



## UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

# ISSUE UPDATE: KAZAKHSTAN'S RELIGION LAW AMENDMENTS

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### USCIRF's Mission

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*To advance international  
freedom of religion or  
belief, by independently  
assessing and unflinchingly  
confronting threats to this  
fundamental right.*

## Recent Changes to the 2011 Law "On Religious Activities and Religious Associations"

*By Mollie Blum, Researcher*

### Overview

Kazakhstan regulates religious practice through its 2011 law "On Religious Activities and Religious Associations" (religion law). Since the law's passage more than 10 years ago, religious freedom conditions in Kazakhstan have deteriorated significantly, despite official efforts to *promote* the perception of religious tolerance. In recent years, the U.S. government has engaged with the government of Kazakhstan to encourage reform of its religious regulations to bring them in line with international standards and the country's human rights commitments. After a series of discussions carried out under the auspices of the U.S.-Kazakhstan Religious Freedom Working Group between 2019 and 2021, Kazakh officials stated that they would consider implementing some of the resulting recommendations to improve religious freedom conditions in the country. Despite these engagements and assurances, in December 2021, Kazakhstan passed amendments to the religion law that did not include substantive reforms and in some ways further restricted freedom of religion or belief.

This report summarizes problematic aspects of Kazakhstan's religion law and its recent amendments to that law, and details how authorities use this legislation to target and regulate religious groups. The report concludes with policy recommendations for the U.S. government to continue to promote religious freedom in the context of its bilateral relationship with Kazakhstan.

### Background on Legislation

#### Registration

The law "*On Religious Activities and Religious Associations*" permits extensive government control of religious activities and enables official discrimination against those who do not adhere to a "traditional religion," a privileged albeit unofficial status generally reserved for religions such as Hanafi Islam and Orthodox Christianity. Restrictions under the law are wide-ranging. First, all religious groups must register with the state as "associations." Those groups that refuse to register, cannot register, or do not receive registration are considered illegal and are not permitted to engage in religious activity—a prohibition that has made it difficult for groups seeking registration to meet for fear that authorities will perceive such actions as "unauthorized" and illegal religious activity. Moreover, the registration process entails numerous steps and is in many ways arbitrary, as groups must be able to attain a membership quota

to qualify for registration. Local religious associations must have at least 50 members located within the same region, while regional associations must have at least 500 members across two regions. In order to obtain registered status at the national level as a “republican religious association,” a group must be able to attain a minimum of 5,000 members. Only regional and republican religious associations are allowed to establish religious educational institutions, including training programs to prepare clergy.

The religion law also regulates where religious activities can take place. Religious associations cannot hold activities within or in the vicinity of government buildings, including schools, police stations, and military bases. Sources have shared that they have experienced difficulty finding a location for religious meetings that complies with these restrictions.

### **Restrictions on Religious Literature and Missionary Activity**

Another requirement of the religion law is that religious groups submit their religious literature and other materials for theological examination by “experts” appointed by the state who have competence in religious studies. The religion law mandates that only religious material that has been reviewed and approved by theological experts can be imported, produced, and distributed. Generally, officials have defined “religious materials” as religious literature, informational materials with religious content, and religious objects.

The government also places restrictions on missionary activities, requiring missionaries to register with the state and granting authorities 30 days to approve or deny registration requests. Yet, the required theological review of religious materials used during missionary activities allows authorities to indefinitely suspend the 30-day period. Missionaries are also required to reregister with the state annually, while foreigners must take additional steps in order to gain registration. The state requires that foreign missionaries present an invitation to conduct missionary activities from a religious association registered in Kazakhstan.

### **Criminal and Administrative Penalties**

The penal and administrative codes provide for a range of possible punishments for violating Kazakhstan’s religious regulations. For example, Article 174 of the penal code, which serves to *criminalize* blasphemy, states that an individual who incites religious hatred or insults religious feelings may be fined between 2,000 and 7,000 monthly calculation indices (MCI)—equivalent to 6,126,000 tenge

(\$13,000) and 21,441,000 tenge (\$46,000). Violators may additionally face two to seven years’ imprisonment, with punishments increasing to between five and 20 years for those acting within a group or organization deemed criminal.

In many cases, the administrative code provides for fines in instances where individuals have violated the country’s religion law. Persons found to be “leading, participating in the activities of unregistered public religious associations, or financing their activities” are liable to face fines between 50 and 100 MCI (approximately \$325–\$650). Persons found in violation of other aspects of the religion law, such as its provisions related to the distribution of religious literature or the conduct of missionary activity without registration, also can receive fines between 50 and 100 MCI. In the event the head of a religious association or the religious association itself is found to have committed the same violation, authorities can assess higher fines.

### **New Amendments to the Religion Law**

On December 29, 2021, President Kassym-Jomart Tokayev *approved* a series of amendments to the religion law, which came into effect on January 9, 2022. Generally, those changes did little to reform the government’s restrictive approach to religious practice. Although some of the amendments were presented as improvements, in practice they have preserved many of the very functions they ostensibly sought to modify.

#### **“Notification” System**

The bulk of recent changes to the religion law concerned Article 7 on “Religious Rites and Ceremonies” and introduced a notification system to replace an earlier requirement that religious associations obtain permission to hold an event outside of their registered place of worship. However, the “notification” process remains essentially an application for permission, as it requires religious groups to provide in-depth details about the circumstances of the event at least 10 working days in advance. Required details include information pertaining to the purpose of the event, the organizing religious association, the premises, dates and timelines, and the route of movement. After receiving the notification, the state can take up to five days to inform the organizer if the event does not comply with various requirements or regulations. The religious group is then permitted two days to submit any revisions, after which, the state can send a final refusal within just two days of the event. This process makes it difficult for religious associations to plan such events with any degree of confidence given the possibility of such short notice denials.

Although the law has nominally replaced the authorization-based system for these events, it has done so in name only. The amendments preserve the ability of the state to arbitrarily deny and prevent the holding of events outside of registered addresses, a system that can further contribute to the targeting of certain marginalized religious groups. It is unclear how law enforcement will interpret and enforce the “notification” system, but it could jeopardize the religious freedom of groups who rent their places of worship. If facilities are not registered with the state as religious buildings, this amendment has the potential to impact regular meetings held in rented spaces.

The experiences of Jehovah’s Witnesses under this new amendment paints a bleak picture for other groups that also rent their religious facilities. Jehovah’s Witnesses have cited four incidents where they have already been forced to shift their religious activities in consideration of the amendments.

On April 15, 2022, the enforcement of the religion law amendments impacted the annual commemoration of Jesus Christ’s death in three Jehovah’s Witnesses communities across Kostanay region. In Karabalyk, local police intimidated the facility administrator by citing the amendments and saying that she would face “serious trouble,” fines, and disruptions of the event if she continued to plan to hold the commemoration. As a result, the community shifted its planned activity to a videoconference. As of May 2022, the Karabalyk community has been able to resume in-person meetings. On the same day in the city of Kostanay, a facility manager reneged on an agreement to rent his venue to Jehovah’s Witnesses for their commemoration event after the state required the manager get permission for the event from local authorities, once more citing the newly amended religion law. As a result, the Jehovah’s Witness community moved its event to a videoconference. In two other Kostanay houses of worship, Jehovah’s Witnesses have been able to hold in-person meetings as usual. In an additional case, police officers interrupted the same annual commemoration event in Kachar, Kostanay, taking six Jehovah’s Witnesses to the police station for questioning. Citing the new amendment, officers then demanded that the owner of the building stop renting the facilities to Jehovah’s Witnesses. In-person meetings resumed in November 2022.

On June 12, 2022, in Atbasar, Aqmola, police disrupted a meeting of Jehovah’s Witnesses before it was scheduled to begin. Police then brought a Jehovah’s Witness to the station and issued him a warning for violating the new religion law amendment.

### **Membership Thresholds**

Article 12 of the religion law on the “Status of Religious Associations” was amended to nominally address membership thresholds for registration at the regional level. Previously, a religious group seeking registration at the regional level was required to have 500 total members, with at least 250 members in each of two different regions. With this amendment, there is no longer a threshold requirement for a certain number of members to come from a specific region, although the general threshold remains at 500 people.

### **Expert Examination**

According to the religion law, expert examinations of religious materials are required both for groups seeking to register and groups that are already registered but seek to distribute new religious materials. Expert examinations are conducted by government-approved religious scholars who are tasked with determining whether the religious materials of a particular group are “extremist.” Article 1 of the 2021 amendments clarified the definition of religious materials, defining them as any source of religious content that comes printed, electronically, or in any other form.

These “expert” reviews are often used to ostracize religious minority groups by falsely claiming that they are extremist and detrimental to society. Such reviews are often publicized and amplified by state media, which causes backlash at a societal level. There are reports that members of certain religious groups face harassment at school or lose clients and opportunities at work due to the impact of these “expert” assessments. Some religious communities cite the negative impact of these theological reviews in their decision to not pursue official registration.



## UNITED STATES COMMISSION *on* INTERNATIONAL RELIGIOUS FREEDOM

### Conclusion

While Kazakhstan's engagement with the U.S. government on religious freedom reform and initial efforts to introduce some changes have been a welcome overall development, the resulting amendments were disappointing in their scope and failed to materially improve the space for religious freedom in the country. The government of Kazakhstan has shared that it remains committed to religious freedom reform, with a focus in the near term on amending the administrative code to reduce punishments for those who violate the religion law. Such changes would mark a significant step forward for religious freedom conditions in Kazakhstan and reinvigorate the U.S.-Kazakhstan Religious Freedom Working Group, which has served as a key forum for dialogue on these issues.

As the U.S. government continues to engage with Kazakhstan on religious freedom reforms, the United States should continue to advocate for additional amendments to the religion law. This includes the repeal of provisions related to the mandatory registration of religious groups or, at the very least, a reduction in the required number of founding members currently set at 50 for local religious associations. Any new amendments should also seek to reduce the amount of personal information collected from founding members and ensure that such information is protected and not used to discriminate against or harass individuals. Similarly, unregistered religious activity should not be penalized in Kazakhstan. Finally, the U.S. government should continue to push for an end to the mandatory expert review of religious materials and encourage officials in Kazakhstan to repeal or amend provisions of the criminal and administrative codes that punish peaceful religious activities, including Article 174 of the penal code criminalizing blasphemy.

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The U.S. Commission on International Religious Freedom (USCIRF) is an independent, bipartisan federal government entity established by the U.S. Congress to monitor, analyze, and report on religious freedom abroad. USCIRF makes foreign policy recommendations to the President, the Secretary of State, and Congress intended to deter religious persecution and promote freedom of religion and belief.