



United States Commission *on*
International Religious Freedom

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Kazakhstan

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USCIRF has monitored Kazakhstan since 2008. In recent years, Kazakhstan's human rights record, including its record on freedom of religion or belief, has come under increased international scrutiny due to the government's tightening control over civil society and religious communities and its 2010 chairmanship of the Organization for Security and Cooperation in Europe (OSCE). Despite many calls for his release, including by President Obama, Kazakhstan's most prominent human rights activist, Evgeny Zhovtis, is still serving a four-year term in a remote labor colony after being sentenced in 2009 in a trial that was widely viewed as unfair. A Commission representative visited him in July 2010; Zhovtis noted that he was the only inmate who was never allowed to leave the compound.

The legal climate in Kazakhstan, traditionally one of the more liberal countries in Central Asia, is increasingly precarious. The Kazakh parliamentary calendar has set late 2011 for consideration of changes to the religion law similar to those passed in 2008 but voided by the constitutional court, which established stricter registration procedures, required re-registration, and banned unregistered activity and proselytism, among other things. Some observers believe the introduction of the new amendments may occur sooner.

Problems also exist under current laws and regulations, as individuals who lead, participate in, or finance unregistered religious organizations or unapproved religious activities may be subject to administrative fines or detention. The Kazakh authorities continue to enforce these penalties, particularly against unregistered Baptists, registered Ahmadis, and Jehovah's Witnesses. In March 2011, for example, a Baptist pastor was fined 100 times the minimum monthly wage for leading unregistered religious worship in the city of Taraz.

Although the Kazakh Constitution bans discrimination on the ground of religion and the religion law states that all religious communities are equal under the law, government officials seem to divide communities into those they tolerate, such as Jews, Catholics, and small communities of Buddhists, from other groups they deem "sects," including independent Muslims, Ahmadis, most Protestants, Hare Krishna devotees, and Jehovah's Witnesses. In 2010, human rights activists and religious groups expressed concern about a new religious studies textbook, which reportedly contains "aggressive, sometimes insulting and even offensive" language about Ahmadis, Protestant Christians, Hare Krishnas, and Jehovah's Witnesses. In addition, a July 2010 internal document from the ruling Nur Otan political party called for stricter religion laws and attacked "non-traditional" faiths. Nevertheless, in practice, most minority religious communities registered with the government without difficulty, although some Protestant groups and other groups viewed by officials as non-traditional have experienced long delays. In March 2011, however, a judge in the city of Shymkent banned the local New Life Pentecostal Church from conducting worship services in the house where it is registered.

The government-approved National Administration of Muslims in Kazakhstan (SAMK), directed by the Muslim Board and headed by the Chief Mufti, exerts significant influence over the practice of Islam in the country, including selecting imams and regulating the construction of mosques. In 2002, however, the Kazakh Constitutional Council ruled against a proposed legal

requirement that the SAMK must approve the registration of any Muslim group. The government has registered and continues to register some mosques and Muslim communities not affiliated with the SAMK, although reportedly the number of independent mosques has decreased from 90 to 12 in recent years. The SAMK reportedly occasionally pressures non-aligned imams and congregations to join it. For two years, the Muslim Board and Kazakh government agencies in the Karaganda region have been pressuring five independent mosques to join the Muslim Board. According to a Culture Ministry official quoted by Forum 18, all mosques in Kazakhstan “must be” under the Muslim Board. Moreover, a Muslim Board official has alleged that independent mosques “will breed terrorists,” but has not cited any evidence. In a June 2010 discussion with Commission staff, the Deputy Head of the SAMK denied that Sufis are Muslims even though Sufism used to be the predominant form of Islam in Kazakhstan. Several Sufi communities have been denied registration as religious groups.

As of November 2010, Sunni and Shi’a Muslim ethnic minority communities face major state-imposed obstacles in opening mosques. If these ethnic minority mosques gain registration, they are subject to particular state or Muslim Board limitations on religious activity, including bans on Friday prayers. Appointing Kazakh imams and enforcing Kazakh as the priority language in mosques may be part of a general government policy promoting Kazakh ethnic dominance.

The Law on Extremism, effective since February 2005, gives the government wide latitude to identify and designate religious or other groups as extremist organizations, to ban a designated group’s activities, and to criminalize membership in a banned organization. Government officials have expressed concern about possible political and religious extremism, particularly in southern Kazakhstan, where many ethnic Uzbeks reside. The Kazakh government has imprisoned individuals alleged to be members of certain Muslim groups, including some groups that espouse extremist political agendas. Human rights groups have expressed concerns that the government has also used this law to punish non-extremist Muslims for independent views, that their trials did not follow due process, and that the public is denied information about these cases.

Members of unregistered religious communities, including the Council of Churches Baptists, who refuse on principle to register any of their congregations with the state, continue to face official harassment. At least three different regional police Departments for the Fight against Extremism, Separatism and Terrorism raided unregistered religious communities in 2010, both Baptist and Muslim, in various regions of the country. Other unregistered Protestant communities also are subject to official harassment.

Although the Hare Krishna movement is registered at the national and local levels, its leaders report continuing harassment, including destruction of their buildings. The problems date back to an April 2006 appeals court decision that the community’s farm outside Almaty must revert to the county government, allegedly because the farmer from whom the Hare Krishnas bought the land in 1999 did not hold title. Even though the Jehovah’s Witnesses were registered in January 2009, in September 2009 the Kazakh Justice Ministry Committee for Religious Affairs accused the Jehovah’s Witness magazines “The Watchtower” and “Awake” of “creat[ing] preconditions for the development of conflicts on inter-confessional grounds [and] present[ing] a potential threat for the security of the state.” After meetings with government officials and human rights

organizations, however, the Jehovah's Witnesses announced at an October 2009 session of the OSCE Human Dimension conference in Warsaw that they and the government of Kazakhstan had resolved this dispute.

Several groups reported difficulty in registering foreign religious workers, while others reported greater difficulties than in previous years with the issuance of visas, denials of special visas, or shorter-term visas. Under new visa regulations that came into force in March 2010, a "missionary visa" is valid for a maximum of 180 days and is not renewable. The registered Ahmadi community has encountered major delays in the issuance of visas, and two Ahmadi imams were forced to leave Kazakhstan after their visas were denied. The Jewish community has expressed concern, according to a Jewish leader, that "it will be difficult for us to open new synagogues, since it will be very difficult to invite rabbis to lead them." After one Catholic priest failed to get a visa for two months, the nuncio spent a week going to the Foreign Ministry before a business visa was granted.

On the international level, however, the Kazakh government in recent years has organized events to showcase what it views as its record of official religious tolerance. President Nazarbayev has hosted three conferences attended by hundreds of leaders of "traditional" religious communities from around the world. At the June 2010 OSCE High-Level Tolerance Meeting in Astana, Kazakh government officials participated in a side event on freedom of religion or belief in Kazakhstan organized by a Norwegian NGO coalition, and responded to religious community and NGO questions and comments.