

KAZAKHSTAN 2012 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution provides for religious freedom; however, other laws and policies restrict religious freedom and, in practice, the government generally enforced these restrictions. The government's respect for religious freedom did not change significantly during the year. The government generally respected the religious freedom of most registered religious groups; however, it enforced restrictions and harassed unregistered and minority religious groups, often through fines and raids. The government implemented a 2011 law applying stringent mandatory registration requirements on missionaries and religious groups. The law gives the government broad grounds to deny religious groups legal status. While most religious groups managed to obtain legal registration, some were denied registration because they lacked the requisite number of members, and a few groups, such as Scientologists, the Unification Church, and Ahmadi Muslims, were denied registration based on their religious beliefs. The Religious Affairs Agency's (RAA) very broad mandate provides the potential to restrict religious freedom further, and its rules seem to require all Muslim groups to register under the Hanafi Sunni Spiritual Administration of Muslims in Kazakhstan (SAMK).

There were reports of societal discrimination based on religious affiliation, belief, or practice. Muslim, Russian Orthodox, Roman Catholic, Lutheran, and Jewish leaders reported high levels of acceptance in society.

The ambassador and other U.S. officials engaged in extensive private and public dialogue with the government to urge that implementation of the 2011 law on religion be consistent with the country's constitutional provisions for religious freedom and with its international commitments.

Section I. Religious Demography

According to Agency of Statistics 2012 data, the population is 16.9 million. There are approximately 3,088 registered religious organizations in the country, representing 17 different confessions.

Approximately 65 percent of the population is Muslim; the majority is Sunni of the Hanafi school. Other Islamic groups that account for less than 1 percent of the population include Shafi'i Sunni, Shia, Sufi, and Ahmadi. The highest

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concentration of self-identified practicing Muslims is in the southern region bordering Uzbekistan.

Orthodox Christians constitute approximately 24.6 percent of the population. Other groups constituting less than 5 percent of the population include Roman Catholics, Greek Catholics, Jehovah's Witnesses, Lutherans, Presbyterians, Seventh-day Adventists, Methodists, Mennonites, the Church of Jesus Christ of Latter-day Saints (Mormons), Jews, Buddhists, Hare Krishnas, Bahais, Christian Scientists, Scientologists, and members of Grace Church, New Life Church, and the Unification Church.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution provides for religious freedom; however, other laws and policies restrict religious freedom. The constitution defines the country as a secular state and provides the right to decline religious affiliation.

The religion law passed in 2011 and implemented during the year narrows the constitutional legal provisions for religious freedom, including by instituting a more restrictive mandatory re-registration requirement, mandating a tiered hierarchy for religious groups, and providing for government inspection of religious literature and bans on religious ceremonies in government buildings, military, law enforcement, and secular education institutions.

According to the law, all existing religious groups had until October 24 to re-register with both the central government and local governments of individual regions (oblasts) in which they have congregations. To register locally, a religious group must submit an application listing the names and addresses of at least 50 founding members to the Ministry of Justice (MOJ). Communities may only practice within the geographic limits of the locality in which they register, unless they have sufficient numbers to register at the regional or national level. To register regionally, groups must have 500 members in each of two separate regions while national registration requires 5,000 members with sufficient representation in each of the country's oblasts. These requirements make it very difficult for smaller religious groups to register and impossible for any group other than the SAMK and the Russian Orthodox Church to register at the national level.

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All registered mosques are affiliated with the SAMK, a national organization with extremely close ties to the government, which is headed by a chief mufti based in Almaty. Some of these groups choose to associate themselves with the SAMK to obtain registration. Those not affiliated with the SAMK, such as the Ahmadiyya Muslim Community, are denied registration.

The law allows everyone to follow his or her religious or other convictions, take part in religious activities, and disseminate their beliefs, with some restrictions. The law states that the government shall not interfere with the choice of religious beliefs or affiliation of citizens, foreigners, or persons without citizenship, or the rearing of their children consistent with their convictions unless such upbringing harms the child's health, infringes on the child's rights, or is directed against the country's constitutional framework, sovereignty and territorial integrity. The law bans forced conversion of persons into a religion, forced participation in a religious group's activities, or compelled religious rites. The law bans religious activities related to coercion of citizens, foreigners, or persons without citizenship, that harm their health, force them to end marriages or family relations, or harm their morale. The law bans religious groups that use various methods including charity, blackmail, violence or a threat of using violence, or material or other dependence to induce persons to engage in their activities. The law also bans unregistered missionary activity.

The law as written, without any accompanying implementing legislation, gives the government broad grounds to deny religious groups legal status. The government may deny registration based on an insufficient number of adherents or inconsistencies between the provisions of a religious group's charter and the law. Police, prosecutors, and citizens may petition a court to suspend the activities of a registered group for failure to rectify violations or for repeated violations of the law. The Administrative Code stipulates a three-month suspension for registered groups that hold illegal gatherings, disseminate unregistered religious materials, systemically pursue activities that contradict the charter and bylaws of the group as registered, construct religious facilities without a permit, or otherwise defy the constitution or laws. During a suspension, the group is prohibited from speaking with the media; holding meetings, gatherings, or services; and undertaking financial transactions other than continued contractual obligations, such as paying salaries. If a religious group engages in activities prohibited by law or fails to rectify violations that led to a suspension, the government bans the group.

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The law also allows authorities to suspend the activities and fine the leaders of unregistered groups. If a religious group engages in illegal activity or fails to rectify violations resulting in a suspension, its leader is subject to a fine of 485,400 tenge (\$3,302), or 809,000 tenge (\$5,503) if the group is registered as a legal entity. If a group engages in activities not specified in its charter, its leaders are subject to fines of 323,600 tenge (\$2,201), or 485,400 tenge (\$3,302) if the group is registered as a legal entity. If a group holds gatherings or conducts charity activities in violation of the law; imports, publishes and/or disseminates illegal religious literature or other materials; or constructs an unregistered building, its leaders are subject to fines of 161,800 (\$1,101) tenge or 323,600 tenge (\$2,201) for legal entities.

The Religious Affairs Agency (RAA) is responsible for the formulation and implementation of state policy in the area of religious freedom. The agency also studies and analyzes the status of religion, the operation of religious groups, and the activities of missionaries. It drafts legislation and regulations, conducts analysis of religious materials, considers problems related to violations of the religion law, initiates proposals with law enforcement on banning the operation of religious groups or individuals who violate the religion law, coordinates actions of local government in regulation of religious problems, and provides official interpretation of the religion law.

The extremism law, which applies to religious groups and other organizations, gives the government broad discretion to identify and designate a group as an extremist organization, ban a designated group's activities, and criminalize membership in a banned organization. Prosecutors have the right to inspect annually all groups registered with state bodies, and they regularly conducted such inspections.

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 support missionary work must be provided with the registration application; use of materials not vetted during the registration process is illegal. 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 "constitutes a threat to constitutional order, social order, the rights and freedoms of the individual, or the health and morals of the population." Foreign missionaries must obtain a permit from migration police designating them as

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missionaries and carry it with their passports. The constitution requires foreign religious groups to conduct their activities, including appointing the heads of religious groups, “in coordination with appropriate state institutions.” Foreigners may not register religious groups.

Foreign missionaries must obtain and present RAA approval to the MOJ when applying for a missionary visa. The RAA can reject missionaries based on a negative assessment from religious experts, or if it deems that the missionaries represent a danger to the country’s constitutional framework, a citizen’s rights and freedoms, or a person’s health or morals. Missionary visas permit a person to stay in the country for a maximum of six months per 12-month period. Missionary visa applicants must obtain RAA consent every time they apply for visas.

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 groups.

The law requires organizations to “take steps to prevent the attraction and/or participation by anyone under the age of 18 in the activity of a religious association” should a parent or legal guardian object. The law bans religious or proselytizing activities from children’s holiday, sport, creative or other leisure organizations, camps, or sanatoria. The extent to which organizations must prevent underage persons’ involvement in religious activity is not specifically outlined, and has not been further defined by authorities. 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 group whose charter includes provisions for religious education may be denied registration if it does not obtain approval.

The election law prohibits political parties based upon ethnicity, gender, or religious affiliation. The criminal code prohibits the incitement of interethnic or interreligious hatred.

The government observes the following religious holidays as national holidays if they fall on a weekday: Orthodox Christmas and Kurban-Ait.

Government Practices

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There were no reports of abuses of religious freedom; however, the government imposed restrictions that affected members of minority religious groups.

The authorities harassed and discriminated against minority religious groups through a wide range of means including, but not limited to: frequent inspections by tax and other authorities; denial or delays of permits for constructing houses of worship; the non-issuance of visas to missionaries; prolonged analysis of religious materials including those of the Jehovah's Witnesses; actions against the Ahmadi community in Almaty for the use of residential premises for religious purposes; and persecution of Protestant pastors of unregistered religious groups.

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

In May, the Supreme Court overturned the conviction of New Life Protestant Church leader Yerzhan Ushanov. Taraz City Court Number 2 had previously convicted Ushanov in September 2011 of practicing psychotherapy without registration after Aleksander Kireyev claimed he felt ill after a service. Fellow church members implied that Kireyev had embedded himself in the congregation to discredit the church.

In addition to the more stringent mandatory registration requirements, the broad scope of the law, and the wide authority given to the RAA, there were several cases involving harassment of religious groups and their members. There were several incidents in which RAA officials participated along with police in raids on religious communities.

The government enforced existing restrictions on unregistered groups and minority religious groups. Local officials attempted to limit, often through raids, the activities of some minority religious groups, including evangelical Christians, Jehovah's Witnesses, Scientologists, and Muslims not affiliated with the SAMK. The government applied laws governing unregistered religious groups unevenly during the year. Local and national law enforcement authorities prosecuted and fined so-called "nontraditional" religious groups for conducting illegal or unsanctioned educational, religious, or entrepreneurial activities.

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During the year, government officials continued to express concern regarding the potential spread of “political and religious extremism.” The Committee for National Security continued to characterize the fight against so-called “religious extremism” as a top priority of the internal intelligence service and to expand its monitoring of civil society and religious groups.

The authorities’ alleged fear of “extremism” led to some reports of abuses. According to the Head of the Department for Combating Extremism, the Ministry of Interior (MOI) banned the activity of 60 unregistered religious groups during the year. Also, since 2010 the government has banned over 950 websites, citing “extremism.”

Several government-controlled media outlets and government-funded nongovernmental organizations (NGOs) continued to publish or broadcast stories critical of minority religious groups including evangelical Protestant Christian groups such as the New Life Church and Grace Church, and Scientologists, depicting them as dangerous “sects” harmful to society.

The government continued to use property laws against the Ahmadi Muslim community. The Almaty Territorial Land Inspection Committee filed a case against the Ahmadi community for violating the Land Code and the Administrative Code. According to the claim, the Ahmadis were using residential property for commercial and religious purposes. The community was fined 48,540 tenge (\$300), but the property was not seized.

The Baptist Council of Churches reported several administrative court cases against individual Baptists throughout the country for participating in the activities of an unregistered group. The council had a policy neither to seek nor accept registration in former Soviet countries, and church members criticized the intrusive nature of the registration process, which required information about ethnicity, family status, religious education, employment, and political affiliation.

During the year, the Protestant groups New Life Church, Grace Church, and the Baptist Council, along with several congregations of Jehovah’s Witnesses and Scientologists, reported that the authorities had raided their groups, including registered groups.

Courts typically fined individuals found guilty of unregistered religious activity. The Baptist Council of Churches reported instances in which pastors were fined for

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unregistered religious activities and, on several occasions, local law enforcement representatives questioned group members in their homes. Council members usually refused to pay fines for non-registration.

In December an Almaty court issued a decision to ban the Azeri Fatimai Shia group after it was denied re-registration. The RAA reported that it denied registration because of improper documentation, but group members asserted that they were denied registration because they did not join the SAMK. The court put a lien on the group's property, valued at 45 million tenge (\$300,000). The group's appeal was pending at year's end, and the lien on the property was stayed until a final judgment on the appeal.

At the conclusion of the re-registration process in late-October, authorities announced a significant decrease in the total number of registered religious groups. According to official sources, 32 percent of all previously registered religious groups were not re-registered. The number of legally recognized groups fell from 4,551 to 3,088. According to official sources, many of the deregistered groups no longer existed or did not have the 50 adult "founding members" required for re-registration. Many of these smaller groups chose to join together, at least on paper, to clear the 50 member hurdle for registration.

When authorities refused or significantly delayed registration, they usually claimed that a group did not have the requisite number of "founding members," or the group's charter did not meet the requirements of the law and needed to undergo an expert theological review. NGOs and religious communities suggested that such requirements were often invoked as a pretext for denying or delaying registration of groups the government did not wish to recognize. Members of some minority religious groups reported that authorities had pressured them to remove their signatures from the re-registration documents.

During the year, authorities denied registration to at least three religious groups based on their theological views. The RAA "expert analysis" determined that the Church of Scientology was a group primarily engaged in commercial activity, and subsequently denied registration to its two congregations. On December 6, a court in Almaty ordered the closure of the Almaty Church of Scientology, and on December 7, an Almaty court ordered the closure of the Medeo Church of Scientology. Both cases were under appeal. Authorities also denied registration to the Unification Church of Almaty on the grounds that the RAA "expert analysis" determined that it did not meet the definition of a religion. On November 27, an

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Almaty court ordered the church closed at the request of the Ministry of Justice. The Unification Church appealed the ruling and a hearing was pending at year's end. While most religious groups received registration by year's end, authorities denied registration to a few individual protestant churches, as well as the Unification Church and the Church of Scientology. Authorities denied the Ahmadiyya Muslim group registration on the basis that their theology differed from mainstream Islam, and they therefore were not considered Muslims.

Under the current re-registration requirements, all mosques were seemingly required to join the SAMK in order to obtain legal registration. At year's end, there remained a few independent Muslim groups still seeking religious registration, such as the Tatar-Bashkir Din-Mohammad Mosque in Petropavl, and a few continued without religious registration. The SAMK exercised significant influence over the activities of Muslim groups, including mosque construction, imam appointments, and the administration of examinations and background checks for aspiring imams. The SAMK was the primary coordinator of Hajj travel and authorized travel agencies to provide Hajj travel services to citizens.

The law's vague definition of missionary activity allowed the authorities to interpret religious activity by visiting foreigners as missionary activity and expel those who were not registered as missionaries. The MOI reported that it identified 67 unregistered missionaries, including 13 foreigners, operating during the year. Of the foreign missionaries, five were deported, two were fined 184,000 tenge (\$1,200) each, and six were given warnings.

On December 4, the Astana Administrative Court convicted Dmitry Bukin of unregistered missionary activity and fined him 161,900 tenge (\$1,074), after Bukin organized a September 15-16 religious convention at a rented location in Astana. The Astana city prosecutor's office determined that Bukin unlawfully engaged in "missionary activity" by arranging the convention, attended by approximately 200 people, many of whom were Jehovah's Witnesses, and participating in the program as one of the speakers.

Section III. Status of Societal Respect for Religious Freedom

There were reports of societal discrimination based on religious affiliation, belief, or practice. Observers noted increased discrimination against religious minorities. The government-funded "Centers for Support to Victims of Destructive Sects" portrayed some minority religious groups as harmful. Some minority religious

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groups complained that members of these Centers disrupted their services or attempted to intimidate parishioners through threats of legal action. Scientologists reported that local businesses in Almaty frequently refused to rent them space to hold gatherings.

Some individuals reported being wary of minority religious groups, particularly those which proselytized. There were several reports of citizens filing complaints with authorities after their family members became involved with such groups.

Leaders of the five religious groups the government considered “traditional” -- Islam (as represented by the SAMK), Russian Orthodoxy, Roman Catholicism, Lutheranism, and Judaism -- reported general acceptance and tolerance that other minority religious groups did not always enjoy.

Section IV. U.S. Government Policy

In discussions with government officials and in public statements, U.S. officials emphasized the importance of respecting human rights, and noted 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, embassy officers, and other U.S. government officials remained engaged in dialogue with the government to seek assurance that implementation of the 2011 religion law was consistent with the country’s constitutional provisions and international commitments to respect individuals’ rights to peaceful expression of religious beliefs. U.S. officials expressed concern that the new law would not permit the registration of small religious groups and that its broad scope could enable authorities to apply it in an arbitrary manner.

Embassy and Department of State officials visited houses of worship in several regions of the country, met with religious leaders, and requested that government officials address specific cases of concern.

The U.S. embassy also maintained contact with a wide range of religious communities and religious freedom advocates, and reported on violations of their constitutional and human rights. Senior U.S. government officials met with senior government officials and members of religious groups to raise concerns over the 2011 religion law and its implementation, and senior U.S. government officials

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participated in high-level discussions on religious tolerance during the country's chairmanship of the Organization for Islamic Cooperation.

In addition, U.S. embassy officials attended public events in support of religious communities and participated in roundtables and other public debates on matters of religious freedom and tolerance. U.S. government representatives 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.