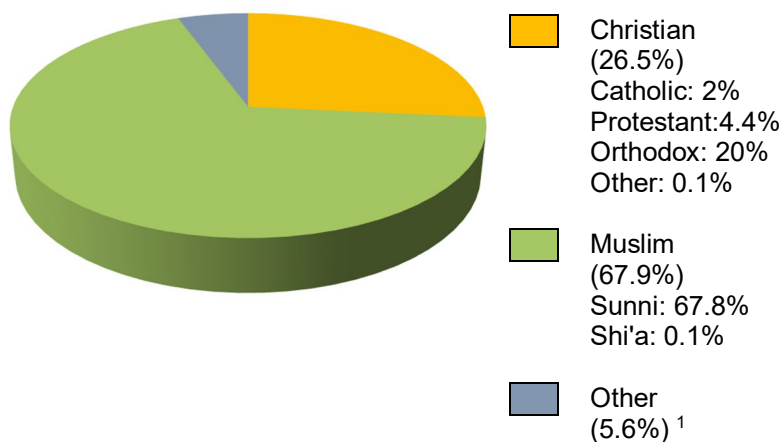


KAZAKHSTAN



Area: 2.7 million km ²	Population: 16.4 million	Political system: Autocracy ²	Major Language(s): Kazakh, Russian
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Legal framework on freedom of religion and actual application

Ever since its independence, Kazakhstan has been a country of stability in a region marked by ethnic and religious conflict and violence. However, the present situation is less reassuring than in the past. The country's economic slowdown has prompted fears of political instability. In the view of many international observers, this explains why the presidential elections planned for 2016 were brought forward to 26th April 2015. The resulting ballot saw the re-election, with 97.7 percent of the votes cast, of the outgoing president, Nursultan Nazarbayev, who has led this former Soviet republic since 1989.

Religious activity in the country is governed principally by the law on religion enacted in 2011, which bans all non-registered religious activities. The distribution of literature and other materials of a denominational character outside places of worship is forbidden, as is the import of religious material without previous authorisation on the part of the religious affairs agency, the body responsible for the formulation and implementation of state policy in regard to religious matters. Also banned is all non-registered missionary activity and proselytism.

Other restrictions on the free practice of religion are contained in the laws on extremism, which apply to religious groups and other organisations and which enable the government – once it has identified a group as extremist – to ban its activities and criminalise membership of it.

The new penal and administrative codes, which came into force in January 2015, envisage still more severe financial penalties for non-authorised religious activity, with fines that can be as high as US\$60,855.

Kazakhstan – which is home to more than 100 different ethnic groups and 40 or so different religious confessions – has sought to present itself as a paradigm of peaceful coexistence among the various different ethnic and religious groups. To this end, in 2003 President Nazarbayev established the Congress of Leaders of World and Traditional Religions, a triennial platform of dialogue which in June 2015 witnessed its fifth such gathering. Nonetheless, there have been many signs of the growing divergence between the official proclamations of tolerance and the actual, inconsistent application of religious right,³ with enormous differences between the treatment of those religions regarded as traditional – Sunni Islam of the Hanafi school, Russian Orthodoxy, Catholicism, Lutheranism, Judaism – and those regarded as “non-traditional”, which frequently operate in a general climate of scepticism, suspicion and discrimination, both socially and at the

level of the government authorities.

Altogether, there are some 3,400 registered religious organisations in the country.⁴ The largest Christian denomination in the country is Russian Orthodox. Reports suggest the Catholic community, although very small in the country as a whole – with around 150,000 faithful (one percent of the population) is respected, a point made by the former Apostolic Nuncio, Archbishop Buendía.⁵

Incidents

There is very strict control over the activities of the independent Islamic groups, especially after news reports that some Kazakh citizens had joined ISIS.⁶ Particularly hard-hit are those believed to be members of the missionary Islamic movement Tabligh Jamaat, which was founded in India in 1926. The group was banned from Kazakhstan in 2013 and branded an extremist movement. Since December 2014, 15 people have been imprisoned, with sentences ranging from 15 months to almost five years, on the charge of belonging to this movement. Another nine people are currently on remand, awaiting trial.⁷ Saken Tulbayev, one of the alleged members of the movement, was sentenced to four years and eight months in a labour camp and is also banned from “activity directed at meeting the religious needs of believers”, from the date of his scheduled release in December 2019, until December 2022. Allegedly, while in prison he has been subjected to various forms of violence, both physical and mental.⁸

The historic Din-Muhammad mosque in the northern city of Petroval has created controversy by refusing to operate under the aegis of the Spiritual Association of Muslims of Kazakhstan (SAMK), a national organisation with close ties to the government. Those attending the mosque are mostly Tatar Muslims, who belong to a form of Sunni Islam independent from the state, and which has been struggling to regain official registration since 2012, the year when it was formally suppressed. The most recent request was rejected on 28th April 2015 by the regional Justice Department.⁹

On 9th June 2015 three Turkish academics were fined and deported from the country. They were charged with having given Sufi religious instruction in their private homes – and hence of conducting activities by a non-registered religious group and illegal missionary activities.¹⁰

The strict rules on the distribution and sale of religious materials are frequently the cause of government sanctions, under Article 490 of the administrative code, for those who break them.

Eldar Sundetkaliyev was fined for having offered for sale electronic tablets for children, loaded with a programme for teaching the *namaz*, the Islamic prayer, in a form that was judged “non-traditional” by a committee of experts.¹¹ Two other women, Yekaterina Kriger and Rosa Amankulova, were fined the same amount for having sold amulets with inscriptions in Arabic containing religious verses. In November 2014 Sardar Alekperov was fined for having sold religious items – Islamic symbols to be hung in cars – in an unauthorised place. In May 2014 Gulnar Sandibayeva, the owner of a bookshop in the town of Kulsary, was fined for selling Islamic books without a government licence.¹²

Three Baptists, Vitaly Pan, Aleksandr Kulbeda and Valery Skorobogaty, had their books confiscated and were fined, for offering religious literature to certain people in the village of Koszhar in May 2015.¹³ Maksim Volikov received a similar fine for the same offence.¹⁴ In addition he was banned from engaging in religious activities for three months. He had already been fined in July 2014 for hosting a religious meeting in his private home.¹⁵ The month before, Larisa Lange, who lived in the district of Kordai, was also fined for hosting a religious meeting.¹⁶ In October 2014 Vyacheslav Cherkasov and Zhasulan Alzhanov were each fined and sentenced to 10 days in prison for having offered copies of a religious text entitled Jesus – more than a Prophet to passers-by in the market of Shchuchinsk. The text contained a collection of testimonies written by 15 former Muslims who had converted to Christianity. Experts decided the book incited religious discord and

hatred.¹⁷ The two men had already served prison sentences at the beginning of 2014 for refusing to pay fines imposed for earlier violations of the law on religion.

For the first time in December 2014 the public prosecutor published a list on its website of religious and other texts regarded as “extremist” and whose publication, import and distribution were banned. The most recent update of this list, dated 14th January 2015, contains 661 articles.¹⁸

Yklas Kabduakasov, a member of the Seventh-day Adventist Church, aged 54 and the father of eight children, was sentenced by a court in Astana to two years internment in a labour camp on the charge of inciting religious hatred and insulting Islam during a series of meetings with his co-religionists. They are charges that he and the members of his church – who were also subjected to searches – emphatically reject. Instead, they believe the real motive for the arrest was that he had renounced Islam and converted to Christianity.¹⁹

Between September and October 2015, first of all the district court of Esil and then the civic court of Astana rejected the appeal of Viktor Leven, of the Council of Baptist Churches, against the sentence of deportation that had been imposed on him in 2009 for having taken part in a religious ceremony. His appeal was based on a decision by the UN Human Rights Committee on 21st October 2014, which held that the sentence against him was a violation of his human rights.²⁰ Other targets for investigation and police raids were some recreational and rehabilitation centres accused of conducting illegal religious activities.

A Baptist congregation was fined and ordered to suspend its activities for three months after organising a children’s camp at the house of one of its members in the village of Yanvartsevo.²¹ They were charged with having carried out illegal religious activities in a place that was not registered as the legal address of their church.

A rehabilitation centre for alcohol and drug addicts in the north-east region of Pavlodar was closed down for three months and its director Yuri Morozov was fined for carrying out activities other than those set out in its statutes, including religious activities.²²

Another religious community that was allegedly a victim to intimidation is the Full Gospel Church of Atyrau, which for more than 10 years has been trying to obtain registration. Reports stated that as soon as it submits its request, police officials seek – often using intimidatory methods – to persuade those named as “founder members” of the church to remove their signatures.²³

Prospects for freedom of religion

The government has restricted civil liberties, including religious freedom, citing the fear of increasing Islamic extremism as the reason. It has clamped down on groups deemed “non-traditional” and as a source of potential problems. Overall, the situation has remained unchanged.

¹ Source: ARDA (Association of Religion Data Archives)

² Kazakhstan was reported on the Democracy Index by The Economist as an authoritarian regime: https://en.wikipedia.org/wiki/Democracy_Index.

³ EurasiaNet, summarised by The Moscow Times, 12 November 2015

⁴ Annual Report 2015, United States Commission on International Religious Freedom

⁵ Geopolitica, 12 June 2015 <http://www.geopolitica-rivista.org/28671/il-v-congresso-dei-leader-delle-religioni-mondiali-e-tradizionali-la-seconda-e-ultima-giornata.html>)

⁶ On 11 November 2014 the National Security Committee estimated that there were approximately 300 citizens involved. Cf. The Diplomat, 14 January 2015

⁷ Forum 18 News Service, 28 December 2015

⁸ Forum 18 News Service, 20 August 2015.

⁹ Forum 18 News Service, 17 July 2015

¹⁰ Forum 18 News Service, 17 July 2015

¹¹ Forum 18 News Service, 17 April 2015

¹² Forum 18 News Service, 17 June 2014

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- ¹³ Forum 18 News Service, 8 December 2015
¹⁴ Forum 18 News Service, 12 January 2015
¹⁵ Forum 18 News Service, 21 July 2014
¹⁶ Forum 18 News Service, 17 June 2014
¹⁷ Forum 18 News Service, 10 October 2014
¹⁸ Forum 18 News Service, 17 April 2015
¹⁹ Forum 18 News Service, 28 December 2015. Asia News, 30 December 2015
²⁰ Forum 18 News Service, 2 November 2015
²¹ Forum 18 News Service, 28 December 2015
²² Forum 18 News Service, 2 February 2015
²³ Forum 18 News Service, 19 December 2014