

KAZAKHSTAN

TIER 2

KEY FINDINGS

Amid a general crackdown on dissent and nonconformity, during which even secular civil society activists have faced charges of terrorism, the Kazakh government continued to commit serious violations of religious freedom in 2017. During the year, 20 individuals were sentenced to prison terms for the peaceful expression of religious beliefs, including a Jehovah's Witness and members of the Tabligh Jamaat Islamic missionary movement. Government suspicion is aroused particularly by proselytism, connections to religious movements or institutions abroad, and criticism of or dissent from official religious policy. The country's restrictive 2011 religion law bans unregistered religious activity and is enforced through police raids, detentions, fines, and the closing of religious institutions. In December 2016, amendments to this law increased penalties and state controls of religious literature and foreign religious travel, and expanded the definitions of "missionary

activity" and "religious teaching" to penalize a broader range of expression; as of December 2017, additional amendments under consideration would further restrict religious freedom, including education for children, worshipping in private homes, and discussing religious beliefs. Throughout the year, dozens of Muslims and Christians were fined or detained for religious observance or for the possession of religious literature. In an ominous echo of practices in the neighboring countries of Russia and Uzbekistan, Kazakh authorities temporarily banned Jehovah's Witnesses and charged a religious prisoner due for release with new infractions. Based on these concerns, in 2018 USCIRF again places Kazakhstan on its Tier 2 for engaging in or tolerating religious freedom violations that meet at least one of the elements of the "systematic, ongoing, egregious" standard for designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA).

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Ensure that the U.S.-Kazakh Strategic Partnership Dialogue and other bilateral interactions prioritize discussion of issues relating to freedom of religion or belief, including pressing the Kazakh government to:
 - Refrain from imposing repressive practices similar to other neighboring countries that are recommended by USCIRF for CPC designation;
 - Desist from further restrictive amendments to its laws that infringe on religious freedom and instead bring those laws in line with Kazakhstan's commitments to international human rights standards;
 - Ensure that anti-extremism and counterterrorism campaigns do not serve as a pretext for infringement on the right to peaceful religious observance and expression, in line with the recommendations of the United Nations (UN) Human Rights Committee;
- Provide an alternative to military service for conscientious objectors; and
- Agree to visits by the three Organization for Security and Cooperation in Europe (OSCE) Personal Representatives on Tolerance, set specific dates, and provide the full and necessary conditions for such visits.
- Press for at the highest levels and work to secure the unconditional release of prisoners of conscience, and press the Kazakh government to treat prisoners humanely and allow them access to family, human rights monitors, adequate medical care, and lawyers, and the ability to practice their faith;
- Apply the Global Magnitsky Human Rights Accountability Act, Executive Order 13818, or other relevant targeted tools, to deny U.S. visas to and block the U.S. assets of specific officials and agencies identified as responsible for violations of the right to freedom of religion or belief;
- Ensure the U.S. Embassy, including at the ambassadorial level, maintains active contacts with religious freedom activists; and
- Ensure continued U.S. funding for Radio Azattyq, the Kazakh service of Radio Free Europe/Radio Liberty (RFE/RL), so that uncensored information about events inside Kazakhstan, including those related to religious freedom, continues to be disseminated.

COUNTRY FACTS

FULL NAME

Republic of Kazakhstan

GOVERNMENT

Presidential Republic

POPULATION

18,500,000

GOVERNMENT-RECOGNIZED RELIGIONS/FAITHS

Sunni Hanafi Islam and Russian Orthodoxy

RELIGIOUS DEMOGRAPHY*

70% Muslim (Sunni Hanafi)

26% Christian (including Orthodox, Protestants, Catholics, Jehovah's Witnesses)

3% Other (including Jews, Buddhists, Baha'is, Hare Krishnas)

1% Non-Hanafi Muslim (including Shi'a and Sufi Muslims)

*U.S. Department of State

BACKGROUND

Before its 2011 religion law was enacted, Kazakhstan was one of the least repressive post-Soviet Central Asian states with regard to freedom of religion or belief. The religion law, however, sets stringent registration requirements with high membership thresholds, and bans or restricts unregistered religious activities, including those relating to education, literature distribution, and training clergy. Other vague criminal and administrative statutes enable the state to punish most unauthorized religious or political activity. Religious groups are subject to police and secret police surveillance. As a result of the law's registration requirements, the total number of registered religious groups fell sharply after 2011, especially the number of "nontraditional" religious groups, which declined from 48 to 16. By 2013, only Muslim groups affiliated with the state-backed Muslim Board were registered. Shi'a and Ahmadi Muslims were denied legal status, as were mosques attended primarily by particular ethnic groups. As it was during Soviet times, the 11,000 members of the Union of Evangelical Christian Baptists refuse—as a matter of conscience—to register. Catholic communities are exempt from registration due to a government agreement with the Holy See. Although all religions are officially equal under the religion law, its preamble "recognizes the historical role of Hanafi Islam

and Orthodox Christianity." Unfortunately, government practice suggests that other religions do not enjoy the same status. The government also funds "anti-sect centers" that function as quasi-nongovernmental organizations, publicly promoting intolerance against certain religious minorities.

In 2016, Kazakhstan was marked by widespread popular unrest over land reforms, as well as by two attacks on security forces that the government attributed to Islamist fundamentalists, possibly as a pretext for cracking down on civil society. In September 2016, a new government ministry, Religion and Civil Society, was formed; the Religious Affairs Committee, which oversees official policies on religion, falls under its jurisdiction. Reflecting the official assumption that religion is above all a security issue, the chair of the Kazakh National Security Council was appointed to head the new ministry. In December 2016, Kazakh President Nursultan Nazarbayev signed a package of amendments into law increasing penalties and state controls of religious literature and foreign religious travel. The definitions of "missionary activity" and "religious teaching" were widened to penalize a broader range of individuals and activities involving religious expression.

The articles of the Criminal Code most commonly used to imprison religious believers are article 174,

which penalizes “incitation of social, national, clan, racial, class, or religious conflict,” and article 405, which punishes involvement in “extremist” movements banned by the court system. In July 2016, the UN Human Rights Committee criticized the government of Kazakhstan for its use of article 174 and other overly broad laws to punish the peaceful exercise of freedom of religion or belief. In August 2016, the UN Human Rights Committee expressed concern that the “broad formulation” of the concept of extremism in Kazakh law “unduly restrict[s]” religious freedom.

RELIGIOUS FREEDOM CONDITIONS 2017

Changes to the Laws

As of December 2017, additional amendments that would further restrict religious freedom were under final consideration by the Kazakh government. Particularly troubling are amendments that would affect education for children, worshipping in private homes, and discussing religious beliefs. Among other things, the proposed amendments would further restrict who may legally proselytize—already broadly defined under Kazakh law to encompass all manner of discussion—and under what circumstances. A requirement for the explicit approval of both parents for children to take part in religious activities would pose another major hurdle to religious organizations organizing large events or children’s education. And a requirement that all worship only take place in specially designated religious institutions would impose unfair burdens on communities either lacking a separate space or simply exercising their freedom to worship in private. Coming on the heels of the December 2016 amendments, the passage of these new amendments is a disturbing sign of the Kazakh government’s increasingly adversarial stance toward religious freedom.

Repression of Christian Communities

Christians in Kazakhstan—above all, those involved in proselytism or suspected of it—are frequently penalized for distributing religious texts without a license, discussing religion without the required “missionary” registration, and holding unregistered worship meetings.

However, Christians in Kazakhstan also are subject to imprisonment for their beliefs. In 2017, the number of Christian prisoners of conscience in Kazakhstan briefly increased to two; in May 2017, Jehovah’s Witness Teymur Akhmedov, who suffers from cancer, started serving a five-year prison term under article 174 for sharing his beliefs with secret police informers posing as students. In October 2017, Seventh-day Adventist Yklas Kabduakasov was released from prison after completing a two-year sentence for discussing his faith. Two more Christians were convicted on criminal charges in 2017 but received only “restricted freedom” sentences, which limit their freedom of movement inside the country. Asaf Guliyev, another Jehovah’s Witness charged alongside Akhmedov, received five years of restricted freedom, while Baptist Yuri Bekker was sentenced to one year of restricted freedom for refusing to pay a fine levied in September 2015 for distributing religious literature. In August 2017, the UN Working Group on Arbitrary Detention called for Akhmedov’s immediate release.

Much more common were administrative fines and penalties levied against religious communities disfavored by the government, such as Baptists, Seventh-day Adventists, and Jehovah’s Witnesses. In October, June, May, and April of 2017—including on

Easter Sunday—police raided Baptist congregations in the cities of Oskemen, Taraz, and Astrakhanka, and issued fines to three dozen worshippers. In June 2017, heavily armed police

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officers raided the headquarters of the Jehovah’s Witnesses in Almaty in a display of force clearly meant to intimidate the community in the weeks leading up to an international convention of Witnesses in late June. Under the pretext that the facilities lacked sufficient surveillance cameras, the headquarters received a three-month ban, which the Kazakh courts reduced on appeal to a ban on activity in certain buildings. During the convention, police held dozens of busloads of attendees for hours, ostensibly for document checks.

Other communities were hit with three-month court-ordered bans or were issued fines on frivolous pretexts. The Baptist New Life Church in Oskemen received

a temporary ban in August 2017, and the Source of Life Protestant Church in Almaty was temporarily banned in April 2017. Following an inspection, the Presbyterian God's Grace (Blagodat') Church in Astana was fined \$1,300 for taking "inadequate measures as a building at heightened risk of terrorist attack."

Discussions of faith without a missionary permit from a registered religious organization are banned, as is the publication, distribution, and import of all uncensored texts and religious items, including icons. In July 2017, six Protestants who had conducted a baptism were fined and one, a Canadian citizen, was deported. From February through July 2017, at least nine Baptists and two Jehovah's Witnesses are known to have been fined in different parts of Kazakhstan for possession or distribution of religious literature. The Kazakh government also continues to interfere with children's religious education, often citing the legal requirement that both parents must give written approval of children's involvement in religious activity. In November 2017, Forum 18 reported that four Seventh-day Adventists and Jehovah's Witnesses had been penalized for allowing children to participate in worship that year. The refusal of Jehovah's Witnesses to carry arms also has led to government persecution. On a positive note, all criminal charges filed were dropped against six conscripts who refused military service as conscientious objectors in 2017.

Repression of Muslims

In 2017, Muslims still constituted the vast majority of those sentenced to multiyear prison terms in Kazakhstan for the peaceful expression of religious belief. As in the case of Kazakhstan's Christians, government suspicion is aroused by proselytism, connections to religious movements or institutions abroad, and criticism of or dissent from official religious policy.

Presumed members of the Tabligh Jamaat missionary movement regularly are targeted. Tabligh Jamaat was banned as "extremist" in 2013, despite a study commissioned by the secret police and the Religious Affairs Committee that found the movement is neither extremist nor terrorist. Between April and August 2017, 15 members of Tabligh Jamaat were sentenced to between

one and four years in prison for their membership in the movement. Since December 2014, a total of 61 accused Tabligh Jamaat adherents (all Kazakh citizens) reportedly received criminal convictions: 47 received prison terms, and 14 received restricted freedom sentences confining them to their hometowns. When Forum 18 inquired about the verdict in one case in August 2017 in which Iliyan Raiymzhan received a four-year sentence, the prosecutor conceded that the defendant's "crime" had been "recruit[ing] other people to pray."

Four classmates, who had studied together at a Saudi university and were accused of propagating Salafism in discussion groups, were convicted between May and July 2017 for "inciting hatred" on the basis of secret police recordings. Three of the men were sentenced to between four and a half and five years in prison, while the fourth received a five-year term of restricted freedom. According to a Radio Azattyq report, police accused them of "emphasis[ing] certain forms of jihad" and criticizing other strains of Islam, even though they "did not openly call for any action."

Another Salafist, ethnic Uzbek Imam Abdukhalil Abduzhabbarov, was sentenced to eight years in prison in August 2017 after being deported in Febru-

ary 2017 from Saudi Arabia at the request of Kazakhstan. Although Abduzhabbarov was arrested and charged with inciting terrorism, a Russian human rights group, Memorial, has stated that his arrest was connected to his earlier disputes with state-backed imams. Reflecting the coordination that takes place between authoritarian governments of the former Soviet Union on religious matters, Radio Azattyq reported that Abduzhabbarov claimed his Kazakh interrogators threatened to hand him over to their Uzbek colleagues and that he might "come back in a bag." Abduzhabbarov also defended his beliefs in court, arguing that he had been educated by Gulf state Salafist scholars whom the Kazakh government officially had invited to teach in the 1990s.

These convictions are connected to a wider campaign against manifestations of Islamic fundamentalism in Kazakhstan. In April 2017, the independent Fergana news agency recorded President Nazarbayev suggesting that legislation should be considered banning beards,

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short trousers, hijabs, and other conservative Islamic sumptuary practices. In November 2017, Radio Azattyq reported that a group of Salafists living in a village in southern Kazakhstan filed a lawsuit to try to stop arbitrary police harassment. They complained that the group had been placed on a blacklist and that members were forced to appear regularly at the local police station and be fingerprinted, although they had committed no crime. In 2017, authorities continued to fine mosque-goers around the country for saying “amen” out loud during prayers; the practice reportedly has been banned since November 2016 because of its associations with Salafist religious practice. In February 2017, Radio Azattyq reported on an anti-extremism seminar at a high school in the capital city of Astana in which a police lieutenant urged students to report people who engaged in Islamic worship at home so that the police could check if they “adhere to the correct affiliation.”

No substantive connection to religious extremism, however, is necessary to incur a long prison term. In November 2017, Shukhrat Kibirov was sentenced to six years and eight months in prison for having listened to Islamic songs in Chechen and Arabic on social media. Radio Azattyq reported that no evidence was presented that the songs were terroristic in nature; furthermore, the correspondent covering the case informed USCIRF that it appeared Kibirov spoke neither Chechen nor Arabic.

Disturbingly, evidence emerged in 2017 that the Kazakh authorities may be adding supplementary prison terms for minor infractions to the sentences of religious prisoners to keep them indefinitely imprisoned, a practice long used in Uzbekistan. Berik Abdrakhmanov, who has been imprisoned since 2010 on charges of belonging to Hizb ut-Tahrir and is due for release in May 2018, was charged in May 2017 with using profanity and failing to properly state his name and prisoner number.

According to Radio Azattyq, one of Kazakhstan’s leading human rights defenders has described this case as an example of “‘Uzbek technologies’” being employed in Kazakhstan.

Prison conditions in Kazakhstan are not accommodating for believers. Both the abovementioned Abduzhabbarov and a man serving a prison term for

bank robbery described being cited or placed in punishment cells for attempting to observe Ramadan—which mandates eating before dawn—since all activity in cells is forbidden between the hours of 10:00 at night and 6:00 in the morning. Once convicted of a religious offense, suspected Islamic fundamentalists effectively are ostracized by the state.

In 2017, Ablai Khan Chalimbayev reportedly filed a lawsuit related to his five-year imprisonment for possession of an Islamic book that authorities deemed extremist. Since completing his sentence in 2016, he has been unable to find a job, rent an apartment, or use a bank account. Like many of those arrested or convicted for religious offenses, he has been placed on the Finance Ministry’s Financial Monitoring Committee List of individuals “connected to the financing of terrorism or extremism,” blocking his access to the financial system. According to human rights groups, there may be “hundreds” of cases like his.

Restrictions on Religious Materials

Kazakhstan has banned at least 713 items—including Muslim, Ahmadi, Christian, Hare Krishna, and Jehovah’s Witness literature—for alleged “extremism.” The government also censors all religious texts, bans religious materials in prison, and restricts where religious materials may be sold. Under the religion law, only Hanafi Sunni Muslim materials can be sold in officially licensed bookshops. Administrative fines are the most frequent penalties for infractions and are often levied against Christians. In addition to the incidents involving Christians mentioned above, Forum 18 reported several incidents of Muslims being fined or having

literature seized in 2017.

In July 2017, the gift shop at the Astana airport was fined and ordered partially closed for several months for having books for sale on Islam. Like-

wise, in May and March 2017, booksellers in different regions of Kazakhstan were fined for selling Muslim literature at market stalls. In May 2017, two men were fined in Karaganda for sending Islamic literature via the messaging app Telegram.

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U.S. POLICY

After the collapse of the former Soviet Union, the United States was the first country to recognize Kazakhstan's independence, and is now the largest direct foreign investor in Kazakhstan. Key bilateral issues are regional security—including efforts to stabilize Afghanistan—and nuclear nonproliferation. Kazakhstan and the United States have entered into a five-year plan to strengthen military cooperation via capacity-building programs. In February 2015, the two states signed a Mutual Legal Assistance Treaty. United States Agency for International Development (USAID) programs in Kazakhstan help support civil society, increase access to information, strengthen citizen initiative groups, promote an independent judiciary, and encourage human rights protection. USAID also assists in civil society partnerships with the Kazakh government. As of January 2017, Kazakhstan holds a two-year nonpermanent seat (allocated to the Asia-Pacific group) on the UN Security Council.

In September 2017, the State Department hosted the third meeting of the C5+1 Ministerial, which brings together the foreign ministers of the five Central Asian states and the United States for discussions on various multilateral issues, including respect for basic freedoms.

Additionally, the United States and Kazakhstan discuss a wide range of bilateral issues through the U.S.-Kazakh Strategic Partnership Dialogue, which was set up in 2012. In November 2017, Acting Assistant Secretary of State for South and Central Asian Affairs Alice Wells traveled to Kazakhstan within the framework of the Dialogue in anticipation of President Nazarbayev's official visit to the United States in January 2018. After the reporting period, in January 2018, Vice President Mike Pence met with President Nazarbayev and stressed the importance of respecting civil liberties, including religious freedom.