

KAZAKHSTAN



USCIRF STATUS:

Tier 2

BOTTOM LINE:

Although the Kazakh government promotes religious tolerance at the international level, its restrictive 2011 religion law bans unregistered religious activity and has been enforced through police raids, detentions, and major fines. The law's onerous registration requirements have led to a sharp drop in the number of registered religious groups, both Muslim and Protestant.

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Religious freedom conditions in Kazakhstan deteriorated in 2012. In late 2011, the Kazakh government adopted a repressive new religion law, which resulted in a sharp drop in the number of registered religious groups in 2012. Unregistered religious activity is illegal, and the activities of registered groups are strictly regulated. During the reporting period, religious organizations were closed and religious activity was penalized with police raids, short-term detentions, fines, and other penalties. Based on these concerns, in 2013 USCIRF places Kazakhstan on Tier 2 for the first time. The Commission has reported on Kazakhstan in its Annual Reports since 2008.

BACKGROUND

Kazakhstan, as befits a country which is home to a wide array of ethnic groups, was once considered one of the most liberal countries in post-Soviet Central Asia regarding religious freedom. Over the past five years, however, conditions have steadily deteriorated due to a growing array of repressive laws and policies, as well as government action against peaceful religious practice deemed “illegal.” Despite commitments by President Nazarbaev to promote “traditional” faiths domestically and internationally, he has overseen actions against religious freedom. The Kazakh government has also used deadly force against public protests, such as in December 2012 when police killed 16 striking oil workers in the western city of Zhanaozen. Afterwards, the government deployed security forces in that region, with observers noting a crackdown on human rights, particularly on the freedoms of press and religion. As a result, the situation in Kazakhstan has grown closer to the negative conditions of its southern neighbors.

This trend accelerated after President Nazarbaev signed new legislation limiting freedom of religion or belief in late 2011, despite a 2009 ruling by the Constitutional Council that a similar law violated the constitutional provision of equal status for all religious groups under the law. The new law garnered strong criticism from the Organization for Security and Cooperation in Europe (OSCE), which Kazakhstan chaired in 2010, as well as from domestic civil society and religious communities.

The 2011 law set complex registration requirements for religious organizations, banned all unregistered religious activity, restricted the activities of registered groups, and increased the penalties for violations, which include monetary fines, suspensions, or liquidations. Under the new registration rules, religious organizations must register with national, regional and/or local Ministry of Justice authorities. Regional and local religious organizations are only allowed to be active in their geographic area of registration. Central and local government permission is required to build or open new places of worship. The distribution of religious materials is only permitted in places of worship and other government-approved premises. Registered religious groups may teach their faith to their own members, but regional and national registered religious groups can only train clergy in officially-approved institutions. Praying and prayer rooms are not allowed in government buildings.

Under the 2011 law, all religious organizations were required to re-register by October 2012 with both the central government and local governments of regions where they have congregations, or face liquidation by the courts. To register locally, a religious organization must have at least 50 members whose names and addresses must be included in the application. Unless registered as regional or national organizations with at least 500 members in each of two regions, communities are only permitted to be active in geographic areas of registration. National registration requires 5,000 members in each of the country’s oblasts. The statute of each registered religious organization must disclose its religious ideas, types of activity, attitudes towards marriage and family, and personal data about its leaders and members. As a result, many of the previously registered religious organizations could not meet the new threshold and lost their legal status.

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Under the new law, all founders of religious communities must be Kazakh citizens. The leaders of religious organizations appointed by foreign religious groups need prior approval by the Agency of Religious Affairs (ARA), the government body in charge of monitoring religious activity. Missionaries must be invited by a registered religious community, must limit activities to its area of registration, and must have an official annual permit which specifies all activities and religious materials.

The religion law restricts children's participation in religious activities if a parent or guardian objects and it is an administrative offense not to prevent a child's participation. The amended Law on the Rights of the Child does not allow religious activities in children's holiday, sport, or leisure organizations and camps.

Other laws also limit religious freedoms. Under the Kazakh Administrative Code, organizations that hold illegal meetings, disseminate unregistered religious materials, or build religious facilities without a permit can be suspended for three months. A suspended organization is banned from media contacts, holding meetings, or undertaking most financial transactions. If a religious organization engages in illegal activities or fails to correct the violations that led to its suspension, the organization is banned. The Administrative Code also sets fines for religion law violations. For example, the leader of a registered group can be fined US \$5,503 for ignoring a legal violation or US \$3,302 if the group conducts activities not listed in its charter. New criminal penalties that restrict freedom of religion and belief are part of the draft new Criminal Code released for public discussion in January 2013. This draft will likely be considered in parliament, the Majilis, in August and adopted by late 2013, Forum 18 reported.

RELIGIOUS FREEDOM CONDITIONS

Registration Refusals and Liquidations: By October 2012, when the year-long re-registration period ended, the number of registered religious organizations fell from 46 to 17, Eurasianet reported. The number of registered faith-based civic groups fell from 4,551 to 3,088. The ARA director said in Almaty that of 666 registered Protestant religious associations, 462 were re-registered and the remaining 204 "will be liquidated." He also said that out of 48 "non-traditional" religious organizations—whose identity he did not specify—only 16 were registered. Catholic communities were exempted from re-registration because of an agreement between the Holy See and Kazakhstan. Religious groups have described the re-registration process as "complex," "burdensome," "arbitrary," "unnecessary," and "expensive."

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After the re-registration deadline passed, courts ordered the closure a number of religious communities in rulings deemed arbitrary by observers. For example, the Kostanai congregation of the Russian Orthodox Church Abroad was denied registration because it does not have its own house of worship. One Protestant church was liquidated for "false information" after one of its 54 founders died, even though registration requires 50 founders. Another Protestant church said it was closed down because most of its members are ethnic Kazakhs. The Grace Presbyterian Church was required to reduce the number of its registered churches from 70 to 14.

In 2012, the Seventh-day Adventist Church in Astana was officially warned to halt activity and return its registration certificate. The head of the registered Baptist Union told Forum 18 that their small communities across the country had received similar warnings. In December 2012, a court ordered the liquidation of the Almaty and Medeo Scientology Churches; after the reporting period, the rulings were

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upheld on appeal. Land use and other regulations are also used as a means to deny religious communities legal status. In 2012 in Taldykorgan, the authorities forced a Methodist church to “voluntarily” close and fined the wife of its pastor. Kentau’s Love Presbyterian Church was fined and forced to close by a court due to alleged fire safety violations.

Although there is no law or regulation to this effect, President Nazarbaev and other officials insist that only Hanafi Sunni Muslim communities that belong to the state-backed Muslim Board are allowed legal status through registration. As of late 2012, only those Muslim communities affiliated with the state-backed Muslim Board had been registered. Aktobe’s independent Hanafi Sunni Nurdaulet Mosque had been registered in 2001, but the mosque’s attempt at re-registration was rejected in November 2012 and the rejection later upheld on appeal. The community plans to continue to hold services. Shi’i Muslim communities were denied legal status, as were all Ahmadi Muslim communities. In addition, mosques whose attendees mainly belong to one ethnic minority also were denied re-registration, such as Almaty’s Azeri Shi’i community. The 160-year-old Tatar-Bashkir Din-Muhammad Mosque in Petropavl, rebuilt by its community; lost its court appeal against liquidation after the reporting period. A Kazakh official told Forum 18 that its leaders will be punished if prayers are held in that mosque after the liquidation order comes into effect.

Police Raids, Fines, and other Penalties for Religious Activity: Kazakh human rights activist Vadim Kuramshin was arrested in November 2012 before he could call public attention to the closure of the aforementioned Tatar-Bashkir Din-Muhammad Mosque in Petropavl. He had also criticized Kazakhstan’s problem with torture at the OSCE’s Human Dimension Meeting in September. In December 2012, Kuramshin received a 12-year term of imprisonment for “arbitrary acts” after a trial widely seen as unfair; as of the end of the reporting period, his sentence was on appeal.

Before the October 25, 2012 re-registration deadline, raids continued on registered religious communities, EurasiaNet reported. The Grace Church in Astana and New Life Church in Oral (Uralsk) in West Kazakhstan Region were raided in early October 2012. Raids, often without search warrants, also continued on members of the unregistered Baptist Council of Churches, who face possible confiscation of their homes if they continue to meet for worship and refuse to pay court-ordered fines. Baptist Vasily

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Stakhnev reportedly was framed by police and then fined for distributing religious literature. The Church of Scientology reported two members were found guilty for unregistered religious activity and police raided church properties.

In February 2012, the leader of an unregistered Baptist community in eastern Kazakhstan was fined a year and a half’s average local wages for holding unregistered religious services. In October 2012, a Protestant pastor in Astana was accused of driving a member insane, harboring extremist literature and giving worshippers a red drink with “hallucinogenic ingredients inducing euphoria,” EurasiaNet reported. In January 2013 police raided at least five Protestant worship meetings in Kazakhstan, according to Forum 18. Three Council of Churches Baptist pastors in the North Kazakhstan Region received maximum administrative court fines of nearly two months’ average wages. In the Karaganda region, local anti-terrorist police raided the registered New Life Protestant Church. Police also raided three Jehovah’s Witnesses meetings in January 2013 and briefly detained attendees; these incidents occurred in the village of Sarykolv in Kostanai Region, in Karazhal in the Karaganda Region, and in the village of Esil in northern Akmola Region.

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Since August 2012, four Jehovah's Witnesses, two Muslims, and a Protestant have stood trial for "illegal missionary activity" and received heavy fines. At least three others were awaiting prosecution in early 2013, Forum 18 reported.

Russian citizen Leonid Pan, who had lived in Kazakhstan for 15 years, was denied a new Kazakh residence permit, reportedly because he is a Protestant preacher.

Extremism Law Issues: Kazakhstan's 2005 extremism law, which applies to religious and other organizations, does not define extremism in terms of the use or advocacy of violence and gives the government wide latitude in designating a group as an extremist organization, banning a designated group's activities, and criminalizing membership in a banned organization. The amended Civil Procedural Code provides a vague definition of the legal criteria for government agencies to bring suit against an organization on extremism charges. The Procurators have the right to conduct annual inspections of all registered organizations, and they regularly do so.

In October 2011, an Almaty court found nine members of a Sufi group guilty of religious extremism, unlawful restraint, and causing damage to health by practicing "faith healing." The group's leader received a 14-year prison sentence, one member received a 12-year sentence, and seven others received sentences ranging from two to nine years, the State Department reported.

Official Intolerance of Disfavored Groups: The 2011 religion law declares all religious communities equal under the law. The law's preamble, however, "recognizes the historical role of Hanafi Islam and Orthodox Christianity in the development of the nation's culture and spiritual life." While the preamble lacks legal status, it sends a signal that some religions are officially viewed as more equal than others.

THE KAZAKH GOVERNMENT
SUPPORTS "ANTI-SECT CENTERS,"
WHICH PROMOTE INTOLERANCE...

The Kazakh government supports "anti-sect centers," which promote intolerance against certain religious communities, particularly some Protestant groups. Government and ruling party officials have publicly denigrated these groups as "non-traditional," "destructive," and "dangerous sects," while publicly praising "traditional" religions. For example,

in 2012 government officials, the Muslim Board and local authorities in West Kazakhstan, Karaganda and Aktobe regions held public meetings for this purpose.

Increased Government Control of Muslims: The Muslim Board is closely tied to the Kazakh government and exercises major influence over mosque construction, the administration of exams and background checks for aspiring imams, and coordinating *hajj* travel. The Muslim Board reportedly pressures nonaligned imams and congregations to join it or face the closure of their mosques, according to the State Department. Imams of independent mosques have said that they are willing to join the Board, but they do want to retain property rights to their mosque buildings and they want to remain as imams. Officials have also pressured the financial backers of independent mosques to urge their imams to join the Muslim Board. Reportedly, all mosques that join the Muslim Board must transfer one third of their income to that organization.

Government surveillance of all religious communities, including Muslims, continued. By 2012, increased official surveillance of observant Muslims had fueled popular resentment and official discrimination in Kazakhstan's western regions, according to Eurasianet.

Treatment of Asylum Seekers: In June 2012, the UN Committee Against Torture (CAT) ruled that Kazakhstan had violated its commitments under the Convention against Torture by returning 29 Muslim asylum seekers in 2011 to Uzbekistan, where they would likely face torture. The men were detained when they arrived back in Uzbekistan and some received prison terms of over ten years.

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On a positive note, Uzbek Protestant pastor Makset Djabbarbergenov was released from prison in Almaty on December 4, 2012 and he and his family left Kazakhstan for asylum in Germany. The United Nations High Commissioner for Refugees (UNHCR) had facilitated the pastor's release, despite Uzbek efforts to extradite the pastor for leading an unregistered Protestant community, for which he could be subject to a 15-year prison term.

Restrictions on Religious Materials: In 2012, the new religion law's censorship regulations for religious literature went into effect. By May, only 182 Muslim religious texts had passed the required official examination. It is unknown how many religious texts await review or how many had been banned. In Kazakhstan the numbers of bookshops allowed to sell religious material is restricted. The only Muslim texts that can be sold are Hanafi Sunni Muslim texts, according to Forum 18. By early 2013, Kazakh local authorities and police were strictly enforcing the expanded censorship regulations through the imposition of raids and fines. In Astana in January 2013, anti-terrorist police arrested 44 Muslims for alleged distribution of illegal religious literature; reportedly, at least two are facing administrative charges.

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RECOMMENDATIONS FOR U.S. POLICY

In order to promote freedom of religion or belief in Kazakhstan, the U.S. government should:

- press the Kazakh government to allow religious groups to operate freely without registration until substantive amendments to the 2011 Religion Law's registration process ease it and make it voluntary, thereby bringing it into compliance with recommendations of the Organization for Security and Cooperation in Europe (OSCE) Panel of Experts on Freedom of Religion or Belief;
- urge the Kazakh government to cease police raids of religious meetings, as well as the issuance of fines, property confiscation, detentions and imprisonment of participants and religious leaders;
- encourage President Nazarbaev to speak publicly about respect for religious freedom for all Kazakhstanis, to clarify that repressive government actions will not be tolerated, and to include minority religious communities into the Congress of World and Traditional Religions held biannually in the capital Astana;
- encourage public scrutiny of Kazakhstan's record on religious freedom and related human rights in appropriate international fora, such as the UN, OSCE and other multilateral venues, especially in cases of prosecution of Kazakh citizens for comments at such fora;
- urge the Kazakh government to agree to visits by UN Special Rapporteurs on Freedom of Religion or Belief, the Independence of the Judiciary, and Torture, set specific visit dates, and provide the full and necessary conditions for such a visit;
- ensure that the U.S. Embassy in Kazakhstan maintains active contacts with Kazakh human rights activists and press the Kazakh government to adopt policies to ensure that every prisoner has greater access to his or her family, human rights monitors, adequate medical care, and a lawyer, as specified in international human rights instruments;

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- specify freedom of religion as a grants category and area of activity in the Democracy and Conflict Mitigation program of the U.S. Agency for International Development and the Democracy Commission Small Grants program administered by the U.S. Embassy, and encourage the publicly-funded National Endowment for Democracy to make grants for civil society programs on tolerance and freedom of religion or belief; and
- increase radio, Internet, and other broadcasting, particularly in the Kazakh language, of objective news and information on relevant issues, including specific religious freedom concerns in the country and explaining why religious freedom is an important element of U.S. foreign policy.