

## **THE INSTITUTE on Religion and Public Policy: Religious Tolerance in Kazakhstan**

### **Executive Summary:**

(1) The state of Kazakhstan has a number of constitutional protections of religious freedom but in practice, these laws are either poorly enforced or arbitrarily applied. During the reporting period, there have been reports of religious groups who have fallen victim to property raids, as well as subject to unlawful fines and mischarged crimes. Furthermore, the government requires all religious organizations and missionaries to register in order to legally practice but registration can be arbitrary. Currently there are thousands of small, unregistered religious groups who face many obstacles, especially by the local government. The President of Kazakhstan has spoken of his commitment to improve the situation for religious groups in the country but as of June 2011, there have been few tangible improvements. The international community continues to push the government to change its Religion Laws and bring them in closer alignment with constitutional protections and international commitments.

### **THE INSTITUTE on Religion and Public Policy:**

(2) Nominated multiple times for the Nobel Peace Prize, THE INSTITUTE on Religion and Public Policy is an international, interreligious nonprofit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. THE INSTITUTE works globally to promote fundamental rights, and religious freedom in particular, with government policy makers, religious leaders, business executives, academics, non-governmental organizations and others. THE INSTITUTE encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

### **History and Religious Demographics of Kazakhstan:**

(3) Historically, Kazakhstan consisted of a mixture of tribal Mongols and Turks before it became part of the Soviet Union in 1936. During this time, Russian immigrants migrated to Kazakhstan in large numbers because the Soviet government encouraged land cultivation in the northern territories. After gaining independence in 1991, many of the Russians returned to their homeland but others remained. While Kazakhstan was under Soviet rule, religion was prohibited and therefore Islam did not resurface until after independence. The country is 53% ethnic Kazakhs, 30% Russian, and the remainder is a mixture of Ukrainian, Uzbek, German, Tatar, Uighur, and other.<sup>1</sup> Religiously, the country is 65% Muslim, 33% Russian Orthodox Christian, 1% Protestant, and 1% other.<sup>2</sup>

(4) The constitution provides for the freedom of religion, but individuals must register with a religious organization in order to practice. Government interference in religious activities is not rare. There have been ongoing reports of law enforcement agents prosecuting nontraditional religious groups. In recent years the government has discussed prioritizing the fight on religious extremism and the number of groups accused of radical beliefs has increased. There were no reports of government abuse of

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<sup>1</sup> CIA World Factbook: Kazakhstan. <https://www.cia.gov/library/publications/the-world-factbook/geos/kz.html>.

<sup>2</sup> US State Department: International Religious Freedom Report 2010. <http://www.state.gov/g/drl/rls/irf/2010/148793.htm>.

legitimate religious groups in the name of countering terrorism. Generally, the major religions in the country—Islam, Russian Orthodox Christianity, and Roman Catholicism—are given fundamental rights and do not often report government interference. Minority religious groups such as Evangelical Christians, Scientologists, Krishnas, and Ahmadis receive negative media coverage and suffer from government intolerance.<sup>3</sup>

(5) According to a US State Department report, there are low reported levels of religiosity in Kazakhstani society due to its Soviet past. However, there are a large number of registered religious organizations and buildings. In 2010 there were 2,369 registered mosques, 299 Russian Orthodox Christian churches, and 543 Protestant churches, among others. Despite the fact that less than 1% of the nation is Catholic, there are 83 registered Catholic churches as well. There are thousands of registered religious organizations. For a small number of organizations, their national leadership rejects registration requirements and thus does not allow them to apply.<sup>4</sup>

#### **Legal Status:**

(6) The governmental structure is an authoritarian presidential rule, with very little power given to the legislative or judicial branches. The current head of state is President Nursultan Nazarbayev and the head of government is Prime Minister Karim Masimov.<sup>5</sup> The constitution defines Kazakhstan as a secular state in which all individuals have the right to refuse religious affiliation. However, the Religion Laws in place limit the freedoms that the Constitution provides, including mandatory registration to practice religion. To register, a group must have a minimum of 10 members and apply to the Ministry of Justice. Once registered, an individual is free to practice alone or with others. Although larger groups face little to no government interference, minority groups report significant delays. Delays include government requests to fix certain aspects of the application requirements. Local authorities, however, have reportedly attempted to limit religious practices, especially those of Evangelical Christians, Jehovah's Witnesses, Scientologists, and Muslims not associated with the major Muslim organizations. The Law of Public Associations states that registered organizations can legally have activities suspended by court order for a period of 3-6 months if they disobey the Constitution and its laws or if they pursue actions that fall outside their registration charter. Also, an organization can be brought to court for breaking any laws by a civilian, police, or a hired representative, therefore religious organizations are at the mercy of the public. Terms of suspension include a ban on speaking to media, meeting as a group, and spending or using money outside continual payments such as rent or salaries.<sup>6</sup>

(7) Under administrative code article 375, authorities have the right to adjourn activities of all unregistered religious groups. Following that, administrative article 374-1 adds heavier fines as penalties than were originally in place in 2005. Local authorities are given a large amount of personal judgment when enforcing these laws, which can have detrimental affects on non-traditional, minority groups. There is a Religious Issues Committee that mediates between the government and religious organizations with registration, court testimony on religious matters, reviewing evidence, and coordinating monitors. Reportedly, several pastors of unregistered groups have been fined and then imprisoned for refusal to pay the fines, then released after a maximum of 3 days.<sup>7</sup>

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<sup>3</sup> US State Department: International Religious Freedom Report 2010. <http://www.state.gov/g/drl/rls/irf/2010/148793.htm>.

<sup>4</sup> US State Department: International Religious Freedom Report 2010. <http://www.state.gov/g/drl/rls/irf/2010/148793.htm>.

<sup>5</sup> CIA World Factbook: Kazakhstan. <https://www.cia.gov/library/publications/the-world-factbook/geos/kz.html>.

<sup>6</sup> US State Department: International Religious Freedom Report 2010. <http://www.state.gov/g/drl/rls/irf/2010/148793.htm>.

<sup>7</sup> US State Department: International Religious Freedom Report 2010. <http://www.state.gov/g/drl/rls/irf/2010/148793.htm>.

(8) The government of Kazakhstan has made the fight against extremism a top priority, according to statements by its Committee for National Security. A 2005 extremism law allows the government to broadly define the term “extremism” and apply it to whichever groups it determines. Only one group, the Hizb ut-Tahrir, has been banned in the country thus far.<sup>8</sup>

(9) Missionary activity that is unregistered is illegal in Kazakhstan and on March 1, 2010 a new rule was established requiring foreigners to obtain a special missionary visa in the country. There is no religious education permitted in public schools, and home schooling cannot be undertaken for religious reasons. However, there are supplemental religious classes available with approval from the Ministry of Education. The national Religion Law states that additional religious education cannot interfere with the child’s developmental, physical, or moral health. There are no further clarifications for defining such interference.<sup>9</sup>

(10) The 2007-2009 Program for Ensuring Religious Freedom and Improvement of Relations between the Government and Religions provided guidelines for permitted religious activity, preventing extremism, increasing stability, and regulating missionary work further. Additionally, the National Action Plan on Human Rights for 2009-2012 asks that by 2011 the country amend its religious laws to bring them closer in line to international standards, but as of June 2011, they have yet to be updated.<sup>10</sup>

(11) In 2009, the President upheld the Constitutional Court’s decision to block an attempted change in legislation that would impose stricter requirements upon religious communities and make religious registration more challenging. The President spoke publically against the laws but religious groups remain wary. Both the President and the members of the Court expressed belief that sometime in 2011 or 2012 the changes will be re-examined.<sup>11</sup>

(12) Kazakhstan held the chairmanship of the Organization for Security and Co-operation in Europe (OSCE) in 2010. During this time it was asked many times to improve its human rights condition, especially in regards to religious freedom. In response, the government made many vague promises to the international community. However, Kazakhstan has not changed its legal code to comply with international standards. In June 2010 the OSCE led a High Level Conference on Tolerance and Non-Discrimination in which the US and 56 other member states’ representatives were in attendance. The aim was to develop a strategy for improving tolerance, non-discrimination, and inter-cultural dialogue. At this conference, Kazakhstan’s own issues were discussed and the President made promises for change. OSCE officials added that mere tolerance was not sufficient, but rather insisted that acceptance and the protection of rights was necessary. At the end of the conference, the group wrote and signed the Astana Declaration on Tolerance and Non-Discrimination, which states that legislation and national institutions must work to increase respect for human rights and interreligious understanding.<sup>12</sup> In January 2011 the government amended the criminal code but left the administrative code, under which religious issues fall, unchanged.<sup>13</sup>

(13) There were no reported cases of religious prisoners in jail for crimes violating the articles, nor were there reports of forced conversions. Kazakhstan has 4,453 registered religious groups. Generally,

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<sup>8</sup> US State Department: International Religious Freedom Report 2010. <http://www.state.gov/g/drl/rls/irf/2010/148793.htm>.

<sup>9</sup> US State Department: International Religious Freedom Report 2010. <http://www.state.gov/g/drl/rls/irf/2010/148793.htm>.

<sup>10</sup> US State Department: International Religious Freedom Report 2010. <http://www.state.gov/g/drl/rls/irf/2010/148793.htm>.

<sup>11</sup> KAZAKHSTAN: "This is not the end of the attempt to adopt such a law".

<http://www.forum18.org/Archive.php?query=kazakhstan&religion=all&country=all&results=10&page=2>

<sup>12</sup> OSCE High-level Conference on Tolerance and Non-Discrimination. [kazakhembassy.nl/uploads/newsbulletinspecial31.pdf](http://kazakhembassy.nl/uploads/newsbulletinspecial31.pdf).

<sup>13</sup> Kazakhstan: Unfulfilled Pledges to Protect Freedom of Expression. <http://humanrightshouse.org/Articles/16019.html>.

societal respect for other religions is widespread, but sometimes members of society are wary of minority religious groups. The legal cases cited above, however, illustrate that there is room for improvement in the legal code if the President and his government are willing to put the changes into action.<sup>14</sup>

### **Specific Instances of Discrimination:**

(14) In Aktau, a teacher lost his job and was fined because he handed out a religious book to a student. On June 9, 2010 in the Kyzylorda district the New Life Protestant church had its activities suspended for six months and had its pastor fined for unregistered missionary activity. Tashenov, the pastor, was fined and suspended because he led a prayer meeting in a region next to the one where they were registered; and the local authorities said that registration does not carry over into the rest of the country.<sup>15</sup>

(15) In December of 2009, Pastor Kim of the Protestant Church was charged for “damaging the health of a woman” because he prayed for her during an illness, although she specifically asked him to.<sup>16</sup> In addition, in 2009 there were also reports of Christian-run drug rehabilitation centers being shut down. A Muslim schoolteacher was asked to not wear her hijab, but she continued to wear it without punishment despite being pressured to remove it.<sup>17</sup>

(16) On March 11, 2010 in Taraz an Adventist named Aleksandr Orponidi was given fines because of his “inappropriate upbringing of a 12-year-old child” because she did not go to school on Saturdays for her religious beliefs. Additionally, there were reports that local police broke up religious events in private homes although it is legally permitted to worship in private. Sometimes police officials will attend religious gatherings without invitation to presumably monitor the group’s activities. Often, if a group is unregistered their events will be discovered and broken up by officials. Foreigners are assumed to be doing missionary work if they act religious in any way, so they may face fines or deportation unless they officially register for a missionary visa, regardless of their true intention.<sup>18</sup>

(17) Additionally, the government sponsors an NGO entitled “Assistance to Victims of Totalitarian Sects” which openly defines nontraditional religious groups as sects and implies that they have a negative impact on society. On January 20, 2010 the government punished Zhana-Teresa Raudovich with fines the equivalent of one hundred times the lowest monthly income of a citizen because she held an unregistered religious meeting.<sup>19</sup> April 9, 2010 in Akmora the courts gave Valeriy Tverdokhlebov a prison sentence of four years because he supposedly incited terrorism as a member of a Salafi Islamic group, but he announced during the trial that he confessed while being tortured.<sup>20</sup>

(18) In October of 2009, the court in Almaty charged the President of the Scientology church of engaging in illegal commercial acts and was given a probation of 3 years. According to the judge, the church was illegally receiving money from literature sales and did not pay the required taxes. The evidence was found during an arbitrary raid on the church. In many other similar cases, raids are conducted and then

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<sup>14</sup> US State Department: International Religious Freedom Report 2010. <http://www.state.gov/g/drl/rls/irf/2010/148793.htm>.

<sup>15</sup> US State Department: International Religious Freedom Report 2010. <http://www.state.gov/g/drl/rls/irf/2010/148793.htm>.

<sup>16</sup> Forum18: There is No Persecution in Kazakhstan.

<http://www.forum18.org/Archive.php?query=kazakhstan&religion=all&country=all&results=10&page=2>

<sup>17</sup> Forum18: There is No Persecution in Kazakhstan.

<http://www.forum18.org/Archive.php?query=kazakhstan&religion=all&country=all&results=10&page=2>

<sup>18</sup> US State Department: International Religious Freedom Report 2010. <http://www.state.gov/g/drl/rls/irf/2010/148793.htm>.

<sup>19</sup> US State Department: International Religious Freedom Report 2010. <http://www.state.gov/g/drl/rls/irf/2010/148793.htm>

<sup>20</sup> US State Department: International Religious Freedom Report 2010. <http://www.state.gov/g/drl/rls/irf/2010/148793.htm>

evidence emerges that finds the religious group guilty of violating articles 374 or 375. If they refuse to pay the fines, the government will confiscate items of their property.<sup>21</sup>

(19) Most recently, on June 7, 2011, two Protestants were charged with unregistered religious activity and fined 100 times the monthly minimum wage. Additionally, a Muslim Ahmadi mosque was closed down due to vague land code violations. It appears that the mass media in the country is also continuing to display anti-sect propaganda, calling all minority groups dangerous and unnecessary for the country.<sup>22</sup>

#### **US Foreign Policy:**

(20) The United States has spoken with the government of Kazakhstan on numerous occasions regarding increasing their level of religious tolerance and addressing human rights concerns. Specifically, the US wants the government to amend the areas of the Religion Laws that are inconsistent with the constitution. The ambassador has spoken publically and privately on the matter and with government officials, reminding the leaders of their international commitments. Furthermore, US officials meet with religious groups to discuss complaints and possible improvements. Senior Department of State officials have discussed changes with embassy officials and they have connected religious groups with legal resources to help them with complicated registration requirements.<sup>23</sup>

#### **Conclusion:**

(21) The government of Kazakhstan needs to improve the situation for religious groups (especially minority religions), as seen by the numerous cases of discrimination cited above. Although the president has spoken publically about changing the Religion Laws and lowering obstacles to free religious practice, he has not followed through with these promises yet. Religious groups that are registered can officially practice, and there are many freedoms provided to them, but the practice of registering religious organizations is discriminatory by nature. There are many more laws and law enforcement practices that can be improved in the future. Religious freedoms are not entirely protected and the country must improve its human rights situation in order to be considered a tolerant and non-discriminating country.

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<sup>21</sup> US State Department: International Religious Freedom Report 2010. <http://www.state.gov/g/drl/rls/irf/2010/148793.htm>.

<sup>22</sup> Forum18: Ahmadi Muslim mosque closed, Protestants fined 100 times minimum monthly wage. <http://www.forum18.org/Archive.php?query=kazakhstan&religion=all&country=all&results=10&page=2>

<sup>23</sup> US State Department: International Religious Freedom Report 2010. <http://www.state.gov/g/drl/rls/irf/2010/148793.htm>.