



Kazakhstan

International Religious Freedom Report 2008

Released by the Bureau of Democracy, Human Rights, and Labor

The Constitution provides for freedom of religion, but the Government's religion laws narrow the legal protections of religious freedom found in the Constitution.

The status of government respect for religious freedom held steady during the period of this report; however, a new government initiative included criticism of "nontraditional religious groups" and called for new legislation to increase control over missionaries and the dissemination of religious materials. In addition, high-level government officials publicly criticized foreign missionaries and minority religious groups. There was no change in the laws governing religious activity, but at the end of the reporting period, Parliament was considering proposed legislation which, if adopted as drafted, would restrict religious freedom. The Government's enforcement of current laws led to continuing problems for some unregistered groups, as the law imposes mandatory registration requirements on missionaries and religious organizations. While the majority of religious communities worshipped largely without government interference, local officials attempted on occasion to limit the practice of religion by some minority groups.

There were no reports of societal abuses based on religious affiliation, belief, or practice. Muslim, Russian Orthodox, Roman Catholic, and Jewish leaders reported high levels of acceptance in society. Some minority religious groups, including evangelical Christians, Jehovah's Witnesses, and Scientologists, faced increasingly negative media coverage.

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights. The Ambassador and other U.S. officials at all levels engaged in private and public dialogue at all levels to urge that proposed amendments to the religion laws be consistent with the country's constitutional guarantees of religious freedom and with its international commitments. U.S. government officials visited religious facilities, met with religious leaders, and worked with government officials to address specific cases of concern. Embassy officials maintained contact with a broad range of religious groups and religious freedom advocates.

Section I. Religious Demography

The country has an area of 1,052,540 square miles, and a population of 15.4 million, according to 2007 government statistics. The society is ethnically diverse, and many religious groups are represented. Due in part to the country's nomadic and Soviet past, many residents describe themselves as nonbelievers; surveys from past years suggested low levels of religious conviction and worship attendance. The Government maintains statistics on the number of registered congregations and organizations but not on the size of each group. The most recent reliable statistics on religious affiliation are based on the 1999 census. Although there was a large increase in the number of minority religious congregations registered since 1999, the Government believes that percentages of the population belonging to particular religious groups have remained consistent.

Ethnic Kazakhs, who constitute just over half of the population, and ethnic Uzbeks, Uighurs, and Tatars, who collectively comprise less than 10 percent, are historically Sunni Muslims of the Hanafi school. Other Islamic groups that account for less than 1 percent of the population include Shafi'i Sunni (traditionally associated with Chechens), Shi'a, Sufi, and Ahmadi. The highest concentration of self-identified practicing Muslims is located in the southern region bordering Uzbekistan. There were approximately 2,200 registered mosques, all of them affiliated with the Spiritual Association of Muslims of Kazakhstan (SAMK), a national organization with close ties to the Government.

Approximately one-third of the population, comprising sizeable numbers of ethnic Russians and smaller populations of ethnic Ukrainians and ethnic Belarusians, are Russian Orthodox by tradition. There were 257 registered Russian Orthodox churches. Members of a Roman Catholic archdiocese include many ethnic Ukrainians and ethnic Germans and account for 2 percent of the population. An estimated 1.5 percent of the population is ethnic German, many of whom are Roman Catholic or Lutheran. The Government reported 82 registered Roman Catholic churches and affiliated organizations throughout the country. A smaller, affiliated community of Greek Catholics, many of whom are ethnic Ukrainians, had four registered churches.

According to government statistics, Protestant Christian congregations outnumber Russian Orthodox or Roman Catholic congregations, although it is unlikely that Protestant Christians account for a larger number of adherents. The Government reported 964 registered Protestant Christian organizations with 546 places of worship during the reporting period.

There are two Baptist groups in the country, the Union of Evangelical Christians and Baptists ("Union of Baptists"), with an estimated 10,000 adherents and 227 registered groups, and the Council of Churches of Evangelical Christians and Baptists ("Council of Churches") with up to 1,000 adherents. The Council of Churches Baptists refuse on principle to register.

Other Christian religious groups with a sizable number of congregations include Presbyterians, Lutherans, and Pentecostals, as well as Jehovah's Witnesses and Seventh-day Adventists. Smaller communities of Methodists, Mennonites, and Mormons are also registered.

A Jewish community, estimated at well below 1 percent of the population, has synagogues in Almaty, Astana, Ust-Kamenogorsk, and Pavlodar.

Government statistics included 43 other registered religious groups during the reporting period, including 4 registered Buddhist groups, 11 affiliates of the Hare Krishna movement, as well as Baha'is, Christian Scientists, and the Unification Church.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution provides for freedom of religion. It defines the country as a secular state and provides the right to decline religious affiliation.

The Government's religion laws narrow the legal protections of religious freedom found in the Constitution, and 2005 amendments to the laws reinforce registration requirements. They also clarify that religious groups must register with both the central Government and local governments of individual regions (oblasts) in which they have congregations. To register, a religious organization must have at least ten members and submit an application to the Ministry of Justice (MOJ). Religion legislation continues to provide that all persons are free to practice their religion "alone or together with others."

The Government may deny registration based upon an insufficient number of adherents or inconsistencies between the provisions of a religious organization's charter and the law. In addition, under the Law on Public Associations, a registered organization, including a religious group, may have all activities suspended by court order for a period of 3 to 6 months for defiance of the Constitution or laws or for systematic pursuit of activities that contradict the charter and bylaws of the organization as registered. Police, procurators, and citizens may petition a court to suspend the activities of a registered organization for failure to rectify violations or for repeated violations of the law. During a suspension, the organization concerned is prohibited from speaking with the media on behalf of the organization; holding meetings, gatherings, or services; and undertaking financial transactions other than meeting ongoing contractual obligations such as paying salaries.

Administrative Code Article 375 allows authorities to suspend the activities and fine the leaders of unregistered groups; Article 374-1, a related provision added to the Administrative Code by the July 2005 national security amendments, carries significantly heavier fines than Article 375. Running an unregistered religious

organization is subject to a fine of \$973 (116, 800 tenge) and participating in an unregistered religious organization is subject to a fine of \$487 (58,400 tenge). Local authorities have broad discretion in determining whether to file charges for unregistered religious activity under Article 375 or 374-1.

The Religious Issues Committee (RIC), which operates within the MOJ, serves as a liaison between religious groups and the Government. In addition, the RIC serves as a consultative body within the MOJ to facilitate the registration of religious groups. The RIC also provides expert testimony to courts on religious issues, reviews religious materials obtained by law enforcement officials in their investigations, and coordinates with law enforcement officials to monitor compliance with the registration requirements.

During the reporting period, government officials increasingly expressed concern regarding the potential spread of political and religious extremism in the country. The Committee for National Security (KNB) has characterized the fight against "religious extremism" as a top priority of the internal intelligence service. A 2005 extremism law, which applies to religious groups and other organizations, gives the Government broad latitude in identifying and designating a group as an extremist organization, banning a designated group's activities, and criminalizing membership in a banned organization. The Hizb ut-Tahrir (HT) political movement remained the only group banned under the law. No apolitical religious organizations in the country have been outlawed as extremist.

The Government observes Orthodox Christmas and Kurban-Ait as national holidays.

The elections law prohibits political parties based upon ethnicity, gender, or religious affiliation.

The Spiritual Association of Muslims of Kazakhstan (SAMK), headed by the chief Mufti in Almaty, exercises significant influence over the practice of Islam in the country, including the construction of mosques and the administration of exams and background checks for aspiring imams. The SAMK is the primary coordinator of Hajj travel and authorizes travel agencies to provide Hajj travel services to citizens. Religious observers report that the SAMK occasionally pressures nonaligned imams and congregations to join the SAMK in order to ensure liturgical orthodoxy. Notwithstanding SAMK influence and pressure, there were some registered Muslim communities unaffiliated with the SAMK.

Local and foreign missionaries must register annually with the MOJ and provide information on religious affiliation, territory of missionary work, and time period for conducting that work. All literature and other materials to be used to support missionary work must be provided with the registration application; use of materials not vetted during the registration process is illegal. In addition, a missionary must produce registration documents and power of attorney from the sponsoring religious organization to be allowed to work on its behalf. The MOJ may refuse registration to missionaries whose work would be inconsistent with the law, including laws prohibiting the incitement of interethnic or interreligious hatred. Foreign missionaries, like all visitors, are required to register with the migration police and indicate the purpose of their stay. The Constitution requires foreign religious associations to conduct their activities, including appointing the heads of religious associations, "in coordination with appropriate state institutions." Foreigners may register religious organizations; however, the Government requires that the majority of the ten founders of the organization be local citizens.

The Government does not permit religious instruction in public schools. Homeschooling is permitted only in certain circumstances, which do not include religiously based motivations. Parents may enroll children in supplemental religious education classes provided by registered religious organizations.

Under the national religion law, religious training of a child shall not cause damage to a child's all-around development or physical or moral health. The laws do not clarify how such damage should be assessed or which agency would make such a determination. Current educational licensing regulations do not permit religious groups to educate children without approval from the Ministry of Education. In accordance with the regulations, a religious organization whose charter includes provisions for religious education may be denied registration if it does not obtain approval from the Ministry of Education.

The Government exempts registered religious organizations from taxes on both church collections and income from certain religious activities. Congregations are required to pay for services such as fire company

protection for religious buildings. The Government has donated buildings and land, and provided other assistance for the construction of new mosques, synagogues, and Russian Orthodox churches.

Procurators have the right to inspect annually all organizations registered with state bodies and they regularly conducted such inspections.

The 2007-09 Program for Ensuring Religious Freedom and Improvement of Relations between the Government and Religions, approved by the Government on December 5, 2007, provides a set of guidelines and plans for the Government's activities in the sphere of religion. Among other things, the program outlines plans for "increasing the stability of the religious situation" and preventing religious extremism through a variety of educational efforts and government-sponsored articles and programs in media outlets. In addition, the program criticizes increasingly active "nontraditional religious groups," for causing tension in interfaith relations and ignoring existing social, cultural, and religious traditions. The program calls for new legislation to increase control over missionaries and the dissemination of religious materials.

The Government continued to express publicly its support for religious tolerance and diversity.

New draft amendments to the laws governing religion under consideration in Parliament would, among other things, establish more restrictive procedures for registering religious organizations; require all existing religious organizations to reregister; prohibit smaller groups from preaching or teaching outside of the group, producing religious literature, or maintaining worship facilities open to the public; and require local government authorization for the construction of a religious facility. In addition, the amendments would significantly increase fines and penalties for violating the law. Human rights activists, religious freedom advocates, and leaders of minority religious groups widely condemned the proposed amendments as a severe restriction on religious freedom. The proposed legislation had not been passed by the end of the reporting period.

Restrictions on Religious Freedom

No apolitical religious groups are banned.

The Hizb ut-Tahrir (HT) Islamist political movement remained banned under the extremism law. Because HT is primarily a political organization, albeit one motivated by religious ideology, and because it does not condemn terrorist acts by other groups, authorities' actions to restrict HT and prosecute its members are not a restriction on religious freedom per se.

Most religious communities choose to register with the Government and are ultimately successful in obtaining registration; however, minority religious groups sometimes reported long delays in the process. When refusing or significantly delaying registration, the Government usually claimed that a group's charter did not meet the requirements of the law or cited the need to refer it for expert theological review.

Although local Jehovah's Witnesses organizations were registered at the national level in Astana and Almaty, and in 13 (of 14) oblasts, the national Jehovah's Witnesses Religious Center, which has attempted since 2001 to register in Atyrau Oblast, remained unregistered. On November 24, 2007, after several months of review, regional Ministry of Justice officials rejected the group's application because it failed to include work phone numbers for some of the founders; the Jehovah's Witnesses reported that the persons in question did not have work phone numbers. The group submitted another application in January 2008; in April 2008 the RIC issued a positive evaluation of the application, but it remained pending at the end of the reporting period.

According to media reports, a Grace Presbyterian Church affiliate was repeatedly prevented from registering in Atyrau Oblast, with the latest denial issued on September 17, 2007.

The majority of religious groups worshiped largely without government interference; however, local and regional officials attempted on occasion to limit or control the practice of religion by several groups, especially minority religious communities such as evangelical Christians, Jehovah's Witnesses, and Muslims not affiliated with the SAMK. The Government applied laws governing unregistered religious groups unevenly during the reporting period.

During the reporting period, the Council of Churches noted several court cases against churchgoers throughout the country for participating in the activities of an unregistered group. The Baptist Council of Churches has a policy of not seeking or accepting registration in former Soviet countries, and church members criticized the intrusive nature of the registration process for requiring information about ethnicity, family status, religious education, employment, and political affiliation.

The Jehovah's Witnesses continued to report cases of government interference with their attempts to conduct ceremonies and other gatherings. On February 9, 2008, in Aktobe, law enforcement officials from multiple agencies interrupted a large religious meeting at a hall owned by the local Jehovah's Witnesses community. The officials alleged that they had received a bomb threat, forced all participants to leave, sealed the building, and reported the discovery of a suspicious substance in the garbage bin outside the building. According to the Jehovah's Witnesses, the police acted roughly, refused to identify themselves, and brought several participants to the police station for questioning. The participants, many of whom had traveled to Aktobe from rural areas, were unable to continue their meeting. On April 7, 2008, the Jehovah's Witnesses received a letter from the local police concluding that the suspicious substance was not explosive material. The Jehovah's Witnesses believed that the bomb threat was fabricated to disrupt their event.

There were reports that local representatives of the KNB or police officials disrupted religious meetings in private homes during the period covered by this report. Several groups reported that local law enforcement representatives attended their services, although their presence generally was not considered disruptive.

While the law is vague on the definition of missionary activity, local authorities frequently interpreted any religious activity by visiting foreigners as missionary activity and expelled those who were not registered as missionaries. On May 24, 2008, police detained U.S. citizen Theodore Jaracz, an 82-year old member of the Governing Body of Jehovah's Witnesses, and Canadian citizen John Kikot following a religious meeting with fellow Jehovah's Witnesses in Almaty. The police alleged that the visitors, who were in the country on a business visa based on an invitation from the Religious Center of Jehovah's Witnesses, violated the terms of their visas by conducting missionary activity without registration. A court affirmed the position of the authorities and ordered their deportation. A subsequent appeal of the case was denied. According to media reports, on April 16, 2008, the Maktaaral District Court in South Kazakhstan Oblast convicted Uzbek citizen Aleksandr Mavlyutov of performing illegal missionary activity for conducting church services at a Presbyterian Church without registering as a missionary. The court fined him \$49 (5840 tenge) and ordered his deportation. On April 20, 2008, the media reported that South Korean citizen E Sun Bok was fined and deported for illegal missionary activities at the Agape Evangelical Christian Church in the Karasai district in Almaty Oblast, following an inspection by local officials which revealed that she was performing religious activities without appropriate registration. According to an April 10, 2008, statement from the Procurator General's Office, 13 foreigners were deported in 2007 and the first half of 2008 for illegal missionary activities.

Where religious groups operated as legal entities, such as collective farms, restaurants, or orphanages, authorities conduct health, sanitation, and other inspections relevant to the nature of the entities' operations. Authorities conducted public safety inspections of premises used for religious worship to ensure compliance with building and fire codes. These inspections also provide authorities with information about the registration status of the groups being inspected.

On January 17, 2008, President Nazarbayev criticized missionaries during a public address, asserting that there were "tens of thousands of missionary organizations" currently working in the country. He stated that such groups should not be allowed to operate freely and called for legislation to stop destructive phenomena such as religious radicalism and extremism. He declared that "religion is separate from the state, but it does not mean that Kazakhstan should become a dumping ground for various religious movements."

During February and March of 2008, several media outlets published or broadcast stories critical of nontraditional religious groups such as evangelical Protestant Christians, Jehovah's Witnesses, Scientologists, and Hare Krishnas, depicting them as dangerous sects harmful to society. On February 15, 2008, the national *Express-K* newspaper published a pseudonymous interview with a KNB officer who spoke extensively about the dangers of sects, claimed that foreign intelligence agents sometimes work undercover as religious missionaries, and equated new Christian and Buddhist organizations with Islamic extremists. Several religious freedom advocates maintained that the negative media stories were sponsored by the Government as part of its program to educate the public about the purported dangers of religious extremism in the country and to lay

the groundwork for amendments to the religion law.

During an April 10, 2008 press conference, a spokesperson for the PGO claimed that there were approximately 1,870 religious organizations in the country that presented a threat to national security and engaged in destructive operations. He said there were more than 40,000 adherents of these groups and cited Scientologists and the New Life Church as specific examples. These statements were later removed from the press conference transcript posted on the PGO website.

The Karasai regional government near Almaty continued a campaign to seize title to land used by the Hare Krishna movement. In contrast to the previous reporting period, local authorities did not demolish Hare Krishna homes, although authorities continued to threaten forcible eviction if the Hare Krishnas refused to leave the Karasai site. The parties continued to negotiate the issue, and local officials offered alternative plots of land to the Hare Krishnas. As of the end of the reporting period, the Hare Krishnas had not accepted these offers, stating that the alternate parcels were of poor quality, unsuitable for their needs, and too distant (15-50 miles) from Almaty. The situation remained unresolved at the end of the reporting period, and the Hare Krishnas continued to allege unfair treatment by local officials and unresponsiveness on the part of the Government. The Government maintained that the dispute was a property dispute unrelated to the religious affiliation of the Hare Krishnas. Several other Hare Krishna communities registered in the country operated without similar problems, although they did not own any property.

Abuses of Religious Freedom

On March 3, 2008, a district court in Shymkent convicted 15 alleged members of a purported Salafi jihadist group of setting up and running a terrorist organization and promoting terrorism, following a closed trial. The defendants received prison sentences ranging from 11 to 19 years. On December 28, 2007, a district court in Karaganda convicted 30 alleged HT members of participating in an illegal extremist organization and inciting ethnic and religious enmity, following a closed trial. The defendants received prison sentences ranging from 18 months to 7 years. Human rights activists criticized the closed nature of the trials and the severity of the sentences. In the former case, they questioned the evidence against the defendants and alleged that the Government was persecuting the defendants for their religious devotion and their independence from the SAMK.

As in the previous reporting period, there were no reports of prolonged detention of members of religious organizations for proselytizing. On occasion, authorities took action against individuals engaged in proselytizing who were not registered as missionaries; however, such actions were limited to the confiscation of religious literature, fines, brief detentions, and deportation.

During the reporting period, the Government investigated an apparent treason case, involving raids, brief detentions, and a tax evasion trial, against leaders of the Grace Presbyterian Church. On August 24, 2007, KNB agents conducted a surprise raid on the Grace Presbyterian Church headquarters in the city of Karaganda, a Grace Church in Ust Kamenogorsk, and several church-owned private homes, seizing documents and computers and questioning church officials. According to observers and media reports, the raid was connected to an unspecified treason investigation involving the head of the church, several of his family members, and an Almaty businessman previously detained on treason charges. The Government released few details of the investigation and forbade church officials from discussing the case. The authorities did not formally detain any church officials or close the churches, although KNB agents and tax inspectors spent several months investigating church records and questioning church leaders and members. On January 25, 2008, the KNB raided a Grace Presbyterian church in Almaty, again seizing financial records and other documents, and computers, and questioning church officials. Some news reports and observers linked the church to associates of Rakhat Aliyev, the former son-in-law of President Nazarbayev who was subsequently convicted in absentia on a number of serious criminal charges, including charges of attempting to overthrow the government. As of the end of the reporting period, no church officials were charged with treason, although church officials and religious freedom advocates remained alarmed at the breadth and scope of the continuing investigation. In May 2008 a local Karaganda court decided against Arina Kim, the wife of Grace Presbyterian Church leader Igor Kim, and judged that she failed to pay taxes on charitable contributions.

There were no further developments following the February 2007 "Operation Religious Extremism" law

enforcement sweep by Northern Kazakhstan Oblast authorities, which resulted in the arrest, brief detention, prosecution and fining of eight pastors and church leaders for violating religious registration laws.

When individuals were found guilty of violating Article 374 or 375 of the Administrative Code, courts imposed a fine. Council of Churches members usually refused to pay fines levied by courts for nonregistration. There were reports that courts enforced payment of fines in several cases by seizing property, including private homes owned by pastors and used for worship.

There were no demolitions of Hare Krishna homes during the reporting period, in contrast to the previous year, in which the Karasai local government outside Almaty forcibly demolished 25 Hare Krishna homes in November 2006 and June 2007 as part of its campaign to seize title to land used by the Hare Krishna movement.

There were no reports of religious prisoners or detainees in the country.

Forced Religious Conversions

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Improvements and Positive Developments in Respect for Religious Freedom

An additional 218 religious groups, including 32 minority groups, registered with the Government during the reporting period. Some groups lost registration status, however.

The Government made efforts to promote religious tolerance in its ranks. Human rights training provided to law enforcement officers by nongovernmental organizations (NGOs) in cooperation with the Government included information on religious rights under the law.

In September 2007 the Government hosted the 2nd Forum of World Religious Leaders in Astana. Twenty nine delegations from more than 20 countries representing Islam, Christianity, Judaism, Buddhism, Daoism and Shintoism, international religious organizations including the World Conference on Religion and Peace, the World Council of Churches, foreign governments, and NGOs attended the forum. The topics for the forum were religious freedom, respect for followers of other faiths, and religious leaders' role in strengthening international security.

In response to concerns about the restrictive nature of the new draft religion law, the Government formally requested expert legal assistance from the Organization for Security and Cooperation in Europe/Office of Democratic Institutions and Human Rights (OSCE/ODIHR). The resulting draft, which was still under consideration at the end of the reporting period, was somewhat less restrictive than the one initially introduced in Parliament.

Section III. Societal Abuses and Discrimination

The country is multiethnic, with a long tradition of tolerance and secularism. Since independence, the number of mosques and churches has increased greatly. However, the population is sometimes wary of minority religious groups and groups that proselytize. There were several reports of citizens filing complaints with authorities after their family members became involved with such groups.

Members of the extremist HT political movement continued to print and distribute leaflets that supported anti-Semitism, among other beliefs.

Leaders of the four religious groups the Government considers "traditional,"--Islam, Russian Orthodoxy, Roman Catholicism, and Judaism--reported general acceptance and tolerance that was not always enjoyed by other minority religious groups. During the reporting period, there were no reports that mistrust of minority

religious groups led to violence.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom with the Government as part of its overall policy to promote human rights. U.S. officials emphasized that bilateral cooperation on economic and security matters is a complement to, not a substitute for, meaningful progress on human rights, including religious freedom.

The Ambassador and other embassy officers remained engaged in dialogue with the Government to seek assurance that the draft religion law amendments introduced on April 2, 2008, be considered through a transparent legislative process and that any amendments ultimately adopted into law reflect the country's international commitments to respect individuals' rights to peaceful expressions of religion. The Ambassador and other embassy officials coordinated with other embassies and international human rights organizations to encourage the Government to make sure the proposed legislation reflects OSCE/ODIHR input.

Embassy and U.S. Department of State officials visited houses of worship, met with religious leaders, and worked with government officials to address specific cases of concern.

The Embassy maintained contact with a broad range of religious communities and religious freedom advocates and reported on violations of their constitutional and human rights. Department of State officials met with government officials and members of faith-based groups in the country. Senior U.S. government officials met with senior government officials to raise religious freedom concerns. Embassy officials worked to connect religious communities with in-country legal resources to assist with registration concerns.

Embassy officials attended public events in support of the religious community and participated in roundtables and other public debates on matters of religious freedom and tolerance. U.S. government representatives in the country and in Washington were in regular contact with NGOs that followed religious freedom topics, including the Almaty Helsinki Committee, the Association of Religious Organizations of Kazakhstan, and the Kazakhstan Bureau of International Human Rights and Rule of Law.

The Embassy's Democracy Commission Small Grants Program provided support to a program in Shymkent promoting religious tolerance.

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