict with international treaty requirements that 'the treaty shall be amended, suspended or terminated' (**Article 20**). This law has been strongly criticised, as it stands in stark contradiction to both the Kazakh Constitution and the UN Vienna Convention on the Law of Treaties. The Vienna Convention, to which Kazakhstan acceded in 1994, declares that each State Party will ensure that its national legal framework permits the country to meet its treaty obligations under international law.

### ***Legislative Framework and Criminalisation of Religious Activities***

In contrast to the lofty values promulgated in the Constitution, individual and collective religious life in Kazakhstan is rigorously controlled. Specifically, amendments to the Law on Religion in 2011 placed severe restrictions on all religious activity that is not registered with the government.

Registration procedures have become increasingly arduous and complex in Kazakhstan. Religious groups are required to have at least 50 members to be registered locally, 500 regionally and 5000 at a national level. This has meant that numerous religious groups have been unable to be registered and are therefore considered to be engaged in 'illegal worship activities.' 'Failed' registration means that people cannot any more practise their religion collectively, even in private. Individuals cannot preach or evangelize either in public or in private. Police raids, exorbitant fines and detention of religious workers have become commonplace. Hundreds of religious communities have simply had to cease functioning.

The fight against extremism is the common justification raised for Kazakhstan's repressive policies on religion. It gives the government the power to act 'legally' while denying a mandated re-registration to religious groups, effectively cancelling their right to exist and to conduct normal activities. The government's official support of the Russian Orthodox Church and sponsorship of the Muslim Board are ultimately strategies of control. Other religious groups are delegitimised and represented in the media as dangerous and harmful to the family and to society.

### ***Administrative Code***

**Article 374-1** of the Administrative Code was introduced in 2005 as part of harsh new 'national security' amendments to various laws – including the Law on Religion – which severely increased the controls of religion. The anti-extremist

measures empower the Committee for National Security (KNB) to determine which organisations are to be considered 'terrorist' and grants the KNB broad powers to suppress them. Predictably, the 2005 law has also been applied to religious entities.

Amendments were also made to **Article 375** of the Administrative Code, which punishes 'violations of the religion law,' including actions by leaders who reject state registration, by communities whose activity 'contradicts their aims and tasks' or which is not listed in their state-approved statutes, and by individuals who conduct 'missionary activity' without a special license from the state.

Article 375 punishes leaders of religious organisations that break any law with fines of up to 30 times the minimum monthly wage, while the organisations themselves can be fined up to 200 times the minimum monthly wage and banned for up to six months. Religious organisations that 'systematically carry out activity in defiance of their statute' or refuse to stop activities that led to their being suspended face fines of up to 300 times the minimum monthly wage and a total ban on their activities.

### ***Criminal Code***

**Article 174 Part 1:** Incitement of social, national, clan, racial or religious hatred or antagonism with imprisonment of two to seven years or restricted freedom for the same period. <sup>[1]</sup>

**Article 174 Part 2:** Punishes incitement of social, national, clan, racial or religious discord by repeat offenders with prison terms of between five and ten years. <sup>[2]</sup>

**Article 337-1, Part 2:** Organizing or participating in the activity of a social or religious association or other organization after a court decision banning their activity or their liquidation in connection with extremism

or terrorism they have carried out.

**Article 405, Part 1:** Organizing the activity of a social or religious association or other organization after a court decision banning their activity or their liquidation in connection with extremism or terrorism they have carried out with a fine or up to six years imprisonment. <sup>[3]</sup>

**Article 405, Part 2:** Participating in the activity of a social or religious association or other organisation after a court decision banning their activity or their liquidation in connection with extremism or terrorism they have carried out, resulting in possible fines or up to two years imprisonment. <sup>[4]</sup>

### ***Religious Panorama***

According to the Embassy of Kazakhstan in Brussels,

- In 2012, there was a re-registration process for all religious organizations on the basis of the new Law on Religion (2011): 3088 religious associations out of previously operating 4551 were re-registered.
- The republican Islamic religious association “Spiritual Administration of Muslims of Kazakhstan’ and 2228 of its regional mosques were re-registered.
- The Orthodox Church of Kazakhstan is represented by a republican religious association as a Metropolitan District, bringing together nine dioceses and 261 parishes. In addition, one Armenian Apostolic Church and eight Old Believers’ Churches are in activity.
- Concerning the Catholic Church, 79 entities are in activity.



- Four Jewish communities and two Buddhist religious associations were re-registered.
- Concerning Protestantism: 478 Protestant religious groups were successfully re-registered, including 11 Methodist Unions, 13 associations of the Evangelical Lutheran Church, 100 Baptist Unions, 42 Seventh-Day Adventists communities, 8 Apostolic Churches, 189 Pentecostal Churches, 55 Presbyterian Churches and the association of Mennonites.
- Other re-registered associations: 59 Jehovah's Witnesses, eight Hare Krishna, six Baha'i and two Mormon communities.
- There are more than 3000 mosques, churches, chapels, synagogues and other places of worship in the country
- There are 47 religious media outlets
- There are almost 500 foreign missionaries in the country
- Key dates of the Islamic and Christian calendars are holidays for all people

### ***State-sponsored International Inter-religious Activities***

To promote peaceful inter-religious relations, Kazakhstan organizes a *"Congress of Leaders of World and Traditional Religions"* every three years which brings together political, religious and civil society leaders from around the world. The Congress cooperates with the *"United Nations Alliance of Civilizations"*.

Within the *"Organization of the Islamic Cooperation"* (OIC), Kazakhstan has launched an initiative of what is known as *"Islamic Rapprochement"*, to bridge the gap between various

nations and directions within Islam.

Kazakhstan was also among the coalition of nations who established 2013-2022 as the *“International Decade for the Rapprochement of Cultures.”*

## ***EU – Kazakhstan Relations & Policy Recommendations***

Relations between the EU and Kazakhstan are mainly based on:

- the enhanced Partnership and Cooperation Agreement (PCA) agreed in late 2014 which replaced the previous Partnership and Cooperation Agreement 1999;
- the Central Asia Strategy for a New Partnership adopted in 2007;
- the commitment of one billion euros as part of the EU’s Development Cooperation Instrument for the countries of Central Asia for the period from 2014 to 2020.

***HRWF Int’l recommends that the EU should put the following issues on the agenda of its relations with Kazakhstan through the tools set out in the EU guidelines on Freedom of Religion or Belief:***

Calling on Kazakhstan, as a member state of the UN and the OSCE:

1. to honour its international and regional human rights obligations such as the ICCPR, the ICESCR and the OSCE Guidelines on the Legal Personality of Religious or

Belief Communities;

2. to reaffirm Article 14 of the Constitution which guarantees freedom of religion;
3. to revise Article 20 of the 2005 Law on International Treaties which allows for international treaties to 'be amended, suspended or terminated' when they are in conflict with national laws;
4. to repeal the 2011 amendments to the Law on Religion which restrict the exercise of freedom of conscience and religion;
5. to take measures to prevent the misuse of

Article 374-1 and 375 of the Administrative Code

Article 174 Part 1 and 2, Article 337-1, Part 2, Article 405, Part 1 and 2 of the Criminal Code, which give authorities a broad range of powers on the grounds of national security to crack down on religious groups;

to unconditionally release freedom of religion or belief prisoners who have not used or advocated violence.

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[1] <http://www.refworld.org/docid/56cffca04.html>Criminal

[2] <http://www.refworld.org/docid/561e004a4.html>

[3] [http://www.forum18.org/archive.php?article\\_id=2139](http://www.forum18.org/archive.php?article_id=2139)Criminal

[4] [http://www.forum18.org/archive.php?article\\_id=2139](http://www.forum18.org/archive.php?article_id=2139)

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# **RUSSIA: Russian bill decriminalizing domestic battery sails through first reading**

By Tom Balmforth

RFL/RE (11.01.2017) – <http://bit.ly/2i0UBwd> – Russian legislators returned from recess by approving – with almost unanimous support – the first reading of a bill that would decriminalize assault in the family home.

The bill, which is in keeping with the conservative values espoused by President Vladimir Putin and has been protested by antidomestic abuse activists, seeks to downgrade assault inside the traditional family unit from a criminal offense to

a misdemeanor.

Battery inside the home by family members remained a criminal offense in 2016, while cases of street assault – say, between two men – were legally decriminalized to a misdemeanor punishable by fine. The new legislation would remove this distinction.

Addressing the State Duma during the first reading, Olga Batalina, one of the bill's authors, on January 11 said the bill concerns non-serious assaults causing "bruises or grazes."

She recognized the problem of domestic abuse, but said there are better ways to combat it.

"What's important is prevention," she said. "What is important is the chance to help a person who has ended up in this situation. As you understand, help does not consist in bringing one member of the family to administrative or criminal account, but in stopping these things from happening in the future."

Andrei Isayev, first deputy director of the United Russia faction, told the RBK business and politics news organization that domestic assaults would only be a misdemeanor in the first instance; a secondary offense would be deemed criminal.

***Already weak legislation***

The bill has nonetheless prompted concerns that it would land a blow to Russia's already weak legislation on domestic abuse and send the wrong signals to society.

“The [bill] that the Duma is preparing to examine would only legalize the order of things that have strengthened in the minds of Russians: beating close ones is normal,” wrote Olga Bobrova, an editor at Novaya Gazeta.

Two activists picketed the State Duma on January 11 to protest the bill. Alyona Popova, a prominent activist against domestic violence, held a placard with the ironic slogan “I created you, I’ll kill you,” adding that “in 2015, 11,756 boys and girls suffered from violent crimes in families.”

Batalina has said the legislation aims to place minor assaults committed in a domestic context on a par with street assaults decriminalized last summer.

“There was objective bewilderment among people as to why conflicts inside the family, beatings of relatives are a crime, but the same action committed on the street is only an administrative offense,” Batalina has said. “Our legislative bill proposes removing this conflict,” she said.

In July, President Vladimir Putin signed legislation decriminalizing minor assault for first-time offenders. It is now punishable by a fine of up to 30,000 rubles, 15 days in

jail, or up to 120 hours of community service.

Exempt from this legislation were domestic-abuse cases, which remained criminal.

The exemption was explained by a United Russia lawmaker, who wrote at the time: "We must not remove criminal punishment for assault inside the family since they [such assaults] are committed consciously and, consequently, are socially more dangerous than street [assaults]."

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**BANGLADESH: Bangladeshi law**

# proposing child marriage in “special cases” is a step backwards – charities

*The proposed law would permit child marriage in “special cases”*

By Nita Bhalla

Thomson Reuters Foundation (13.01.2017) – <http://tmsnrt.rs/2jxMRz0> – Bangladesh will be taking a step backwards in efforts to end child marriage if parliament approves changes to a law which would permit girls below 18 to be married in “special cases”, a global alliance of charities said on Thursday.

The poor South Asian nation has one of the highest rates of child marriage in the world, despite a three-decade-old law which bans marriage for girls under 18 and men under 21.

Girls Not Brides, a coalition of more than 650 charities, said Bangladesh’s parliament was expected to consider the proposed change to the Child Marriage Restraint Act. This is expected to take place in the next session beginning Jan. 22.

Girls Not Brides in Bangladesh said the proposed change was “alarming” and a step backwards for the country which has reduced child marriage in recent years.



“We have worked with thousands of girls who have been pulled out of education, married off early, bear the scars of early pregnancy, and forced to marry their abusers. This is simply unacceptable,” said a spokesperson from the alliance’s Bangladesh chapter in a statement.

The proposed law was open to abuse since it gave no definition of the term “special cases”, Girls Not Brides said.

Statements made by Prime Minister Sheikh Hasina suggest exceptions would apply in instances of accidental pregnancy, or where a marriage would help to protect a girl’s “honour” and the family’s reputation in this largely conservative society.

Bangladeshi officials were not immediately available for comment.

Along with Niger, Guinea, South Sudan, Chad and Burkina Faso, Bangladesh is among the 10 worst countries for child marriage despite moves to strengthen law enforcement and toughen penalties against the crime.

In 2011, 32.5 percent of girls aged between 15 and 19 were married compared with 37.5 percent a decade before, said Girls Not Brides, citing data from Bangladesh’s Bureau of Statistics.

Campaigners say girls face a greater risk of rape, domestic violence and forced pregnancies – which may put their lives in danger – as a result of being married as children.

Child brides are often denied the chance to go to school, are isolated from society and forced into a lifetime of economic dependence as a wife and mother.

Yet the practice continues largely due to a combination of social acceptance and government inaction, activists say.

“Marriage before 18 does not ensure a pregnant girl’s safety,” said Lakshmi Sundaram, executive director for Girls Not Brides, said in the statement. “In reality it exposes her to the risk of sexual, physical and psychological violence.”

“The progress Bangladesh has made to address child marriage is impressive, and reflects a real commitment from the highest levels of the government. Now is not the time to regress.”

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