

State of the World's Minorities and Indigenous Peoples 2014 - Kazakhstan

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Although Kazakh majority chauvinism has been a perennial concern for minorities since Kazakhstan's independence, the country has enjoyed greater freedom of religion than some of its neighbours. While its Constitution pays tribute to the importance of its 'traditional' religions, Sunni Hanafi Islam and Orthodox Christianity, until recently Kazakhstan had not systematically suppressed 'non-traditional' movements. However, after a spate of alleged terrorist attacks in 2011, an October 2011 law introduced onerous registration requirements for religious organizations similar to those present in Uzbekistan, Tajikistan and Turkmenistan. Subsequently, a large number of religious congregations and faith-based civic organizations were denied registration and thus prohibited from operating. These included groups dominated by ethnic Kazakhs as well as groups consisting almost entirely of ethnic minorities, including Azeri Shi'a congregations and a prominent Tatar-Bashkir mosque. As a result of these and other developments, in 2013 the US Commission on International Religious Freedom (USCIRF) named Kazakhstan a Tier two country of concern for the first time since it began monitoring Kazakhstan in 2008.

The year 2013 saw continued pressure on 'non-traditional' religious establishments. The Norway-based Forum 18 reported in March that a district court had ordered items of religious literature, including a Bible, to be burned after they were confiscated from a local evangelical Baptist. According to the Forum, this was the first official order to destroy religious material in independent Kazakhstan's history; though the decision was subsequently overturned in a legal ruling. In May, Bakhytzhan Kashkumbayev, head of the Astana branch of the Baptist congregation Grace, was arrested on charges of grievous bodily harm and sent for forced psychiatric evaluation. Authorities claimed he had sought to hypnotize congregants through administering psychotropic substances. Kashkumbayev, an ethnic Kazakh convert to Baptism, faced up to 15 years in prison. In October, the accusations were extended to include an additional charge of spreading extremism. According to an October news report, church attendance had shrunk as many members had experienced police harassment, while congregants working in the public sphere had been told to choose between work and their church. Following Kashkumbayev's arrest, two ethnic Korean stateless Baptist pastors,

one of whom headed a branch of the Grace Baptist congregation, were deported in the latter half of the year on dubious charges. Human rights defenders report that authorities had been preparing to accuse the deported Grace pastor, Viktor Lim, of hypnotizing congregants, as they have Kashkumbayev.

Provisions against inciting hatred on political and religious grounds are often aimed at those critical of the government. However, securing prosecution for inflammatory language directed at minority groups is more difficult. For instance, human rights defenders have expressed particular concern about discrimination towards *oralman* communities – ethnic Kazakhs who resided outside of Kazakhstan prior to the Soviet collapse, who have repatriated at the government's invitation. In 2011, oil tycoon Timur Kulibayev, the president's son-in-law, helped lend anti-*oralman* overtones to a labour conflict that later culminated in police opening fire on protesters: he stated that most of the protesters were *oralmans* who had 'played, let's just say, secondary roles in their own countries'. Members of the political opposition petitioned unsuccessfully to have him charged with inciting inter-group hatred.

Officials did, however, level several high-profile charges of 'inciting religious hatred' in 2013. In March, human rights activist Aleksandr Kharlamov was charged with 'inciting religious discord' after publishing a series of atheistic posts on a social network, and sent for forced psychiatric evaluation. The charge carries a possible sentence of up to seven years in jail. Some observers have claimed that the charges are retaliation for publications on law enforcement abuses and corruption in the court system. In a May 2013 press release on Kharlamov's case, Human Rights Watch noted that they had 'repeatedly called on Kazakh authorities to amend or repeal the charge of "inciting social, national, clan, racial, or religious discord or enmity" ... as this provision is vague, broad, and criminalizes behavior and speech protected under international human rights law.' In July, Bolat Amirov, an observant Sunni Muslim and former employee of the state prosecutor's office who claimed he left disillusioned with corruption, was also charged with incitement for lending an acquaintance several DVDs on the study of Islam. This was the second attempt to charge Amirov, after a court determined in 2012 that the disks contained no incriminating material.

By contrast, authorities may fail to recognize hate incidents against minorities and classify them as a general disturbance rather than a bias-motivated crime. In November, for instance, the building that housed Aktobe's Protestant congregation New Life was vandalized on the day of a planned holiday service, its windows smashed and noxious-smelling liquid poured on its floors and walls. The pastor announced that his congregants had been receiving threatening text messages from unknown numbers prior to the attack, warning them that they would soon 'end up in the insane asylum' and other forms of abuse. Despite suggestions that the crime was a religious attack, however, the Ministry of Internal Affairs launched an investigation under the category of 'hooliganism,' claiming the attack had no discernible religious motive.

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