

# KAZAKHSTAN

## TIER 2

### KEY FINDINGS

Although the Kazakh government promotes religious freedom for “traditional” religious communities at the international level, domestic conditions for freedom of religion or belief and other civil liberties deteriorated in 2016, with officials’ heightened fears of public disorder leading to new restrictions on religion. 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. Increasingly, terrorism and religious extremism laws with multiyear prison sentences are deployed against religious nonconformity and political opposition, blurring the line between violent extremism and peaceful dissent. Based on these concerns, USCIRF again places Kazakhstan on its Tier 2 in 2017, where it has been since 2013.

### RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Urge the Kazakh government, in line with the recommendations of the United Nations (UN) Human Rights Committee, to ensure anti-extremism laws do not serve as a pretext for infringement on the right to peaceful religious observance and expression;
- Call on the Kazakh government to invite to its Congress of Leaders of World and Traditional Religions a representative array of religious communities peacefully residing in Kazakhstan, including minority religious groups;
- Urge the Kazakh government to agree to visits by the three Organization for Security and Cooperation in Europe (OSCE) Personal Representatives on Tolerance, set specific dates, and provide the full and necessary conditions for such visits;
- Ensure the U.S.-Kazakh Strategic Partnership Dialogue (SPD) includes discussion of issues relating to freedom of religion or belief;
- Press for at the highest levels and work to secure the immediate release of individuals imprisoned for their peaceful religious activities or religious affiliations and press the Kazakh government to treat prisoners humanely and allow them access to family, human rights monitors, adequate medical care, and lawyers and the ability to practice their faith;
- Ensure the U.S. Embassy, including at the ambassadorial level, maintains active contacts with human rights activists; and
- Ensure continued U.S. funding for Radio Azattyq.

## BACKGROUND

Kazakhstan's population is estimated at 17.7 million. About 65 percent of the population is Muslim, mostly following the Hanafi school of Sunni Islam; 25 percent is estimated to be Russian Orthodox; and 5 percent comprises other groups, including Jews, Roman and Greek Catholics, various Protestant denominations, and others. Kazakhstan's diverse ethnic profile includes many non-Kazakhs, mostly Russians, whose families settled there or were deported during the Soviet period.

Before its 2011 religion law was enacted, Kazakhstan was one of the least repressive post-Soviet Central Asian states with regard to freedom of religion or belief.

The religion law, however, sets stringent registration requirements with high membership thresholds, and bans or restricts unregistered religious activities, including those relating to education, literature distribution, and clergy training. Other

vague criminal and administrative statutes enable the state to punish most unauthorized religious or political activity. Religious groups are subject to police and secret police surveillance. As a result of the law's registration requirements, the total number of registered religious groups fell sharply after 2011, especially the number of "nontraditional" religious groups, which declined from 48 to 16. By 2013, only Muslim groups affiliated with the state-backed Muslim Board were registered. Shi'a and Ahmadi Muslims were denied legal status, as were mosques attended primarily by particular ethnic

groups. As in Soviet times, the 11,000 members of the Union of Evangelical Christian Baptists refuse—as a matter of conscience—to register. Catholic communities are exempt from registration due to a government agreement with the Holy See.

Although all religions are officially equal under the religion law, its preamble "recognizes the historical role of Hanafi Islam and Orthodox Christianity," suggesting that other religions do not enjoy the same status. The government also funds "anti-sect centers" that function as quasi nongovernmental organizations, publicly promoting intolerance against certain religious minorities.

Since 2004, the Kazakh government has sponsored

and hosted the Congress of Leaders of World and Traditional Religions. Its most recent meeting in June 2015 was devoted to the issue of countering terrorism and extremism; the session was attended by 80 delegations from 40 countries and was

addressed by Kazakh President Nursultan Nazarbayev.

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## RELIGIOUS FREEDOM CONDITIONS 2016–2017

### New Legal Restrictions on Religious Freedom

In 2016, Kazakhstan was marked by widespread popular unrest over official land privatization policies, as well as by two attacks on security forces during the summer that the government attributed to Islamist fundamentalists, possibly as a pretext for cracking down on civil society. The Kazakh president ordered that a new law be

drafted in response, including further restrictions on religion. In September 2016, a new government ministry, Religion and Civil Society, was formed; the Religious Affairs Committee, which oversees official policies on religion, falls under its jurisdiction.

In December 2016, President Nazarbayev signed a law that amended 20 other laws, including increasing penalties and state controls on the domestic production and distribution of religious texts as well as on their import. The Forum 18 News Service reported that, unlike previous practice, individual travelers are now allowed to bring only one copy per title of an uncensored religious text into the country. New restrictions were also imposed on foreign religious travel, which will be subject to new regulations to be drawn up by the Religion and Civil Society ministry. The state already controls foreign religious study; religious organizations that send people to study in foreign religious educational institutions must first receive state permission. The religion law now defines “spreading a religious teaching” as “activity directed at making available or passing on information on the basic dogma, ideas, views or practices of a specific religion.” The definition of “missionary activity”

is extended from representatives of a registered religious community to include any person who engages in such activity. Therefore, foreign citizens may be deported as punishment for engaging in “missionary activity” without registering with

the state as a missionary. Since these new legal restrictions went into effect in January 2017, it is too early to assess their practical impact.

The government also is preparing a State Program to Counter Religious Extremism and Terrorism in Kazakhstan for 2017–2020; its preparatory group includes the KNB (security police) and its Anti-Terrorist Centers and the Religion and Civil Society Ministry. The previous such State Program called for actions to “uncover and halt the activity of illegally functioning places of worship,” “the distribution of religious literature . . . in non-approved locations,” and “the conduct

of illegal missionary activity.” The program advocated for training all school children and many adults on “religious extremism,” and for publishing religious texts and holding cultural events to “propagate spiritual and moral values traditional for Kazakhstan.” It also advocated for more state-supported alleged “anti-sect” centers, which often criticize Protestants, Jehovah’s Witnesses, and Ahmadis and take part in their trials. In February 2017, Radio Azattyq, the Kazakh service of Radio Free Europe/Radio Liberty, reported on an anti-extremism seminar at a high school in the capital city of Astana in which a police lieutenant urged students to report people who engaged in Islamic worship at home, so that the police could check if they “adhere to the correct affiliation.”

### Penalties for Religious Activity

The most frequent violations of the 2011 religion law are distributing religious texts without a license, discussing religion without the required “missionary” registration, and holding unregistered worship meetings. There are at least 25 Council of Churches Baptists who refuse to pay fines for unregistered reli-

gious activity and are on the Justice Ministry’s list of debtors who cannot leave Kazakhstan. In three separate incidents in 2016, six elderly Baptists were penalized for holding prayer meetings in private homes. Discussions of faith without a “missionary” permit

from a registered religious organization is banned as a criminal offense, as is the publication, distribution, and import of all uncensored texts and religious items, including icons. In 2016, Jehovah’s Witnesses continued to be fined for preaching. In June 2016, three Muslims were fined for speaking about religion after evening prayers to passersby.

Since January 2015, police have had the right to impose without a court hearing certain fines for unauthorized religious activity. In 2016, police reportedly fined without trial at least three Council of Churches Baptists; one fine was later annulled.

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In January 2016, police in Aktau again raided a worship meeting of the New Life Pentecostal Church, which has been a frequent target of official harassment; its two pastors were told to bring church documents to police. In Almaty in May 2016, police—citing alleged financial crimes—raided church buildings and homes of New Life members during services. In July 2016, police raided two Baptist summer camps. The legal requirement that both parents must give written approval of children’s involvement in religious activity has also raised difficulties for Jehovah’s Witnesses.

In January 2017, the KNB reportedly arrested Jehovah’s Witnesses Asaf Guliyev and Teymur Akhmedov on charges of “inciting hatred”; the two men were recorded meeting on several occasions in 2016 to speak about their faith with KNB informers posing as university students. In February 2017, Guliyev was sentenced to five years of “restricted freedom,” effectively confining him to his hometown and barring him from visiting certain public establishments. Akhmedov, who has claimed that he was beaten while in detention, was still awaiting trial at the end of the reporting period; civil society activists who visited him in prison reported that he may not be receiving proper medical care for his cancer.

In February 2017, the Kazakh police opened a new case against atheist Aleksandr Kharlamov over a book he published in 2014. Kharlamov claimed that the new case is retaliation over his appeal of an earlier 2013 case against him which never went to trial, although its administrative measures—confinement to his hometown—have remained in force against him since then.

### Penalties for Alleged Extremism

In 2016, Muslims still constituted the vast majority of those sentenced to multiyear prison terms in Kazakhstan for the peaceful expression of religious belief. In August 2016, the UN Human Rights Committee expressed concern that the “broad formulation” of the concept of extremism in Kazakh law “unduly restrict[s]” religious freedom.

Presumed members of the Tabligh Jamaat missionary movement regularly are singled out for persecution. Tabligh Jamaat was banned as “extremist” in 2013 despite a study commissioned by the KNB secret police and the Religious Affairs Committee that found the movement is neither extremist nor terrorist. Since

December 2014, 46 accused Tabligh Jamaat adherents (all Kazakh citizens) are known to have received criminal convictions; 32 received prison terms, and 14 received restricted freedom sentences confining them to their hometowns.

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For example, in December 2016, five alleged Tabligh Jamaat members near Almaty—Serik Erimbetov, Abdumazhit Abdullayev, Parkhat Gafurov, Oralgazhi Koshtybayev, and Asimtulla Baituryanov—received prison terms of up to three years. In October 2016, Baurshan Beisembai was sentenced to two and a half years in prison, as was Aiden Shakentayev in March 2016. In May 2016, Estai Dzhakaev received a three-year prison term. In June 2016, Radio Azattyq reported that Murat Takau-mov was sentenced to nine months in prison, likely because he had given legal advice to accused Tabligh Jamaat members. In addition, in October 2016, two alleged Tabligh Jamaat members, Saken Tulbayev and Khalambakhi Khalym, were charged under Criminal Code article 174, which penalizes “incitation of social, national, clan, racial, class, or religious conflict” and carries a possible two- to five-year prison term. In July 2016, the UN Human Rights Committee criticized the government of Kazakhstan for its use of article 174 and other overly broad laws to punish the peaceful exercise of freedom of religion or belief.

The Kazakh government also persecutes other Muslims who do not conform to official practices or criticize the state-run religious hierarchy. In October 2016, Salafi adherent Kuanysh Bashpayev was arrested for engaging in a long-running polemic with and delivering sermons critical of the State Muslim Board. Salafi adherent Satimzhan Azatov was arrested in January 2017 for holding a discussion group with other Salafis in September 2016. In February 2017, ethnic Uzbek imam Abdukhalil Abdudzhabbarov was deported from Turkey

to Kazakhstan, where he was arrested on charges of leading prayers in an illegal mosque in 2003; although Abdudzhabbarov is charged with inciting terrorism, a Russian human rights group, Memorial, had stated that his arrest was connected to his earlier disputes with state-backed imams. By the end of the reporting period, all three men were awaiting trial.

In September 2015, jailed Sunni Muslim Saken Tulbayev reportedly was tortured in the Pavlodar labor camp. His torture later stopped after publicity on his case, but there have been no arrests of his torturers. Forum 18 also has reported that due to his long camp work hours, Tulbayev cannot perform Muslim prayers.

Seventh-day Adventist Yklas Kabduakasov remains in prison. In December 2015, he was sentenced to two years in a labor camp, increased from a seven-year house arrest term. According to Forum 18, the 54-year-old father of eight also was convicted of incitement to religious conflict under article 174 for discussing his faith. Kabduakasov and 29 alleged Tabligh Jamaat members also have had their bank accounts blocked due to their inclusion on the Finance Ministry's Financial Monitoring Committee List of individuals "connected to the financing of terrorism or extremism." Convicts can be added to the list without notification or separate legal process.

### Restrictions on Religious Materials

Kazakhstan has banned at least 695 texts—including Muslim, Ahmadi, Christian, Hare Krishna, and Jehovah's Witness materials—for alleged "extremism." The government also censors all religious texts, bans religious materials in prison, and restricts where religious materials may be sold. Under the religion law, only Hanafi Sunni Muslim materials can be sold in officially licensed bookshops.

Administrative fines are the most frequent penalties for infractions and are often levied against Christians. In 2016, dozens of fines were issued; at least six elderly Baptist

hospice volunteers were fined the equivalent of two months' pension for giving the New Testament to those who had asked. In May 2016, Roman Dimmel, a Baptist who refuses to pay fines he received in 2016 for handing

out religious texts, was again jailed for three days. Muslims are also subject to these punishments: in May 2016, a shopkeeper was fined and barred from commerce for three months after police found in his shop Muslim texts his wife used in her classes for women mosque attendees. The use in secular settings of texts officially viewed as religious also has led to court proceedings: in December 2016, after police raided a yoga seminar, an instructor was fined for displaying the Bhagavad Gita along with other texts that were available to the 160 attendees.

### U.S. POLICY

After the collapse of the former Soviet Union, the United States was the first country to recognize Kazakhstan's independence, and is now the largest direct foreign investor in Kazakhstan. Key bilateral issues are regional security—including efforts to stabilize Afghanistan—and nuclear nonproliferation. Kazakhstan and the United States have entered into a five-year plan to strengthen military cooperation via capacity-building programs. In February 2015, the two states signed a Mutual Legal Assistance Treaty. United States Agency for International Development (USAID) programs in Kazakhstan help support civil society, increase access to information, strengthen citizen initiative groups, promote an independent judiciary, and encourage human rights protection. USAID also assists in civil society partnerships with the Kazakh government. As of January 2017, Kazakhstan holds a two-year nonpermanent seat (allocated to the Asia-Pacific group) on the UN Security Council.

In August 2016, the State Department hosted the second meeting of the C5+1 Ministerial, which brings together the foreign ministers of the five Central Asian states and the United States for discussions on various multilateral issues, including respect for basic freedoms. In their joint statement, all five ministers and then Secretary of State John Kerry committed to advancing civil rights and democratic freedoms. In December 2016, then Secretary Kerry also met with ministers from the C5+1 countries,

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as well as civil society activists, during the annual ministerial meeting of the OSCE in Hamburg, Germany.

Additionally, the United States and Kazakhstan discuss a wide range of bilateral issues through the U.S.-Kazakh SPD, which was set up in 2012. In September 2016, then Secretary Kerry held the fifth SPD meeting at the UN; then Ambassador-at-Large for International Religious Freedom David Saperstein met with Kazakh deputy foreign minister Yerzhan Ashikbayev.