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Human rights situations that require the Council's attention

### **Written statement\* submitted by European Centre for Law and Justice, The / Centre Europeen pour le droit, les Justice et les droits de l'homme, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2019]

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\* Issued as received, in the language(s) of submission only.

GE.19-14990(E)



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## Requesting that the UN recognise government infringement against Christians and hold Kazakhstan accountable for its violation of the religious freedom of its citizens

### Introduction

In Kazakhstan, the government seeks to control every facet of religious life and all religious activities must be authorised by the government. In order to be legally recognised, religious groups must meet membership requirements, submit detailed personal information of members, and provide reports on all religious activity.

Additionally, the government places restrictions on where people can gather for worship and must approve all imported religious texts. Religious groups that are not legally registered are prohibited from holding any religious activities.

As a result of these laws, the government has resorted to raiding churches and arresting church members. The governmental control that Kazakhstan exerts over religious activity is deeply troubling and needs to stop in order to allow for religious freedom.

### Background

Kazakhstan's Constitution establishes itself as a secular State and within Article 14 states: "No one shall be subject to any discrimination for reasons of origin, social, property status, occupation, sex, race, nationality, language, attitude towards religion, convictions, place of residence or any other circumstances".<sup>1</sup> However, the government of Kazakhstan imposes restrictions and seeks to control religious groups, especially those that are viewed as non-traditional – such as non-Sunni Muslims and Protestant Christians.<sup>2</sup>

Open Doors lists Kazakhstan as the 34<sup>th</sup> worst place for Christian persecution.<sup>3</sup> The primary source of this persecution stems from the government.<sup>4</sup> A 2017 report by the United States Commission on International Religious Freedom states: "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".<sup>5</sup>

In 2011, Kazakhstan passed a law that is being used to severely restrict and infringe on the people's right to religious freedom. This law imposed severe restrictions on religious organisations seeking to peacefully practice their religion and gave the government immense power over religion. Only religious activity that is either state sponsored or state approved is permitted to take place.<sup>6</sup>

The first thing this 2011 law did was require all religious organisations to re-register if they wanted to be legally recognised.<sup>7</sup> As part of this new registration process, religious organisations are required to meet membership quotas at the local, regional, and national levels.<sup>8</sup> Churches are required to provide detailed lists of members, including the names and addresses of at least 50 members. If religious groups fail to meet the quota requirement,

<sup>1</sup> CONST. OF THE REPUBLIC OF KAZAKHSTAN, art. 14, available at <http://mfa.gov.kz/en/hague/content-view/the-constitution-of-the-republic-of-kazakhstan>.

<sup>2</sup> USCIRF 2017 ANN. REP.: KAZAKHSTAN EXECUTIVE SUMMARY 1, available at <https://www.state.gov/documents/organization/281268.pdf> (last visited 26 Mar. 2019).

<sup>3</sup> *World Watch List: Kazakhstan*, OPEN DOORS, available at <https://www.opendoorsusa.org/christian-persecution/world-watch-list/kazakhstan/> (last visited 26 Mar. 2019).

<sup>4</sup> Id.

<sup>5</sup> USCIRF 2017 ANN. REP.: KAZAKHSTAN 1, available at <https://www.uscifr.gov/sites/default/files/Kazakhstan.2017.pdf> (last visited 26 Mar. 2019).

<sup>6</sup> *Global Legal Monitor*, LIB. OF CONG., <http://www.loc.gov/law/foreign-news/article/kazakhstan-new-law-on-religion-enacted/> (last visited 26 Mar. 2019).

<sup>7</sup> Id.

<sup>8</sup> Id.

which some minority religious groups do, they are prohibited from holding religious activities.<sup>9</sup> However, a perhaps more intrusive aspect of the law requires that the government review all imported religious texts and materials and prohibits religious groups from distributing these materials outside religious buildings.<sup>10</sup> Effectively, this prohibits religious practitioners, such as Protestant Christians, from practicing a key element of their faith – evangelizing.

As a result of the 2011 law, there has been an increase in police raids of churches. On 25 March 2016, police raided the homes of Protestant church leaders and five buildings that belonged to Amlaty’s New Life Pentecostal Church. Then, on Easter Monday 2016, another raid was carried out at the Church’s office where they seized financial documents, computers and approximately \$280 in local currency.<sup>11</sup> Protestant Christians are particularly targeted because they are viewed as having foreign influence.<sup>12</sup>

On 28 May 2017, police raided a Baptist Church and detained 20 individuals. The police then proceeded to take photographs, fingerprints and other personal information of the detained Christians before imposing fines on eight of them, without any court hearing.<sup>13</sup> In the first half of 2018 alone, the government prosecuted 69 individuals and imposed three-month bans on holding religious ceremonies or distributing religious materials.<sup>14</sup>

In 2018, there were approximately 37 administrative cases brought against individuals and religious groups who were participating in unsanctioned religious activity. Of these 38 cases, 27 of them resulted in fines being administered.<sup>15</sup> In three particular cases, courts ordered the seizure and destruction of religious literature.<sup>16</sup>

## Request

As a party to the International Covenant on Civil and Political Rights (ICCPR), Kazakhstan has agreed to adhere to its principles. Article 18 of the ICCPR states that:

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.

It is clear that Kazakhstan is not upholding the principles outlined in the ICCPR.

Moreover, Kazakhstan’s actions also constitute violations of the Universal Declaration of Human Rights (UDHR). Article 18 of the UDHR states that “Everyone has the right to freedom of thought, conscience and religion,” Furthermore, Article 19 goes on to state “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information through any media and regardless of frontiers.”

The government’s increased control over religious activity is clearly prohibiting its citizens from exercising their right to freely exercise their religious beliefs. If religious groups fail to register, or fail to meet the requirements set forth for registration, they are legally prohibited from holding religious services and face prosecution by the government. The quota requirements allow the government to discriminate against minority religious congregations and place an unnecessary burden on religious practitioners.

<sup>9</sup> Id.

<sup>10</sup> Id.

<sup>11</sup> *Kazakhstan Church Raids a ‘Backward Step’*, WORLD WATCH MONITOR, (24 May 2016), <https://www.worldwatchmonitor.org/2016/05/kazakhstan-church-raids-a-backward-step/>.

<sup>12</sup> World Watch List: Kazakhstan, supra note 3.

<sup>13</sup> Id.

<sup>14</sup> Id.

<sup>15</sup> Felix Corley, *Kazakhstan: One City, Two Raids, Three Fines*, FORUM 18 (4 Mar. 2019), [http://forum18.org/archive.php?article\\_id=2458](http://forum18.org/archive.php?article_id=2458).

<sup>16</sup> Id.

The government's control over the acquisition and distribution of religious materials also prohibits religious practitioners from freely sharing their faith Kazakhstan must work to reform its laws so that its citizens are truly able to enjoy religious freedom without the fear of police raids, arrests, or fines.

Therefore, this very body must work with the Kazakhstan government to ensure that the right to freedom of worship for all individuals is upheld.

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