

KAZAKHSTAN 2015 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution defines the country as a secular state and provides for freedom of religion. Religious groups the government considered “traditional” reported general acceptance and tolerance by the government. “Nontraditional” religious groups, however, continued to experience heightened scrutiny and prosecution. Eighteen persons were convicted of belonging to the banned religious group Tablighi Jamaat and given sentences ranging from probation to imprisonment for four years and eight months, and 10 more members remain on trial. Other people were fined and/or detained for several days for belonging to unregistered religious groups. The only Muslim groups able to register as required were those affiliated with the Sunni Hanafi Spiritual Administration of Muslims (SAMK), although the Ahmadi community recently resubmitted its documents and received what it said were encouraging signs about successful registration. The new criminal and administrative codes that entered into effect January 1 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. Others saw a lull during the early part of the year, followed by a resumed scrutiny later in the year.

The Secretary of State visited the country in November and met with the chief imam of the Hazrat Sultan Mosque. In July the U.S. Special Representative for Religion and Global Affairs attended the Fifth Congress of Leaders of World and Traditional Religions in Astana and used the opportunity to meet with government and religious leaders in the country and urge them to pursue peaceful means of building harmony between communities, tolerance, and acceptance of diversity. 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 enforcement of the religion law and implementation of 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

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The U.S. government estimates the total population at 18.2 million (July 2015 estimate). The national census reports approximately 70 percent of the population is Muslim, most of whom adhere to the Sunni Hanafi school. Other Islamic groups, together accounting for less than 1 percent of the population, include Shafi'i Sunni, Shia, Sufi, and Ahmadi Muslims.

The Committee for Religious Affairs of the Ministry of Culture and Sport (CRA, formerly the Religious Affairs Agency) classifies approximately 26 percent of the population as "Christian." The majority of these are Russian Orthodox, but there are also Roman Catholics, Greek Catholics, Lutherans, Presbyterians, Seventh-day Adventists, Methodists, Mennonites, Pentecostals, Baptists, Jehovah's Witnesses, members of The Church of Jesus Christ of Latter-day Saints (Mormons), and Christian Scientists. Other religious groups representing less than 3 percent of the population in total include Jews, Buddhists, members of the International Society of Krishna Consciousness (Hare Krishnas), Bahais, and Scientologists.

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. These rights may be limited only by laws and only to the extent necessary for protection of the constitutional system, defense of the public order, human rights and freedoms, and the health and morality of the population.

According to law, the CRA is responsible for the formulation and implementation of state policy on religious freedom. The committee also considers issues of potential violations of the laws on religious activity and extremism. 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. The law states the government shall not interfere with the choice of religious beliefs or affiliation of citizens or

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residents, unless those beliefs are directed against the country's constitutional framework, sovereignty, or territorial integrity.

The law prohibits forced conversion of persons to any religion, forced participation in a religious group's activities, or forced participation in religious rites.

The new criminal and administrative codes entered into effect January 1 and include additional and more severe penalties for unauthorized religious activity.

The criminal code prohibits the incitement of interreligious discord, which includes "propaganda of exclusivity, superiority or inferiority of citizens according to their relation to religion [and other] origin." The new criminal code also criminalizes the creation and leadership of social institutions that proclaim religious intolerance or exclusivity, an offense punishable with imprisonment from three to seven years.

The extremism law, which applies to religious groups and other organizations, gives the government discretion to identify and designate a group as an extremist organization, ban a designated group's activities, and criminalize membership in a banned organization. Extremism is considered by law to be the organization and/or commission of acts in pursuit of violent change of the constitutional system; violation of the sovereignty or territorial integrity of the country; undermining national security; violent seizure or retention of power; armed rebellion; incitement of ethnic, religious, or other hatreds that are accompanied by calls to violence; or the use of any religious practice that causes a security or health risk. An extremist organization is a "legal entity, association of individuals and (or) legal entities engaged in extremism, and recognized by the court as extremist." The law provides streamlined court procedures for identifying a group as "terrorist or extremist," reducing the time necessary for a court to render and act on a decision to 72 hours. After a legal finding of a violation, the law authorizes officials to revoke immediately the organization's registration, thus liquidating it as a legal entity, and seize its property. Prosecutors have the right to inspect annually all groups registered with state bodies.

The new criminal code prohibits "spreading the creed of religious groups unregistered" in the country, an offense punishable by a fine of 198,200 tenge (\$584). A foreigner or stateless person found guilty may also be deported.

A religious organization may be designated "national," "regional," or "local." In order to register at the local level, religious groups must submit an application to

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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. Regional registration requires at least two local organizations, each located within a different oblast (province), and each local group must have no fewer than 250 members. National registration requires at least 5,000 total members and at least 300 members in each of the country's oblasts and the cities of Astana and Almaty. Only groups registered at the national or regional level have the right to open educational institutions for training clergy.

The law allows denial of registration 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 analysis conducted by the CRA. According to the administrative code, individuals participating in, leading, or financing an unregistered, suspended or banned religious group may be fined between 99,100 tenge (\$292) and 396,400 tenge (\$1,167).

According to the CRA, there are 3,563 registered religious associations or branches thereof in the country, representing 18 groups.

The administrative code mandates a three-month suspension from conducting any religious activities for registered groups holding religious gatherings in prohibited buildings, disseminating unregistered religious materials, systemically pursuing activities that contradict the charter and bylaws of the group as registered, constructing religious facilities without a permit, or otherwise defying the constitution or laws.

If an organization, its leaders, or its members engage in activities not specified in its charter, it is subject to a warning and/or a fine of 198,200 tenge (\$584). Under the new administrative code, if the same violation is repeated within a year, the legal entity is subject to a fine of 297,300 tenge (\$876) and a three- to six-month suspension of activities.

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 594,600 tenge (\$1,751) and the entity is subject to a fine of 991,000 tenge (\$2,919) and its activities are banned.

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The law prohibits coercive religious activities that harm the health or morality of citizens or residents, or that force them to end marriages or family relations. The law prohibits methods of proselytizing that take advantage of a potential convert's dependence on charity. The law also prohibits blackmail, violence or the threat of violence, or the use of material threats to coerce participation in religious activities. If a group imports, publishes, or disseminates illegal religious literature or other materials, constructs an unauthorized building, or holds gatherings or conducts charity in violation of the law, private persons are subject to a fine of 99,100 tenge (\$292) and the entity can be fined 396,400 tenge (\$1,167) and face suspension of activity for three months.

The law prohibits religious ceremonies in government buildings, including those belonging to the military or law enforcement.

The law states the government shall not interfere with the rights of parents to raise their children consistent with their religious convictions, unless such an upbringing harms the child's health or infringes upon the child's rights.

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. After-school and other kinds of supplemental religious instruction are permitted if the religious education is provided by a registered religious group.

The law states in cases when a prisoner seeks the help of an imam, pastor, or other clergy to perform a religious rite, he or she can invite the latter to a detention facility as long as this access complies with the internal regulations of the prison. The law bans construction of places of worship within prison territory. Pursuant to the law, religious organizations may participate in monitoring prisons, including creating and implementing programs to improve the correctional system and developing and publicly discussing draft laws and regulations as they relate to the prison system. Religious groups may identify, provide, distribute, and monitor the

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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 law. According to the new codes, prisoners may possess religious literature, but only if approved after a religious expert analysis, conducted by the CRA.

The election law prohibits political parties based on religious affiliation.

The new criminal code 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.” The new code punishes such acts with a fine of up to 11.9 million tenge (\$35,052), or up to six years’ imprisonment. These fines are a tenfold increase over the previous criminal code provision.

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 for a maximum of six months with the right to extend the stay for another six months. To obtain missionary visas, applicants must obtain consent from the CRA each time they apply. The CRA may reject missionary visa applications based on a negative assessment from CRA 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 constitution requires foreign religious groups to conduct their activities, including appointing the heads of local congregations, “in coordination with appropriate state institutions,” notably the CRA and the MFA. 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. Missionaries must submit all literature and other materials intended to support their missionary work 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

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constitutional order, social order, the rights and freedoms of individuals, or the health and morals of the population.”

Government Practices

The government arrested, detained, and imprisoned religious believers, criminalized speech “inciting religious discord,” questioned congregation members about their choice of faith, arrested individuals for “illegal missionary activity,” and labeled “nontraditional” religious groups as “destructive sects” in the media.

There were 18 convictions of alleged Tablighi Jamaat members during the year with an additional 10 members in the midst of, or awaiting, trial. All 28 individuals were charged with participation in a banned religious movement. Punishment ranged from one year of probation to four years and eight months imprisonment. Saken Tulbayev received the most severe punishment. He was sentenced to four years, eight months in prison with a further three-year prohibition of practicing his faith after release. He was charged with “spreading the teachings of a religious group not registered in Kazakhstan,” as well as participation in a banned movement. His criminal case was opened on February 10. On the night of February 11, eight police officers searched his home. They found a brochure entitled “The Bloody Legacy of Wahhabism,” which Tulbayev said he obtained at a local mosque. They also confiscated 43 copies of a leaflet that Tulbayev’s family said had not been in the home prior to the police officers’ arrival. The leaflets were printed in Kazakh, a language Tulbayev does not speak or read well. The brochure and the leaflets were the basis of the charges against Tulbayev, according to religious freedom NGO Forum 18.

The religious rights NGO Association for Religious Organizations of Kazakhstan (AROK) reported that law enforcement forces interpreted expressions of canonic religious beliefs during conversations as a form of exalting one religion over others, thus “professing its supremacy.” They then used this as the basis for charges of “incitement of interethnic discord.” Seventh-day Adventist Yklas Kabduakasov was arrested in August for alleged “incitement of religious discord” and sentenced to seven years of probation and paying court expenses of 150,000 tenge (\$442) in November. On appeal the sentence was changed to two years in a prison labor camp. At the trial, prosecutors presented recordings of 48 hours’ worth of meetings between Kabduakasov and four men he thought were students to discuss religion during the course of a year. These conversations were conducted at an apartment one of the men said belonged to a family member. Kabduakasov

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was unaware their conversations were being recorded. According to a religious rights NGO, the four men were cooperating with law enforcement agents, who had rented the apartment for the purpose of surveillance. Individuals who attended the trial said the evidence presented at the trial did not show Kabduakasov speaking in a derogatory manner about any religion.

In January a government school banned a second grade girl in Arys from attending classes because she wore a headscarf.

Several members of the Council of Baptist Churches, which refused on principle to register under the Religion Law, received fines and were jailed in administrative facilities for up to 15 days for refusing to pay the fines. Vasiliy Kliver spent five days in jail in February for not paying fines levied in 2008 and 2010. On principle and as a policy, Council of Baptist Churches members stated they do not pay fines levied for their religious practices.

According to news reports, in August police detained one U.S. and seven South Korean members of the Christian Baptist Church for allegedly involving minors in illegal religious activity after they organized a summer Bible camp. They reportedly did not have permission to operate the camp, and allegedly the parents were unaware of the religious component of the camp. The camp organizers were questioned, but there were no arrests.

Several religious groups, including the Baptist Council of Churches, have not sought registration. The Ahmadi community, previously denied registration, resubmitted its registration application during the year. The Church of Scientology was reported to be registered as a public association rather than a religious organization, and continued to function.

In April a representative of a local governmental administration wrote an article for the *Temirtau Mirror* explaining the need to protect children from “destructive Protestant sects.” The same month, a local paper in a different region, the *Caspian Commune*, published an article entitled “The Catch for the Ignorant: How to Recognize Nontraditional Religious Movements and Avoid Being Ensnared.”

Courts fined individuals found guilty of illegal missionary activity. Local law enforcement reportedly interpreted any religious discussions that took place outside of a registered religious building as “illegal missionary activity,” including invitations to religious services and discussions, especially for “nontraditional”

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religious groups such as Jehovah's Witnesses and evangelical Christians, according to AROK. In January a member of the Union of Baptist-Christian Churches attempted to engage people at a local market in religious conversation. Police warned him he would be fined if he did not cease his activity. Police threatened noncitizens with deportation. On October 16, the Astana City Appeal Court affirmed the decision of the Specialized Interdistrict Administrative Court of the City of Astana against Maksim Sulyargin, a citizen of Uzbekistan, for proselytizing as a Jehovah's Witness. The court ordered his deportation. On November 5, the deportation order was reversed on appeal.

The CRA reported the only mosques that were registered were affiliates of the SAMK, a government-affiliated Sunni Hanafi organization led by the grand mufti, with offices in Almaty and Astana. In joining the SAMK, Muslim communities relinquished the right to appoint their own imams, were permitted to take actions on their property (such as sales, transfers, improvements) only with the approval of the SAMK, and were required to pay 30 percent of the mosque's income to the SAMK.

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 all Hajj travel and was responsible for authorizing travel agencies to provide Hajj travel services to citizens.

According to several religious groups and NGOs, there were fewer instances of government harassment or discrimination of "nontraditional" religious groups than in previous years. Jehovah's Witnesses reported an improvement in relations with the government in the early part of the year, with fewer cases of fines and banned publications. Evangelical Christian groups also report an improvement in their relationship with the government.

Government officials continued to express concern about the potential spread of political and religious extremism. In December President Nursultan Nazarbayev urged the government to do more to prevent Kazakhstanis from falling "under the influence of alien false ideologies and appeals of radicalized preachers who have visited us recently to recruit people for illegal and inhumane actions." The KNB, the internal intelligence service, continued to characterize the fight against religious extremism as a top priority as set forth in the legislation on countering extremism, and it continued to monitor civil society and religious groups.

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The SAMK continued to provide a Russian-speaking preaching group in response to numerous requests by Russian-speaking Muslims in the northern regions. The Russian-speaking religious leaders included theologians and imams who had religious knowledge and a secular education. The SAMK conducted courses in Russian and its website also provides all information in Russian.

The government considered revisions to the law on religions and included civil society participants in the discussions. Work on amendments was ongoing and not expected to be fast-tracked. AROK worked closely with the CRA and recently provided a package of recommendations for amendments. AROK's recommendations concern provisions on missionary activity, registration of religious organizations, religious literature, and others.

Section III. Status of Societal Respect for Religious Freedom

Some NGOs reported fewer instances of societal discrimination on the basis of religious affiliation, belief, or practice than in the recent past. Others saw a lull during the early part of the year, followed by a resumed societal scrutiny later in the year.

During the year, there were news reports depicting Jehovah's Witness and other "nontraditional" religions as disruptive to society, although the number of reports was fewer than in previous years.

NGOs working on religious issues reported that individuals were wary of "nontraditional" religious groups, particularly those that proselytize or whose dress indicated "nontraditional" beliefs.

Jewish community leaders reported no significant anti-Semitism.

Section IV. U.S. Government Policy

In discussions with senior officials, U.S. officials emphasized the importance of respecting religious freedom and underscored that bilateral cooperation on economic and security issues was a complement to, not a substitute for, meaningful progress on religious freedom. In his meeting with the chief imam of the Hazrat Sultan Mosque, the Secretary of State encouraged the mosque to build strong ties with and among communities of believers.

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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 inconsistent application of the existing religion law and the new criminal and administrative codes with regard to “nontraditional” versus “traditional” religious groups. The U.S. Special Representative for Religion and Global Affairs attended the Fifth Congress of Leaders of World and Traditional Religions, using the opportunity to speak with national government and religious leaders on the status of religious freedom in the country, and urging them to pursue peaceful means of building harmony between communities, tolerance, and acceptance of diversity.

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. They also discussed the government’s intention to revise the law on religions and expressed support for changes that broaden the ability for believers to practice their faith.

Embassy and other Department of State officials visited houses of worship in several regions of the country and met with religious leaders to hear their concerns.

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 AROK and the Kazakhstan International Bureau for Human Rights and Rule of Law.