



KAZAKHSTAN

Key Findings

Although the government of Kazakhstan promotes religious freedom for “traditional” religious groups at the international level, domestic religious freedom conditions further deteriorated in 2015. The country’s restrictive 2011 religion law bans unregistered religious activity and has been enforced through the closing of religious groups, police raids, detentions, and fines. The law’s onerous registration requirements have led to a sharp drop in the number of registered religious groups, both Muslim and Protestant. Based on these concerns, USCIRF again places Kazakhstan on Tier 2 in 2016, where it has been since 2013.

Background

Kazakhstan’s population is estimated at 17.7 million. About 65 percent are Muslim, mostly following the Hanafi school of Sunni Islam; Russian Orthodox are estimated at 25 percent; and other groups are under five percent, including Jews, Roman and Greek Catholics, various Protestant denominations, and others. During the Soviet period, many non-Kazakhs (mostly Russians) moved to Kazakhstan to expand agricultural output and eventually outnumbered native Kazakhs. After the country’s independence, many non-Kazakhs emigrated and official repatriation, mainly of ethnic Kazakhs from China, resulted in an increase of about one million ethnic Kazakhs.

high membership thresholds and bans unregistered religious activity; it restricts areas of permitted religious activity and teaching, distribution of religious materials, and training of clergy; and it sets new penalties for alleged violations. While the religion law declares that all religions are equal under the law, its preamble “recognizes the historical role of Hanafi Islam and Orthodox Christianity,” suggesting preferred official status. The government also supports “anti-sect centers” that promote intolerance against certain religious minorities. Religious groups are subject to police and secret police surveillance, but many members of vulnerable groups hesitate to discuss this issue out of fear of state reprisals.

Under the 2011 law’s complex registration rules, all religious organizations had to re-register by October 2012. Groups had to register with national, regional, and/or local Ministry of Justice authorities, with varying membership numbers needed for registration (50 at the local level; 500 in at least two regions on the regional level; 5,000 in each region on the national level). Many previously-registered groups could not meet the new thresholds and the country’s total number of registered religious groups fell sharply. Of the 48 “non-traditional” religious organizations, only 16 were re-registered. The 11,000 members of the Union of Evangelical Christian Baptists refuse to register as a matter of conscience. By 2013, only Muslim groups affiliated with the state-backed Muslim Board were

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Before its 2011 religion law, Kazakhstan was seen as one of the most liberal post-Soviet Central Asian states in regard to freedom of religion or belief. The religion law, however, sets complex registration requirements with

registered. Shi’a and Ahmadi Muslims were denied legal status, as were mosques attended mainly by particular ethnic groups. Catholic communities were exempt from registration due to a government agreement with the Holy See.

Observers view the two-year-long criminal prosecution that began in May 2013 of retired Presbyterian Pastor Kashkumbayev of Astana's registered Grace Church and the severe harassment of his family a symbol of the country's steep decline of respect for religious freedom. In a return to Soviet-style methods, during one month of his imprisonment, Pastor Kashkumbayev was forcibly injected with psychotropic drugs.

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

The UN Special Rapporteurs on Freedom of Religion or Belief and Freedom of Assembly and Association visited Kazakhstan in 2014 and 2015, respectively. The Special Rapporteur on Freedom of Religion or Belief expressed concern "that non-registered religious groups can hardly exercise any collective religious functions in Kazakhstan." The Special Rapporteur on Freedom of Assembly and Association noted that, although the right to freedom of association is constitutionally guaranteed, "a web of laws and practice limit the real world freedom . . . [including] of religious associations to operate."

Since 2004, the Kazakh government has sponsored and hosted the Congress of Leaders of World and Traditional Religions, a major international inter-faith meeting. In June 2015, Kazakhstan hosted the fifth session of that Congress.

register the Tatar-Bashkir community in the city of Petropavl and, in late 2015, attempted, but failed, to auction that community's mosque to a registered entity.

Penalties for Unregistered Religious Activity

The most frequent violations of the 2011 religion law that result in fines are for distributing religious texts without a license, discussing religion without the required "missionary" registration, and holding unregistered worship meetings. There are 25 Council of Churches Baptists who refuse to pay fines for unregistered religious activity and are on the Justice Ministry's list of debtors unable to leave Kazakhstan. Jehovah's Witnesses also have been prosecuted for committing this "offense." In December 2015, courts upheld large fines against two female Jehovah's Witnesses, including a 74-year-old pensioner, for talking about their faith.

Treatment of Protestants

In December 2015, a court in Astana sentenced Seventh-day Adventist Yklas Kabduakasov to two years in a labor camp, increasing the penalty from the seven years of house arrest a lower court had imposed the previous month. According to Forum 18 News Service, the 54-year-old father of eight was convicted of "incitement to religious violence" for discussing his faith. In January 2016, police in Aktau raided a worship meeting of the New Life Pentecostal Church, which has been a frequent target of official harassment. The two local pastors were ordered to bring church documents to police. In July 2015, police raided a children's summer camp near Almaty run by the registered Baptist Church in

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Religious Freedom Conditions 2015–2016

Registration Issues

According to reports, Kazakh officials continued to obstruct activities of unregistered religious groups, such as a Protestant church in Atyrau, and of certain registered communities including the registered Hare Krishna group in Kostanai. Kazakh officials continued to refuse to

Kapshagai. Videos of the police raid were given to local media outlets, which repeated the official accusation that camp organizers were "illegally" teaching religion.

Extremism Charges

Criminal charges of extremism are regularly brought against various individuals for peaceful religious

activity. Court hearings on whether materials are “extremist” are not announced. There is an extensive list of banned texts on government websites. In 2015, extremism charges remained pending against atheist writer Aleksandr Kharlamov, who was detained for five months in 2013, including one month of psychiatric exams. The Muslim missionary movement *Tabligh Jamaat* was banned in 2013, and trials of alleged members are closed. Forum 18 reported in February 2016 that 25 individuals were known to have been convicted for alleged *Tabligh Jamaat* membership since December 2014. Thirteen of these were given prison terms, and the other 12 given sentences of restricted freedom. Three more individuals were on trial and one more in pre-trial detention as of the end of the reporting period.

Increased Government Control of Muslims

The Muslim Board, which is closely tied to the Kazakh government, oversees mosque construction, theological exams and background checks for aspiring imams, and *hajj* travel. Reportedly, the Muslim Board requires mosques aligned with it to transfer one-third of their incomes for its use and pressures non-aligned imams and congregations to join or face mosque closures. Increased official surveillance of mosques has fueled official discrimination and popular resentment, particularly in western Kazakhstan. Since the passage of the 2011 religion law, Kazakh officials have closed prayer rooms in many public buildings, such as colleges, prisons, hospitals, and airports. In July 2015, the Shymkent city administration and the local secret police closed the Muslim prayer room at a city market. Nazarbayev University in Astana no longer allows prayer rooms; students are told that they can only pray alone in their dormitory rooms. In June 2015, three Turkish academics at the Ahmet Yesevi University in Turkestan were fined and later deported from Kazakhstan on accusations of “illegal missionary activity” for allegedly teaching about Sufi Islam.

Restrictions on Religious Materials

The government censors all religious texts and restricts where religious materials may be sold. Under the religion law’s strict rules, only Hanafi Sunni Muslim materials can be sold, and only in a few bookshops. Even

some booksellers with official permits prefer not to sell religious texts to avoid trouble with the state. The import of 14 Jehovah’s Witnesses’ texts have been banned due to court rulings that they “reject fundamental teachings of Christianity.” In April 2015, an Administrative Court in Oral fined Eldar Sundetkaliyev one month’s average wages for selling a computer program on Muslim prayer that the government deemed Salafist. In February and May 2015, police in Kyzylorda raided two bookstores suspected of selling Muslim religious texts, including the Qur’an, without official permits and in May and September, the booksellers reportedly were each fined over four and a half months’ official minimum wage and banned from selling books for three months. Council of Churches member Nikolai Novikov faced a possible three-year jail term for failing to pay a 2013 fine for publicly offering uncensored religious texts, but after international protests, the criminal case against him reportedly will be dropped. Along with dozens of Council of Churches Baptists with unpaid fines, Novikov is on the Justice Ministry’s list of those subject to an international travel ban.

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U.S. Policy

After the Soviet Union’s collapse, the United States was the first country to recognize Kazakhstan’s independence, and is now the largest direct foreign investor in Kazakhstan’s economy. Key bilateral issues include regional security, including efforts to stabilize Afghanistan, and nuclear nonproliferation. Kazakhstan plays a leading role in nuclear security; in 1991, President Nazarbayev closed down the Semipalatinsk nuclear test site. Kazakhstan is a candidate for a non-permanent seat (allocated to the Asia-Pacific group) on the United Nations Security Council for 2017-18.

In September 2015, President Obama met with Kazakh President Nazarbayev. In November 2015, the United States and all five post-Soviet Central Asian states (C5+1) signed a Joint Declaration of Partnership

and Cooperation declaring their commitment to greater cooperation, including holding regular meetings, protecting human rights, developing democratic institutions and practices, and strengthening civil society through respect for recognized norms and principles of international law.

The United States and Kazakhstan discuss numerous bilateral issues – such as regional cooperation, democratic reform, rule of law, human rights, civil society, economic development, energy, science, technology, and people-to-people contacts – through the U.S.-Kazakh Strategic Partnership Dialogue (SPD), which was set up in 2012. There are working groups on this range of issues. The fourth U.S.-Kazakhstan SPD was held in Kazakhstan during Secretary of State John Kerry’s November 2015 visit to that country. Both sides expressed optimism that the newly launched C5+1 framework would contribute to stability and development in Central Asia and pledged to deepen cooperation in countering the threats of terrorism and violent extremism. The United States thanked Kazakhstan for hosting a regional conference on countering violent extremism in June 2015. Kazakhstan and the United States also have entered into a five-year plan to strengthen military cooperation through capacity-building programs. In February 2015, Kazakhstan and the United States also signed a Mutual Legal Assistance Treaty.

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USAID’s programs in Kazakhstan helps support civil society, increases access to information, strengthens citizen initiative groups, promote an independent judiciary, and encourage human rights protection. USAID also assists in forming civil society partnerships with the Kazakh government to implement reforms, including human rights and the rule of law.

Recommendations for U.S. Policy

USCIRF recommends that the U.S. government should:

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