



KAZAKHSTAN

Key Findings

Although the government of Kazakhstan promotes religious tolerance at the international level, religious freedom conditions in the country continued to deteriorate in 2014. The country's restrictive 2011 religion law bans unregistered religious activity and has been enforced through the closing of religious organizations, police raids, detentions, and fines. The law's onerous registration requirements have led to a sharp drop in the number of registered religious groups, both Muslim and Protestant. Based on these concerns, in 2015 USCIRF again places Kazakhstan on Tier 2, where it has been since 2013.

Background

Kazakhstan's population is estimated to be 17.7 million, with about 65 percent Muslim, mostly Hanafi Sunni. Russian Orthodox Christians are about 25 percent of the country's population, with other groups under five percent including Jews, Roman and Greek Catholics, various Protestant denominations, and others. During the existence of the U.S.S.R., many non-Kazakh Soviet citizens (mostly Russians) moved to Kazakhstan to expand agricultural output, outnumbering native Muslim Turkic Kazakhs.

After Kazakhstan's independence, many of the non-Kazakhs left and official repatriation brought some one million ethnic Kazakhs to the country, increasing the percentage of Muslims.

Before the 2011 religion law, Kazakhstan was seen as one of the most liberal countries in post-Soviet Cen-

tral Asia in regard to freedom of religion or belief. The 2011 law, however, sets complex registration requirements with high membership thresholds and bans unregistered religious activity; it restricts areas of permitted religious activity and teaching, distribution of religious materials, and training of clergy. The 2011 law also raised penalties for alleged violations. While the religion law declares that all religions have equal legal standing, its preamble "recognizes the historical role of Hanafi Islam and Orthodox Christianity," suggesting preferred official status. The government also supports "anti-sect centers" that promote intolerance against certain religious groups. Religious communities are subject to police and secret police surveillance, but due to fear of state reprisals, many hesitate to discuss this issue.

Under the 2011 law, all religious organizations were required to re-register pursuant to the complicated new rules. Depending on where they operate, groups had to register with national, regional, and/or local Ministry of Justice authorities, with different membership numbers required (50 for local registration, 500 in at least two regions for regional registration, 5,000 in each of the country's regions for national registration). Many

previously-registered groups could not meet the new thresholds and therefore lost their legal status. After the re-registration date of October 2012, the total of registered religious groups fell sharply. For example, of 48 "non-traditional" religious organizations, only 16 were re-registered. The 11,000 members of the Union of Evangelical Christian Baptists refuse to register as a matter of conscience. By 2013, only Muslim groups affiliated with

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the state-backed Muslim Board were registered. Shi'a and Ahmadi Muslims were denied legal status, as were mosques attended mainly by particular ethnic groups. Catholic communities were exempt because of an agreement with the Holy See.

In July 2014, President Nursultan Nazarbayev signed into law amendments to Kazakhstan's administrative and criminal implementation codes. The new administrative provisions largely repeat the previous penalties for alleged violations in regard to religion or belief, while the new criminal provisions place restrictions on convicts. The amended codes took effect on January 1, 2015.

Religious Freedom Conditions 2014–2015 **Registration Issues**

Kazakh officials continued to obstruct activities of unregistered religious groups, such as a Protestant church in Atyrau, and of certain registered communities including the registered Hare Krishna group in Kostanai, the NGO Forum 18 News Service noted. As of late 2014, the historic Din-Muhammad Mosque community – consisting mainly of ethnic Tatars in the northern city of Petropavl – again is applying for registration, although it was liquidated and its mosque confiscated. In late 2014, Almaty's Religious Affairs Department notified local registered religious groups that it is an offense to hold services outside of registered places of worship.

The Case of Pastor Kashkumbayev

On February 17, 2014, retired Presbyterian Pastor Bakhytzhan Kashkumbayev of Astana's Grace Church received a four-year suspended prison term for allegedly harming a parishioner's psychological health, although the alleged victim said she was not harmed. As of July 2014, however, he faced possible further punishment for allegedly harming a second

released from jail and then re-arrested for "terrorism." During one month of his nine-month term, in a return to methods observers described as "Soviet-style," the pastor was injected forcibly with psychotropic drugs. Observers consider the two-year-long criminal prosecution of the pastor and severe harassment of his family a symbol of the steep decline of respect for religious freedom in Kazakhstan.

Extremism Charges

Criminal charges of extremism regularly are brought against a range of individuals for peaceful religious activity. Court hearings on whether materials are "extremist" are not announced. There is an extensive list of banned texts on government websites. In February 2014, an Astana court banned as "extremist" a book partly written by Salafi Muslim Mohammed ibn Abdul-Wahhab. Christians Vyacheslav Cherkasov and Zhasulan Alzhanov were given 10-day prison terms and fined four months' wages in the Akmola region in October 2014 for offering on the street a book called "Jesus: More than a Prophet." Extremism charges remain pending against atheist writer Aleksandr Kharlamov. He was detained for five months in 2013, including one month of psychiatric exams. The Muslim missionary movement *Tabligh Jamaat* was banned in 2013, and trials of alleged members are secret. Forum 18 reported on a campaign against alleged *Tabligh Jamaat* members: in January 2015 Bakyt Nurmanbetov, Aykhan Kurmangaliyev, Sagyndyk Tatubayev, and Kairat Esmukhambetov were sentenced to 20-month terms; in late 2014 another received a three-year term, a trial began of five members and 20 others were detained.

Penalties for Unregistered Religious Activity

The most common violations of the 2011 religion law that result in fines are unlicensed distribution of religious texts, talking about religion without the required

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church member's health. Just days after USCIRF met with the pastor's family in October 2013, he briefly was

"missionary" registration, and holding worship meetings without registration. The head of the presidential

Human Rights Commission said in September 2014 that 92 administrative cases were opened for unauthorized religious activity; as of October 2014 at least 14 were jailed for refusing to pay fines for not applying for state permits. A Baptist refused to pay three fines in two years for unauthorized worship meetings; he was jailed for

bans on 14 texts that courts deemed to “reject fundamental teachings of Christianity.”

Concerns of UN Special Rapporteurs

UN Special Rapporteur on Freedom of Religion or Belief Heiner Bielefeldt visited Kazakhstan for 11 days

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five days in 2014 and is banned from exiting the country. There are 25 Council of Churches Baptists who refuse to pay fines for unregistered religious activity and are on the Justice Ministry’s list of debtors unable to leave Kazakhstan. Jehovah’s Witnesses also have been prosecuted for committing this “offense.” An Almaty-based Imam’s fine of two months’ average wages for leading an unregistered mosque was overturned in April 2014 because, although unregistered, the mosque was affiliated with the semi-official Muslim Board.

Increased Government Control of Muslims

The Muslim Board, which is closely tied to the Kazakh government, oversees mosque construction, theological exams and background checks for aspiring imams, and *haji* travel. It reportedly requires aligned mosques to transfer one-third of their incomes to it and pressures non-aligned imams and congregations to join or face mosque closures. Increased official surveillance of mosques has fueled popular resentment and official discrimination, particularly in western Kazakhstan.

Restrictions on Religious Materials

There are few bookshops that in the government’s view meet the religion law’s strict requirements for selling religious texts. For example, only Hanafi Sunni materials can be sold. Cases against four Council of Churches Baptists in the Akmola Region for “illegally” distributing religious literature were dismissed in April 2014 due to tardy filings. In May 2014, a commercial bookseller in the Atyrau region was fined one month’s average wages for the unlicensed selling of Islamic books. Jehovah’s Witnesses failed in all their legal challenges of import

in March and April 2014. In a public statement at the end of the visit, he expressed concern “that non-registered religious groups can hardly exercise any collective religious functions in Kazakhstan.” He also noted that he had heard “credible stories about police raids... of some non-registered groups, leading to confiscation of literature, computers and other property.” In January 2014, Special Rapporteur Bielefeldt and five other UN human rights experts (on the promotion and protection of the right to freedom of opinion and expression; on the rights to freedom of peaceful assembly and of association; on the situation of human rights defenders; on the independence of judges and lawyers; and on minority issues) expressed concern about religious freedom abuses, such as punishments for missionary activity, police raids on religious communities, and bans on religious publications, with a particular focus on Jehovah’s Witnesses. Special Rapporteur on Freedom of Assembly and Association Maina Kiai visited the country in January 2015 and noted that, although the right to freedom of association is constitutionally guaranteed, “a web of laws and practices limit the real-world freedom, . . . [including] of religious associations to operate.”

U.S. Policy

After the Soviet Union’s collapse, the United States was the first country to recognize Kazakhstan’s independence, and is now the largest direct foreign investor in Kazakhstan’s economy. Key bilateral issues include regional security, including stabilization efforts for Afghanistan, and nuclear nonproliferation. As the site of many Soviet nuclear tests, Kazakhstan plays a leading

role in nuclear security; in 1991, President Nazarbayev closed down the Semipalatinsk nuclear test site. The two countries discuss these and other bilateral issues – such as regional cooperation, democratic reform, rule of law, human rights, civil society, economic development, energy, science, technology, and people-to-people contacts – through the U.S.-Kazakh Strategic Partnership Dialogue (SPD), which was set up in 2012. There are working groups on key issues.

The third SPD was held in December 2014, chaired by Kazakhstani Foreign Minister Erlan Idrissov and

three Yemenis and two Tunisians held for more than a decade at the U.S. military prison at Guantanamo Bay were flown to Kazakhstan for resettlement in December 2014, the Pentagon reported.

Recommendations for U.S. Policy

USCIRF recommends that the U.S. government should:

- Urge the Kazakh government to adopt the recommendations of UN Special Rapporteurs on Freedom of Religion or Belief and on Freedom of Association

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Secretary of State John Kerry. Both sides highlighted cooperation on counterterrorism and peacebuilding. The joint SPD statement noted that the United States welcomed Kazakhstan’s hosting in Astana of the 5th Congress of Leaders of World and Traditional Religions in June 2015. The main theme of this Congress – held since 2003 – is the dialogue between political and religious leaders “in the name of development and peace.” The statement also took positive note of its creation of a new Consultative and Advisory Body, “Dialogue Platform on Human Dimension,” a government-civil society effort to recommend human rights improvements. The joint SPD statement affirmed cooperation on nuclear nonproliferation and security, democracy, and strengthening civil society; no mention was made of religious freedom.

Kazakhstan and the United States also have entered into a five-year plan to strengthen military cooperation through capacity-building programs. Deputy Assistant Secretary of State for South and Central Asia Affairs Dan Rosenblum said in a January 2015 VOA interview that Kazakhstan’s government had shown interest in receiving excess U.S. military mine-resistant and armored vehicles. In 2014, Kazakhstan and the United States initialed a draft treaty on mutual legal assistance in criminal matters, which is supposed to be signed in 2015. In a move that may be part of such expanded law enforcement cooperation,

and Assembly issued after their recent visits to Kazakhstan regarding legal reform and change of enforcement policies;

- Call on the Kazakh government to use the Congress of Leaders of World and Traditional Religions to invite a representative array of religious communities peacefully residing within Kazakhstan, including minority religious groups;
- Urge the Kazakh government to agree to visits by the three OSCE Personal Representatives on Tolerance, set a specific date for a joint visit, and provide the full and necessary conditions for such visits;
- Ensure that the Strategic Partnership Dialogue includes discussion of concerns about freedom of religion or belief, and include in public statements and private interactions with the Kazakh government advocacy for the release of religious prisoners;
- Ensure that the U.S. Embassy maintains active contacts with human rights activists and press the Kazakh government to ensure that every prisoner has greater access to his or her family, human rights monitors, adequate medical care, and a lawyer;
- Encourage the Board for Broadcasting Governors to ensure continued U.S. funding for RFE/RL’s Uzbek Service website, Muslims and Democracy, and consider translating this material into Kazakh; and

- Use funding allocated to the State Department under the Title VIII Program (established in the Soviet-Eastern European Research and Training Act of 1983) for research, including on human rights and religious freedom in former Soviet states, and language training.