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Submission of Jubilee Campaign USA, Inc.

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Jubilee Campaign promotes the human rights and religious liberty of ethnic and religious minorities; advocates the release of prisoners of conscience; and protects and promotes the freedom and safety of children from bodily harm and sexual exploitation.

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

Freedom of Religion

1. In Kazakhstan in the area of religious freedom persecution in practice continues to be a persistent problem.
2. There has been much international pressure on Kazakhstan to improve human rights. This is due to the upcoming change in leadership of the Organization for Security and Cooperation in Europe (OSCE), which Kazakhstan will chair in January 2010.
3. Kazakhstan's Constitutional Court ruled in February 2009 that proposed amendments to the Administrative Code, which would have more heavily restricted the registration of religious groups, were deemed to be unconstitutional. Despite this ruling which curtails further restrictions on religious assembly and practice, human rights organizations fear that when the term at the OSCE is over, a similar law might be proposed and passed.¹ The Constitutional Court did not rule on what exactly was unconstitutional about the bill.
4. The proposed law would have required religious groups to have 50 members or more in order to register as a religious association in a given locality. Without this recognition, religious activities are severely punished.² The number of members currently required to register is ten (10), and even when meeting this requirement, the government can refuse an application. Moreover, since members of minority faiths are intensely questioned, fined and detained when they share their faith, it is difficult even now to organize a group registration successfully.
5. 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 "punishes 'violating the law on religion,' including by leaders who reject state registration, by communities whose activity 'contradicts their aims and tasks' or

¹Human Rights Watch, *Human Rights in Kazakhstan: Seven Months Before the OSCE Chairmanship*, <www.hrw.org>, Posted 20 May 2009.

² *Id.*

which is not listed in their state-approved statutes, and by individuals who conduct ‘missionary activity’ without a special license from the state.”³

6. The Baptist church in Kazakhstan refuses to register on principle. The leaders of this group which has existed for generations have been repeatedly arrested, detained and fined.
7. The government has loosened its restrictions on one small religious community. Discriminatory practices against the Jehovah’s Witnesses have diminished as evidenced by the registering of one Jehovah’s Witness community in Atyrau and many court decisions to revoke the suspension of Jehovah’s Witness activities for six months.⁴
8. Most small religious communities continue to experience harassment and persecution. A leader of the Unification Church, Elizaveta Drenicheva, was sentenced in January to “two years’ corrective labour in a general regime camp to punish her for teaching her beliefs.” While her sentence was commuted to a large fine, this case sets an alarming precedent that endangers all minority religious leaders. The court called her actions a “crime against the peace and security of humanity.”⁵ This ruling opens the door to jailing many religious leaders as prisoners of conscience.
9. The Hare Krishna movement incurs much wrath of the government against minority religions. On January 27, an official representative of the Hare Krishna movement, Bhakti Bringa Govinda Swami, was deported from Kazakhstan without explanation when he landed in the Almaty airport.⁶ While the government took his name off of the unwanted list and allowed him back into the country in March, the discrimination was nonetheless deplorable.
10. In August, a young woman in Uspen, who had prayed with a visiting protestant group, was “beaten by police until she signed a statement saying she had been forced to submit to a religious ritual.”⁷ The members of the group were temporarily detained and the pastor was heavily questioned.

³ Felix Corley, Forum 18 News Service, *Kazakhstan: “The Administrative Code Shouldn’t Punish the Core Practice of a Faith,”* <www.forum18.org, 31 August 2009, available at <http://www.unchr.org/refworld/docid/4a9b9f1e0.html>.

⁴ *Human Rights in Kazakhstan: Seven Months Before the OSCE Chairmanship*, *supra* note 1.

⁵ Mushfig Bayram, Forum 18 News Service, *Kazakhstan: “This is a Highly Dangerous Precedent,”* <www.forum18.org>, Posted 3 February 2009.

⁶ Radio Free Europe/Radio Liberty, *Kazakh Officials Permit Hare Krishna Cleric to Enter*, 31 March 2009, available at <http://www.unhcr.org/refworld/docid/49e4432f28.html> [accessed 2 September 2009].

⁷ Forum 18 News Service, *Kazakhstan: “Such Preaching is Prohibited by Our Law,”* <www.forum18.org>, Posted 27 August 2009.

11. Jubilee Campaign calls for the end of religious discrimination in Kazakhstan. The government must abolish the current Administrative Code requirements to register religious groups, exempt those religious groups which object to government registration as an infringement upon their freedom of worship and practice, and create a non-discriminatory system of legal-entity registration. Jubilee Campaign commends steps taken to improve religious tolerance in preparation for taking on the chair of the OSCE, and urges the Kazakhstan government to take further steps to ensure the safety and freedom of members of every religion.

Freedom of Assembly

1. The Kazakh law “On the procedure for organizing and conducting peaceful assemblies, meetings, marches, pickets and demonstrations in the Republic of Kazakhstan,” requires groups to register gatherings with local governments at least 10 days in advance of the event.⁸ Human Rights Watch asserts that “the government has made no effort to liberalize legislation on freedom of assembly.”⁹ As a result of this law, many small groups have been detained, questioned and fined because of suspicion that they assemble to advance anti-government propaganda.
2. In July, police detained the leader of the persistence movement (Talmas) and charged him with “organizing an unsanctioned gathering.”¹⁰ Officers arrested the man before the event was to take place.
3. 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.¹¹
4. 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 religious communities.

Trafficking in Persons

1. The Kazakh government has shown efforts in recent years to reduce the amount of human trafficking into the country, however, Kazakhstan remains a country of great concern as it relates to trafficking in persons.
2. According to the United States Department of State, “Kazakhstan is a destination country for a significant number of Uzbek men, women and girls trafficked for the purposes of sexual exploitation and forced labor, including domestic servitude and forced labor in the tobacco,

⁸ *Human Rights in Kazakhstan: Seven Months Before the OSCE Chairmanship*, *supra* note 1.

⁹ *Id.*

¹⁰ Radio Free Europe/Radio Liberty, *Kazakh Activist Charged With Organizing Unsanctioned Gathering*, 30 July 2009, available at <http://www.unhcr.org/refworld/docid/4a82b719c.html>, [accessed 2 September 2009].

¹¹ *Kazakhstan: “Such Preaching is Prohibited by Our Law,” supra* note 7.

cotton, and meat processing industries. Men, women, and children are trafficked internally for the purposes of forced labor and forced prostitution.”¹²

3. US Department of State further reports that while the government has “increased efforts to investigate, prosecute, and convict traffickers and improved efforts to prosecute labor traffickers . . . [and] increased funding for public awareness,” it has also “identified a smaller number of victims over the reporting period,” and its “efforts to assist and protect victims decreased during the year.”¹³
4. Trafficking victims may be especially vulnerable because “current migration policy in Kazakhstan severely limits opportunities for legal employment and thus increases vulnerability of migrants.”¹⁴
5. Jubilee Campaign commends efforts to prosecute traffickers. Jubilee Campaign encourages the government of Kazakhstan to develop protection programs for victims of trafficking. This will encourage victims to report violations.

Summary of Recommendations

1. Jubilee Campaign commends the government of Kazakhstan for its efforts to improve human rights in preparation for chairmanship of the OSCE, but draws the government’s attention to areas where vast improvement is needed to ensure freedoms and protect the Kazakh people.
2. 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.
3. 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.
4. Jubilee Campaign commends efforts to prosecute traffickers. Jubilee Campaign encourages the government of Kazakhstan to develop protection programs for victims of trafficking. This will encourage victims to report violations.

¹² United States Department of State, *Trafficking in Persons Report 2009 – Kazakhstan*, 16 June 2009, available at <http://www.unhcr.org/refworld/docid/4a4214afc.html> [accessed 2 September 2009].

¹³ *Id.*

¹⁴ International Federation for Human Rights, *Kazakhstan, Kyrgyzstan: Exploitation of Migrant Workers, Protection Denied to Asylum Seekers and Refugees*, 23 July 2009, available at <http://www.unchr.org/refworld/docid/4a842413c.html> [accessed 2 September 2009].