



**NGO: EUROPEAN CENTRE FOR LAW AND JUSTICE**

**UNIVERSAL PERIODIC REVIEW 2019**

**RELIGIOUS FREEDOM IN KAZAKHSTAN**

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## Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding human rights violations in the Republic of Kazakhstan [hereinafter Kazakhstan] for the 2019 Universal Periodic Review (UPR).

## Background

2. Kazakhstan's Constitution establishes it as a secular state and Article 14 states: "No one shall be subject to any discrimination for reasons of origin, social, property status, occupation, sex, race, nationality, language, attitude towards religion, convictions, place of residence or any other circumstances<sup>1</sup>." However, the government of Kazakhstan imposes restrictions and seeks to control religious groups, especially those that are viewed as non-traditional – such as non-Sunni Muslims and Protestant Christians<sup>2</sup>.

3. Open Doors lists Kazakhstan as the 34th worst place for Christian persecution<sup>3</sup>. The primary source of persecution comes from the government<sup>4</sup>. A 2017 report by the United States Commission on International Religious Freedom states: "The country's restrictive 2011 religion law bans unregistered religious activity and is enforced through police raids, detentions, fines, and the closing of religious institutions<sup>5</sup>."

## Restrictions on Religious Freedom

4. In 2011, Kazakhstan passed a law that is being used to severely restrict and infringe on the people's right to religious freedom. This law imposed severe restrictions on religious organisations seeking to peacefully practice their religion and gave the government immense power over religion. Only religious activity that is either state sponsored or state approved is permitted to take place<sup>6</sup>.

5. The first thing the 2011 law did was require all religious organisations to re-register if they wanted to be legally recognised<sup>7</sup>. As part of this new registration process, religious organizations are required to meet membership quotas at the local, regional, and national levels<sup>8</sup>. Churches are required to provide detailed lists of members, including the names and addresses of at least 50

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<sup>1</sup> CONST. OF THE REPUBLIC OF KAZAKHSTAN, art. 14, *available at* <http://mfa.gov.kz/en/hague/content-view/the-constitution-of-the-republic-of-kazakhstan>.

<sup>2</sup> USCIRF 2017 ANN. REP.: KAZAKHSTAN EXECUTIVE SUMMARY 1, *available at* <https://www.state.gov/documents/organization/281268.pdf> (last visited 26 Mar. 2019)..

<sup>3</sup> *World Watch List: Kazakhstan*, OPEN DOORS, *available at* <https://www.opendoorsusa.org/christian-persecution/world-watch-list/kazakhstan/> (last visited 26 Mar. 2019).

<sup>4</sup> *Id.*

<sup>5</sup> USCIRF 2017 ANN. REP.: KAZAKHSTAN 1, *available at* <https://www.uscifr.gov/sites/default/files/Kazakhstan.2017.pdf> (last visited 26 Mar. 2019).

<sup>6</sup> *Global Legal Monitor*, LIB. OF CONG., <http://www.loc.gov/law/foreign-news/article/kazakhstan-new-law-on-religion-enacted/> (last visited 26 Mar. 2019).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

members. If religious group fail to meet the quota requirement, which some minority religious groups do, they are prohibited from holding religious activities<sup>9</sup>. However, a perhaps more intrusive aspect of the law requires that the government review all imported religious texts and materials and prohibits religious groups from distributing these materials outside religious buildings<sup>10</sup>. Effectively, this prohibits religious practitioners, such as Protestant Christians, from practicing a key element of their faith – evangelizing.

### **Government Raids on Churches**

6. As a result of the 2011 law, there has been an increase in police raids of churches. On March 25, 2016 police raided the homes of Protestant church leaders and five buildings that belonged to Amlaty’s New Life Pentecostal Church. Then, on Easter Monday 2016, another raid was carried out at the Church’s office where they seized financial documents, computers and approximately \$280 in local currency<sup>11</sup>. Protestant Christians are particularly targeted because they are viewed as having foreign influence<sup>12</sup>.

7. On May 28, 2017, police raided a Baptist Church and detained 20 individuals. The Police then proceeded to take photographs, fingerprints and other personal information of the detained Christians before imposing fines on eight of them without any court hearing<sup>13</sup>. In the first half of 2018 alone, the government prosecuted 69 individuals and imposed three-month bans on holding religious ceremonies or distributing religious materials<sup>14</sup>.

8. In 2018 there were approximately 37 administrative cases brought against individuals and religious groups who were participating in unsanctioned religious activity. Of these 38 cases, 27 of them resulted in fines being administered<sup>15</sup>. In three particular cases, courts ordered the seizure and destruction of religious literature<sup>16</sup>.

### **Conclusion**

10. As a party to the International Covenant on Civil and Political Rights (ICCPR), Kazakhstan has agreed to adhere those principles. Article 18 of the ICCPR states that:

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and 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.

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<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> *Kazakhstan Church Raids a ‘Backward Step’*, WORLD WATCH MONITOR, (24 May 2016), <https://www.worldwatchmonitor.org/2016/05/kazakhstan-church-raids-a-backward-step/>.

<sup>12</sup> *World Watch List: Kazakhstan*, *supra* note 3.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Felix Corley, *Kazakhstan: One City, Two Raids, Three Fines*, FORUM 18 (4 Mar. 2019), [http://forum18.org/archive.php?article\\_id=2458](http://forum18.org/archive.php?article_id=2458).

<sup>16</sup> *Id.*

11. It is clear that the Kazakhstan is not upholding these principles. The government's increased control over religious activity is clearly prohibiting its citizens from exercising their right to freely exercise their religious beliefs. If religious groups fail to register, or fail to meet the requirements set forth for registration, they are legally prohibited from holding religious services and face prosecution by the government. The quota requirements allow the government to discriminate against minority religious congregations and place an unnecessary burden on religious practitioners. The government's control over the acquisition and distribution of religious materials also prohibits religious practitioners from freely sharing their faith. Kazakhstan must work to reform its laws so that its citizens are truly able to enjoy religious freedom without the fear of police raids, arrests, or fines.