

KAZAKHSTAN 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

Religious groups the government considered “traditional” reported general acceptance and tolerance by the government; however, “nontraditional” religious groups continued to experience heightened scrutiny and prosecution. Groups unable to register under the religion law ceased their attempts to register as religious organizations. The only Muslim groups allowed to register were those affiliated with the Sunni Hanafi Spiritual Administration of Muslims (SAMK). New codes passed during the year, and going into effect January 1, 2015, include additional and more severe penalties for unauthorized religious activity.

Some nongovernmental organizations (NGOs) reported fewer instances of societal discrimination on the basis of religious affiliation, belief, or practice than in the recent past. Suspicion of outward displays of religion, such as through attire, continued.

The Ambassador and other embassy and Department of State officials engaged in private and public dialogue with the government to urge respect for religious freedom, both in general and with regard to specific cases. This included raising concerns over the implementation of the religion law and the new Criminal and Administrative Codes. U.S. diplomatic officials visited houses of worship and maintained contact with a wide range of religious communities and religious freedom advocates.

Section I. Religious Demography

The U.S. government estimates the total population at 17.9 million (July 2014 estimate). The national census reports that approximately 70 percent of the population is Muslim, most of who are of the Sunni Hanafi school. Other Islamic groups that account for less than 1 percent of the population include Shafi’i Sunni, Shia, Sufi, and Ahmadiyya.

Russian Orthodox Christians constitute approximately 26 percent of the population. Other groups constituting less than 5 percent of the population include Jews, Roman Catholics, Greek Catholics, Lutherans, Presbyterians, Seventh-day Adventists, Methodists, Mennonites, Pentecostals, Baptists, Jehovah’s Witnesses, The Church of Jesus Christ of Latter-day Saints (Mormons), Christian Scientists,

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Buddhists, Hare Krishnas, Bahais, Scientologists, and members of the Unification Church.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution defines the country as a secular state and provides for freedom of religion and belief, as well as for the freedom to decline religious affiliation. Other laws, however, mandate restrictive registration requirements for religious organizations and missionaries; require government inspection of religious literature; and prohibit religious ceremonies in government buildings (including those belonging to the military or law enforcement) and in secular educational institutions.

The Committee for Religious Affairs of the Ministry of Culture and Sport (CRA, formerly the Religious Affairs Agency) is responsible for the formulation and implementation of state policy on religious freedom. The committee also studies and analyzes the activities and operation of religious groups and missionaries. It drafts legislation and regulations, conducts analyses of religious materials, and considers problems related to violations of the religion law. It cooperates with law enforcement to ban the operation of religious groups or individuals who violate the religion law, coordinates actions of local government to regulate religious issues, and provides the official interpretation of the religion law.

The law allows all people to follow their religious or other convictions, take part in religious activities, and disseminate their beliefs, but with significant restrictions. It states that the government shall not interfere with the choice of religious beliefs or affiliation of citizens or residents, unless those beliefs are directed against the country's constitutional framework, sovereignty, or territorial integrity. The law also states the government shall not interfere with parents' rights to rear their children consistently with their religious convictions, unless such an upbringing harms the child's health or infringes upon the child's rights. It prohibits forced conversion of persons to any religion, forced participation in a religious group's activities, or forced participation in religious rites. The law also prohibits coercive religious activities that harm the health or morale of citizens or residents, or that force them to end marriages or family relations. Unregistered missionary activity is prohibited, as are certain methods of proselytizing, including the use of charity,

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blackmail, violence or the threat of violence, or the use of material threats to coerce participation in religious activities.

The law allows registration to be denied to religious groups based on an insufficient number of adherents or inconsistencies between the religious group's charter and any national law, as determined by an expert analysis conducted by the CRA. According to the Administrative Code, individuals participating in, leading, or financing an unregistered, suspended or banned religious group can be fined between 92,600 tenge (\$508) and 370,400 tenge (\$2,031).

In order to register at the local level, religious groups must submit an application to the Ministry of Justice (MOJ), listing the names and addresses of at least 50 founding members. Communities may only be active 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 at least 500 members in each of two separate regions, while national registration requires at least 5,000 total members with sufficient representation in each of the country's oblasts (regions). Only groups registered at the national or regional level have the right to open educational institutions for training clergy. According to the CRA, there are approximately 3,400 registered religious organizations in the country, representing 18 major groups. Several other religious groups, including the Baptist Council of Churches and the Ahmadiyya Muslim community, have either not sought or have been denied registration. The Church of Scientology is reported to be registered as a public association, rather than a religious organization, and continues to function.

The Administrative Code stipulates a three-month suspension for registered groups that hold religious gatherings in prohibited buildings, 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.

According to the Administrative Code, if a religious group engages in a prohibited activity or fails to rectify violations resulting in a suspension, an official or the organization's leader is subject to a fine of 555,600 tenge (\$3,046) and the entity is subject to a fine of 926,000 tenge (\$5,077) and its activities are banned.

The extremism law, which applies to religious groups and other organizations, gives the government discretion to identify and designate a group as an extremist

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organization, ban a designated group's activities, and criminalize membership in a banned organization. New amendments introduced during the year simplify court procedures for identifying a group as "terrorist or extremist" and authorize officials to immediately terminate such groups and seize their property. Prosecutors have the right to inspect annually all groups registered with state bodies.

In order to perform missionary or other religious activity in the country, a foreigner must obtain a missionary or religious visa. These visas allow a person to stay in the country for a maximum of six months with the right to extend the stay for the same period of time. Previously missionary visas were only issued for a period of 180 days without permission to extend. To obtain a missionary visa, applicants must obtain consent from the CRA every time they apply. The constitution requires foreign religious groups to conduct their activities, including appointing the heads of local congregations, "in coordination with appropriate state institutions." Foreigners may not register religious groups.

Local and foreign missionaries are required to register annually with the local executive body of an oblast or the cities of Astana and Almaty, and provide information on their religious affiliation, intended territory of missionary work, and time period for conducting that work. All literature and other materials intended to support their missionary work must be submitted together with their registration application. Use of materials not vetted during the registration process is illegal. A missionary must produce registration documents and a power of attorney from the sponsoring religious organization in order to work on its behalf. The local executive body of an oblast or the cities of Astana and Almaty may refuse registration to missionaries whose work "constitutes a threat to the constitutional order, social order, the rights and freedoms of individuals, or the health and morals of the population."

Foreign missionaries must obtain and present approval from the CRA when applying for a missionary visa. The CRA can reject missionaries based on a negative assessment from its religious experts, or if it deems the missionaries represent a danger to the country's constitutional framework, citizens' rights and freedoms, or any person's health or morals.

The law bans the construction of places of worship within prison territory. However, the law stipulates that in cases when a prisoner needs the help of a pastor, imam, or other clergy to perform a religious rite, he or she can invite the

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latter to a detention facility as long as this complies with internal regulations of the prison.

The law requires organizations to “take steps to prevent involvement or participation of anyone under the age of 18, in the activities of a religious association,” if one of the parents or other legal guardians have objections. The law bans religious or proselytizing activities in 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.

The law does not permit religious instruction in public schools, colleges, or universities. Homeschooling for religious reasons is not permitted; although after-school and other kinds of supplemental religious instruction are permitted if the religious education is provided by a registered religious group.

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

A new criminal code taking effect on January 1, 2015, criminalizes several kinds of religious activity. It prohibits creating, leading, or actively participating in a religious or public association whose activities involve committing acts of “violence against citizens or the causing of other harm to their health, or the incitement of citizens to refuse to carry out their civil obligations, as well as the creation or leadership of parties on a religious basis.” Such acts can be punished by a fine of up to 11.1 million tenge (\$60,855), or up to six years’ imprisonment. Under the current criminal code the same offenses are punished by fines between 370,400 tenge (\$2031) and 926,000 tenge (\$5077), or up to six years imprisonment. The new code also criminalizes the creation and leadership of social institutions which proclaim religious intolerance or exclusivity. This is punishable with imprisonment from three to seven years.

According to the new Criminal Executive Code, religious organizations can participate in monitoring prisons, including creating and implementing programs to improve the correctional system and developing and publicly discussing draft laws and regulations in the field of criminal-executive activities. Religious groups may also identify, provide, distribute, and monitor the use of humanitarian, social, legal, and charitable assistance to prisoners. They may provide other forms of assistance to penitentiary system bodies as long as they do not contradict the laws of the

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country. The new code allows prisoners to possess religious literature approved by a religious expert analysis, conducted by the CRA.

By current law, if a group engages in activities not specified in its charter, officials and leaders are subject to a fine of 370,400 tenge (\$2,031), and the legal entity is subject to a fine of 555,600 tenge (\$3,046) with a three-month suspension of the group's activities. The same provision exists in the new code, but provides that officials, leaders, or legal entities can be fined 555,600 tenge (\$3,046) and the group's activities suspended for three months.

The current law states that if a group imports, publishes, or disseminates illegal religious literature or other materials, constructs an unregistered building, or holds gatherings in violation of the law, private persons are subject to a fine of 92,600 tenge (\$508), group officials and leaders of 185,200 tenge (\$1,015), the entity of 370,400 tenge (\$2,031), and suspension of activity for three months. Officials and leaders of the group will not be fined in the new code.

The new Administrative Code adds “spreading the creed of religious groups unregistered in Kazakhstan” as a new offense, punishable by a fine of 185,200 tenge (\$1,015) for citizens, and the same amount for foreigners or stateless persons with the additional penalty of deportation.

Government Practices

Leaders of the five religious groups the government considered “traditional” – Sunni Hanafi Islam (as represented by the SAMK), Russian Orthodoxy, Roman Catholicism, Lutheranism, and Judaism – reported general acceptance and tolerance by the government. Religious groups deemed “nontraditional” by the government, however, continued to experience heightened scrutiny and prosecution.

In practice, the only mosques that have been able to register are affiliates of the SAMK”), a government-controlled Sunni Hanafi organization led by a chief mufti based in Almaty. By joining the SAMK, Muslim communities relinquish their rights to appoint their own imam, forfeit their property, and must pay 30 percent of their mosque's income to the SAMK.

Some groups were denied registration based on their theological position. According to the Ahmadiyya Muslim community, the group has been unable to

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register because its theology differs from mainstream Islam and government experts therefore determined that Ahmadis could not be considered Muslims. At the end of the year the Ahmadiyya Muslim community had ceased all organized religious activity, including communal prayer and religious debate or instruction.

Local law enforcement interpreted any religious activity that took place outside of a registered religious building as “illegal missionary activity,” including invitations to religious services and discussions on religious topics, especially for such “nontraditional” religious groups as Jehovah’s Witnesses and evangelical Christians.

Twelve members of the Baptist Council of Churches were fined 92,600 tenge (\$508) each under the Administrative Code for participating “in the activity of an unregistered, halted or banned religious community or social organization.” After failing to pay the fines, the members spent between five to 10 days in prison for contempt of court.

In July police in the Pavlodar region raided a Protestant-run program for rehabilitation of drug addicts. After a government censor declared the program’s literature was not inciting social discord, police filed a case against the organizer, Vladimir Styopin, citing the Administrative Code article that prohibits leading an unregistered religious community or social organization. Due to a lack of proper documentation, the case was not pursued further by the Aksu Specialized Administrative Court.

A court in West Kazakhstan found that a preschool did not violate the rights of a girl who was banned from wearing a hijab. The school administration required specific dress from the children and the headscarf did not comply. Since preschool is not compulsory, the child’s parents removed her from the school and educated her at home.

Government officials continued to express concern about the potential spread of political and religious extremism. The Committee for National Security continued to characterize the fight against religious extremism as a top priority of the internal intelligence service and continued to monitor civil society and religious groups.

On February 17, a court in Astana convicted Pastor Bakhytzhan Kashkumbayev of Grace Church of causing bodily harm to one of his parishioners. Observers from the diplomatic and NGO communities stated the prosecution presented no credible

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evidence of a crime. The court sentenced him to four years suspended imprisonment (probation) and ordered him to pay compensation of 4.1 million tenge (\$22,478). The appeals court upheld the sentence on April 30, and the Supreme Court declined to hear the case. The pastor was released in February after paying the fine and serving nine months in pretrial detention, including one month of forced psychiatric examination at the Republican Psychiatry Center. There were no additional charges.

In September Nurlan Bizhanov, an official from the Procurator General's Office of East Kazakhstan Region, complained to the regional governor of the "destructive religious activity" of Jehovah's Witness, New Life and Grace Churches, evangelical Christian Baptists, and Scientologists, warning these "nontraditional religious movements" often came into conflict with "traditional religions."

According to reports, as of October 8, there were 14 individuals given short-term prison sentences for failure to pay fines for participating in an unregistered religious group. Out of these individuals, two received an additional prison sentence of 10 days each after handing out literature banned as extremist by a CRA expert analysis. On December 2, Mamurzhan Turashov was sentenced to three years in for participating in the banned Muslim missionary movement Tabligh Jamaat. The trial of five other alleged Tabligh Jamaat members was scheduled to take place in January 2015.

On May 27, the Zhiloiy District Court fined bookseller Gulnar Sandibayeva 92,600 tenge (\$508) for selling religious books in violation of the section of the Administrative Code governing the import, production, publication, and/or distribution of religious literature and other religious materials. The Zhiloiy District Procurator's Office inspected her store on February 25 and found books on Islam. Her store was not an officially approved location for the sale of religious literature.

Courts typically fined individuals found guilty of illegal missionary activity. Those who were not citizens were deported. On March 3, Almaty's Interdistrict Specialized Administrative Court issued a decision to fine and deport Jehovah's Witness Yuriy Toporov, a citizen of Russia married to a Kazakhstani citizen and living in Kazakhstan since 2007, for "illegal missionary activity." Toporov's appeals to overturn the court decision were declined, and he had to leave the country in May.

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According to several religious groups and NGOs, there were fewer instances of government harassment or discrimination of “nontraditional” religious groups. Jehovah’s Witnesses reported an improvement in relations with the government in the early part of the year, with fewer fines and banned publications. On September 29, however, two Jehovah’s Witnesses were found guilty of sharing their faith illegally and fined 185,200 tenge (\$1,015) each.

The SAMK continued to exercise significant control over the activities of Muslim groups, including mosque construction, the appointment of imams, and the administration of examinations and background checks for aspiring imams. The SAMK remained the primary coordinator of Hajj travel and was responsible for authorizing travel agencies to provide Hajj travel services to citizens. On February 20, the Interdistrict Economic Court of North Kazakhstan Oblast rendered a decision to legally liquidate the Din-Mukhammad Mosque of the Tatar-Bashkir Community. This decision was based on a case filed by the Petropavlosk Department for Religious Affairs to close the mosque after it was denied registration. The appeals court upheld the decision to liquidate the mosque, and the Supreme Court’s Supervisory Board refused to review the mosque’s appeal. Other reports, however, indicated the community was still able to meet and pray in the building, despite its lack of registration.

In May the SAMK established a Russian-speaking preaching group. Deputy Supreme Mufti Serikbay Oraz said the decision was made in response to Russian-speaking Muslims in the northern regions of the country who complained they could not understand the Kazakh-language preaching at local mosques. The two Russian-speaking preaching groups are comprised of five members each, including theologians and imams, who are fluent in Russian and have religious knowledge and secular education. The preaching groups support Russian-speaking imams around the country.

Section III. Status of Societal Respect for Religious Freedom

An NGO working on religious issues reported that many individuals were wary of “nontraditional” religious groups, particularly those that proselytized or whose dress indicated they were believers. This NGO reported that it had difficulty obtaining a new lease because potential landlords were worried about a possible influx of people in religious garb going in and out of the building, potentially leading to inspections by law enforcement.

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So-called “anti-sect” NGOs continued to operate, but with less funding and far less activity. These “anti-sect” NGOs distributed information intended to raise awareness about potential extremist organizations operating within the country. There were occasional news articles in local newspapers branding “nontraditional” religious organizations as dangerous “sects.”

Section IV. U.S. Government Policy

In discussions with government officials and in public statements, U.S. officials emphasized the importance of respecting religious freedom and stressed that bilateral cooperation on economic and security issues was a complement to, not a substitute for, meaningful progress on religious freedom.

The Ambassador, embassy officers, and other U.S. government officials met with senior government officials and members of religious groups to raise concerns over the implementation of the religion law and the new Criminal and Administrative codes. U.S. officials encouraged the government to respect individuals’ rights to peaceful expression of religious belief and practice. They expressed concern that the broad scope of the laws enabled authorities, particularly at the local level, to apply them in an arbitrary manner.

Embassy and other Department of State officials visited houses of worship in several regions of the country, met with religious leaders, and brought specific cases of concern to the attention of government officials and urged their resolution.

The embassy also maintained contact with a wide range of religious communities and religious freedom advocates, and reported on violations of their rights to engage in religious practice.

Embassy officials attended public events in support of religious communities and participated in roundtables and other public debates on religious freedom and tolerance. U.S. government representatives were in regular contact with NGOs that engaged in religious freedom activities, including the religious information center Areal, the Association of Religious Organizations of Kazakhstan, and the Kazakhstan International Bureau for Human Rights and Rule of Law.