



NGO: EUROPEAN CENTRE FOR LAW AND JUSTICE (ECLJ)

**UNIVERSAL PERIODIC REVIEW
48TH SESSION**

**STATUS OF HUMAN RIGHTS IN THE REPUBLIC OF KAZAKHSTAN
FOR THE 48TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

www.ECLJ.org
4, quai Koch
67000 Strasbourg, France
Phone: +33 (0)3.88.24.94.40

Status of Human Rights in Kazakhstan for the 48th Session of the Universal Periodic Review

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Republic of Kazakhstan (Kazakhstan) for the 48th session of the Universal Periodic Review (UPR).

Background

2. Kazakhstan is a country located in Central Asia with a population of approximately 20.4 million people.¹ The population is predominantly Muslim, with 70.2% identifying as Muslim, 26.2% as Christian, 3.3% as atheist, and 0.3% belonging to various other religions.² In its 2024 World Watch List, Open Doors ranked Kazakhstan as the 47th worst country for Christians³ because the government exercises significant control over religion, raids churches, and fines Christians for practicing their faith.⁴

3. Kazakhstan's last review was held on November 7, 2019.⁵ As a result of the review, Kazakhstan received 245 recommendations, 214 of which it supported.⁶ It was recommended by Poland, and supported by Kazakhstan, that the government “[c]ontinue its involvement in the promotion of interfaith dialogue and in upholding respect for freedom of religion or belief.”⁷ It was also recommended by Denmark, but only noted by Kazakhstan, that the government “[r]evisit the legal framework regulating the exercise of religion or belief, in particular the 2011 law on religious activity and religious associations, to ensure the legislation’s compatibility with international legal standards.”⁸ It was further recommended by the Holy See, but only noted by Kazakhstan, that the government “[e]ase registration for religious communities and ensure the full exercise of the freedom of religion or belief in line with international standards.”⁹

¹ *Kazakhstan*, BRITANNICA, <https://www.britannica.com/place/Kazakhstan> (June 7, 2024).

² *Id.*

³ *World Watch List 2024*, OPEN DOORS, <https://www.opendoors.org/en-US/persecution/countries/> (last visited Apr. 15, 2024).

⁴ *Kazakhstan*, OPEN DOORS, <https://www.opendoors.org/en-US/persecution/countries/kazakhstan/> (last visited Apr. 15, 2024).

⁵ *Universal Periodic Review – Kazakhstan*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/kz-index> (last visited Apr. 15, 2024).

⁶ *Kazakhstan Infographic*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session34/KZ/Kazakhstan_Infographic.pdf.

⁷ OHCHR, UPR of Kazakhstan (3rd Cycle – 34th Session) Thematic List of Recommendations, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session34/KZ/UPR34_Kazakhstan_Thematic_list_of_Recommendations.doc

x.

⁸ *Id.*

⁹ *Id.*

Legal Framework

4. Article 1 of the Constitution of Kazakhstan establishes Kazakhstan as a secular government “whose highest values are an individual, his life, rights and freedoms.”¹⁰ Additionally, under Article 19 of the Constitution, “[e]veryone shall have the right to determine and indicate or not to indicate his national, party and religious affiliation.”¹¹

5. In 2011, the government enacted the Law on Religion. Article 3, Section 11 not only prohibits non-registered religious organizations from carrying out any religious activity, it also prohibits “coercion” to participate in religious activities, ceremonies or instruction:

Activity of religious associations that are not registered in accordance with the laws of the Republic of Kazakhstan, as well as any coercion of citizens of the Republic of Kazakhstan, foreigners and stateless persons in determining the attitude to religion, to participate or not participate in the activities of religious associations, in religious ceremonies and (or) in religious instruction, are not allowed.¹²

6. Article 9, Section 3-1 of this same law states that “[t]he production, issuance and distribution of religious literature and other informational materials of religious content shall be allowed after receiving a positive conclusion of theological expert examination.”¹³ Moreover, this law also grants to local executive bodies in Article 5 the authority to “make decisions on the construction of religious buildings (structures), determining their location, as well as reorientation (change functionality) of buildings (structures) to the religious buildings (structures).”¹⁴

7. In 2022, the government amended the Law on Religion to require religious organizations to register with the government in order to conduct religious events outside of their place of worship.¹⁵

8. Article 489, Part 10 of the Administrative Code prohibits any “[p]articipation in an unregistered, halted, or banned religious community or social organisation.”¹⁶ Further, Article 490 of the Administrative Code prohibits the following:

Part 1. Violating the requirements of the Religion Law for:

- 1) conducting religious rites, ceremonies and/or meetings;
- 2) carrying out charitable activity;
- 3) import, manufacturing, production, publication and/or distribution of religious literature and other religious materials, and items for religious use;

¹⁰ CONSTITUTION OF KAZAKHSTAN Aug. 30, 1995, art. 1, https://www.constituteproject.org/constitution/Kazakhstan_2017.

¹¹ *Id.* art. 19.

¹² Діни қызмет және діни бірлестіктер туралы [On Religious Activities and Religious Associations] art. 3., § 11, <https://adilet.zan.kz/eng/docs/Z1100000483> (last visited June 10, 2024).

¹³ *Id.* art. 9, § 3-1.

¹⁴ *Id.* art. 5, § 8.

¹⁵ *Id.* art. 7-1, § 1.

¹⁶ Felix Corley & John Kinahan, *Kazakhstan: Religious Freedom Survey, June 2022*, FORUM 18 (June 23, 2022), https://www.forum18.org/archive.php?article_id=2753.

4) construction of religious buildings, and changing the profile (functional purpose) of a building into a religious building[.]¹⁷

9. Kazakhstan is a party to the International Covenant on Civil and Political Rights (ICCPR).¹⁸ Under Article 18 of the ICCPR:

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.¹⁹

Religious Persecution

10. In Kazakhstan, the government controls and restricts almost all facets of religion.²⁰ The government requires that all religious organizations register with the government in order to carry out religious activities or possess and distribute religious literature.²¹ All religious activity that is not registered with the government is strictly prohibited.²² Christian groups outside of Russian Orthodoxy are specifically scrutinized and are viewed as being a threat to the government because they are perceived as being linked with Western ideology.²³

11. Additionally, authorities routinely spy on churches and report what is happening.²⁴ One Christian shared how authorities “send an official who sits at the back and conducts what they call ‘monitoring’”. The official does not intervene but counts the attendees, watches, and records with a device.²⁵

12. In 2023, 192 administrative cases relating to exercising freedom of religion were investigated.²⁶ Approximately sixty-four of these investigations were for posting religious material on social media without permission, and forty-eight were for distributing religious literature without authorization from the government. Out of these 192 cases, 168 resulted in

¹⁷ *Id.*

¹⁸ *Ratification Status for Kazakhstan*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=89&Lang=EN (last visited Apr. 16, 2024).

¹⁹ International Covenant on Civil and Political Rights art. 18, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

²⁰ *Scholarly Analysis: Christian Response to Persecution in Kazakhstan*, UNIVERSITY OF NOTRE DAME, <https://ucs.nd.edu/learn/kazakhstan/> (last visited Apr. 16, 2024).

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ Felix Corley, *In Kazakhstan, Christians and Muslims Punished for Practicing Religion*, RELIGION UNPLUGGED (Sep. 24, 2021), <https://religionunplugged.com/news/2021/9/17/kazakhstan-it-is-not-allowed-to-pray-at-any-location-unless-its-approved>.

²⁵ *Id.*

²⁶ Felix Corley, *Kazakhstan: List of 192 Known 2023 Administrative Prosecutions*, FORUM 18 (Apr. 5, 2024), https://www.forum18.org/archive.php?article_id=2901.

convictions and punishments.²⁷ According to a court in Oral, “[a]dministrative punishment is used for the purpose of educating the person who committed the offence, in the spirit of compliance with the requirements of legislation and respect for law and order, as well as to prevent the offender from committing new offences.”²⁸ Below, we have highlighted a few cases of Christians being punished simply for distributing religious literature or holding religious gatherings outside of registered places of worship.

13. On April 4, 2024, a Christian was charged with violating the Administrative Code for speaking to other Christians who were gathered in an apartment.²⁹ The Christians were gathered to discuss women in the Bible to commemorate International Women’s Day.³⁰

14. On December 11, 2023, a member of a registered church was fined for holding meetings and worship services at his home without permission from the government.³¹

15. On December 5, 2023, a Christian was fined for offering people Christian literature in public.³²

16. On November 2, 2023, a Christian was fined for reading the Bible with friends at a house to commemorate relatives who recently died.³³

17. On April 28, 2023, a Christian was fined for publicly distributing Bibles and other Christian literature without government permission.³⁴

18. On January 9, 2022, changes were made to Kazakhstan’s Religion Law to further restrict religious freedom.³⁵ These changes made it more difficult for state-registered religious organizations to hold religious meetings outside of their registered facilities.³⁶

19. In 2022, authorities brought forth 143 administrative cases related to freedom of religion and belief; 130 of the cases resulted in administrative punishment.³⁷ Just like in 2023, the majority of these cases involved posting religious messages on social media, while others involved importing religious literature, sharing the gospel in public, and holding worship services without prior approval.³⁸ Most cases resulted in fines ranging from three weeks to two months’ average salary, and some individuals were also prohibited from partaking in religious activity for three months.³⁹

²⁷ *Id.*

²⁸ *Kazakhstan: Dozens Convicted for Posting Religious Messages Online or Offering Literature*, EVANGELICAL FOCUS (Apr. 12, 2023, 4:06 PM), <https://evangelicalfocus.com/world/21505/kazakhstan>.

²⁹ Corley & Kinahan, *Survey*, *supra* note 16.

³⁰ *Id.*

³¹ Corley, *List*, *supra* note 26.

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ Corley & Kinahan, *Survey*, *supra* note 16.

³⁶ *Id.*

³⁷ *Kazakhstan: Dozens Convicted*, *supra* note 28.

³⁸ *Id.*

³⁹ *Id.*

20. That same year, six individuals were fined several weeks' wages each for importing religious literature without permission from the government.⁴⁰ The religious literature was taken by border guards at the Shymkent Airport and handed over to police.⁴¹

21. On January 8, 2021, police and officials from the West Kazakhstan Region Religious Affairs Department arrested several Christians following a Christmas service at an unregistered church.⁴² One church member stated, “[t]hey waited until the end of the service, then took several church members to the police station.”⁴³ Two individuals were fined one month's average salary.⁴⁴

22. As demonstrated by the few examples above, Kazakhstan is not upholding freedoms that are enshrined in the ICCPR. Kazakhstan has punished individuals for holding religious services at their houses and publicly distributing religious literature. This clearly infringes on the rights of individuals to “have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”⁴⁵ These rights are guaranteed to everyone, not just individuals who belong to religious organizations that are registered with the government.

Recommendations

23. The government's control over religious activity prohibits its citizens from freely exercising their right to freedom of religion and belief. Kazakhstan must reform its laws to ensure that everyone is free to practice his religion, publicly or privately without fear of being targeted and fined by authorities. No one should be afraid of being punished for simply and peacefully practicing his faith.

⁴⁰ Felix Corley, *Kazakhstan: Religious Censorship at Border*, FORUM 18 (Jan. 13, 2023), https://www.forum18.org/archive.php?article_id=2802.

⁴¹ *Id.*

⁴² Corley & Kinahan, *Survey*, *supra* note 16.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ ICCPR art. 18, *supra* note 19.