



JUBILEE CAMPAIGN

ECOSOC Special Consultative Status (2003)

**United Nations Human Rights Council
Universal Periodic Review – THIRD CYCLE**

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Kazakhstan

Submission by
Jubilee Campaign USA, Inc.

A Vital Voice for Those Suffering in Silence

9689-C Main Street · Fairfax, VA 22031-3746 TEL: (703) 503-0791 FAX: (703) 503-0792

EMAIL: jubilee@jubileecampaign.org

P.O. Box 700 · Addlestone · Surrey, KT15 9BW · United Kingdom

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**United Nations Human Rights Council
Universal Periodic Review of Member-State Kazakhstan**

I. Background

1. Jubilee Campaign USA, Inc., in special consultative status with ECOSOC, submits this analysis of religious freedom and human rights in the Islamic Republic of Kazakhstan as a contribution to the Universal Periodic Review of UNHRC member-state Kazakhstan.

II. Scope of international obligations and cooperation with international human rights mechanism and bodies.

2. Kazakhstan ratified the International Convention on the Elimination of All Forms of Discrimination; the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social, and Cultural Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the optional Protocol on to the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhumane Degrading Treatment or Punishment :1987; and the Convention on the Rights of the Child:1990.

III. Implementation of international human rights obligations

A. Freedom of thought, conscience, and religion.

3. While Kazakhstan is showing surface-level improvement in the area of religious freedom, in practice, persecution continues to be a persistent problem.
4. Kazakhstan considered and claims to have allowed religious groups to worship and communicate religious believes freely.¹
5. The Constitution of Kazakhstan defines the country as a secular state and guarantees that everyone has the “right to freedom of conscience,” The Committee responsible to oversee religious freedom is the Committee for Religious Affairs (CRA).
6. Kazakhstan continues to heavily restricts outward manifestation of religion and imposes mandatory registration requirements on it citizens, religious organizations, and missionaries.

¹ General Assembly. Report of the Working Group on the Universal Periodic Review, Kazakhstan, Human Rights Council, Twenty-eight session, 10 December 2014. Paraph 124.46.

7. The government has put in place great restrictions on religious activities and mass surveillance in violation of article 18 of the ICCPR.
8. The Administrative Code as it stands is oppressive and not in line with international standards. Articles of concern include Article 374-1 which “punishes leading, participating in or financing an unregistered religious community or social organization,” Article 375, which “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 license from the state.”
9. Jubilee Campaign commends Kazakhstan for starting the process of implementing recommendations calling for granting “non-traditional” religious groups the same rights in practice as those enjoyed by other groups and permits their peaceful activities from government interference.²
10. However, Kazakhstan’s registration requirements continue to be so restrictive that the number of registered non-traditional religious groups declined from 48 to 16.
11. Organizations that register are still under the government’s control whom exercises broad authority to designate them as “extremist” – term that is applied broadly.
12. The government works to maintain control over society under the pretext of anti-extremism and counterterrorism campaigns which serve as a pretext to infringe upon peaceful religious observance.
13. The Law on Religious Activities and Religious Associations prohibits the distribution of religious literature outside places of worship, requires State approval of religious literature, prohibits unregistered missionary activities, controls the use of religious buildings; and controls the training of clergy.
14. In 2017, protestants that conducted a baptism were fined, and a Canadian deported.
15. In 2017, Yuri Bekker, a Baptist, was sentenced to one year of restricted freedom for refusing to pay a fine for distributing religious literature.
16. In 2017, police raided Baptists congregations during Easter Sunday and issued fines to 36 worshippers.

² Report of the Working Group on the Universal Periodic Review, to the General Assembly, para. 124.23 (2014) U.N. Doc. A/HRC/28/10.

17. Kazakhstan claims to have seized the practice of closing, suspending or blocking opposition print publications and online sources.³
18. In 2016, the President of Kazakhstan signed several amendments into law that increased penalties for possession of religious literature.
19. In 2016, Kazakhstan increased state control of religious literatures and banned a broad range of religious activities.
20. Christian and Muslims continue to be fined or detained for possessing religious materials.
21. Religious groups are subject to governmental surveillance.
22. In 2017, 279 individuals were prosecuted for conducting religious activities.
23. The Baptist church in Kazakhstan refuses to register on principle, and leaders of this group have been repeatedly arrested, detained and fined.
24. Kazakhstan is considered the 28th most difficult country to live as a Christian.
25. In November 2017, Seventh-Day Adventists and Jehovah Witnesses were fined for allowing their children to worship that year.
26. The new amendment to the law restricts education for children, private worship, and the discussion of religious beliefs. They is also a requirement that all worship take place in governmental designated areas.
27. Muslims face multiyear prison sentences.
28. Kazakhstan claims to have defined criminal offense provided in article 164 of the Criminal Code, to clearly defined what incitement to national, ethnic, or racial enmity or discord or insult to the national honor and dignity or religious feelings of citizens is.⁴
29. The government of Kazakhstan conducted an independent investigation of the Tabligh Kamaar missionary movement and banned it as “extremist” despite the fact that their own study did not find the group was either extreme or terrorist.
30. As of 2017 and 2018, amendments to the law would impose great control over religious activities. Children will need approval of both parents to participate of

³ General Assembly. Report of the Working Group on the Universal Periodic Review, Kazakhstan, Human Rights Council, Twenty-eight session, 10 December 2014. Paragraph 124.26 (Sweden).

⁴ Report of the Working Group on the Universal Periodic Review, to the General Assembly, para. 124.4 (2014) U.N. Doc. A/HRC/28/10.

religious activities, the government would further restrict discussion and worship in private homes, and worship would be required in specially designated religious institutions.

31. Jubilee Campaign notes that in 2017 charges filed were dropped after six conscripts refused military service as conscientious objectors.

Recommendations

32. Jubilee Campaign calls for the end of religious discrimination in Kazakhstan.
33. Abolish the oppressive Administrative Code requirements to register religious groups.
34. Remove criminal prohibitions on religious communities on an unregistered basis.
35. Allow parents to teach and worship with their children without government interference.
36. Release all prisoners of conscience arbitrarily detained on account of their peaceful expression of their faith;
37. Eliminate restrictions on the right to freedom of expressions.
38. Jubilee Campaign urges the Kazakhstan government to take further steps to ensure the safety and freedom of members of every religion.

B. Freedom of Assembly

39. Kazakhstan pledge to ensure freedom of assembly and association.⁵
40. Freedom of assembly continues to be very tightly controlled by denying permits for peaceful protests.
41. Police arbitrarily detains organizers and participants.
42. Peaceful protests are met with force and sometimes preemptively.
43. Protesters face up to 10 days detentions or more.
44. In May 2018, police officers detained peaceful protestors that were protesting torture and political imprisonment,

⁵ Report of the Working Group on the Universal Periodic Review, to the General Assembly, para. 124.30 (2014) U.N. Doc. A/HRC/28/10.

45. In June 2018, a court sentenced a man to a three-day arrest for protesting against police abuse.
46. The failure to register gatherings is often used to arrest, detain, or question religious groups. The police often do not bother to obtain authorization or warrants when breaking up these gatherings and they sometimes result in violence against members of the gathering.

Recommendations

47. Jubilee Campaign calls for the establishment of freedom of assembly in Kazakhstan.
48. All restrictions and registration requirements must be lifted, and the government must allow the free flow of ideas in communities in order to foster mutual appreciation among communities.

C. Trafficking in Persons

49. The government of Kazakhstan made significant efforts to eliminate trafficking in persons by increasing its awareness efforts, providing social services for victims, and by providing funding for shelters.
50. However, the government of Kazakhstan has not developed means to identify and protect victims.
51. There are reports of police officer's complicity in human trafficking.

Recommendations

52. To increase efforts to identify trafficking victims.
53. Increase efforts to prosecute police officers engaged in the trafficking of persons.

Summary of Recommendations

54. Jubilee Campaign draws the government's attention to areas where vast improvement is needed to ensure freedoms and protection of its citizens.
55. Jubilee Campaign calls for the end of religious discrimination in Kazakhstan. The government must abolish the Administrative Code requirements to register religious groups and must allow for the sharing of one's faith. Jubilee Campaign urges the Kazakhstan government to take further steps to ensure the safety and freedom of members of every religion.
56. Jubilee Campaign calls for the establishment of freedom of assembly in Kazakhstan. All restrictions and registration requirements must be lifted, and the

government must allow the free flow of ideas in communities in order to foster mutual appreciation among communities.

57. Jubilee Campaign commends efforts to prosecute traffickers. Jubilee Campaign encourages the government of Kazakhstan to increase its efforts to identify victims and prosecute police officers engaged in the trafficking of humans.