

1. Ahead of the Universal Periodic Review of Kazakhstan by the United Nations (UN) Human Rights Council in February 2010, Forum 18 News Service has found official hostility towards religious freedom from senior national officials at the top down to local officials; state-sponsored religious intolerance through the media; close police and secret police surveillance of religious communities; raids, interrogations, threats and fines affecting both registered and unregistered religious communities and individuals; and insecurity over ownership of religious property.

2. Official rhetoric routinely describes the state-backed Muslim Board and the Russian Orthodox Church as the “traditional” faiths, even though such a formulation is not backed in law. Indeed, the 1992 Religion Law, revised several times but still in force, declares in Article 4 that all religious communities are equal before the law. Officials appear to divide other communities into those they tolerate and do not regard as threatening, such as Jews, Catholics and Buddhists, and others which they dub “sects”. Such groups regarded with official suspicion include independent Muslims, Ahmadi Muslims, most Protestants, Hare Krishna devotees and Jehovah’s Witnesses.

### *Official hostility to religious freedom*

3. Officials repeatedly claim that Kazakhstan is known for its religious tolerance while, at the same time, issuing intolerant statements about certain religious communities and appearing to reject the right of the population to choose a faith. President Nursultan Nazarbaev told the council of his Nur Otan party in January 2008 that “it is necessary to suppress the activity of illegal religious movements in Kazakhstan”. He claimed: “Today, tens of thousands of different missionary organisations work in Kazakhstan. We don’t know their purposes and intentions, and we should not allow such unchecked activity. [...] We are a secular state, religion is separate from the state, but this does not mean that Kazakhstan should become the dumping ground for religious movements of all kinds.”

4. Such remarks are part of broader official hostility over several years. The “State Programme of Patriotic Education of Citizens of Kazakhstan for 2006-8”, approved by Presidential Decree in October 2006, contains a section on how to combat what it stated was the growing interest in “non-traditional” faiths. “Topical for the state at present without a doubt are questions of the organisation of the struggle with the activation of the activity of non-traditional religious associations and extremist organisations in Kazakhstan directed above all at attracting the youth into their ranks,” it declares. “The interest of youth in associations which are non-traditional for Kazakhstan, such as the [Hare] Krishnaites and the Jehovah’s Witnesses, as well as extremist organisations like the religious/political group Hizb-ut-Tahrir and others is connected with the psychological influence of activist members of these associations and organisations on the consciousness of young people. For this reason it is necessary to draw up a clear mechanism to regulate the burning problems which arise in the religious sphere.” Seminars, apparently as part of this programme, were held around Kazakhstan.

5. Distributed nationwide was a Justice Ministry booklet called “How not to fall under the influence of religious sects” which lamented that “very many young people” have joined “religious sects”, which it identifies as including Jehovah’s Witnesses, Baptists and Ahmadi Muslims. “Transferring to other religious faiths represents treason to one’s country and faith,” it added. It called for work with young people “to return them to consciousness, and such work must be conducted by imams in mosques, academic theologians in towns and aksakals [elders] in small villages.”

6. The authorities also attempt to encourage intolerance among state employees. In December 2008, the local Religious Affairs Department lectured all students at the Kazakh Air Force’s main training establishment about what it described as “religious extremism” and “religious groups non-traditional for Kazakhstan”. They were shown a 2004 Russian film “Religious Sects – Freedom from Conscience”, which at one point claims that the Hare Krishna faith incites devotees to commit murder.

7. The media is used to promote intolerance against religious communities the authorities dislike, including Protestants - such as Seventh-day Adventists, Baptists and Pentecostals – as well as Ahmadi Muslims, the Hare Krishna community and Jehovah’s Witnesses. Four separate newspapers

published an identical article in early 2008 attacking the Jehovah's Witnesses. One credited the article to a named former Jehovah's Witness, one credited a different author, and two credited KNB secret police offices in different Kazakh regions. "All these articles have one source: the KNB secret police," Ninel Fokina of the Almaty Helsinki Committee told Forum 18.

8. Media intolerance was particularly prominent in late 2008, when Parliament was considering the restrictive Religion Law amendments. Sociological research cited by the Internal Policy Department of East Kazakhstan Regional Administration in its Strategic Plan for 2010 to 2012 revealed the impact such media campaigns of intolerance have on the population: in August and September 2008 it noted "a fall in the level of tolerance towards representatives of other faiths and ethnicities" in the Region. Though the report does not make the link, this was the time when the campaign to adopt the harsh amendments was at its height.

#### *Rhetoric transformed into action*

9. Twice in the last five years major legislative initiatives have been launched to tighten state control over all religious activity and increase penalties for activity the authorities do not like. In 2005 laws affecting extremism and national security were tightened, despite strong criticism from Kazakh human rights defenders and Organisation for Security and Co-operation in Europe (OSCE) legal opinions. These amendments also included tighter restrictions in the Religion Law and new or increased penalties for "unauthorised" or "illegal" religious activity – such as unregistered religious worship – under the Code of Administrative Offences.

10. The national security changes included provisions that: religious organisations must register with the Ministry of Justice; unregistered religious activity was made an administrative offence; the authorities were given the power to suspend the activities of or impose fines on the leaders of unregistered groups; a religious organisation whose charter includes religious education could be denied registration if it did not obtain approval from the Ministry of Education; unregistered missionary activity became illegal and potential missionaries had to register with the authorities.

11. Also strongly criticised were the 2008-9 attempts to impose further legal restrictions. The "Law on Amendments and Additions to Several Legislative Acts on Questions of Freedom of Conscience and Religious Associations" would have amended the current Religion Law, the Code of Administrative Offences and several other laws. Among the new restrictions, the Law would for the first time have explicitly banned unregistered religious activity. It would also have banned anyone from sharing their beliefs without both the written backing of a registered religious association and also personal state registration as a missionary. It would have required permission from both parents for children to attend any religious event. Small "religious groups" would only have been authorised to carry out religious activity with existing members and would not have been allowed to maintain places of worship "open to a wide access". Nor would they have been allowed to conduct missionary activity. Apart from a few personal items, all religious literature imported into the country would have required approval through a "religious expert assessment". 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 community being banned.

12. The Law was adopted by Parliament in late 2008 and sent for approval to the President who – amid fierce criticism of the harsh Law both locally and internationally – referred it to the Constitutional Council. Although the Council ruled in February 2009 that the Law was unconstitutional, its contents provide an insight into the aspects of freedom of religion or belief officials are currently most hostile to. The Kazakh government long withheld permission for the OSCE to publish its critical assessment of the Law. Human rights defenders told Forum 18 that they believe the provisions of the draft Law will be re-introduced after Kazakhstan ceases to be the OSCE Chairman-in-Office at the end of 2010.

13. Moves have also been underway to complete a new Code of Administrative Offences. In July 2009 the Justice Ministry made public its initial draft. The draft was then sent to the Presidential Administration for approval before being sent for approval to the government for further transmission to Parliament. The draft could be significantly amended before it reaches final approval.

14. Two Articles in the current Code already punish peaceful religious activity. Article 374-1 – first introduced in 2005 – punishes leading, participating in or financing an unregistered religious community or social organisation. Article 375, a broadly framed article, punishes "violating the law on religion", including by leaders who reject state registration, by communities whose activity "contradicts their aims and tasks" or which is not listed in their state-approved statutes, and by individuals who conduct "missionary activity" without a special licence from the state. "Offences" under these Articles are punishable by fines of up to 300 times the minimum monthly wage and temporary or permanent bans on a religious organisation's activity. Foreign citizens or those without citizenship found guilty of conducting unauthorised missionary activity are liable to deportation.

15. The Justice Ministry draft leaves Article 374-1 unchanged, moving it to a new Article 451. The draft removes two provisions from Article 375, but leaves the bulk of the Article unchanged as a new Article 452, mostly retaining the same level of maximum fines but with new minimum fines. Victims of these Articles and human rights defenders told Forum 18 these Articles should be scrapped entirely, rather than being transferred almost word for word into the proposed new Code.

#### *Peaceful religious activity punished*

16. The most common violations of freedom of religion or belief are prosecutions for unregistered religious activity. Council of Churches Baptists – who reject state registration on principle – have been particular targets of Administrative Code Articles 374-1 and 375. Their leaders have repeatedly been fined for leading unregistered religious worship and their congregations have repeatedly been banned, often for six month periods. Baptists have complained to Forum 18 of the government's "economic war" against them simply for practising their Constitutional right to meet for worship. Jehovah's Witnesses have also been targeted, with bans on their activity and heavy fines, particularly in Atyrau. In 2007, one was fined 100 times the minimum monthly wage and five others 50 times each. In 2008, one member of the same community was again fined 100 times, with seven others fined 50 times the minimum wage. The fines followed a raid and confiscation of literature.

17. In addition, sentences under these two Articles lead to further harassment. Rejecting state accusations that meeting for worship without state registration is a crime, Council of Churches Baptists refuse to pay fines imposed by the courts. This often leads courts to send bailiffs to confiscate items of value, including cars, pigs and washing machines. Courts have also ordered that the fines be deducted at source from individuals' wages. In several cases, refusal to pay fines or to halt worship by communities which have been "banned" has led Baptist pastors to face further charges under Article 524 of the Code of Administrative Offences (failure to carry out court decisions). Pastor Vasily Kliver, who has been fined many times for leading unregistered worship, was given a five-day prison term in June 2009 for refusing to pay the fines, the fourth Baptist leader to be given a short sentence since 2006. Such prosecutions can also result in loss of employment. In January 2009, another Baptist was fired from his job because he led worship without state permission.

18. In addition to fines and bans handed down under these two Articles, foreigners have been ordered deported for "illegal missionary activity", among them foreign Muslims and Christians. A Hare Krishna devotee was barred entry after the authorities claimed a court had found him guilty of the "offence" of giving a private talk to devotees (though no proof of a court hearing was ever given).

19. Two cases involved long jail sentences for religious believers. In February 2008, 14 out of 15 Muslims were given prison sentences of between 14 and 19 and a half years at a closed trial in Shymkent. The remaining prisoner received a three-year corrective labour sentence. Yevgeni Zhovtis of the Kazakhstan International Bureau for Human Rights and Rule of Law said he believed this was a

show trial to scare other Muslims who may try to be independent in their theology and practice. Relatives also note the impact of the trial and heavy sentences in the area. "In the wake of this case, people in Shymkent city and surroundings are afraid to talk to religious Muslims, especially those with an outward Islamic appearance," one relative told Forum 18. Zhovtis – who attended the trial - told Forum 18 that the KNB claim that the group was preparing to blow up its office in Shymkent was not proven. Relatives of the men complained that the KNB had planted evidence and that the trial was unfair. Judge Shara Biysimbaeva, who presided over the trial, rejected these claims to Forum 18.

20. In January 2009, Elizaveta Drenicheva, a Russian working as a missionary for the Unification Church (commonly known as the Moonies), was jailed for two years for sharing her beliefs in private seminars in her flat. A member of the KNB secret police had been assigned to attend the seminars. Religious believers, who strongly disagree with her beliefs, as well as human rights defenders, were alarmed by the jail sentence. "This is a highly dangerous precedent," one Protestant told Forum 18. "It seems to me that any believer who preaches about sin and how to be saved from it could be convicted in the same way." Two months later Drenicheva's prison term was commuted to a fine, but she will still have a criminal record.

21. The authorities have also moved against religious-inspired charitable projects. In January 2009, a court ordered the closure of the Protestant-run Spiritual Centre for the Rehabilitation of Drug Addicts and Alcoholics in Steklyanka in East Kazakhstan Region for six months for conducting "religious measures without state registration" (a KNB raid had found residents singing hymns). Prosecutors insisted this was "in violation of the aims and tasks of [the Centre's] statutes" and that conducting religious activity on the premises of a social organisation violated the Law on Social Organisations, as well as the Religion Law. The centre's organiser, who was also fined, told Forum 18 that those who attended did so voluntarily, and could leave at any time. They were not forced to participate in any religious activity.

22. A Catholic priest in Pavlodar was denied access in June 2009 to a resident of a psychiatric home who had asked for the priest to hear his confession. The priest noted that access for Catholic priests to people in closed institutions, including prisons, had become more difficult and bureaucratic.

#### *Secret police and police surveillance and raids*

23. All religious communities remain under surveillance by the Anti-Terror Police, ordinary Police and the KNB secret police. Several religious communities have told Forum 18 that the KNB often sends officers incognito to attend religious events and spy on communities and has tried to recruit members as informers. Many – particularly communities the authorities describe as "non-traditional" – have faced raids, including during worship. Officers have filmed members against their express wishes and forced or tried to force them to show their identity documents, give their home addresses, and write statements about why they were present and what they were doing. They have shown particular interest in why children are present.

24. Within hours of arriving in Uspen in August 2009, police broke into the house where members of the Pavlodar Grace Church were staying. Investigators pressured a local woman – who was also beaten - to sign a statement that she had been coerced into performing a religious ritual and prosecutions were opened against two of the visitors. Officials denied the allegations to Forum 18. The Grace Church has faced repeated raids and investigations across the whole country and a ban on its senior pastor – a US citizen - from entering the country. Church members have been accused of espionage, storing psychotropic drugs, tax fraud and stirring up inter-religious enmity.

25. Other religious leaders too report close surveillance by the authorities. In August 2009 Pastor Valeri Sudorgin of Atyrau Nazarene Protestant Church was summoned to Atyrau Anti-Terror Police, who told him to bring the church's registered charter and list of members. He was questioned about his background, his congregation members, how much they earn, how much the church

receives, where the church gets religious literature and whether it distributes it, and whether the church converts ethnic Kazakhs. He was also photographed and fingerprinted.

26. Muslims in the same region told Radio Free Europe that the same month they were questioned by the local KNB secret police as to why they practice their faith outside the structures of the state-backed Muslim Board. One said the Board's local imam provided the KNB with lists of such local Muslims. He said he was beaten and threatened during questioning. Another had his passport confiscated for no reason, and said his wife – who covers her head – was attacked by unknown men who relatives believe were acting for the KNB. Officials denied all the allegations.

27. Non-Muslim religious communities face pressure to complete highly intrusive questionnaires. Among the numerous questions are: the ethnicity of members, their profession, political preferences, "the most influential and authoritative people in the community," foreign missionaries, media contacts, "facts demanding attention on the part of state bodies," military service of leaders, their foreign language knowledge, media articles written, and the full names of leaders' "close friends and comrades." The questionnaires appear to originate in the Justice Ministry, possibly working with the KNB secret police. They have raised concern in some religious communities, as well as among human rights activists, though these note that communities have no legal obligation to complete them as official demands to provide intrusive information violate the Constitution.

#### *Denial of state registration*

28. While insisting that registration is a requirement and punishing religious communities that either do not wish to gain registration or have been denied it, officials often reject applications from communities they do not like. This particularly affects non-Muslim communities led or made up of ethnic Kazakhs or ethnic Uzbeks, especially in rural areas. The massive fines on Jehovah's Witnesses in Atyrau in 2007 and 2008 for unregistered religious activity came after the community had applied in vain for registration since 2001. On one occasion the application was rejected because it failed to give work telephone numbers for the founding members (a number were pensioners and had no work). The government tries to ensure that all Muslim communities function within the state-backed Muslim Board and Muslim communities face great pressure to align themselves with it.

#### *Insecurity of religious property*

29. Religious communities the government does not like can face problems retaining legal ownership over property. Most prominently, local officials have moved to strip members of a Hare Krishna commune near Almaty of their property, both through the courts and using threats to individual members. Although the community was registered locally in 2002, official investigations began soon after during which Prosecutor's Office officials and the police declared that they would make every effort to expel the Hare Krishna community from the district. In 2006 and 2007, the authorities bulldozed 26 of the original 66 homes owned by devotees. The court also stripped the commune of ownership of the separate 47.7-hectare (118 acre) farm. No compensation was ever offered. Since then, officials have continued to disrupt worship at the site and have threatened to seize the farmhouse, where the temple is located. In negotiations with the central government, the Hare Krishna community has been offered alternative sites, but all have been further from Almaty.

30. Almaty regional Public Prosecutor's Office launched cases in 2008 against Christian and Muslim religious organisations, among them Agafe Protestant Church, the regional Economic Court ruling – despite numerous violations of due process – that the Church's building and land should be confiscated. Similar attempts to seize religious property continue elsewhere. Council of Churches Baptists – who meet for worship in privately-owned homes – have received numerous threats that such homes will be confiscated if they continue to use them for worship. However, although some homes have been officially sealed by court executors in recent years, none has yet been seized. (END)