



**Analysis of Proposed Amendments to
the Republic of Kazakhstan's
Law on Freedom of Religion and Religious Associations**

Prepared by the
Advisory Panel of Experts on Freedom of Religion and Belief
of the OSCE /ODIHR
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I. INTRODUCTION

The OSCE, through its Office for Democratic Institutions and Human Rights, requested the Advisory Panel of Experts on Freedom of Religion and Belief to offer an advisory opinion on proposed amendments to the Republic of Kazakhstan's 1992 law "On Freedom of Religion and Religious Associations." The Panel consists of several scholars from diverse geographical, political, legal, and religious backgrounds who make recommendations on matters concerning religion and freedom of belief. The Panel is familiar with the broad range of laws that exist among OSCE's 55 participating states. The Panel has reviewed what it understands to be the most recent draft of the proposed amendments to the 1992 law (hereinafter "draft amendments").¹

II. OVERVIEW AND SUMMARY

¹ The draft upon which this analysis is based is attached as an appendix to this document. It was made available to the Almaty office of the OSCE in February 2001 and appears to be the most current. Prior drafts included a January 2001 draft discussed at a state-organized round table and an October 2000 draft announced by SDMK head Absattar Derbysalaye in the 25 October edition of the national newspaper *Kazhkhstanskaya Pravda*. KESTON NEWS SERVICE (Feb. 19, 2001).

The panel understands that the Republic of Kazakhstan has a number of legitimate concerns about terrorism and other illegal activities that may be committed by groups that operate under the guise of religious associations. Although the Panel does not question the legitimacy of states taking reasonable actions to curb dangerous activities by groups, it is the Panel's belief that the draft amendments to the 1992 religion law *do not sufficiently target illegal activities*—which could properly be curbed under Kazakhstan's OSCE commitments and under international law—but *instead the draft amendments impermissibly target groups that are identified on the basis of their beliefs*. If adopted as currently drafted, the amendments will place significant burdens on individuals and groups who are not responsible for any illegal activities, thereby causing Kazakhstan to violate its OSCE commitments and to fall far short of compliance with international human rights standards.

It should be noted that there are some provisions of the draft amendments that can be seen as making positive steps. For example, the Panel applauds the portion of draft paragraph 12 that calls for a “motivated refusal in writing” if registration is not granted as well as allowing an appeal of a denial. The Panel similarly believes that paragraph 15's call for respecting the internal regulations of a religious organization are commendable.

Nevertheless, there are three serious problems in the draft amendments that reveal themselves in many provisions of the draft amendments:

First, targeting of groups on the basis of their beliefs rather than their illegal activities;

Second, the vagueness of the definitions that are used (particularly “reactionary fundamentalism,” “religious sects,” and “religious extremism” as defined in paragraph 3); and

Third, too great of latitude being given to administrative discretion.

These three serious problems emerge in several provisions from the draft amendments. The most problematic specific issues that include these serious problems are:

1. Categorizing and prohibiting groups on the basis of their beliefs, rather than on their having committed illegal actions. .
2. Prohibiting individuals and groups from disseminating literary or other materials containing ideas vaguely defined as “religious extremism” and “reactionary.”
3. Prohibiting and punishing missionary activity that has not received “permission of the authorized public body.”
4. Requiring registration of religious organizations.
5. Requiring state registration of “foreign” religious organizations and appointment of “foreign” religious organizations' leaders without providing standards to prevent arbitrary denial of approval.

6. Requiring Islamic religious organizations to prove that they are members of the Kazakhstani Moslem Spiritual Administration, regardless of their actual beliefs
7. Prohibiting vaguely defined “unauthorized” religious activity conducted away from the religious organization’s place of worship or headquarters.
8. Requiring that religious education of children cannot “damage” their “all-around education, physical or moral health” in such a way as to authorize excessive intrusion in parental rights to guide the education of their children.

Part III of this analysis undertakes a provision-by-provision analysis of the problematic features of the draft amendments. Part IV describes the relevant international norms and how the draft amendments fall short of these standards.

III. DRAFT AMENDMENTS’ INCONSISTENCIES WITH OSCE COMMITMENTS AND INTERNATIONAL LAW STANDARDS

The following is a critical analysis of some of the most controversial draft amendments, including explanations of how each constitutes an infraction of one or more of Kazakhstan’s international human rights commitments, as well in many cases, of its own constitution.

1. *Categorizing and prohibiting groups on the basis of their beliefs, rather than on their having committed illegal actions.*

The clearest and most serious violation of international law and human rights in the draft amendments is the categorizing and banning of groups on the basis of their beliefs. Although a government legitimately may prohibit criminal activities (such as murder, assault, destruction of property, and use of violence or insurrection) ***a government may not prohibit associations solely on the basis of beliefs, particularly when the beliefs are defined in vague terms and where a significant amount of discretion is given to administrative and political authorities to interpret and apply the law.***

The draft amendments vaguely define “religious sects” in part 1.3 of the Draft Amendments as “isolated extremist-minded religious groups professing extremism and preaching non-traditional religious trends.”² After providing this vague definition, Part 1.5 of the draft amendments states that “activities of religious sects are prohibited in the Republic of Kazakhstan.”³

The primary difficulties here are *first*, prohibiting *all* activities of groups based solely upon their beliefs, and *second*, using vague and overly broad language to define the prohibited beliefs. While there is no doubt that there are *some* cases in which religious

² Draft Amendments of the Republic of Kazakhstan “On Introducing Amendments to Some Legislative Acts of the Republic of Kazakhstan on the Freedom of Religion” (Feb. 2001) [hereinafter “draft amendments”] 1.3 (proposing to amend Article 1-1 of the Law of the Republic of Kazakhstan “On Freedom of Religion and Religious Associations”) [hereinafter “1992 religion Law”].

³ Draft amendments, *supra* note 2 at 1.5 (proposing to amend Article 4 of the 1992 religion law).

extremists may engage in criminal activity, or may engage in conduct which may constitute an imminent threat of such conduct. The problem is that, as drafted, the language could result in the prohibition not only of such impermissible conduct, but also of a broad range of conduct that is protected by international standards.

Part 1.5 of the draft amendments is accordingly inconsistent with the Helsinki Final Act of 1975, which states in part that “participating States will recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.”⁴ This provision applies to all religious groups, including religious sects. Similar language in the ICCPR, which guarantees “freedom, either individually or in community with others and in public or private to manifest his religion or belief,”⁵ has been construed by the U.N. Human Rights Committee to mean that freedom of religion or belief “is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions.”⁶ Part 1.5 of the draft amendments contradicts article 18 of the ICCPR as well as article 18 of the UDHR, which is worded almost identically.⁷ By the same reasoning, Part 1.5 is inconsistent with Kazakhstan’s Helsinki commitments.

Moreover, as recognized by the Kazakh Constitution, manifestations of religion or belief may be limited only “by laws and *only to the extent necessary* for protection of the constitutional system, defence of the public order, human rights and freedoms, health and morality of the population.”⁸ It is widely recognized that limitations imposed on manifestations of religion must be strictly and narrowly construed to avoid unnecessary limitations on freedom of religion or belief.⁹ Overbroad and vague condemnations such as those elaborated in the draft amendments fail to meet this test.

Part 1.5 of the draft amendments also violates the 1990 Charter of Paris, which states in part that “without discrimination, every individual has the right to freedom of thought, conscience and religion or belief, freedom of expression, [and] freedom of association and peaceful assembly,”¹⁰ and that “no one will be subject to arbitrary arrest or detention... [as] everyone also has the right to know and act upon his rights.”

In addition to the above, the apparent overbreadth of part 1.5 runs a substantial risk of arbitrary enforcement by officers who will not be able to interpret the intent of the draft amendments any better than ordinary citizens. In context of recent religious-based

⁴ Conference on Security Co-operation in Europe: Final Act, 1(A) (Helsinki Final Act of 1975) Article 7.

⁵ ICCPR, *supra* note 7, art. 18.

⁶ *Id.*, General Comment No. 22(48).

⁷ UDHR article 18 guarantees the freedom “either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”

⁸ Constitution of Kazakhstan, art. 39 (1)(emphasis added).

⁹ U.N. Human Rights Committee, General Comment No. 22(48), art. 8..

¹⁰ Charter of Paris for a New Europe. For full text, *see* <http://www.osce.org/docs/english/1990-1999/summits/paris90e.htm>

violence in Kazakhstan and surrounding Central Asian states,¹¹ the legislative intent of part 1.5 is arguably to prohibit religious activity that would threaten “national security, public order, life, health and the rights of other citizens”¹² as stated in the 1992 religion law. A threshold problem is that this language assumes broader permissible limitations on freedom of religion than international standards in fact allow. Under the ICCPR, for example, national security is not in itself a permissible ground for derogating from religious freedom protections; limitations can be imposed on a manifestation of religion only where some other permissible grounds for limitations are involved. But even a very explicit law that details the various criminal activities underlying a prohibition of religion¹³ misses the most vital point of all: the legitimate social concern is with violent or other forms of criminal activity, and for this it is enough simply to criminalize the activity (or imminently threatened activity), without taking the additional overreaching step of criminalizing or otherwise limiting the *religion* of those involved in the wrongful conduct.

2. Prohibiting individuals and groups from disseminating literary or other materials containing ideas vaguely defined as “religious extremism” and “reactionary fundamentalism.”

As in the preceding point, the draft amendments define two terms vaguely (“religious extremism” and “reactionary fundamentalism”) and then prevent certain actions of those who hold such views. “Religious extremism” is vaguely defined in part 1.3 as “commitment to extreme views and measures in religion.”¹⁴ Neither of these two “definitions” identifies any illegal activities of these groups. Only marginally better is the definition of “reactionary fundamentalism,”¹⁵ which is defined in the same section as “a religious movement, declaring commitment to original ideas, values of some doctrines and claiming to overcome by force deviations that appeared in the course of its development and restore the original state.” Although there is in this definition a reference to an activity (“overcome by force”), the definition nevertheless does not require that “reactionary fundamentalists” actually take an overt act that either prepares for the use of force or actually uses force.

Part 1.16 of the draft amendments states that “it is prohibited to manufacture, store and disseminate the literature, film-, photo-, video- and other materials containing ideas of religious extremism and reactionary fundamentalism.”¹⁶

¹¹ Uzbekistan in particular has struggled with apparent religious-based violence such as the 1999 bombings in Tashkent ascribed by the Uzbek government to “religious extremists.” See Fona Dunne, *Religious Extremists Were Involved in Tashkent Explosions*, INTERFAX NEWS AGENCY (Feb. 23, 1999).

¹² Law of the Republic of Kazakhstan on Freedom of Religion and Religious Associations, Article 1 (Jan. 15, 1992) [“1992 religion law”].

¹³ An example of such a law would include Uzbekistan’s 1998 Law on Freedom of Conscience and Religious Organizations which prohibits certain religious groups on the basis of defined criminal conduct such as “terrorism, drug trade and organized crime.” See The Law of Uzbekistan on Freedom of Conscience and Religious Organizations, Article 5.

¹⁴ See *supra* note 2 at 1.3 (proposing to amend Article 1-1 of the 1992 religion law).

¹⁵ See *supra* note 2 at 1.3 (proposing to amend Article 1-1 of the 1992 religion law).

¹⁶ See *supra* note 2 at 1.16 (proposing to amend Article 13 of the 1992 religion law).

Any provision such as Part 1.16 of the draft amendments that attempts to restrict freedom to disseminate religious ideas (regardless of their non-traditional nature) violates at least the Vienna Concluding Document,¹⁷ the ICCPR¹⁸ and the UDHR,¹⁹ which along with many other international covenants and treaties guarantee the right to uninhibited dissemination of religious literature and materials “regardless of frontiers.”²⁰ Here again the problem is essentially one of vagueness and overbreadth. Many legitimate religious movements either are or have been led by individuals with strong views, who might be described by others as “religious extremists” with “reactionary fundamental[ist]” views. Where strongly held religious beliefs lead to conduct which constitutes or might immediately lead to criminal offences, such conduct can be handled under normal criminal or civil norms. But the officials of a supposedly neutral and secular state should not be left unfettered discretion to determine who they think are “religious extremists.”

3. *Prohibiting and punishing missionary activity that has not received “permission of the authorized public body.”*

Part 1.6 of the draft amendments states that citizens and non-citizens alike may “carry out missionary activities on the territory of the Republic of Kazakhstan with the permission of the authorized public body in the order established by the Government of the Republic of Kazakhstan,” and that “missionary activity of the above persons without an appropriate permit is prohibited and entails a liability established by the law.”²¹

Part 6 of the draft amendments proposes to criminalize non-compliance with part 1.6 by amending Kazakhstan’s criminal code to impose “fine[s] in the amount equal to 100-500 monthly specified rates, or in the amount of 2 to 5 months’ salary of the convicted, or correctional work up to two years, or arrest up to six months, or imprisonment for a term of a year” for “carrying out missionary activities on the territory of the Republic of

¹⁷ The Vienna Concluding Document, Principle 16.9, states that “In order to ensure the freedom of the individual to profess and practice religion or belief, the participating States will, inter alia ... respect the right of individual believers and communities of believers to acquire, possess, and use sacred books, religious publications in the language of their choice and other articles and materials related to the practice of religion or belief.” It goes on to hold that “freedom of expression includes allow[ing] religious faiths, institutions and organizations to produce, import and disseminate religious publications and materials,” *Id.* at Principle 16.10.

¹⁸ The ICCPR, *supra* note 7, guarantees in multiple different articles the freedom to disseminate religious literature and other religious materials: art.18 (“everyone shall have the freedom ... either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching”); General Comment No. 22, (stating that the freedom to prepare and distribute religious texts or publications is protected by ICCPR 18); art. 19 (stating that the freedom of expression includes “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”).

¹⁹ The UDHR, art. 19, states that the freedom of expression includes “freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

²⁰ *Id.*

²¹ See *supra* note 2 at 1.6 (proposing to amend Article 4 of the 1992 religion law).

Kazakhstan without the permit of the authorized body or violating the procedure of carrying out missionary activities established by the law.”²²

It is unclear from the face of the draft amendments which governmental agency constitutes the “authorized public body.” Whatever body is ultimately authorized to make such judgments, however, has no clear standards to guide it, with the result that arbitrary government enforcement seems unavoidable. Conduct so clearly protected by both freedom of religion and freedom of expression norms should not face the risk of arbitrary enforcement in this manner.

Because the concept of “missionary activity” is almost indistinguishable from the concept of “dissemination of religious ideas,” Parts 1.6 in conjunction with part 6 of the draft amendments run afoul of most (if not all) of the international covenants and treaties discussed immediately above with relation to dissemination of religious ideas. In any event, administrative (and particularly criminal) impositions upon missionary activity are not consistent with Kazakhstan’s commitments under the Charter of Paris, which states generally that “free movement and contacts among our citizens as well as the free flow of information and ideas are crucial for the maintenance and development of free societies and flourishing cultures.”²³

4. *Requiring and restricting registration of religious organizations.*

It is not entirely clear whether registration of religious organizations is compulsory under the draft amendments; however, the draft amendments could easily be construed by registering bodies to require registration. Most OSCE countries do not *require* registration of religious organizations or impose sanctions on religious associations that fail to do so. No country outside of the former socialist bloc does so, and to the extent that some countries have retained these requirements, most are recognizing their problematic character and dropping them. Major jurisdictions such as Russia, for example, have abandoned such requirements. Even though current Kazakh law does not make registration compulsory, some officials have behaved as though it is and have hassled religious groups that have not registered. The 1992 religion law merely states that “religious organizations conduct their activity on the basis of their charter.”²⁴ Part 1.11 of the Draft Amendments adds that “a religious association... is subject to registration in compliance with this Law.”²⁵ Part 1.13 of the draft amendments then gives the State the authority to terminate religious activity for failure to properly register, proposing that “a religious association may be stopped” on the bases of “insignificant violations of provisions of constituent documents, current legislation, and carrying out religious activity out of the site of the religious association.”²⁶ Thus, the draft amendments clearly sanction failure to register, contrary to international law.

²² *Id.* at part 6 (proposing to amend articles 211, 219, 225, 721 and 724 of the Criminal Code of the Republic of Kazakhstan) [hereinafter “Criminal Code”].

²³ Vienna Concluding Document of 1989.

²⁴ 1992 Religion Law, art. 8.

²⁵ Draft amendments, *supra* note 11 at 1.11 (proposing to amend Article 7 of the 1992 Religion Law).

²⁶ *Id.* at 1.13 (proposing to amend Article 13 of the 1992 religion law).

Apart from requiring registration, Part 1.11 also increases the complexity of registration by increasing the minimum number of founding adult citizens to 50 (up from 10 in the 1992 religion law)²⁷ and by significantly complicating the filing requirements of a charter (e.g., the charter must now include information about such things as “the attitude of a religious association to the state,” and about “its relation to the family and marriage, to education, [and] to the health of its followers”).²⁸ Since Kazakhstan (like many of its neighbours) has only required 10 founding members for years, it is hard to demonstrate that the heightened membership requirement is really necessary.

Registration requirements themselves do not violate international law governing freedom of religion, so long as the requirements are administered impartially and are not unduly burdensome. But to the extent that parts 1.11 and 1.13 of the Draft Amendments constitute a politically ‘safe’ or ‘discreet’ method of banning religious groups that are not in favour with the government, such provisions will constitute a violation of all international covenants and treaties prohibiting religious based discrimination.²⁹ Further, Principle 16.3 of the 1989 Vienna Concluding Document guarantees the right of individuals and religious communities to receive “recognition of the status provided for them in their respective countries.”³⁰

5. Requiring state registration of “foreign” religious organizations and appointment of “foreign” religious organizations’ leaders without standards to prevent arbitrary denial of approval.

Part 1.10 of the draft amendments states that “activities of foreign religious associations on the territory of the Republic of Kazakhstan as well as the appointment of heads of religious associations by foreign religious centres in the Republic is carried out on agreement with corresponding state bodies of the Republic.”³¹

Part 1.10 of the draft amendments violates Article 18.4 of the ICCPR. General Comment No. 22(48) defines the freedom to manifest religion or belief as including a religious organization’s “freedom to choose their religious leaders.”³² Requiring state consent or approval in the choice of religious leaders (foreign or native) also violates Principle 16(d) of the Vienna Concluding Document, which requires states to respect the right of religious communities to “select, appoint and replace their personnel in accordance with their respective requirement and standards,”—where the State could be involved only in cases of a “freely accepted agreement.”³³ Part 1.10, though not entirely clear, could easily be construed as requiring State consent to the appointment of religious leaders, in

²⁷ *Id.* at 1.11 (proposing to amend Article 9 of the 1992 religion law).

²⁸ *Id.*

²⁹ The Helsinki Final Act, the Charter of Paris, the ICCPR, the UDHR, the Vienna Concluding Document, the Budapest Concluding Document, and the Madrid Concluding Document (to name a few) all prohibit religious based discrimination.

³⁰ Vienna Concluding Document, art. 16.3.

³¹ Draft amendments, *supra* note 2 at 1.10 (proposing to amend Article 7 of the 1992 religion law).

³² ICCPR, art. 18.4.

³³ Vienna Concluding Document, art. 16.4.

violation of fundamental commitments aimed at protecting the right of religious organizations to autonomy in their internal affairs.

6. Requiring Islamic religious organizations to prove that they are members of the Kazakhstani Moslem Spiritual Administration regardless of their actual beliefs.

Part 1.11 of the draft amendments requires that “Islamic religious organizations submit a document of the Kazakhstani Moslem Spiritual Administration (KMSA) that confirms its membership there.”³⁴ It is well known that Moslem communities are seldom hierarchically structured. Imposing the requirement of KMSA certification will effectively deny some Muslim groups the ability to organize and acquire entity status under part 1.13 of the draft amendments.³⁵ Part 1.11 of the draft amendments would therefore violate the same international covenants and treaties mentioned above in point 4 which impose sanctions on non- registration of religious organizations.³⁶

7. Prohibiting the vaguely defined “unauthorized” religious activity conducted away from the religious organization’s place of worship or headquarters.

Part 1.13 of the draft amendments states that “the activity of a religious organization may be stopped” on the basis of “carrying out religious activity out of the site of the religious association.” This provision is not completely clear, at least in translation. It may merely be saying that activities outside the physical building that has been registered cannot proceed without getting reasonable clearance for worship activities at an outside location. Most systems allow reasonable “time, place and manner” restrictions. Alternatively, the language might be aimed at limiting religious activity of individuals within a religious organization to the geographical area specified by the “place of organization” required under a charter filing as set forth in part 1.11 of the draft amendments. The net effect of such an amendment is to empower the State to “localize” and “contain” the practice of religion to geographical regions as the State deems necessary. If so construed, part 1.13 would violate the Helsinki Final Act, the Charter of Paris, the ICCPR and multiple other international covenants guaranteeing freedom of expression, freedom to disseminate religious ideas and freedom of association.

8. Requiring that religious education of children cannot “damage” their “all-around education, physical or moral health,” in such a way as to authorize excessive intrusion in parental rights to guide the education of their children.

Part 1.7 of the draft amendments states that “religious upbringing of the child should not cause damage to his/her all-around education, physical or moral health.”³⁷ Naturally, no one favours “damaging” children. But parents have broad latitude in guiding the upbringing of their children, and one parent’s theory of sound parenting principles may

³⁴ Draft amendments, *supra* note 2 at 1.11 (proposing to amend Article 9 of the 1992 religion law).

³⁵ See *supra* note 34 and accompanying text.

³⁶ See *supra* discussion of draft amendments controversial provision number 4: “Registration of religious organizations could be compulsory and registration requirements are heightened.”

³⁷ Draft amendments, *supra* note 2 at 1.7 (proposing to amend Article 5 of the 1992 religion law).

be viewed by someone else as damaging “all-around education” or “physical or moral health.”

If construed to mean that parents could not teach religious principles to their children where such religious principles differed from what a child might be taught at government sponsored schools, Part 1.7 of the draft amendments would not conform to fundamental rights of religious education as set forth in both the Vienna Concluding Document³⁸ and the ICESCR:

The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.³⁹

IV. KAZAKHSTAN’S INTERNATIONAL HUMAN RIGHTS COMMITMENTS

Kazakhstan is a participating state in the OSCE and has, as such, committed itself to honouring the OSCE commitments that were reached by common consensus among all of the participating states.⁴⁰ Kazakhstan signed the Helsinki Final Act on July 8, 1992, and the Charter of Paris on September 23, 1992,⁴¹ both of which contain extensive commitments related to freedom of conscience and belief, as well as numerous other human rights obligations. By becoming a participating state in the OSCE, Kazakhstan has reaffirmed its commitment to human rights standards enunciated in the Universal Declaration of Human Rights (“UDHR”).⁴²

³⁸ The Vienna Concluding Document, articles 16.6 and 16.7 instruct states to “respect the right of everyone to give and receive religious education [...], whether individually or in association with others” and to “respect, inter alia, the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions.”

³⁹ ICESCR, art. 13.3.

⁴⁰ Kazakhstan joined the OSCE on January 30, 1992 (www.osce.org).

⁴¹ See: www.osce.org/general/participating_states/partstat.htm.

⁴² The Helsinki Final Act of 1975, the foundational OSCE commitment, states in part: In the field of human rights and fundamental freedoms, the participating States will act in conformity with the purposes and principles of the Charter of the United Nations and with the Universal Declaration of Human Rights. They will also fulfill their obligations as set forth in the international declarations and agreements in this field, including inter alia the International Covenants on Human Rights, by which they may be bound. Helsinki Final Act, Art. VII, para. 8.

Of course, the OSCE norms are understood to be “political” as opposed to “legal” commitments, but this difference does not excuse Kazakhstan from failing to measure up to international standards.⁴³

Kazakhstan is a member of the United Nations and is thus bound by the UN Charter.⁴⁴ Unlike the four other Central Asian Republics formerly part of the Soviet Union and a relatively small number of other countries in other parts of the world, Kazakhstan has neither signed nor ratified either the International Covenant on Civil and Political Rights (ICCPR) or the International Covenant on Economic, Social and Cultural Rights (ICESCR).⁴⁵ But at this point, with approximately 160 countries having ratified the ICCPR, there is substantial authority that it is either in part (including the portion dealing with freedom of religion or belief) or in total customary law.⁴⁶ Moreover, at least according to the treaty monitoring bodies, including the UN Human Rights Committee, Kazakhstan is one of the successor states of the former USSR, and is accordingly bound by the ICCPR.⁴⁷ In short, there are strong reasons to believe that Kazakhstan is legally bound by the relevant provisions of the ICCPR, despite the fact that it has not formally signed.

Moreover, Kazakhstan has further agreed to comply with various international obligations through its own Constitution. Article 8 provides that “[t]he Republic of Kazakhstan shall respect principles and norms of international law.” Further, Article 12 provides that

1. Human rights and freedoms in the Republic of Kazakhstan shall be recognized and guaranteed in accordance with this Constitution.
2. Human rights and freedoms shall belong to everyone by virtue of birth, *be recognized as absolute and inalienable*, and define the contents and implementation of laws and other regulatory legal acts.

Similarly, Article 22, which addresses freedom of conscience, provides:

1. Everyone shall have the right to freedom of conscience.
2. The right to freedom of conscience must not specify or limit universal human and civil rights and responsibilities before the state.

⁴³ The OSCE declarations are not law and cannot be enforced by any court, although they are political commitments to which other OSCE participating states may legitimately raise questions about other states’ compliance. See Thomas Buergenthal, *The CSCE and the Promotion of Racial and Religious Tolerance*, 22 ISRAEL YEARBOOK ON HUMAN RIGHTS 31, 43-5 (1993); Thomas Buergenthal, *The CSCE Rights System*, 25 GEORGE WASHINGTON JOURNAL OF INT’L LAW AND ECONOMICS 333, 375-81 (1991).

⁴⁴ Kazakhstan joined the UN on March 2, 1992 (www.un.org/overview/unmember.html).

⁴⁵ For the UN’s full list of signatories to these two and other treaties, see <http://www.unhchr.ch/pdf/report.pdf> (visited March 2, 2001).

⁴⁶ See HENRY J. STEINER & PHILIP ALSTON, *INTERNATIONAL HUMAN RIGHTS IN CONTEXT* 37-38 (1996).

⁴⁷ See UN Doc. E/CN.4/1996/76 (1996).

Article 22(2) appears to imply both that freedom of conscience should not lead to the abridgement of other rights but also that this right, as understood in Kazakhstan, should not limit the universally applicable international standards. Other provisions of the Kazakh constitution could conceivably be construed as setting limits on the extent to which international norms are directly applicable as a matter of law,⁴⁸ so that the constitutional provisions expressing commitments to follow international standards may be only hortatory. But even if this were the case, to the extent such constitutional expressions are not respected in practice, Kazakhstan's law would fall short not only of international standards, but of its own aspirations. Kazakhstan is alone among its post-Soviet Central Asian neighbours and the overwhelming majority of its other international peers in not ratifying both major international covenants.⁴⁹ Because of the persuasiveness of these standards, and indeed because the standards relating to freedom of religion and belief in particular may have become customary international law,⁵⁰ this analysis refers to the generally accepted norms as well as to the OSCE commitments that Kazakhstan has clearly accepted.

At the very least, Kazakhstan should consider itself bound by virtue of its membership in the UN to recognize such basic declarations of the UN General Assembly as the UDHR and the UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.⁵¹ Likewise, Kazakhstan should consider itself bound by virtue of its membership in the OSCE to the series of CSCE/OSCE declarations on freedom of religion as set forth in the 1983 Madrid Concluding Document, the 1989 Vienna Concluding Document, the 1990 Copenhagen Human Dimension Document, the Charter of Paris and the 1994 Budapest Concluding Document.

A summary of key OSCE Commitments related to freedom of religion and belief is included as Appendix 2 to this document. This summary is not an exhaustive list of all relevant OSCE commitments, among other things because it does not include a variety of commitments concerning non-discrimination, freedom of expression and freedom of association which overlap with and reinforce commitments dealing with freedom of religion or belief. Appendix 1 contains a copy of the text of the Draft Amendments.

A more complete analysis of the implications of freedom of religion and belief for laws dealing with religious associations has been prepared under the auspices of the OSCE/ODIHR in a booklet entitled, "Freedom of Religion or Belief: Laws Affecting the Structuring of Religious Communities." This is available on the OSCE/ODIHR web site in both English and Russian.⁵²

⁴⁸ See, e.g., Constitution of Kazakhstan, art. 4.

⁴⁹ See *supra* note 7 for a list of signatories. Uzbekistan, Kyrgyzstan, Turkmenistan and Tajikistan are included.

⁵⁰ See HENRY J. STEINER & PHILIP ALSTON, INTERNATIONAL HUMAN RIGHTS IN CONTEXT 37-38 (1996).

⁵¹ UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. For a full text see http://www.unhchr.ch/html/menu3/b/d_intole.htm.

⁵² www.osce.org/odihr/docs/i4_index.htm

V. CONCLUSION

Additional problems with the draft amendments could be documented. The foregoing criticisms are not necessarily exhaustive. The recurring theme of the draft amendments is that they are structured in ways that would impose sanctions or restrictions on a much broader range of religious organizations and activities than are permissible under international standards. A more refined approach to dealing with what Kazakhstan's government sees as legitimate problems needs to be found. We strongly recommend that a more cautious approach be sought, and that immediate action on the draft amendments be postponed until an approach more sensitive to religious human rights of the many legitimate groups who may be adversely affected by this legislation can be found.

OSCE participating states unanimously committed themselves, whenever imposing restrictions on protected rights, as in the draft amendments, to do so only by complying with international standards.

The participating States reaffirm that . . . everyone will have the right to freedom of thought, conscience and religion. This right includes freedom to change one's religion or belief and freedom to manifest one's religion or belief, either alone or in community with others, in public or in private, through worship, teaching, practice and observance. The exercise of these rights may be subject only to such restrictions as are prescribed by law and are consistent with international standards.⁵³

The draft amendments, as written, do not comply with this fundamental commitment.

⁵³ *Conference on Security and Co-operation in Europe: Document of the Copenhagen Meeting of the Conference on the Human Dimension*, 29 June 1990, 29 I.L.M. 1305, 1311 (1990) [II, 9.4].

APPENDIX 1

Draft

Law of the Republic of Kazakhstan On Introducing Amendments to Some Legislative Acts of the Republic of Kazakhstan on the Freedom of Religion

To introduce amendments to the following legislative acts of the Republic of Kazakhstan:

1. To the Law of the Republic of Kazakhstan as of January 15, 1992 "On the Freedom of Religion and Religious Associations" (Bulletin of the Republic of Kazakhstan Supreme Council, 1992, #4, Art. 83; Bulletin of the Republic of Kazakhstan Parliament, 1995, #20, Art.120, 121):

1) Replace figure <I> by figure <1> in the headline of Chapter I;

2) State Article 1 in the following wording:

"Article 1. The aim of the Law

This Law shall safeguard the exercise of citizens' rights for freedom of religion, confirmed by the Constitution of the Republic as well as international acts and agreements on human rights, regulate legal relations in this sphere and determine the legal status of religious associations.

The exercise of the freedom to profess religion or disseminate religious convictions can be restricted only by legislative acts and only to the extent necessary to protect the constitutional system, safeguard public order, human rights and freedoms and health and morals of the population."

3) To supplement with Article 1-1 having the following content:

"Article 1-1. Basic terms and concepts used in this Law

This law shall use the following terms and concepts:

Religion - belonging to some religion;

Religious educational establishment - an educational institution implementing professional educational programs of training clergymen;

Confession - a notion coinciding with religious trends whose determining factor is a religious doctrine;

Missionary work - activity aimed at preaching and disseminating some religious doctrines by religious-educational, charitable and other activities, including activities among adherents of a different faith in their own country or other countries;

Reactionary fundamentalism is a religious movement, declaring commitment to original ideas, values of some doctrines and claiming to overcome by force deviations that appeared in the course of its development and restore the original state;

Religious association is a voluntary association of adult citizens who adhere to one and the same religion and united with each other to jointly satisfy their religious needs;

Religion is a special form of public conscience fulfilling an ideological function as well as corresponding behavior and specific actions connected with religion;

Religious sects are isolated extremist-minded religious groups professing extremism and preaching non-traditional religious trends;

Freedom of religion is a necessary and integral element of the freedom of conscience. It includes the right for professing any religion or changing his/her religious convictions; for free establishment of religious societies; the right of each person, irrespective of his/her belonging to this or that religion, to enjoy all political and civic rights and freedoms;

Religious extremism is a commitment to extreme views and measures in religion."

4) Supplement Article 2 with part two having the following content:

"If other normative legal acts of the Republic of Kazakhstan on the protection of rights for freedom of religion and activities of religious associations contradict this Law, the provisions of this Law shall be in force."

5) In Article 4:

Supplement part one with words "Activities of religious sects are prohibited in the Republic of Kazakhstan.";

Supplement part four with words "In the Republic of Kazakhstan it is prohibited to carry out activities aimed at using inter-confessional differences for political goals, the establishment of religious associations whose aim and activities are aimed at changing the Constitutional system by using force, violating the integrity of the Republic of Kazakhstan, undermining security and stirring up race, national, religious, class and tribal differences, advocating religious and other bigotry (fanatism), religious extremism, and actions aimed at confrontation and sharpening of relations."

6) Supplement with Article 4-1 having the following content:

"Article 4-1. Missionary activity

Citizens of the Republic of Kazakhstan, foreign citizens and persons without citizenship carry out missionary activities on the territory of the Republic of Kazakhstan with the permission of the authorized public body in the order established by the Government of the Republic of Kazakhstan.

The missionary activity of the above persons without an appropriate permit is prohibited and entails a liability established by the law."

7) In Article 5:

Supplement part one with a sentence having the following content:

"It is prohibited to establish privileges, restrictions or other forms of discrimination in the access to different types and levels of education because of the attitude to religion."

Supplement part two with a sentence having the following content:

"Religious upbringing of the child should not cause damage to his/her all-round education, physical or moral health."

State part three in the following wording:

"Religious training should be carried out in the spirit of understanding, tolerance and respect to convictions of other people. It is not allowed to draw people under age into religious associations and give them religious education against their will, against the will of their parents or persons substituting for them."

8) In Article 6:

In part two substitute the words "administrative and executive bodies of the cities Almaty and Leninsk" by the words "Local representative and executive bodies of oblasts and cities of Almaty and Astana";

9) In the headline of Chapter II replace figure <II> by figure <2>;

10) In Article 7:

Part 1:

Supplement with words "established with the aim of jointly confessing the religion and having signs that answer this goal:

The presence of religious doctrines;

Making divine service, religious ceremonies and sermons and other religious ceremonies;

Religious sermons and upbringing followers;

The procedure of admittance to a religious association and leaving it;

Supplement with part six having the following content:

"Activities of foreign religious associations on the territory of the Republic of Kazakhstan as well as the appointment of heads of religious associations by foreign religious centres in the Republic is carried out on agreement with corresponding state bodies of the Republic."

11) State Articles 8,9 in the following wording:

"Article 8. The Charter (Provisions) of the religious association.

In compliance with the civil legislation the Charter (Provisions) of a religious association determines its capacity to act and is subject to registration in compliance with this Law.

The Charter (Provisions) submitted to registration should have:

The name, place of a religious association, religious membership and the territory of activities of a religious association;

The subject and the goal of the activity;

The order of reorganization and elimination of a religious association;

The structure of the association, its governing bodies, the procedure of its establishment and competence;

Sources of financial support and other property of associations;

The order of introducing amendments to the Charter;

The procedure of managing the property in case of ceasing its activity;

Information about forms and methods of its activity, about its relation to the family and marriage, to education, to the health of its followers;

Rights and responsibilities of a religious association;

The attitude of a religious association to the state.

Article 9. Registration of religious associations

Religious associations are formed at the initiative of not less than 50 adult citizens. Prior to it they convene a meeting at which they adopt the Charter (Provisions).

A religious association acquires the capacity of a legal person from the moment it is registered by state.

The Ministry of Justice of the RK registers religious associations acting on the territory of two or more oblasts of the republic, religious educational institutions and abbeys established by them. Territorial bodies of justice register local religious associations. Religious administrations (centres), associations and institutions registered outside the Republic of Kazakhstan, perform their activities, except their missionary activity, via filials and representatives registered in the Ministry of Justice of the Republic of Kazakhstan according to legislation.

For state registration of a religious association, citizens (founders) submit an application to an appropriate body for registration, a list of citizens (founders) who have established the religious association, the Charter (Provisions) and the protocol of the constituent assembly (conference, congress) that adopted the Charter (Provisions). Information about the basis of a religious doctrine and its practice, including the history of how the religion and this religious association appeared are submitted additionally to be registered by the state. In addition to the above documents, Islamic religious associations submit a document of the Kazakhstani Moslem Spiritual Administration that confirms its membership there.

Activities of spiritual educational institutions are licensed in the order established by the legislation.

Amendments to charters (provisions) of religious associations must be registered in the order and terms in which charters (provisions) are registered.

The term of the state registration is cut short if it is necessary to carry out local religious expertise and receive the conclusion of an expert on the documents submitted by a religious association."

12) Supplement with Article 10-1 having the following content:

"Article 10-1. Refusal to register a religious association.

A decision on the refusal to register a religious association can be taken in case if:

The subject and goals of the activities of a religious association contradict the Constitution and Laws of the Republic of Kazakhstan;

The association being established is not recognized as a religious one;

The Charter and other documents submitted do not meet requirements of the Republic of Kazakhstan legislation or information in these documents is not accurate.

In case a recording body refuses a religious association state registration, it has to issue a motivated refusal in writing in the order established by legislative acts that contain a reference to the violation of a specific law. The refusal may be appealed against in legal form."

13) State Article 13 in the following wording:

"Article 11. Stopping and cessation of a religious association's activities.

The activity of a religious association may be stopped

on the following basis: in case of insignificant violation of provisions of constituent documents, current legislation, and carrying out religious activity out of the site of the religious association. If these drawbacks are eliminated in a period of three months, the activity of a religious association is resumed.

The activity of a religious association is stopped by the decision of its participants (members) or by the decision of the court.

The reason for halting or prohibiting the activity of a religious association in legal form may be repeated violations by its members of legislative acts of the Republic of Kazakhstan that involve criminal or administrative responsibility. These also can be systematic activities contradicting the goals of its establishment, as well as non-elimination of reasons because of which its activity was stopped.

Prosecutors' offices and a state body on religious affairs have a right to apply to the court with applications to stop a religious association's activities."

14) State the headline of Chapter III in the following wording:

"Chapter 3. Rights and terms of activities of religious associations."

15) In Article 12:

Put parts one and two in the following wording:

"The state respects internal regulations of a religious association if it does not contradict Republic of Kazakhstan legislation. Religious associations have the right to establish and maintain places of public worship or to hold religious meetings open for wide public and respected by followers of this or that religion (sacred places).

Divine service and other religious ceremonies are freely carried out in cult premises and buildings and on their territories adjoining to them, at enterprises of religious associations, cemeteries and crematoriums and dwellings."

State part four in the following wording:

"The order of holding religious ceremonies at places outside the boundaries of places indicated in parts two or three of this Article are carried out at the permission of local executive bodies."

16) Delete part 3 of Article 13;

Supplement with part six having the following content:

"It is prohibited to manufacture, store and disseminate the literature, film-, photo-, video- and other materials containing ideas of religious extremism and reactionary fundamentalism. It entails responsibility under Republic of Kazakhstan legislation."

17) In Article 14:

Supplement with words "registered in the order established for public associations."

Supplement with part four having the following content:

"Donations and allotments for charitable purposes are excluded from sums subject to taxation."

18) In the headline of Chapter IV replace figure <IV> by figure <4>.

19) In Article 16:

In part two:

Replace words "or transferred by the state or acquired on other reasons not contradicting the law" by words "received by other way, not contradicting the law."

State part four in the following wording:

"Financial and property donations as well as receipts from carrying out religious ceremonies are not subject to taxation."

20) Delete the first sentence of part two, the second and third sentences of part three of Article 17;

21) In Article 18:

Supplement with part two having the following content:

"Profit from industrial activities and other revenues of facilities of religious associations are subject to taxation under the legislation in the order and amount fixed for facilities of religious associations."

22) In Article 19:

State the headline in the following way:

"Disposal of the property of religious associations that have stopped their activity"

Word part two in the following way:

"The property of shut down religious associations that have been given by state, private agencies or citizens shall be returned to its former owners."

Delete part three;

23) In Article 20:

Delete part one;

24) Replace figure <V> by figure <5> in the headline of Chapter 5.

2. To the Law of the Republic of Kazakhstan "On Education" of June 7, 1999 ("Bulletin of the Parliament of the Republic of Kazakhstan," 1999, #13, Art. 429; #23, Art. 927).

Supplement point 8 of Article 14 with a sentence having the following content:

"It is prohibited to determine privileges, restrictions or other forms of discrimination in seeking access to different types and levels of education depending on the attitude to religion."

3. To the Law of the Republic of Kazakhstan "On Taxes and Other Obligatory Payments to the Budget" of April 24, 1995 (Bulletin of the Supreme Council of the Republic of Kazakhstan, year 1955, #6, Art. 43; #12, Art.88; #23, Art.152; Bulletin of the Parliament of the Republic of Kazakhstan, 1996, #1, Art. 180, 181; #11-12, Art.257; #15, Art.281; #23-24, Art. 416; #4, Art.51; #7, Art.82; #10, Art. 112; #11, Art.144; #12, Art.184, 188; #13-14, Art.195, 205; #20, Art. 263, #22, Art.333; 1998, #4, Art.45; #14, Art. 197, 201, 202; #23, Art. 425; #24, Art. 436, 442, 445; 1999, #6, Art. 192, 193; #20, Art. 731; #21, Art. 786; #23, Art. 928; #24, Art. 1067; 2000, #3-4, Art. 65, 66; #10, Art. 234);

Supplement point 4 of Article 57 with subpoint 12-1 having the following content:

"12-1) turnovers on selling goods (works, services) of religious cult by religious associations and enterprises established by them."

4. The Civic Code of the Republic of Kazakhstan (general part) adopted by the Supreme Council of the Republic of Kazakhstan on December 27, 1994 (Bulletin of the Supreme Council of the Republic of Kazakhstan, 1994, #23-24 (enclosure); 1955, #15-16, Art. 109; #20, Art. 121; Bulletin of the Parliament of the Republic of Kazakhstan, 1996, #2, Art. 187; #14, Art. 274; #19, Art. 370; 1997, #1-2, Art. 8; #5, Art. 55; #12, Art.183, 184; #13-14, Art. 195, 205; 1998, #2-3, Art.23; #5-6, Art.50; #11-12, Art. 178; #17-18, Art.224, 225; #23, Art.429; 1999, #20, Art.727, 731; #23, Art. 916; Law of the Republic of Kazakhstan "On Introducing Amendments to Some Legislative Acts of the Republic of Kazakhstan on Property Assessment" of November 8, 2000, published in the newspapers "Egemen Kazakhstan" and "Kazakhstanskaya Pravda"):

5. In Article 109:

State point 1 in the following wording:

"A voluntary association of adult persons adhering to one and the same religion and united for joint satisfaction of their religious needs is recognized a religious association."

Supplement with point 3-1 of the following content:

"3-1. Missionary activity of citizens of the Republic of Kazakhstan, foreign citizens and persons without citizenship on the territory of the Republic of Kazakhstan is allowed only with the permission of a public body on religious associations and on condition that it complies with the Republic of Kazakhstan legislation."

6. To the Criminal Code of the Republic of Kazakhstan of July 16, 1997 (Bulletin of the Parliament of the Republic of Kazakhstan", 1997, #15-16, Art. 211; 1998, #16, Art. 219; #17-18, Art.225; 1999, #20, Art. 721; #21, Art. 774);

Supplement with Article 337-1 having the following content:

"Article 337-1. Carrying out missionary activities on the territory of the Republic of Kazakhstan without the permit of the authorized body or violating the procedure of carrying out missionary activities established by the law is fined in the amount equal to 100-500 monthly specified rates, or in the amount of 2 to 5 months' salary of the convicted, or correctional work up to two years, or arrest up to six months, or imprisonment for a term of a year.

President of the
Republic of Kazakhstan

Appendix 2

OSCE COMMITMENTS ON FREEDOM OF THOUGHT, CONSCIENCE, RELIGION, AND BELIEF (22 March 1999)

Helsinki Final Act (1975)

Basket I Section VII Respect for human rights and fundamental freedoms, including the freedom of thought, conscience and religion or belief

The participating States will respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.

Within this framework the participating States will recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.

Basket III Section 1d Travel for Personal or Professional Reasons

[The participating States] confirm that religious faiths, institutions and organizations, practicing within the constitutional framework of the participating States, and their representatives can, in the field of their activities, have contacts and meetings among themselves and exchange information.

Madrid Concluding Document (1983)

Questions Relating to Security in Europe -- Principles

The participating States reaffirm that they will recognize, respect and furthermore agree to take the action necessary to ensure the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience.

In this context, they will consult, whenever necessary, the religious faiths, institutions and organizations, which act within the constitutional framework of their respective countries.

They will favorably consider application by religious communities of believers practicing or prepared to practice their faith within the constitutional framework

of their States, to be granted the status provided for in their respective countries for religious faiths, institutions and organizations.

Human Contacts Section

They will further implement the relevant provisions of the Final Act, so that religious faiths, institutions, organizations, and their representatives can, in the field of their activity, develop contacts and meetings among themselves and exchange information.

Vienna Concluding Document (1989)

Questions Related to Security in Europe -- Principles

(11) They confirm that they will respect human rights and fundamental freedom, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion.

(16) In order to ensure the freedom of the individual to profess and practice religion or belief, the participating State will, *inter alia*,

- (16.1) --take effective measures to prevent and eliminate discrimination against individuals or communities on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, political, economic, social and cultural life, and to ensure the effective equality between believers and non-believers;
- (16.2) --foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers;
- (16.3) --grant upon their request to communities of believers, practicing or prepared to practice their faith within the constitutional framework of their States, recognition of the status provided for them in the respective countries;
- (16.4) --respect the right of these religious communities to
 - o establish and maintain freely accessible places of worship or assembly,
 - o organize themselves according to their own hierarchical and institutional structure,
 - o select, appoint and replace their personnel in accordance with their respective requirements and

standards as well as with any freely accepted arrangement between them and their States,

- o solicit and receive voluntary financial and other contributions.

- (16.5) --engage in consultation with religious faiths, institutions and organizations in order to achieve a better understanding of the requirements of religious freedom;
- (16.6) --respect the right of everyone to give and receive religious education in the language of his choice, whether individually or in association with others;
- (16.7) --in this context respect, *inter alia*, the liberty of parents to ensure the religious and moral education of their children in conformity with their own convictions;
- (16.8) --allow the training of religious personnel in appropriate institutions;
- (16.9) --respect the right of individual believers and communities of believers to acquire, possess, and use sacred books, religious publications in the language of their choice and other articles and materials related to the practice of religion or belief;
- (16.10) --allow religious faiths, institutions and organizations to produce, import and disseminate religious publications and materials;
- (16.11) --favorably consider the interest of religious communities to participate in public dialogue, including through the mass media.

(17) The participating States recognize that the exercise of the above mentioned rights relating to the freedom of religion or belief may be subject only to such limitations as are provided by law and consistent with their obligations under international law and with their international commitments. They will ensure in their laws and regulations and in their application the full and effective exercise of the freedom of thought, conscience, religion or belief.

(32) They will allow believers, religious faiths and their representatives, in groups or on an individual basis, to establish and maintain direct personal contacts and communication with each other, in their own and other countries, *inter alia*, through travel, pilgrimages and participation in assemblies and other religious events. In this context and commensurate with such contacts and events, those concerned will be allowed to acquire, receive and carry with them religious publications and objects related to the practice of their religion or belief.

Copenhagen Concluding Document (1990)

(9.1) [The participating States reaffirm that] everyone will have the right to freedom of expression including the right to communication. This right will include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. The exercise of this right may be subject only to such restrictions as are prescribed by law and are consistent with international standards.

(9.4) [The participating States reaffirm that] everyone will have the right to freedom of thought, conscience, and religion. This right includes freedom to change one's religion or belief and freedom to manifest one's religion or belief, either alone or in community with others, in public or in private, through worship, teaching, practice and observance. The exercise of these rights may be subject only to such restrictions as are prescribed by law and are consistent with international standards.

Budapest Summit Declaration (1994)

Chapter VIII.(27) Reaffirming their commitment to ensure freedom of conscience and religion and to foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non_believers, they expressed their concern about the exploitation of religion for aggressive nationalistic ends.

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