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Kazakhstan attempts to keep all religious communities under tight government control or supervision. Surveillance by the National Security Committee (KNB), the country's intelligence agency, is often reported by minority religious groups, as is the use of highly intrusive questionnaires requesting information such as believers' political views and the names of religious leaders' close friends. Among the violations of human rights faced by religious minorities and other religious groups are: attacks on religious freedom by officials from President Nursultan Nazarbaev downwards; censorship; state-sponsored encouragement of religious intolerance; legal restrictions on freedom of religion or belief; raids, interrogations, threats and fines affecting both registered and unregistered religious communities and individuals; unfair trials; the jailing of a few particularly disfavoured religious believers; restrictions on social and charitable work; close police and KNB surveillance; and attempts to deprive religious communities of their property. These are coupled with violations of other fundamental human rights, such as freedom of expression and of association.

Unregistered religious activity, despite being fully allowed in the country's international human rights commitments and not specifically banned in Kazakh law, is penalized under the Administrative Code. Those brought to trial often state that legal proceedings are conducted unfairly and not in accordance with Kazakh law. Members of religious minorities such as the Council of Churches Baptists, who oppose registration on principle, have been fined. When they refuse to pay these fines they often have property, such as cars, washing machines and livestock, confiscated. In several cases, leaders refusing to pay fines have been imprisoned for up to five days and court-ordered bans on their congregations have been handed down. Such penalties remain in various drafts of a proposed revised Administrative Code, expected to be adopted in late 2010.

In July 2009, Gay McDougall, the UN Independent Expert on Minority Issues (IEMI), visited Kazakhstan. She echoed calls by local religious communities and human rights defenders for the abolition of any registration requirement. McDougall also complained that the Assembly of the People of Kazakhstan – designed to give a voice to ethnic minority communities – is a top-down body which is not elected on a representational basis. She also called for greater sensitivity in the promotion of Kazakh as the state language, fearing that this could have an adverse impact on those who may need greater time to adapt from using Russian.

The majority religious faith is Islam, but the minority of Muslims who choose to practise their faith outside the framework of the pro-government Muslim Board face particular pressure. In February 2008, 14 out of 15 Muslims arrested in April 2007 were given prison sentences of between 14 years and 19 years 6 months at a closed trial in Shymkent. The remaining prisoner received a three-year corrective labour sentence.

The deliberate nature of such official hostility towards the right of all to freedom of religion or belief was illustrated by 2008-9 moves to adopt harsh new legislation changing

the religion law and amending the Administrative Code and other laws. This would have imposed further controls on religious activity: for example, small religious groups would not have been allowed to maintain open places of worship. Penalties for holding religious services, conducting charitable work, importing, publishing or distributing religious literature, or building or opening places of worship in violation of 'demands established in law' would have been increased. Repeat 'offences' would have led to a religious community being banned. These changes were approved in November 2008 by the parliament, the lower house of which is composed exclusively of deputies from the president's party. These were found by the Constitutional Council to violate the Constitution, as local and international human rights defenders had repeatedly pointed out. However, in its National Human Rights Action Plan, the government has indicated that it will be introducing similar legislation in 2011.

The authorities are particularly suspicious of legal foreign residents involved in religious activity. A growing number are being expelled. Indeed, foreigners are subjected more widely to human rights abuses. In May 2009, following a nine-day visit to Kazakhstan, Manfred Nowak, the UN Special Rapporteur on torture, stated that, 'there are some groups that run larger risks of cruel, inhuman and degrading treatment than others', noting that the likelihood for foreigners to be subjected to such treatment seems to be 'higher than average'.

AI expressed concern in September 2009 that, 'Refugees are not effectively protected and continue to be at risk of *refoulement* or abductions.' *Refoulement* is a term describing when refugees are forced to return to situations where they are at serious risk of persecution; it is expressly prohibited in the 1951 Convention relating to the Status of Refugees, which Kazakhstan has acceded to. AI warned that the Kazakh authorities continue to cooperate with China, Russia and Uzbekistan in the name of regional security and counter-terrorism, 'in ways that breach their obligations under international human rights and refugee law'.

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