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July-December, 2010 International Religious Freedom Report - Kazakhstan

Bureau of Democracy, Human Rights, and Labor
September 13, 2011

[Covers six-month period from 1 July 2010 to 31 December 2010 (USDOS is shifting to a calendar year reporting period)]

The constitution protects religious freedom; however, other laws and policies restrict religious freedom and, in practice, the government generally enforced these restrictions.

There was no change in the status of respect for religious freedom by the government during the reporting period. The government generally respected the religious freedom of most registered religious groups; however, it enforced existing restrictions on unregistered groups and some other minority religious groups. The law imposes mandatory registration requirements on missionaries and religious organizations, which led to continuing problems for some groups. While the majority of religious communities worshipped largely without government interference, local officials attempted to limit some minority groups' practice of religion, often through raids and brief detention of members. Local and national law enforcement authorities prosecuted and fined nontraditional religious groups for conducting illegal or unsanctioned educational, religious, or entrepreneurial activities. Amid government-generated rhetoric on the need to fight "religious extremism," some minority religious group members continued to be accused of terrorism.

There were no reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Muslim, Russian Orthodox, Roman Catholic, and Jewish leaders reported high levels of acceptance in society. Some minority religious groups, including evangelical Christians and Scientologists, faced negative media coverage.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. The ambassador and other U.S. officials engaged in extensive private and public dialogue with the government to urge that any amendments to the religion laws be consistent with the country's constitutional guarantees of religious freedom and with its international commitments.

Section I. Religious Demography

The country has an area of 1,052,540 square miles and a population of 16.4 million, according to preliminary results of the 2009 national census. Due in part to the country's nomadic and Soviet past, many residents describe themselves as nonbelievers. Surveys from past years suggested low levels of religious conviction and worship attendance. The government maintains statistics on the number of registered congregations and organizations but not on the size of each group. The most recent reliable statistics on religious affiliation are based on the 1999 census.

Although there was a large increase in the number of minority religious congregations registered since 1999, the government believes that percentages of the population belonging to particular religious groups have remained consistent.

Approximately 65 percent of the population professes to be Muslim. Ethnic Kazakhs, who constitute an estimated 60 percent of the population, and ethnic Uzbeks, Uighurs, and Tatars, who collectively make up less than 10 percent, are historically Sunni Muslims of the Hanafi school. Other Islamic groups that account for less than 1 percent of the population include Shafi'i Sunni (traditionally associated with Chechens), Shia, Sufi, and Ahmadi. The highest concentration of self-identified practicing Muslims is in the southern region bordering Uzbekistan. There were 2,268 registered mosques, most affiliated with the Spiritual Association of Muslims of Kazakhstan (SAMK), a national organization with close ties to the government. Approximately 70 mosques are not affiliated with the SAMK.

Approximately one-third of the population, consisting of sizeable numbers of ethnic Russians and smaller populations of ethnic Ukrainians and ethnic Belarusians, are Russian Orthodox by tradition. There are 262 registered Russian Orthodox churches. Members of a Roman Catholic archdiocese include ethnic Ukrainians and ethnic Germans; they account for 1 percent of the population. An estimated 1.3 percent is ethnic German, many of whom are Roman Catholic or Lutheran. The government reported 86 registered Roman Catholic churches and affiliated organizations throughout the country. A smaller, affiliated community of Greek Catholics, many of whom are ethnic Ukrainians, had five registered churches.

According to government statistics, Protestant Christian congregations outnumber Russian Orthodox or Roman Catholic congregations, although it is unlikely that Protestant Christians account for a larger number of adherents. During the reporting period, the government reported 1,049 registered Protestant Christian organizations with 614 places of worship.

There are two Baptist groups in the country: the Union of Evangelical Christians and Baptists (Union of Baptists), with an estimated 10,000 adherents and 227 registered groups, and the Council of Churches of Evangelical Christians and Baptists (Council of Churches) with as many as 1,000 adherents. The Council of Churches refuses to register on principle.

Other Christian religious groups with a sizable number of congregations include Presbyterians, Lutherans, and Pentecostals, as well as Jehovah's Witnesses and Seventh-day Adventists. Smaller communities of Methodists, Mennonites, and The Church of Jesus Christ of Latter-day Saints (Mormons) also are registered.

A Jewish community, estimated at less than 1 percent of the population, has synagogues in Almaty, Astana, Ust-Kamenogorsk, Kostanai, and Pavlodar.

According to government statistics, 46 other registered religious groups existed during the reporting period, including five registered Buddhist groups, 12 affiliates of the Hare Krishna movement, the Church of Scientology, Bahais, Christian Scientists, and the Unification Church.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Please refer to Appendix C in the *Country Reports on Human Rights Practices* for the status of the government's acceptance of international legal standards
<http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm>.

The constitution protects religious freedom; however, other laws and policies restrict religious freedom and, in practice, the government generally enforced these restrictions. The constitution defines the country as a secular state and provides the right to decline religious affiliation.

The government's religion laws narrow the legal protections of religious freedom found in the constitution and enforce registration requirements. They also clarify that religious groups must register with both the central government and local governments of individual regions (oblasts) in which they have congregations. In order to register, a religious organization must have at least 10 members and submit an application to the Ministry of Justice (MOJ). The law continues to provide that all persons are free to practice their religion "alone or together with others."

The government may deny registration based upon an insufficient number of adherents or inconsistencies between the provisions of a religious organization's charter and the law. In addition a registered organization, including a religious group, may have all activities suspended by court order for a period of three to six months for defiance of the constitution or laws or for systematic pursuit of activities that contradict the charter and bylaws of the organization as registered. Police, procurators, and citizens may petition a court to suspend the activities of a registered organization for failure to rectify violations or for repeated violations of the law. During a suspension, the organization is prohibited from speaking with the media; holding meetings, gatherings, or services; and undertaking financial transactions other than continued contractual obligations such as paying salaries.

The law allows authorities to suspend the activities and fine the leaders of unregistered groups. Operating an unregistered religious organization is subject to a fine of 141,300 tenge (\$961) and participating in an unregistered religious organization is subject to a fine of 70,650 tenge (\$481).

The Religious Issues Committee (RIC), which is part of the Ministry of Culture, serves as a liaison between religious groups and the government. In addition the RIC consults with the MOJ to facilitate the registration of religious groups. The RIC also provides expert testimony to courts on religious issues, reviews religious materials law enforcement officials obtain in their investigations, and coordinates with law enforcement officials to monitor compliance with registration requirements.

During the reporting period, government officials continued to express concern regarding the potential spread of political and religious extremism in the country. The Committee for National Security (KNB) characterized the fight against "religious extremism" as a top priority of the internal intelligence service. The extremism law, which applies to religious groups and other organizations, gives the government broad latitude in identifying and designating a group as an extremist organization, banning a designated group's activities, and criminalizing membership in a banned organization. No apolitical religious organizations in the country have been outlawed as extremist.

Several government-controlled media outlets continued to publish or broadcast stories critical of nontraditional religious groups such as evangelical Protestant Christians, Jehovah's Witnesses, Scientologists, and Hare Krishnas, depicting them as dangerous sects harmful to society. During activities related to the country's Organization of Security and Cooperation in Europe (OSCE) chairmanship, newly-formed NGOs often criticized these groups at high-level conferences.

The SAMK, headed by the chief mufti in Almaty, exercised significant influence over the practice of Islam, including the construction of mosques and the administration of

examinations and background checks for aspiring imams. The SAMK was the primary coordinator of Hajj travel and authorized travel agencies to provide Hajj travel services to citizens. Religious observers reported that the SAMK occasionally pressured nonaligned imams and congregations to join the SAMK to ensure liturgical orthodoxy. Notwithstanding SAMK influence and pressure, there were some registered Muslim communities unaffiliated with the SAMK.

The government exempts registered religious organizations from taxes on church collections and income from certain religious activities. Congregations are required to pay for services such as fire company protection for religious buildings. The government has donated buildings and land and provided other assistance for the construction of new mosques, synagogues, and Russian Orthodox churches.

Procurators have the right to inspect annually all organizations registered with state bodies, and they regularly conducted such inspections.

The National Action Plan on Human Rights for 2009-12, signed by the president in June 2009, noted several gaps, in particular penalties, between local legislation and international standards on religious freedom and for unregistered religious activities. In accordance with the action plan, the Presidential Commission for Human Rights released its first annual report on September 23, recommending that the country amend its religious legislation and rules for visa issuance to bring them in line with international standards.

Local and foreign missionaries must register annually with the MOJ and provide information on religious affiliation, territory of missionary work, and time period for conducting that work. All literature and other materials to support missionary work must be provided with the registration application; use of materials not vetted during the registration process is illegal. In addition a missionary must produce registration documents and power of attorney from the sponsoring religious organization to be allowed to work on its behalf. The MOJ may refuse registration to missionaries whose work would be inconsistent with any law, including laws prohibiting the incitement of interethnic or interreligious hatred. Foreign missionaries, like all visitors, are required to register with the migration police and indicate the purpose of their stay. The constitution requires foreign religious associations to conduct their activities, including appointing the heads of religious associations, "in coordination with appropriate state institutions." Foreigners may register religious organizations; however, the government requires that the majority of the 10 founders be local citizens.

Visa regulations require a foreigner who works for religious organizations to obtain a missionary visa. Missionary visas permit a person to stay in the country only for a maximum of six months per 12-month period. The new procedures require the RIC to review applicants, and their visa applications must be accompanied by an RIC-issued letter of approval. Missionary visa applicants must obtain RIC clearance every time they apply for visas.

The government does not permit religious instruction in public schools. Homeschooling is permitted only in certain circumstances, which do not include religiously-based motivations. Parents may enroll children in supplemental religious education classes provided by registered religious organizations.

Under the national religion law, religious training of a child should not cause damage to a child's all-around development or physical or moral health. The laws do not clarify how such damage should be assessed or which agency would make such a determination. Educational licensing regulations do not permit religious groups to educate children without approval from the Ministry of Education. In accordance with the regulations, a religious organization whose charter includes provisions for religious education may be denied registration if it does not obtain approval from the Ministry of Education.

The government observes the following religious holidays as national holidays: Orthodox Christmas and Kurban-Ait.

The elections law prohibits political parties based upon ethnicity, gender, or religious affiliation. The criminal code prohibits the incitement of interethnic or interreligious hatred; this law has on one occasion been subject to broad interpretation that included some religious teachings.

Restrictions on Religious Freedom

There was no change in the status of respect for religious freedom by the government during the reporting period. The government generally respected the religious freedom of most registered religious groups; however, it enforced existing restrictions on unregistered groups and some other minority religious groups. No apolitical religious groups were banned.

Most religious communities choose to register with the government and are ultimately successful in obtaining registration; however, minority religious groups sometimes reported long delays. When it refused or significantly delayed registration, the government usually claimed a group's charter did not meet the requirements of the law or cited the need to refer it for expert theological review.

The majority of religious groups worshiped largely without government interference; however, local and regional officials attempted on occasion to limit or control several groups' practice of religion, especially minority religious communities such as evangelical Christians, Jehovah's Witnesses, Scientologists, and Muslims not affiliated with the SAMK. The government applied laws governing unregistered religious groups unevenly during the reporting period.

During the reporting period, the Baptist Council of Churches noted several court cases against churchgoers throughout the country for participating in the activities of an unregistered group. The council of churches has a policy not to seek or accept registration in former Soviet countries, and church members criticized the intrusive nature of the registration process that requires information about ethnicity, family status, religious education, employment, and political affiliation.

The council reported instances in which pastors were fined for unregistered religious activities and, on several occasions, local law enforcement representatives questioned followers in their homes.

The New Life church reported several instances of followers being sanctioned for unregistered missionary activity and authorities continued an ongoing investigation into the church's financial activities.

Where religious groups operated legal entities, such as collective farms, restaurants, or orphanages, authorities conducted health, sanitation, and other inspections relevant to the nature of the entities' operations. Authorities conducted public safety inspections of premises used for religious worship to ensure compliance with building and fire codes. These inspections also provided authorities with information about the registration status of the groups.

On May 17, local authorities in Almaty launched a criminal investigation against pastor Valerian Kogay of Fares Protestant Church. Law enforcement agents twice raided the church-run rehabilitation center in search of drug addicts, and the authorities investigated Pastor Kogay for illegal entrepreneurship and illegally offering medical treatment. The investigation was continuing at the end of the reporting period.

In September 2009, the RIC reversed its decision to ban several Jehovah's Witnesses publications. However, the RIC asked that Jehovah's Witnesses submit its literature for an assessment by RIC experts. The assessment was pending at the end of the reporting period.

Although the law is vague on the definition of missionary activity, authorities frequently

interpreted any religious activity by visiting foreigners as missionary activity and expelled those who were not registered as missionaries.

Ahmadi Muslims reported that one of their foreign missionaries had to leave the country following the introduction of new visa requirements. On September 2, the community's only remaining foreign imam was forced to leave the country. Both applications for new missionary visas were pending at the end of the reporting period.

Abuses of Religious Freedom

There were reports of abuses of religious freedom in the country.

On June 2, the Akmola Oblast court confirmed an April 9 decision that sentenced Valeriy Tverdokhlebov to four years in prison for inciting social, national, tribal, and religious hatred, and for propagating terrorism. Tverdokhlebov, who follows Salafi Islam, maintained to the court that he confessed under torture.

There were no further developments in the case of Elizaveta Drenicheva, a Unification Church member and Russian citizen, who was convicted in January 2009 of "instilling a sense of inferiority in citizens based on their tribal association." In March 2009, the Almaty court of appeals vacated Drenicheva's sentence but did not overturn her guilty verdict.

In October 2009 the Almaty district court found the president of the Almaty Church of Scientology, Svetlana Baytinger, guilty of engaging in illegal commercial activities and sentenced her to three years of probation. The prosecution had accused the church of illegally profiting from the sale of its literature and using its status as a religious organization to avoid paying taxes. This followed the October 2008 raid on church premises in Almaty and Medeo.

During the reporting period, the government continued to investigate an apparent treason case, involving raids, brief detentions, and a tax evasion trial, against leaders of Grace Presbyterian Church. On January 24, police videotaped a religious service in Ayagoz, questioned participants, and checked their identification documents. This followed August 2009 KNB raids on the church's headquarters in the city of Karaganda, a Grace Church in Ust Kamenogorsk, and several church-owned private homes, and a January 2008 raid on the Almaty Grace Presbyterian church. The government released few details of the investigation. In a KNB internal document provided by the Zhambyl Grace Church, a KNB officer of the Zhambyl regional department argued that the church posed a threat to national security because it promotes pro-American ideology and aims to discredit local and federal authorities. Authorities did not formally detain any church officials or close the churches. At the end of the reporting period, no church officials had been charged with treason, although church officials and religious freedom advocates remained alarmed at the breadth and scope of the continuing investigation.

When individuals were found guilty of unregistered religious activity, courts imposed a fine. Council of Churches members usually refused to pay fines for nonregistration. Although there were no reports of property seizures during the reporting period, courts previously enforced payment of fines in several cases by seizing property, including private homes owned by pastors and used for worship.

As in the previous reporting period, there were no reports of prolonged detention of members of religious organizations for proselytizing. On occasion authorities took action against individuals engaged in proselytizing who were not registered as missionaries; however, such actions were limited to the confiscation of religious literature, fines, brief detentions, and deportation.

According to media reports, local officials in the Zhambyl region detained members of the Tablighi Jama'at Muslim movement, an apolitical Islamic missionary group with origins in South Asia, for illegal missionary activities. The Tablighi Jama'at movement is

not registered in the country.

There were no updates on the status of Viktor Leven, a Kazakhstan-born Baptist, who relinquished his German citizenship but has been unable to gain Kazakhstani citizenship. In October 2009 a court convicted Leven of missionary activity without permission and threatened him with deportation. He and his wife lacked passports and could not obtain paid work.

There were no reports of religious prisoners or detainees in the country.

Improvements and Positive Developments in Respect for Religious Freedom

The government made efforts to promote religious tolerance in its ranks. Human rights training that NGOs provided to law enforcement officers in cooperation with the government continued to include information on religious rights under the law. During their OSCE chairmanship, high-level government representatives repeatedly promised to bring local laws up to international standards at conferences to promote religious tolerance, including the July 16 and 17 OSCE High-Level Conference on Tolerance in Astana.

Section III. Status of Societal Actions Affecting Enjoyment of Religious Freedom

There were no reports of societal abuses or discrimination based on religious affiliation, belief, or practice. The country is multiethnic, with a long tradition of tolerance and secularism. Since independence the number of mosques and churches has increased greatly. However, the population is occasionally wary of minority religious groups and groups that proselytize. There were several reports of citizens filing complaints with authorities after their family members became involved with such groups.

Leaders of the four religious groups the government considers "traditional" – Islam, Russian Orthodoxy, Roman Catholicism, and Judaism – reported general acceptance and tolerance that other minority religious groups did not always enjoy. During the reporting period, there were no reports that mistrust of minority religious groups led to violence.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. U.S. officials emphasized that bilateral cooperation on economic and security matters is a complement to, not a substitute for, meaningful progress on human rights, including religious freedom.

The ambassador and other embassy officers, as well as Department of State officials in Washington, remained engaged in dialogue with the government to seek assurance that any amendments ultimately adopted into the religion laws reflect the country's international commitments to respect individuals' rights to peaceful expression of religious beliefs.

Embassy and other U.S. Department of State officials visited houses of worship, met with religious leaders, and worked with government officials to address specific cases of concern.

The embassy maintained contact with a broad range of religious communities and religious freedom advocates, and reported on violations of their constitutional and human rights. Senior Department of State and U.S. government officials met with senior government officials and members of faith-based groups in the country to raise religious freedom concerns, and senior U.S. government officials participated in high-level discussions on religious tolerance during the country's OSCE chairmanship. Embassy officials worked to connect religious communities with in-country legal resources to assist with registration and visa concerns.

Embassy officials attended public events in support of religious communities and participated in roundtables and other public debates on matters of religious freedom and tolerance. U.S. government representatives in the country and in Washington were in regular contact with NGOs that followed religious freedom topics, including the Almaty Helsinki Committee, the Association of Religious Organizations of Kazakhstan, and the Kazakhstan Bureau of International Human Rights and Rule of Law.

The embassy's Democracy Commission Small Grants Program provided support to programs promoting human rights and religious tolerance.
