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The Republic of Kazakhstan

Freedom of religion or belief

Submission by:



European Baptist Federation

The EBF was founded in 1949 to unite European Baptists as Europe emerged from WWII. Today the EBF is comprised of approximately 825,000 members in 61 member bodies representing nearly every country in Europe and Euro-Asia as well as five Baptist Unions in the Middle East. The EBF is one of the five regions that make up the Baptist World Alliance, and serves as European representative for the BWA. The EBF is diverse in language, culture, and tradition but remains united in Baptist identity, evangelistic zeal, and a concern for human rights and religious freedom.

Summary Report:

1. Since the passing of the Law on Religion in 2011, freedom of religion or belief in Kazakhstan has been severely restricted in this central Asian nation. The human rights situation related to FoRB has further deteriorated since the 2014 UPR cycle despite commitments by the Kazakh government at that time. In September 2018 further amendments to Kazakhstan's Religion law were approved in both houses of the Kazakh parliament which introduced further restrictions to religious freedom including: more restrictions on parents' and children's freedom to attend worship meetings and teach beliefs; strengthened punishments for religious teaching without state permission; more restrictions on sharing religious beliefs; and broadened purview for state confiscation and censorship of religious literature.¹ While the purview of restrictions on freedom of religion has broadened and intensified since 2011 the basic legal mechanism that allows for such restriction remains the same. Under the 2011 law all exercise of religious freedom is allowed only in the context of state-registered religious communities. All officially approved religious practice remains subject to strict controls and censorship from the Kazakh government.
2. Registration is not universally granted. Without this registration individuals and communities enjoy no right to practice their religion or belief, to gather in community with others in public or private, or to manifest their religion in teaching, practice, worship, or observance. Protestant and evangelical Christians, Muslim minorities, Jehovah's Witnesses, and Baha'i, and other religious minorities experience the greatest difficulties in receiving state approval. This system of censorship and registration-contingent religious practice is in violation of international human rights law per the OSCE/Venice commission guidelines. The 2018 Amendments to the Religion Law were passed without any consultation of the OSCE or the Council of Europe's Venice Commission.
3. Stark restrictions on religious freedom are understood and justified as prevention of "religious extremism." In 2018 there were 139 punished violations of the Law on religion and of article 174 of the criminal code.² Pertinent examples of violations and punishments include: the seizure and destruction of 85 Islamic booklets and one Christian book entitled "Bible Stories", the deportation of one foreign citizen (a Kyrgyz-born Russian Muslim) for his religious activity, and the prosecution of 20 Muslims for praying aloud (i.e. using the word "Amen") in state-controlled mosques.³ Additionally, two individuals, both Council of Churches Baptists were jailed for failure to pay previous fines incurred for exercising their religious freedom.⁴ Raids of unregistered religious communities remain commonplace and youth are especially targeted in law enforcement on religion. In 2018 a Kazakh regional Religious Affairs department demanded the personal data of everyone under 18-years-of-age attending Christian religious worship service.⁵ Criminal charges have been brought against various individuals for "inciting discord" in

¹ Corley, F. (2018, September 28). Senate approves more religious freedom restrictions. *Forum 18 News Service*. Retrieved February 20, 2018, from http://www.forum18.org/archive.php?article_id=2419

² Corley, F. (2019, February 1). KAZAKHSTAN: 165 Administrative Prosecutions in 2018. *Forum 18 News Service*. Retrieved February 20, 2019, from http://www.forum18.org/archive.php?article_id=2448

³ Ibid

⁴ Ibid

⁵ Corley, F. (n.d.). Forum 18 News Service. Retrieved September 28, 2018, from http://www.forum18.org/archive.php?article_id=2419

holding religious meetings and worship services.⁶ Most recently in early 2019 a Balkhash court jailed Abilai Bokbasarov for three years as punishment for holding meetings about Islam. He is additionally barred from exercising his freedom of religion for five years after his jail term. He is the 73rd Muslim known to have been convicted for alleged membership in a Muslim missionary movement since 2015.⁷

4. Such cases are simply representative examples of hundreds of administrative prosecutions, raids, literature confiscations and jailings relating to exercise of freedom of religion or belief in Kazakhstan since the last UPR review in 2014. Despite its commitments in the last UPR cycle to review and bring the 2011 Religions law in compliance with international human rights standards, the human rights situation related to FoRB in Kazakhstan has largely only deteriorated since 2014. The legal restrictions against freedom in religious practice as well as prosecutions have only intensified. As observed by the Special Rapporteur on freedom of religion and belief in his 2014 visit to Kazakhstan, there is great concern from Kazakh authorities for the protection of the secular state from religious influence, but there is a lack of matching concern for the autonomy of religious communities from state influence and surveillance.⁸ FoRB human rights violations are intimately related to other human rights violations, including freedom of expression more generally. Concerns about prison conditions and use of solitary confinement for those imprisoned for their religious expression are also concerns within Kazakhstan, as well as freedom of conscience for religious minorities (i.e. Jehovah's Witness') seeking exemption from military service.

Key Legislation:

5.

- a) 2011 Law on religious activities and religious associations
- b) 2018 amendments to the Law on religious activities and religious associations
- c) Article 174 of the criminal code: Institution of social, national, generic, racial, class or religious discord.

UPR 2014:

Sample of adopted UPR recommendations

6. *Clearly define criminal offences provided for under article 164 of the Criminal Code, such as the incitement to hatred or discord on ethnic or racial grounds, or affronts to national honour and to religious dignity and beliefs, so that they are in line with international norms on freedom of expression – Chile 2014, Supported*
7. *Undertake a thorough review of the 2011 Law on Religious Associations with a view to ensuring its compliance with Kazakhstan's international obligations. – Ireland 2014, Supported*

⁶ Corley, F. (2019, February 1). KAZAKHSTAN: 165 Administrative Prosecutions in 2018. *Forum 18 News Service*. Retrieved February 20, 2019, from http://www.forum18.org/archive.php?article_id=2448

⁷ Corley, F. (2019, February 14). KAZAKHSTAN: Three years' jail, five years' religion ban. *Forum 18 News Service*. Retrieved February 20, 2019, from http://www.forum18.org/archive.php?article_id=2452

⁸ Bielefeldt, H. (2014). *Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt Mission to Kazakhstan* (Rep.). Human Rights Council, UN General Assembly. Retrieved February 20, 2019.

8. *Continue its policy of respect and tolerance of all religions without discrimination. India 2014, Supported*
9. *Raise the awareness of its law enforcement officials so that individuals may exercise their right to freedom of religion or belief free from harassment or threat of human rights violations. – United Kingdom 2014, Supported*

Sample of rejected UPR recommendations

10. *Guarantee freedom of religion and belief by abolishing the mandatory registration for religious groups, and ensure that the 2011 religion law is in conformity with international human rights standards. Germany 2014, Noted*
11. *Consider the rules for the registration of religious groups, and to take steps to promote interfaith harmony, including with regard to those faiths considered to be non-traditional in the country, in order to adhere to the Constitution and to international norms. Norway 2014, Noted*

UPR 2019 Suggested Recommendations:

12. The legal core of FoRB violations in Kazakhstan relates to the 2011 Law on Religions and the 2018 amendments to the Religion Law, as well as article 174 of the criminal code. Notice in the cited 2014 accepted recommendation from Chile (with a similar recommendation submitted by Brazil), Article 164 of the criminal code was cited, while Article 174 was presumably the intended legislation targeted by the recommendation. Additionally UPR recommendations can be made to advocate for the situations of specific individuals or communities affected by Kazakhstan's enforcement of the Law on Religion. Such use of a UPR recommendation would be especially pertinent in the cases of those imprisoned for their religious expression. The following suggested recommendations are a set of examples of possible UPR recommendations designed to address the most pressing FoRB issues in Kazakhstan.
13. *Take the necessary measures to ensure that all religious communities are able to exercise their freedom of religion or belief with or without official state registration.*
14. *Review The Law on Religious Activity and Religious Associations (Religion Law) and The Law on introducing Amendments and Additions to several legal acts questions of Religious Activity and Religious Associations (Amending Law), lift the ban of unregistered religious activity, the compulsory religious censorship and remove obstacles for the building and opening of new places of worship, in conformity with religious freedom standards.*
15. *Create a space for dialogue where State officials and representatives of religious communities, including minority groups, can meet and discuss ways to implement religious freedom for all in Kazakhstan.*
16. *Intensify efforts towards further democratization in all governing structures, including at the local level, with effective political participation of minorities. Such participation is critical for minorities to voice their concerns and to achieve meaningful solutions to their issues.*
17. *Lift the travel ban of religious people who are refusing to pay fines imposed for exercising their freedom of religion.*
18. *Protect freedom of expression for all, including the right to share one's beliefs, in accordance with human rights standards. Protect the right to change one's religion or belief, which is the cornerstone of freedom of conscience.*

19. *Protect the right to import, publish and distribute religious literature and informational materials of religious content.*
20. *Take concrete steps to raise awareness among its law enforcement officials so that individuals may exercise their right to freedom of conscience free from harassment or threat.*
21. *Develop provisions for exemption from military service as a provision for freedom of conscience and conscientious objection.*