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Key Findings

Although the government of Kazakhstan promotes religious tolerance at the international level, religious freedom conditions in the country continued to deteriorate in 2013. The country's restrictive 2011 religion law bans unregistered religious activity and has been enforced through the closing of religious organizations, police raids, detentions, and fines. The law's onerous registration requirements have led to a sharp drop in the number of registered religious groups, both Muslim and Protestant. Based on these concerns, USCIRF places Kazakhstan on Tier 2 again in 2014. The Commission has reported on Kazakhstan in its Annual Reports since 2008, and it was on Tier 2 in 2013.

Background

Before the passage of the repressive 2011 religion law, Kazakhstan was considered one of the most liberal countries in post-Soviet Central Asia in regard to freedom of religion or belief. The 2011 law sets complex registration requirements with high membership thresholds and bans unregistered religious activity. It also restricts the areas of permitted activity, including in regard to places of worship, religious materials, religious teaching, training of clergy, and missionary activities. The 2011 law also raised the penalties for violations. While the religion law declares all religions equal under the law, its preamble "recognizes the historical role of Hanafi Islam and Orthodox Christianity," suggesting a preferred status. The government also supports "antisect centers" that promote intolerance against certain religious communities. On October 24, 2013 the Kazakhstan General Prosecutor's office presented a more restrictive draft Criminal Code to parliamentarians; that draft is still under consideration as of the writing of this report.

USCIRF made its first Commissioner-level visit to Kazakhstan in October 2013 to better understand reports of a deteriorating climate for religious freedom. The delegation met with Kazakh government officials in Astana and religious communities there and in Almaty.

Religious Freedom Conditions 2013-2014

Registration Issues

Under the 2011 law, all religious organizations were required to re-register by October 2012 with both central and local governments or face court liquidation. By October 2012, the number of registered religious organizations fell from 46 to 17 and registered faith-based civic groups fell from 4,551 to 3,088. Of the 666 previously-registered Protestant religious associations, only 462 were re-registered; of 48 "non-traditional" religious groups, only 16 were re-registered. By 2013, only Muslim groups affiliated with the state-backed Muslim Board had been registered; Shi'a and Ahmadi Muslims were denied legal status, as were mosques attended mainly by particular ethnic groups. Catholic communities were exempt because of an agreement with the Holy See. After the reporting period, Foreign Minister Erlan Idrissov and Chairman of the Agency for Religious Affairs Marat Azilkhanov spoke to diplomatic representatives on March 6, 2014 and stated that, as of that date, 3,400 religious organizations operate in Kazakhstan.

The Case of Pastor Kashkumbayev

On February 17, 2014, retired Presbyterian Pastor Bakhytzhan Kashkumbayev of Astana's Grace Church received a four-year suspended prison term for allegedly harming a parishioner's psychological health, although the alleged victim has said she was not harmed. Just days after USCIRF met with the pastor's family in October 2013, he was briefly released from jail and then re-arrested for "terrorism." During one month of his nine months of imprisonment, the pastor was forcibly injected with psychotropic drugs. Observers consider the two-year-long criminal investigation and treatment of the pastor a symbol of the decline of respect for religious freedom in Kazakhstan.

Extremism Charges

Atheist writer Aleksandr Kharlamov in the town of Ridder was detained for five months during 2013, including one month of psychiatric examination. Criminal charges of extremism remain pending against him, while his writings are still under review by a group of religious "experts." In December 2013, two Protestants in Astana were fined the equivalent of a month's average wage for possession of "extremist" materials, although only one text was ruled as such by the courts. Court hearings on whether materials are "extremist" are not announced and a published list of banned texts also does not seem to exist. The leader of a Sufi group received a 14-year prison sentence in 2011 on charges of religious extremism and damage to health by "faith healing."

Penalties for Unregistered Religious Activity

In 2013, four known members of Council of Churches Baptists, who refuse to register or pay fines for that "offense," had to serve 10-day prison terms. In 2013, at least 150 individuals have been fined for taking part in unregistered religious activities throughout Kazakhstan, such as 79 year old Anatoly Lazarenko.

Increased Government Control of Muslims

The Muslim Board, which is closely tied to the Kazakh government, oversees mosque construction, theological exams and background checks for aspiring imams, and *hajj* travel. It reportedly requires aligned mosques to transfer one-third of their incomes to it and pressures nonaligned imams and congregations to join or face mosque closures. The Din-Muhammad Tatar-Bashkir Mosque, built in 1852, lost its legal status due to a court order and is being transferred to another Muslim group in 2014. The Din-Muhammad Mosque may be the last publicly-accessible mosque not affiliated with the Muslim Board and one of the few remaining mosques attended mainly by members of specific ethnic groups. Increased official surveillance of mosques has fueled popular resentment and official discrimination, particularly in western Kazakhstan.

Restrictions on Religious Materials

There are few bookshops that meet the religion law's requirements to sell religious material. Muslim texts are limited to Hanafi Sunni materials. Forum 18 News Service reported that in 2013 the government imposed almost 150 fines of at least one month's salary on 123 individuals for violations relating to religious literature. In October, three Bibles and 12 icons were confiscated from a commercial bookseller in the western city of Oral.

Country Visit of the UN Special Rapporteur on Freedom of Religion or Belief

The Kazakhstan government invited the UN Special Rapporteur on Freedom of Religion or Belief, Heiner Bielefeldt, to visit the country in 2014. The Special Rapporteur is scheduled to visit Astana, Almaty and Karaganda after the reporting period and will consider issues related to the freedom of religion or belief, as well as the registration and recognition of religious organizations, litigations on relevant issues, missionary activities, and freedom of conversion and worship.

Recommendations for U.S. Policy

For the past decade, U.S. policy in Central Asia was dominated by the Afghan war, and human rights and religious freedom were not major concerns. USCIRF believes that this policy was shortsighted. The evolving regional geopolitical situation may or may not create new security imperatives for the United States, but USCIRF recommends that the U.S. government prioritize religious freedom and related human rights in Kazakhstan by:

- Pressing the Kazakh government to reform the 2011 religion law to permit unregistered religious groups to operate freely and to end police raids of religious meetings and penalties for members and religious leaders, and ensuring that the U.S. Embassy in Kazakhstan actively monitors religious freedom cases and presses the Kazakh government to drop all criminal charges against Pastor Kashkumbayev and Aleksandr Kharlamov and to ensure that prisoners have access to family, human rights monitors, adequate medical care, and legal representation;
- Encouraging President Nazarbaev to speak publicly about respect for religious freedom for all Kazakhstanis and to include members of the country's minority religious communities in the Congress of World and Traditional Religions, a state-funded conference of international religious leaders held biannually in Astana;

- Encouraging public scrutiny of Kazakhstan's record on religious freedom and related human rights in appropriate international fora, such as the UN and OSCE, and encouraging the UN Regional Centre for Preventive Diplomacy for Central Asia (UNRCCA) to enhance the human rights aspect of its mandate of assistance in more effective government responses to terrorism and extremism;
- Specifying freedom of religion as a grants category and area of activity in U.S. government programming in Kazakhstan, re-establishing the State Department's Title VIII program to fund research, including on religious freedom and human rights, and language programs, and encouraging the publicly-funded National Endowment for Democracy to make grants for civil society programs on tolerance and freedom of religion or belief; and
- Encourage the Broadcasting Board of Governors to increase radio, Internet, and other broadcasting, particularly in the Kazakh language, on Kazakhstan's human rights and religious freedom record and freedom of religion or belief as an element of U.S. foreign policy.

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