

Kazakhstan



Discrimination / Worsened ↓

Religion

- Muslims : **69.5%**
- Christians : **26.1%**
- Agnostics : **3.4%**
- Others : **1.0%**

Population

17.855.000

Area

2.724.902 Km²

Legal framework on freedom of religion and actual application

Religious activity in the country is governed mainly by the Law on Religion, which came into effect in 2011. The legislation bans all unregistered religious activities. In September 2016, a new Ministry of Religious Affairs and Civil Society was created, which became responsible for the formulation and implementation of state policies on religious freedom and the fight against extremism.^[1] After two attacks by alleged extremists in mid-2016 in Aqtobe and Almaty, there was a new government drive towards drafting and approving anti-terrorism legislation.

The UN Human Rights Commission and the Organisation for Security and Co-operation in Europe (OSCE) expressed concern in 2016 that the overly broad definition of extremism in Kazakh law “unduly restricts” religious freedom. The US Commission on International Religious Freedom (USCIRF) urged Kazakhstan “to ensure anti-extremism laws do not serve as a pretext for infringement of the right to peaceful religious observance and expression”^[2] Yet, despite this, the legislative changes of the past two years seem to move towards increased restrictions of religious liberty.

While some anti-terrorism amendments introduced in December 2016^[3] have increased restrictions on those who travel abroad for religious reasons and made censorship more stringent, the legislative change that causes most concern is the bill amending the Law on Religion of 2011 and other rules, formally presented in Parliament on 29th January 2018^[4] The proposed law, in addition to introducing a new process of re-registration for almost all religious communities,^[5] entails stricter rules and penalties for religious education, clearly indicating where it can take place and who may give it. It imposes new punishments for those who disturb the internal peace of a religious community, and adds further limitations to proselytising, with a specific ban on mentioning unregistered religious organisations. It also calls for the confiscation of all religious material that does not meet government regulations. Among the issues that are a source of concern is the new definition of a member of the “clergy” as an individual formally appointed by a registered religious organisation to

perform “spiritual and preaching service”.[6] This definition could limit the number of people allowed to speak of their faith and to whom conscientious objection to compulsory military service would be permitted.

Another significant change will affect minors aged under 16. In their case, parental consent will no longer be sufficient to attend a religious service; instead, the physical presence of at least one of the parents will be necessary. The new law also bans “signs showing adherence to destructive religious movements, including external attributes and items of clothing”,^[7] such as certain types of long beards as well as any form of clothing that hides the face. Kazakhstan already banned the hijab from schools in January 2016, despite criticism from some parents who refused to send their daughters to school.^[8]

The new bill also gives police and district officials more powers to monitor the religious activities of individual citizens and groups.

With few exceptions, only graduates of Kazakh religious schools can study in foreign religious schools.

The state will make grants to organisations offering measures to prevent religious extremism and terrorism, including centres that “help those who have fallen under the influence of destructive and extremist religious movements”^[9]

Finally, as a measure intended to safeguard the state’s secular character, state officials cannot be founders or members of religious associations.

Incidents

Despite indications of inter-faith dialogue and steps towards greater religious diversity, in the period under review acts of persecution have increased, especially against minority and non-traditional groups.

The Catholic Church, with its 90 communities,^[10] operates without particular restrictions, thanks to a special agreement signed between the Holy See and the Kazakh State.

As regards the Orthodox Church, for the first time, an Orthodox priest, Vladimir Vorontsov, was indicted on charges of holding prayer meetings with his community in a recreational mountain camp, and therefore not in a recognised place of worship. Rev Vorontsov was acquitted at the end of the trial.^[11]

In 2017, at least 279 administrative trials were carried out against people, religious communities and charitable institutions for exercising their right to free religious expression.^[12] Of these, 258 resulted in sanctions, brief periods of detention, permanent or temporary bans on religious activities, deportations, seizures and destruction of religious literature. The main victims were Muslims, Protestants, and Jehovah’s Witnesses. The fines averaged between three weeks and six months of the average salary (between 79,415 and 680,700 Kazakhstan tenge in 2017, or US\$ 259 and US\$ 2,125).

About a third of the sanctions were imposed for violations of paragraphs 9 and 10 of Article 489 of the Administrative Code. The first punishes the leaders of the religious group; the second goes after participation in the activities of unregistered religious groups. Paragraph 1 of Article 490 punishes the violation of established procedures to perform rites, ceremonies and religious meetings. Moreover, based on what is allowed under the revised Administrative Code of 2015, about a quarter of the sanctions were imposed directly by the police at the end of raids carried out during religious services, without a prior court order.^[13]

Some of the people affected by these actions are elderly pensioners. The most glaring case concerns Yegor Prokopenko, an 89-year-old Baptist, who on 22nd May 2016 was fined an amount equal to almost three months of salary of the average worker^[14] for holding a prayer meeting at his home.

Four foreign nationals were ordered to be deported, but two were able to overturn the court’s decision on appeal. One was Indian businessman Daniel Gunaseelan who was mistakenly considered pastor of Almaty’s Source of Life Church,

when in fact he was just a member and, as such, authorised to attend the service.^[15]

Courts have sometimes punished religious groups for holding unauthorised meetings by banning religious activity for a certain period of time. In four cases, the ban was applied to entire religious communities, which were not allowed to carry out any activity for three months. In two cases, the measure was imposed for carrying out religious activity in an unregistered place. This is what happened, for example, in August 2017, to the New Life Protestant Church in Oskemen after its members sang religious hymns at a summer camp. The judge likened singing to performing a religious service. In Almaty, a court banned Jehovah's Witnesses from using their centre for three months because the 25 surveillance cameras they had installed to comply with the law left three small areas without coverage.^[16]

Another 100 fines of between US\$259 and US\$2,125 were imposed for distributing or selling religious material. In some cases, the court ordered the destruction of the seized material.^[17]

Thirty people were fined for sharing their faith with others.

In 2017, at least seven administrative cases were initiated, five of which ended with fines against religious leaders who had allowed the children or grandchildren of community members to be present at or participate in religious rituals without first checking whether another parent had objections.^[18]

In May 2017, a Jehovah's Witness called Teymur Akhmedov was sentenced to five years in prison in Astana in connection with Article 174 (Part 2) of the Penal Code, which punishes incitement to interreligious hatred. His crime was that he spoke to others about his own faith. In 2016 Akhmedov had agreed to meet with some students, who later turned out to be informants for the secret police, after they expressed interest in the teachings of his religion. Mr Akhmedov, who was diagnosed with cancer, was also banned from performing any religious activity for three more years after he completed his sentence.^[19] Asaf Guliyev, another Jehovah's Witness, who was present at the meetings, was sentenced to five years' probation.^[20]

On 31st October 2017, a court in Akmola sentenced Yuri Bekker, a Baptist, to a year's probation for refusing to pay fines he had received as a result of engaging in unregistered religious activities, plus the costs of expert analysis of the religious texts found in his possession. Failure to pay the fines and debts would result in his house being seized.^[21]

Muslims too face considerable obstacles in exercising their freedom of religion. The Hanafi school of Sunni Islam is the only form of Islam allowed. It is recognised by the Spiritual Association of Muslims of Kazakhstan (SAMK), the body governing the activities of more than 2,500 registered Muslim groups. The Association is responsible for the construction of new mosques and the appointment and confirmation of imams. In November 2016, the SAMK approved a new regulation for the internal organisation of mosques, banning, among other things, the use of the word "Amen" in mosques: 21 Muslims were fined for contravening this new regulation.^[22]

The terrorist danger and article 174 of the Penal Code have often been used to justify the forced closure of independent mosques and repressive measures against political opponents or ordinary Muslims who adhere to other Islamic schools or traditions.

Many people have been convicted on terrorism charges and links to Daesh (ISIS), with sentences of up to 12 years in prison.^[23] Many Salafists, who have been blamed for violent attacks in 2016, were arrested on charges of extremism and terrorism.^[24]

Among non-traditional Islamic movements, the most affected is Tablighi Jamaat – a missionary movement originally from India which was banned as "extremist" in February 2013.^[25] Since December 2014, 60 people have been convicted for membership of the group,^[26] 18 in 2017, with sentences of up to three years in prison, to which were often added bans on performing religious activities for a certain period of time after their release.^[27]

Five Sunni Muslims who stayed in Saudi Arabia, one to work and four to study, were convicted in 2017 for "inciting religious hatred", with sentences ranging from four to eight years.^[28] The crime alleged in some of these cases was

simply speaking to other co-religionists about Quranic teachings or criticising the SAMK^[29]

In addition to the courts, the fight against terrorism has also taken other paths. These range from preventive action in educational institutions, raising awareness via the E-Isla website and the work of the Akniet rehabilitation centre for radical detainees^[30] to blocking websites suspected of spreading extremist and terrorist propaganda^[31] as well as sending theologians to go into prisons to curb the spread of radical ideas among prisoners.^[32] The Minister of Religious Affairs and Civil Society, Nurlan Yermekbayev, also expressed his willingness to set up a Kazakh educational institute for moderate Islamic studies^[33] to reduce religious illiteracy and make believers less vulnerable to foreign religious ideologies.^[34]

Prospects for freedom of religion

Ruled by Nursultan Nazarbayev since 1991, Kazakhstan has tried to showcase itself to the world as a major international player. In 2017 it became a non-permanent member of the UN Security Council. Its capital, Astana, has hosted meetings in connection with peace negotiations over the Syria crisis and Astana has been offered as a venue for the resolution of other conflicts. Since 2003 Kazakhstan has organised the Congress of Leaders of World and Traditional Religions, a forum for inter-religious dialogue held every three years. Conversely, Nazarbayev's focus on the "economy first, politics after" has left the country without free elections, with politically motivated legal actions against civil society activists and a low tolerance for freedom of speech. Religious groups, especially non-traditional ones, have been victimised, not only by more repressive laws, but also by a growing number of administrative and criminal proceedings against them in connection with a war on terrorism in which many are innocent victims caught in the crossfire. All the signs indicate that the right to free religious expression will progressively become more restricted.

Endnotes / Sources

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