

July 16, 2012

The Honorable Hillary Rodham Clinton  
Secretary of State  
U.S. Department of State  
2201 C Street NW  
Washington, DC 20520

Dear Madam Secretary,

We write as an informal group of organizations and individuals who are scholars, religious leaders, human rights advocates and practitioners to express our deep concern about rising restrictions on religion in the Republic of Kazakhstan. According to the 2012 Annual Report of the U.S. Commission on International Religious Freedom, “Conditions for religious freedom declined sharply in Kazakhstan during the reporting period.” The rising restrictions are the result of two new laws that were enacted without debate and signed by President Nazarbaev in October 2011 – a new Religion Law and an Administrative Code Law that amends nine other laws and legal provisions related to religious activity and religious associations.

We urge you to engage the leaders of Kazakhstan’s government and urge them to amend the Religion Law in order to bring it into conformity with international human rights standards, Kazakhstan’s international commitments, and its own Constitution.

Government authorities have been aggressively enforcing the new Religion Law since it was signed by the President. Kazakhstan's senior state religious affairs official, Kairat Lama Sharif, has described the fall in the number of registered religious communities as a "positive dynamic" after 579 small religious groups (with fewer than 50 adult citizen members) were stripped of registration and deprived of their right to legally exist. And as newly de-registered groups, they have been warned by government officials to stop all activity or risk administrative and even criminal sanctions.

Targets have included Evangelicals, Baptists, Presbyterians, Seventh-day Adventists, Methodists, independent Muslim mosques, Ahmadi Muslims, Scientologists, Jehovah’s Witnesses, Hare Krishnas and Unificationists. Even Catholics have expressed concerns and experienced early difficulties for foreign priests and nuns, and the Jewish community fears that no foreign rabbi will volunteer to work in Kazakhstan because of new visa regulations that appear to be part of a government policy of increasingly trying to isolate religious communities from believers outside of the country.

The two new laws were enacted despite the fact that strikingly similar legislative proposals were rejected by Kazakhstan's Constitutional Council in 2002 and 2009 because they were found to violate the right to equality under the law by discriminating against religious minorities. Likewise, the Organization for Security and Co-operation in Europe (OSCE), through its Office for Democratic Institutions and Human Rights Advisory Panel of Experts on Freedom of Religion and Belief, provided advisory opinions in 2002 and 2009 noting serious human rights defects in these legislative proposals. The OSCE panel noted that the amendments included “a series of provisions that violate international human rights standards, Kazakhstan’s OSCE commitments, and its own Constitution.”

The new Religion Law includes several provisions that violate Kazakhstan’s international human rights obligations. It:

- Requires compulsory registration as a religious organization.

- “De-registers” all religious organizations currently registered and forces these organizations to “re-register.”
- Requires a minority religious community to meet onerous membership levels in order to register (minimum of 50 adult citizens).
- Bans all religious activity by unregistered religious organizations on the threat of harsh criminal and administrative sanctions.
- Prohibits an unregistered religious organization from obtaining any other legal entity status.
- Requires all religious organizations to submit to a “religious study examination” and “expert analysis” of all religious literature, materials and statutes, where religious scriptures and other documents are reviewed and evaluated by the State.
- Imposes compulsory government censorship of religious literature by requiring evaluation and approval of religious literature before it could be shipped into the country for non-personal use or placed in a library.
- Restricts distribution of religious literature to religious buildings, religious educational institutions and “specifically identified stationary facilities identified by local executive bodies”.
- Requires government approval to build or open new places of worship.
- Requires registration of persons carrying out missionary activity – no person may carry out missionary activity until so registered and no person will be registered unless they have been invited to perform missionary work by a registered religious organization.
- Imposes restrictions and sanctions on religious leaders if children participate in activities of the religious organization when one parent or legal guardian objects.

The state Agency of Religious Affairs (ARA) has prepared regulations to implement the new Religion Law including regulations on how religious communities must register and re-register; how local and foreign citizens wanting to engage in whatever state officials define as “missionary activities” must register; how religious literature can be brought into prisons; how different religious communities relate; how and where places of worship are allowed to be built; where worship can take place outside registered places of worship; where religious books and materials are allowed to be sold; and what names religious communities are allowed to give their places of worship.

The ARA has also drafted Censorship Regulations that give officials 90 days to conduct compulsory state censorship of nearly all religious literature and objects in addition to the statutes of religious organizations. Once the ARA has rejected certain literature or objects, before or after censorship, it will automatically become an offense to import, produce or distribute it. Further, if the ARA has rejected a religious organization’s statutes, it is not likely that that community will be registered by the Justice Ministry and its activity will be illegal and subject to penalties.

The Administrative Code Law includes a new Article 375 to punish any violations of the new Religion Law – violations of the provisions for holding services and the procedure for importing, publishing or distributing religious literature, building places of worship or conducting missionary activity. Violations will result in fines but could lead to bans of religious communities. For example, in April 2012, a member of the Serebryansk City Baptist Church was found guilty and fined the maximum amount under Article 375 for allegedly engaging in “unauthorized missionary activity, namely spreading among the population religious literature without the approval of a religious expertise.”

Further, Article 374-1 of the current Administrative Code punishes leading, participating in, or financing an unregistered, or banned, religious organization. This Article has been heavily used to punish individuals and communities for exercising their right to freedom of religion or belief.

Targeted communities have been pressured to hand back their registration certificates and stop all activity. Churches have been raided and face closure; places of worship have been closed; independent mosques are threatened with closure; mosques, churches and prayer rooms have been closed down in prisons; Muslim and Russian Orthodox prayer rooms have been closed in social care institutions; missionaries have been detained; believers have been prevented from spreading their faith, fined for leading unregistered religious activity, and imprisoned for refusing to pay fines imposed for leading or attending meetings for religious worship. For example, in May 2012, the legally-registered Jesus Methodist Church in Taldykorgan, in the Almaty Region, was forced under pressure by the authorities to cancel its registration and close.

The United Nations Human Rights Committee, in its 2011 annual report, raised the issue of compulsory religious registration, and in its concluding observations regarding Kazakhstan's Compliance with the International Covenant on Civil and Political Rights, expressed concerns about Kazakhstan's registration requirements:

- The Committee is concerned that the Freedom of Religion and Religious Associations Act and the State Registration of Legal Entities and Registration of Branches and Representative Offices Act provide for the compulsory registration of religious associations and groups. The Committee is also concerned that the practice of a religion and the conduct of any religious activities without registration is subject to administrative penalties (art. 18).
- The State party should ensure that its law relating to the registration of religious organizations respects the rights of persons to freely practice and manifest their religious beliefs as provided for under the Covenant.

Likewise, the Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), Ambassador Janez Lenarčič, remarked, "The new law appears to unnecessarily restrict the freedom of religion or belief and is poised to limit the exercise of this freedom in Kazakhstan."

Kazakhstan's restrictive new laws cannot be countenanced under UN and OSCE standards, including the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief, Article 18 of the International Covenant on Civil and Political Rights, and the Helsinki Accords.

We urge you to press Kazakhstan authorities on this matter, and urge them to amend the Religion Law in order to bring it into conformity with international human rights standards, Kazakhstan's international commitments, and its own Constitution.

Respectfully,

#### ORGANIZATIONS

AMERICAN ISLAMIC CONGRESS

CHURCH OF SCIENTOLOGY

HINDU AMERICAN FOUNDATION

HUMAN RIGHTS LAW FOUNDATION

INSTITUTE ON RELIGION AND PUBLIC POLICY

INTERNATIONAL CHRISTIAN CONCERN

INTERNATIONAL INSITUTE FOR RELIGIOUS FREEDOM

INTERNATIONAL RELIGIOUS LIBERTY ASSOCIATION

INTERNATIONAL SOCIETY FOR KRISHNA COSCIOUSNESS (ISKCON)

RUSSIAN ORTHODOX AUTONOMOUS CHURCH OF AMERICA

UNITED MACEDONIAN DIASPORA

UNION OF COUNCILS FOR JEWS IN THE FORMER SOVIET UNION (UCSJ)

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