

**The OSCE Human Dimension Implementation Meeting  
(Warsaw, 26 September 2011 - 7 October 2011)**

**Church of Scientology Submission**

**Escalation of Religious Discrimination in Kazakhstan**

Last year, Kazakhstan had the honor to Chair the Organization for Security and Cooperation in Europe (OSCE). During its Presidency and in the previous year, Kazakhstan expressed a willingness to follow the international standards of human rights. However, no real action was taken. In reality, for the past 3 years repression of religious minorities has intensified. Mass media have increased their number of negative articles about the various religious organizations. Representatives of many religious minorities were subjected to criminal and administrative prosecution by the authorities. Restrictions to the right to religious freedom have multiplied and religious organizations are being eliminated. Even during the Kazakhstan's Presidency of the OSCE, some members of Parliament openly talked about a new restrictive law on religion that would be submitted to Parliament for approval. It was clear then that the new law would be no less oppressive than the one that had been proposed in 2008, and found by the Constitutional Council to be unconstitutional.

Just a few days ago, on September 21, Majilis, the lower house of Kazakhstan's Parliament, approved this new law "On religious activities and religious associations". The same day Majilis approved another complementary law "on amendments and addenda to some legislative acts on issues of religious activities and religious organizations". This law establishes severe penalties against religious organizations and their leaders in the Administrative Code. No serious discussion or debate on these laws was held in the Majilis. It is expected that the Senate will pass the laws shortly. The approval of these laws strikes an even more serious blow to religious freedom in Kazakhstan. Although it was stated that meetings were held with representatives of religious associations to discuss the laws, none of the representatives of associations whose rights are mostly affected by these laws have been invited to the discussion.

These draft laws violate the Constitution of the Republic of Kazakhstan and contravene Organization for Security and Cooperation in Europe (OSCE) and United Nations (UN) standards because they clearly discriminate against minority religious groups.

In addition to the preamble unconstitutionally proclaiming the superiority of some religions over others, the law on religions includes the following egregious provisions that violate human rights standards which Kazakhstan has agreed to abide with:

- It requires compulsory registration as a religious organization;
- It "de-registers" all religious organizations currently registered and forces these organizations to "re-register";
- It requires all religious organizations to be submitted to a "religious study examination" where religious Scriptures and other documents are reviewed and impermissibly evaluated by the State;

- It bans all religious activity by unregistered religious organizations;
- It prohibits an unregistered religious organization to obtain any other legal entity status;
- It imposes compulsory government censorship of religious literature by requiring evaluation and approval of religious literature before it can be shipped into the country for non-personal use or placed in a library;
- It restricts distribution of religious literature to religious buildings, religious educational institutions and "specifically identified stationary facilities identified by local executive bodies";
- It requires government approval to build or open new places of worship;
- It requires registration of persons carrying out missionary activity -- no person may carry out missionary activity until so registered and no person will be registered unless he/she has been invited to perform missionary work by a registered religious organization;
- It requires a minority religious community to meet onerous membership levels in order to register (minimum of 50 adult citizens) in complete contravention of United Nations and OSCE standards; and
- It imposes restrictions and sanctions on religious leaders if children participate in activities of the religious organization when one parent or legal guardian objects.

The new law on religion and the addendums to the Administrative Code are completely inconsistent with fundamental human rights. The main issue of the draft laws is that they are structured in ways that would completely ban religious organizations or severely restrict religious activities; censor importation and restrict dissemination of religious literature; restrict foreign missionary activity; restrict the construction of new places of worship; and impose sanctions on religious leaders and organizations, including the banning of religious organizations, in a manner impermissible under international standards.

In addition, a textbook "Basics of Religions" has begun to be widely used in schools in Kazakhstan this year, the use of which had been suspended during the presidency of Kazakhstan at the OSCE. This book is full of misinformation and libel, discrediting religious minorities, including the Scientology religion. This book actually instills in children intolerance and hatred towards the targeted religions and their members.

All this clearly demonstrates Kazakhstan's deviation from international standards and failure to implement its commitments on human rights. Such oppressive actions became blatant in 2007-2008, including towards Scientology religion.

In 2008, discriminatory and baseless criminal cases were initiated against Churches of Scientology in Kazakhstan and their leaders. In 2008, the National Security Committee (KNB) raided and conducted a search and seizure of the premises of the Churches of Scientology in Almaty. The KNB seized and confiscated all computers, accounting and financial documents, Scientology Scriptures and religious artifacts used in Scientology religious services known as E-Meters. All the confidential priest-penitent materials provided by parishioners to Church ministers as part of the delivery of the central sacrament of the Scientology religion, which memorialize the spiritual progression of parishioners, were seized. The investigation was completed in 2009. The President of the Church of Scientology of Almaty was found guilty for manifesting her beliefs, exercising the religious practices, performing religious rites and studying Scientology scriptures and also for providing the possibilities to parishioners to practice their religion. For three years the seized folders with confessional materials of parishioners and other

documents and objects have been kept by the KNB in violation of the fundamental right of the Church and its parishioners to freedom of religion.

In 2009, the Court of Karaganda liquidated the religious organization "Church of Scientology of Karaganda." In its decision, the court endorsed the unfounded argument by the prosecution that the activities of the Church of Scientology "entail a threat to the national security of the Kazakhstan Republic, as well as to the health of its residents". The Church of Scientology has not been able to have justice properly rendered in the courts of Kazakshtan, including in the Supreme Court.

Since 2009 Scientologists in Karaganda and the Karaganda region have applied for the registration of a small religious group 14 times, but each time they were denied their right to freedom of religion. Authorities' actions were challenged in court, but this has not led to the restoration of violated rights: not providing registration by the authorities and, at the same time, prosecuting Scientologists for holding meetings without registration and subjecting them to fines.

At present Kazakh authorities continue to pursue their suppressive policy against religious minorities in the country, while speaking on the international stage of their support to international standards of human rights. Religious minorities throughout the country, including Scientologists, continue to be subjected to this suppressive policy. In May 2011 the Church of Scientology in Almaty was investigated by five different government agencies on the same day, followed by the imposition of fines. This clearly demonstrates the intention of the Kazakh authorities to deprive Scientologists, as well as representatives of other religious minorities, of their right to freedom of religion and freedom of association.

We urge the members of the OSCE to urge Kazakhstan to immediately implement its obligations to protect the right to freedom of religion, ban the new law on religion and stop persecution of religious minorities.