

July 17, 2008: Kazakhstan: USCIRF Deeply Concerned Over Kazakhstan's Draft Religious Law

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WASHINGTON-The United States Commission on International Religious Freedom is deeply concerned over a draft religion law in Kazakhstan that would significantly weaken protections for human rights, including religious freedom. The draft (which the Kazakh legislature has approved in the first of three required readings) would introduce more restrictive new registration requirements for all religious groups, reduce the number of religious communities permitted to operate in Kazakhstan, and increase the penalties for members of unregistered communities.

"The religion bill threatens Kazakhstan's international obligations as a nation to safeguard religious freedom and non-discrimination," said Commission Chair Felice D. Gaer. "Kazakhstan appears to be following the lead of other former Soviet republics that are narrowing the space for religious freedom rather than bolstering protections for it."

Already, religious groups in Kazakhstan face burdensome registration requirements. What is more, unregistered groups must pay increasing fines, and purportedly "non-traditional" religious groups are often refused permission to register or their applications are substantially delayed.

The new draft law threatens to compound these difficulties. For example:

- the bill increases the minimum number of members of religious organizations necessary to register from 10 to 50;

- smaller communities could not teach or profess their religion, own property, or rent public space for religious activities; and

- all contributions from foreigners and anonymous donors would be prohibited.

Violations of the law, including conducting unregistered religious activity, would result in hefty fines and suspension of operations. A new requirement that religious organizations must have existed for 10 years and operate in at least five of Kazakhstan's 16 regions means that two of the country's four Catholic dioceses could not register as a "centralized religious organization," the only category with the right to conduct religious education and publishing.

There have been other disturbing signs that the Kazakh government's view of religious freedom is becoming more restrictive. A Justice Ministry booklet, "How Not to Fall Under the Influence of Religious Sects," includes the claim that "transferring to other religious faiths represents treason to one's country and faith." In the past year, unregistered religious groups have reported increased court actions and greater fines for non-registration; local police reportedly have disrupted private meetings of unregistered groups in homes.

Commitments on religious freedom undertaken by participating states in the Organization on

Security and Cooperation in Europe include the promise to "grant believers, practicing or prepared to practice within the constitutional framework of the State, recognition," as well as the pledge to "respect the right of those religious communities to establish and maintain freely accessible places of worship or assembly, organize themselves according to their own hierarchical and institutional structure ... and solicit and receive voluntary financial and other contributions."

The Kazakh government's record on protecting democratic institutions has also deteriorated greatly, as it has suffocated and destroyed freedom of association, expression and the conditions needed for free and fair elections. The government has cracked down on independent media and changes in election law have made it possible only for the pro-presidential party to win seats in parliament. The OSCE itself pronounced the country's parliamentary elections in August 2007 "neither free nor fair."

"The freedom of thought, conscience, religion or belief must be upheld by every government," Gaer said. "Especially now, on the verge of assuming the rotating chairmanship of the OSCE in 2010, Kazakhstan should be searching for ways to expand that freedom, not to suffocate it under a raft of regulations."

"The U.S. government should encourage Kazakh legislators thoroughly to revise the draft religion law before the second reading and to urge that the Kazakh government follow OSCE recommendations on it," Gaer said.