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## Conseil des droits de l'homme

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**Promotion et protection de tous les droits de l'homme,  
civils, politiques, économiques, sociaux et culturels,  
y compris le droit au développement**

## **Rapport du Rapporteur spécial sur la liberté de religion ou de conviction, Heiner Bielefeldt**

### **Additif**

### **Mission au Kazakhstan\***

#### *Résumé*

Dans le présent rapport, le Rapporteur spécial sur la liberté de religion ou de conviction expose les principales conclusions de sa mission au Kazakhstan, qui s'est déroulée du 25 mars au 4 avril 2014. Le Rapporteur spécial a constaté que, de manière générale, la diversité religieuse était bien acceptée dans le pays, mais il a aussi observé des attitudes hostiles à l'égard de certaines communautés religieuses non traditionnelles. L'État suit de très près les activités religieuses afin de prévenir l'extrémisme et de combattre les «sectes» jugées néfastes pour le bien-être de la société. Bon nombre des mesures adoptées à cette fin ne sont pas conformes aux normes internationales relatives à la liberté de religion ou de conviction. De plus, l'enregistrement obligatoire des communautés religieuses, associé à tout un ensemble de dispositions strictes, entrave grandement la liberté de culte, qui s'exerce dans un climat d'insécurité juridique.

\* Le résumé du présent rapport est distribué dans toutes les langues officielles. Le rapport proprement dit est joint en annexe au résumé, et il est distribué dans la langue originale et en russe seulement.



## Annexe

[Anglais et russe seulement]

## Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction .....	1	3
II. General observations .....	2–15	3
A. A society characterized by religious pluralism .....	2–6	3
B. The self-understanding of the State in managing religious pluralism .....	7–8	4
C. Constitutional standards .....	9–15	5
III. The prevalence of security and public-order concerns .....	16–23	6
A. Fear of religious extremism .....	16–19	6
B. The issue of limitation to freedom of religion or belief .....	20–23	7
IV. Required administrative permissions for religious activities .....	24–40	8
A. Mandatory registration as religious association .....	24–31	8
B. Theological criteria in registration reviews .....	32–34	10
C. Registration of missionary activities .....	35–37	10
D. Importation and distribution of religious literature .....	38–39	11
E. Obstacles to religious charity work .....	40	12
V. Combating religious hatred and religious extremism .....	41–51	12
A. Combating religious hatred that constitutes incitement to discrimination, hostility or violence .....	41–43	12
B. Lack of clear definition of criminal offences .....	44–51	13
VI. Educational efforts inside and outside of schools .....	52–64	15
A. Differentiation between religious instruction and information about religion .....	52–53	15
B. Religious information as part of the school curriculum .....	54–57	16
C. The problem of “anti-sect” campaigns .....	58–59	16
D. Promoting “religious literacy” in society .....	60–62	17
E. Religious socialization of young people .....	63–64	17
VII. Conclusions and recommendations .....	65–69	18

## **I. Introduction**

1. From 25 March to 4 April 2014 the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, undertook a visit to Kazakhstan. First of all, he would like to express his gratitude to the Government of Kazakhstan for having invited him, as part of a standing invitation to all Special Procedures of the Human Rights Council. He is particularly grateful to the numerous interlocutors from different government agencies, a broad range of civil society organizations, a number of academics and various religious communities. Discussions took place in Astana, Almaty and Karaganda. The exchange of views, experiences and assessments, which he had with different interlocutors, took place in a constructive atmosphere. The United Nations country team in Astana played a crucial role in facilitating the visit and establishing important contacts to different government institutions, civil society organizations and religious communities. The Special Rapporteur would like to take this opportunity to again extend his thanks to the United Nations Resident Coordinator and his team, in particular the Human Rights Programme Officer.

## **II. General observations**

### **A. A society characterized by religious pluralism**

2. Interlocutors from the Government and civil society repeatedly pointed out that Kazakhstan, in spite of its rich and long history, is still a young nation. Since its independence in 1991, it has seen rapid and far-reaching transformations, including an unprecedented pace of economic growth, the establishment of new State agencies, the development of numerous civil society organizations, the further unfolding of ethnic, cultural and religious pluralism and a revival of religious life, epitomized inter alia in a number of impressive new religious buildings.

3. Religious pluralism is a hallmark of Kazakh society traceable to far back in history and perhaps even to pre-history. Many people with whom the Special Rapporteur discussed this issue praised the culture of religious tolerance that has existed in the country since time immemorial. Some also mentioned specifically the country's "nomadic" traditions of hospitality and openness towards others. Today, two big confessions — Sunni Islam (of the Hanafi school) and Russian Orthodox Christianity — shape the religious landscape, together with a number of smaller communities. While Muslims constitute a majority of approximately 70 per cent of the population, Russian Orthodox Christians are estimated to amount to almost 25 per cent. Smaller communities include Catholics, Lutherans, Baptists, Methodists, Seventh Day Adventists, New Apostolic Church, Pentecostals, Jehovah's Witnesses, Mormons, Shias, members of the Ahmadiyya Muslim Community, Baha'is, Buddhists, Scientologists and Hare Krishna adherents. One should not forget that there are possibly also a high number of atheists and agnostics or people who do not care much about religious beliefs and identities. While some of the above-mentioned communities have existed in Kazakhstan for centuries, others arrived in more recent times. The Special Rapporteur noticed broad agreement that the relationship between the various religious communities is generally a positive one. Incidents of interreligious clashes seem to be very rare, and people mostly appreciate religious diversity as something quite natural to Kazakhstan.

4. However, this generally positive attitude does not equally include members of non-traditional communities. According to a survey conducted by the Agency for Religious Affairs, the population generally displays different degrees of acceptance towards traditional and non-traditional religious communities. Members of communities perceived

as “non-traditional” reported that they sometimes faced societal scepticism, suspicion and discrimination. For instance, they might encounter difficulties when trying to rent a building or room to gather the community or to hold services. Although government representatives mostly avoided the terms “traditional” and “non-traditional” when discussing this theme — except in the context of summits of religious leaders regularly convened in Kazakhstan — no one denied that adverse attitudes existed towards religious groups perceived as standing outside of the country’s traditional mosaic. Moreover, widespread fear of religious extremism, often associated with certain currents of Islam, and worries about the influence of “sects” generally associated with small non-traditional groups pose challenges to the climate of religious tolerance that largely prevails in the society.

5. Religious and ethnic pluralism is almost inextricably intertwined in Kazakhstan. While ethnic Kazakhs, who constitute the largest ethnic group, usually understand themselves as Muslims, ethnic Russians (constituting the second biggest group) are generally perceived as Orthodox Christians. However, such perceptions and self-identification do not always reflect an active religious commitment and practice. It seems that religion often serves as a proxy for ethnicity and vice versa. This complex ethno-religious pluralism is widely appreciated as a positive asset on which to build Kazakhstan’s future. The “Assembly of Peoples of Kazakhstan”, headed by the President of the country and convened at least once a year at national level, reflects this ethno-religious pluralism by bringing together people from all parts of society.

6. Conversion from one religion to another, or to atheism, is possible without any State interference. While missionary activities aimed at converting others are strictly monitored by the State, changing one’s religion does not incur any State-imposed sanctions. However, given the wide overlaps between religion and ethnicity, a change of one’s inherited religion may also be perceived as a rupture from one’s own ethnic and family background, thus possibly leading to social ostracism.

## **B. The self-understanding of the State in managing religious pluralism**

7. In the international arena, Kazakhstan aspires to serving as a bridge between different global and regional organizations as well as between different world religions. Since the beginning of 2013 Kazakhstan has been a member of the United Nations Human Rights Council. The country also belongs to the United Nations Alliance of Civilizations. Kazakhstan plays an active role in the Organization for Security and Co-operation in Europe and takes pride in its 2010 chairmanship of that organization. Although Kazakhstan does not formally belong to the Council of Europe, it participates in the European Commission for Democracy through Law (“Venice Commission”), which is tasked with promoting the principles of rule of law in the broader European and Eurasian region. Kazakhstan is also a member of the Organization of Islamic Cooperation, and the Government has shown a commitment towards strengthening that organization’s human rights component. Finally, the Government takes particular pride in its role as convener of regular meetings of the Congress of Leaders of World and Traditional Religions.

8. The promotion of amicable relations between different religions thus characterizes Kazakhstan’s political aspirations in the international arena as well as in the domestic sphere. This commitment to interreligious dialogue has much to do with the existing and further emerging religious pluralism in the country and the Government’s experience in managing such pluralism. The Agency for Religious Affairs, established in 2011, plays an important facilitating role in convening interreligious council meetings both regionally and nationally. Such meetings take place at least four times a year. Besides the closed meetings reserved for formal members, some meetings are open for broader participation by non-

members as well. Some representatives of religious minorities explicitly appreciated the efforts undertaken by the Government in this field, assuming that without the active role of the State the religious communities would probably meet less regularly.

### C. Constitutional standards

9. Kazakhstan sees itself as a secular State that does not promote any particular religion or belief. Indeed, secularism belongs to the defining characteristics of the State, as laid down in the 1995 Constitution. According to article 1, paragraph 1, of the Constitution, “The Republic of Kazakhstan proclaims itself a democratic, secular, legal and social State whose highest values are an individual, his life, rights and freedoms”. Furthermore, article 5, paragraph 4, of the Constitution bans religious political parties.

10. The secular nature of the State was an issue mentioned in numerous discussions with government representatives and civil society organizations. In this context, the Agency for Religious Affairs referred to opinion polls that indicate that secularism enjoys broad approval among the population. Ideas of establishing a religious State, for instance an Islamic State, as exist in some of the neighbouring countries, seem to be very unpopular.

11. Moreover, the secular nature of the State is widely seen as the *sine qua non* for the Government to take an authoritative role in managing religious diversity. During discussions, Government officials underlined that secularism in Kazakhstan does not indicate an anti-religious attitude, as was the case during Soviet rule, but rather serves as a guarantee of State neutrality vis-à-vis the various religions that exist in the country. However, while clearly emphasizing the need to prevent religions from unduly influencing secular State institutions, the government representatives usually paid markedly less attention to the need to protect religious communities from undue State control. This peculiar understanding of secularism is also reflected in political practice. The Government pursues a restrictive policy of keeping religion largely out of State institutions such as public schools, the administration and the military. For instance, the military has no religious chaplains. At the same time, the State goes quite far in monitoring religious organizations, in particular non-traditional communities. In discussions on secularism, the Special Rapporteur argued for a less restrictive understanding and a more accommodating practice whereby State institutions would provide an open, inclusive space for the unfolding of diversity of religion and belief also in the public sphere.

12. The Constitution contains a number of human rights provisions, some of which are especially pertinent to the practice of freedom of religion or belief. Article 14 enshrines the principles of equality and non-discrimination. Among the explicitly prohibited grounds of discrimination, the article lists “attitude towards religion” and “convictions”. Article 19 guarantees everyone the right to determine and indicate or not to indicate religious affiliation. The most pertinent constitutional provision concerning freedom of religion or belief is article 22, which reads as follows: “1. Everyone shall have the right to freedom of conscience. 2. The right to freedom of conscience must not specify or limit universal human and civil rights and responsibilities before the State”. In addition, article 39 of the Constitution prohibits limitations on the right to freedom of conscience under all circumstances.

13. The formulation used in article 22 of the Constitution is clearly narrower than the wording found in article 18 of the International Covenant on Civil and Political Rights, which Kazakhstan ratified in 2006. While article 18 of the Covenant broadly covers freedom of thought, conscience, religion or belief in its various private and public dimensions for everyone, individually and together with others, article 22 of the Constitution merely refers to freedom of conscience of individuals. Furthermore, in comparison with article 22, paragraph 2, of the Constitution, which leaves the issue of

possible limitations rather open, the criteria for limitations on manifestations of freedom of religion or belief enshrined in article 18, paragraph 3, of the Covenant are more precisely and more carefully defined.

14. According to the Constitution, international human rights treaties have priority over conflicting domestic law — except for the Constitution, which remains the supreme law of the country. While article 4, paragraph 2, anchors the supreme legal authority of the Constitution “as the highest judicial force” in Kazakhstan, article 4, paragraph 3, provides that “international treaties ratified by Kazakhstan are to be directly implemented except in cases when the application of an international treaty shall require the promulgation of a law”.

15. A number of State institutions, including the Human Rights Commission under the President and the Ombudsman, have a mandate to monitor the domestic human rights situation, based on constitutional and international standards. The Ombudsman so far has an office only in the capital, but the establishment of regional offices is currently under discussion.

### **III. The prevalence of security and public-order concerns**

#### **A. Fear of religious extremism**

16. The Government’s active role in managing religious pluralism seems to be strongly motivated by the fear of religious extremism. Apart from State representatives, such fear was also voiced by members of civil society organizations and representatives of religious communities. In the face of religious militancy, violent religious clashes and even terrorism in some of Kazakhstan’s neighbouring countries, the existing anxiety is certainly understandable.

17. Some academic experts were of the opinion that, owing to the Soviet legacy, most believers lacked an in-depth understanding of their own religious traditions — a situation which, they said, might render people vulnerable to the simplistic slogans of religious radicalism. The fact that religious and ethnic pluralism are nearly inextricably interwoven in Kazakhstan may add yet another dimension to security concerns.

18. Stability, tranquillity and harmony figured as keywords in many discussions, in particular with government representatives. The Special Rapporteur concurs that the political stability that Kazakhstan has by and large enjoyed since its independence is an accomplishment that deserves to be appreciated and further developed. However, the strong emphasis on stability can, and does, lead to subordinating human rights norms, including freedom of religion or belief, to broadly defined security and public-order concerns. This even obscures the elevated normative rank of human rights, including freedom of religion or belief, as inalienable rights.

19. The Special Rapporteur would like to reiterate that freedom of religion or belief is not a mere dividend of efficient diversity management by the State, but rather has the status of a universal right belonging to all human beings. Everyone must be able to practise their religion or belief, individually and in community with others, in private or in public. To have this freedom is everyone’s right — prior to, and ultimately independent of, any acts of administrative approval. Moreover, the ways in which people wish to express their freedom of religion or belief are manifold. They include traditional and less traditional forms of worship, communicative outreach within and beyond their own religious community, educational efforts in families and communities, organized charity work, importation and distribution of religious literature, and establishment of an appropriate religious

infrastructure. Reportedly, the enjoyment of these freedoms is hampered by the law and in practice, in particular for members of so-called “non-traditional” communities.

## **B. The issue of limitation to freedom of religion or belief**

20. In discussions with government representatives, general agreement could be found that freedom of religion or belief — apart from its absolutely protected *forum internum* dimension — is not without possible limitations. However, disagreements repeatedly occurred concerning the question of where to draw the line. Fortunately, international human rights law gives clear guidance in this respect. The decisive point is that the onus of proof always falls on those who argue on behalf of limitations, not on those who defend or practise a human right to freedom. In other words, the relationship between a human right to freedom and its limitations must remain a relationship between rule and exception. In case of doubt, the rule prevails; with exceptions always requiring an extra burden of argumentation, both at the level of empirical evidence and of normative reasoning.

21. Limitations to freedom of religion or belief cannot be legitimate unless they cumulatively meet the criteria set out in article 18, paragraph 3, of the Covenant. Accordingly, they must be legally prescribed; they must be clearly necessary — i.e. as an ultimate resort — to pursue a legitimate aim; and they must remain within the realm of proportionality, which *inter alia* means they must be confined to the minimum degree of interference needed to reach one of the legitimate aims. In addition, limitations must not have any discriminatory intentions or effects.

22. In discussions with government representatives, the Special Rapporteur often sensed a different starting point concerning the relationship between a right to freedom and its possible limitations. Rather than measuring the legitimacy of State-imposed limitations on the prevailing status of universal human rights, the idea seemed to be that the exercise of freedom of religion or belief — even of core elements of this human right — would require specific permission from the State, largely comparable to a “driver’s licence”, as one government representative put it. Instead of confining State-imposed limitations to minimum interference employed as a last resort, some government representatives pleaded for broad State intervention and control measures. Such restrictive tendencies are also reflected in Kazakh legislation, including in the Law on Religious Activity and Religious Associations, which entered into force on 11 October 2011. Adverse effects on the full enjoyment of freedom of religion or belief for everyone are evident from various reports received.

23. The Special Rapporteur is convinced that no inherent antagonism exists between the human right to freedom and the State’s responsibility to provide domestic peace or stability, which obviously constitutes a big challenge in the broader Central Asian region. By demonstrating full respect for human rights, including freedom of religion or belief, the State can actually enhance its credibility as a guarantor of peace based on the “recognition of the inherent dignity [...] of all members of the human family”, to quote from the preamble of the first-ever international human rights document, the Universal Declaration of Human Rights (1948). Moreover, full respect for human rights provides the best preconditions for developing trust within society and also between State institutions and the population at large. Also when countering the scourges of religious hatred and religious extremism, the State must always fully respect human rights, including freedom of thought, conscience, religion or belief, which, after all, have the status of inalienable rights. Limitations, whenever deemed necessary, must be justified in the light of the specific

normative rank of this human right, and must be in compliance with all the related criteria set out in article 18 of the Covenant and in other relevant standards.<sup>1</sup>

## **IV. Required administrative permissions for religious activities**

### **A. Mandatory registration as religious association**

24. A major issue in many discussions concerned the Law on Religious Activity and Religious Associations. This new law, which replaces an older law of 1992, recognizes the historic role of the Hanafi school of Islam and of Orthodox Christianity in the development of the culture and spiritual life of Kazakhstan, while also acknowledging other religions. Moreover, the 2011 Law established the Agency for Religious Affairs, which — as already mentioned above — functions as the governmental body responsible for carrying out State regulations in the area of religious activities.

25. A main feature of the Law on Religious Activity and Religious Associations is the requirement imposed on all religious communities to re-register within a specified time frame (i.e. one year) in order to keep or obtain the status of a registered religious association at the national, regional or local level. While government representatives pointed to the fact that many States practise the registration of religious organizations, members of some religious communities or civil society organizations criticized the 2011 Law as a major source of legal insecurity and administrative repression.

26. Before entering a discussion of this issue, the Special Rapporteur would like to reiterate that registration procedures should be based on the clear understanding that the right to freedom of religion or belief, owing to its nature as a human right, inheres in all human beings and can never be rendered dependent on any specific acts of State approval or administrative registration. In other words, freedom of religion or belief cannot be “created” by any administrative procedures. Rather, it is the other way round in that registration should be in the service of this human right, which precedes any registration. Following from this general understanding, registration should be an offer by the State, not a mandatory legal requirement. In this context, the situation of non-registered religious communities assumes the quality of an important test question about the understanding of the normative status freedom of religion or belief in general.

27. While most religious communities in Kazakhstan have successfully — or at least with partial success — re-registered after the enactment of the 2011 Law, some applications have so far remained unsuccessful. Some communities lost the legal status that they had previously possessed, whereas others had never been registered at all. There are also examples of a few small groups (e.g. some Evangelical communities) that, as a matter of conviction, generally refuse to register officially with the State. Other religious communities only managed to register at local levels, while failing to obtain registration status at regional and national levels. The predominant reason is the rather high threshold required for registration at the national level.

28. A main problem concerning the administration of religious registration is that non-registered religious groups can hardly exercise any collective religious functions in

<sup>1</sup> The limitations must comply with article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 18, paragraph 3; and article 19, paragraph 3; and article 20 of the International Covenant on Civil and Political Rights, and Security Council resolution 1624, as well as various related Human Rights Council and General Assembly resolutions, and the jurisprudence of the treaty bodies.



Kazakhstan. Any of their activities, even the common performance of prayers and rituals in private homes, are deemed illegal and can incur serious administrative sanctions. Such punitive actions are actually carried out in practice, sometimes leading to substantial fines, imposed under articles 374-1 and 375 of the Administrative Code and disproportionately affecting non-traditional communities. The Special Rapporteur also heard credible stories about police raids of the premises of some non-registered groups, leading to confiscation of literature, computers, mobile phones and other property. It should be noted that registration under the Law of Public Associations does not present a viable alternative for those communities which failed re-registration under the Law on Religious Activity and Religious Associations, because the status of a (secular) public association, which is much easier to obtain than registration as a religious association, does not allow associations to carry out religious functions. Thus, non-registered religious communities and their members suffer from serious infringements of their freedom of religion or belief. They live in a situation of increased vulnerability to intimidation by law-enforcement agencies and in permanent fear of sanctions.

29. The Law on Religious Activity and Religious Associations also hampers religious activities of communities whose registration status is legally confined to a certain territory. Given the high threshold for national registration, only Sunni Islam, the Russian Orthodox Church and the Catholic Church to date possess the status of religious associations for the whole country, while other re-registered communities have merely met the thresholds for local and/or regional registration. This means that their community practice is legally confined to certain territorial boundaries within the country. When practising their religion outside of those territorial boundaries, they might confront legal problems, including administrative sanctions. The likelihood of incurring punitive sanctions in practice seems to differ according to the general reputation that a religious community has in society. Here again, the difference between traditional and non-traditional religions comes into play. While traditional religious communities can by and large function without any problems, non-traditional and small communities bear a considerably higher risk of being sanctioned when stepping outside their defined territorial boundaries. The Special Rapporteur would like to underline that even members of minorities who described their general relationships with State agencies as “constructive” complained about the lack of legal clarity and concomitant chilling effects on their religious community life.

30. One purpose of the Law on Religious Activity and Religious Associations apparently was to have clear oversight over the religious landscape in Kazakhstan. Indeed, the Special Rapporteur was told that the country currently accommodated 18 religions or denominations. However, it seems doubtful that it is actually possible to measure the extent of religious pluralism in the country. From the perspective of freedom of religion or belief, what is required above all is an inclusive framework that accommodates the broad self-understanding of human beings, as individuals and in communities with others. Indeed, the Special Rapporteur had the clear impression that religious diversity in Kazakhstan goes beyond the 18 confessions that constitute the official religious landscape.

31. Communities belonging to the majority religion, Islam, are generally represented by the Spiritual Administration of Muslims of Kazakhstan (SAMK). Most Muslims with whom the Special Rapporteur had a chance to discuss the issue gave a positive assessment of the role played by the SAMK. However, there are also some intra-Islamic minorities who, for various reasons, insist on an independent status. For instance, the members of the Din-Muhammad Tatar-Bashkir Mosque in Petropavl in the North Kazakhstan region would see their specific linguistic and spiritual heritage best preserved by remaining an independent organization outside of the SAMK. The Mosque community lodged an application for re-registration within the time frame specified by the 2011 Law. As a result, the community and their imam faced heavy pressure by the State to join the SAMK. Following their refusal to do so, they were denied re-registration. On 12 September 2013,

an Appeal Court confirmed compulsory liquidation. Although reportedly the Mosque is still open for prayers, the community has been legally dissolved and a new imam is to be appointed by the SAMK.

## **B. Theological criteria in registration reviews**

32. The Special Rapporteur was told by the Government that the reviews of applications for registration or re-registration as religious associations are always carried out in a spirit of scientific neutrality, without resorting to theological criteria. This would also be in line with the self-understanding of the State as a secular State, as defined in article 1 of the Constitution. However, the Special Rapporteur came across at least one case that clearly deviated from this principle and that may be indicative of a broader problem. The application filed by the Ahmadiyya Muslim Community for re-registration was denied on the basis of a review unequivocally written from the theological standpoint of Sunni Islam. While the whole document displays religious language, the text makes reference to the decision of the Muslim World League — which is a religious authority of Sunni Islam — to deny Ahmadis their self-understanding as Muslims.

33. What defines the core elements of a particular religion usually remains controversial within the various religions. Freedom of religion or belief gives space to such controversies, as long as they do not lead to acts of discrimination, hostility or violence. Thus, religious communities are free to peacefully distance themselves from other branches or schools of thought deemed as deviating from the defining principles of their own faith. But it cannot be the business of the State to enforce particular theological interpretations by measures of administrative law. In recognition of everyone's freedom of religion or belief, the starting point must be the self-understanding of human beings and how they see their own beliefs.

34. Having lost their status as a religious association in the wake of the Law on Religious Activity and Religious Associations, the Ahmadiyya Muslim Community, a small group composed of a few hundred members, has factually ceased to carry out any community functions in Kazakhstan. Meetings, if convened at all, can only take place in a clandestine atmosphere. Members of the community live in permanent fear of possible police raids and legal sanctions. Apart from obvious flaws in the review of their application, the situation of this small community is also indicative of the adverse consequence of mandatory registration in general, thus pointing to a clear need for overhaul.

## **C. Registration of missionary activities**

35. Individuals — including citizens of Kazakhstan — who carry out religious functions with some degree of public visibility are requested under the Law on Religious Activity and Religious Associations to register as “missionaries”. Failure to do so is an offence punishable by law. As registration of missionary activities is only valid for one year, it needs to be renewed annually. Moreover, the precise meaning of “missionary activities” does not seem to be clearly defined, and the administrative practice appears to lack consistency. While representatives of traditional religious communities in practice can largely carry out religious functions without specific missionary permits, members of smaller groups have actually been sanctioned for merely talking about their faith or answering questions in public. At times, the term “missionary activities” is reportedly used in such a broad way as to cover almost all forms of bearing witness and communicating about issues of faith. Lack of legal clarity in this important field apparently creates a sense of insecurity and of being held “in limbo”, as one interlocutor from a religious minority community expressed it. These provisions *inter alia* affect the Jehovah's Witnesses who, as

part of their faith, feel obliged to share their beliefs with others. Again the Special Rapporteur would like to emphasize that concerns about the restrictive implications of registration requirements were voiced by members of different communities, including communities who said that they entertained constructive relationships with local, regional or national Government institutions and participated in interreligious council meetings convened under the auspices of the Agency for Religious Affairs.

36. According to international standards, freedom of religion or belief unequivocally includes the right to bear witness to one's conviction, to communicate within and across religious and denominational boundaries and to try to persuade others non-coercively. This also covers missionary activities in the broadest sense. Leaving aside the more specific visa questions concerning non-citizens wishing to enter a country from abroad, such activities generally do not presuppose a formal State approval, in particular when carried out by citizens or permanent residents of a country.

37. The legal and practical problems in connection with mandatory registration are further exacerbated by the fact that all sorts of manifestations of one's belief are often subsumed under the heading of "missionary activities". Legal insecurity thus seriously hampers a very broad area of religious practices, in particular for members of "non-traditional" religious minorities. Moreover, even those individuals who possess a permit as missionaries may encounter problems when moving beyond the territorial boundaries within which their community has obtained registration status. As mentioned previously, only Sunni Muslims, the Russian Orthodox Church and the Catholic Church have national registration, while all other communities are officially recognized only in particular local or regional territories, outside of which any visible and community activities may be treated as "illegal" under the Law on Religious Activity and Religious Associations. Another problem occurs when the renewal of a permit takes time, adding yet another factor of legal insecurity during the waiting period.

#### **D. Importation and distribution of religious literature**

38. A related issue concerns the import of religious literature, for which, again, State approval is required as soon as the imported material exceeds the threshold for mere personal use (i.e. three copies of a book). According to the Agency for Religious Affairs, in the vast majority of cases such approval is given without any problem. The Special Rapporteur was told by the Government that the main reason for State interference in this field is the prevention of religious hatred and religious extremism. Although he shares the view that religious hatred and religious extremism are serious problems that require State action, the question remains as to whether the measures taken satisfy the criteria set out in article 18, paragraph 3, of the Covenant and other relevant international standards. Having heard a number of examples from different religious communities who had encountered problems in importing and distributing religious literatures, the Special Rapporteur is convinced that the restrictions imposed on the importation of such literature in Kazakhstan are disproportionate. For example, in 2012 and 2013, Jehovah's Witnesses submitted an application for importing several religious publications, including some monthly magazines produced by their community. Reportedly, the Agency for Religious Affairs banned the importation of some of those publications. In its decision of 31 January 2013, the Agency claimed that the banned publications discouraged secular education, encouraged family break-ups and contained positions that might outrage members of traditional Christian denominations (e.g. the position that the Holy Trinity is not mentioned in the Bible). The Agency directed Jehovah's Witnesses to modify the content of the publications and submit the modified editions for approval.

39. Shops that sell religious literature also need a special licence. According to information provided by the Agency for Religious Affairs, the number of shops permitted to distribute religious literature is above 250 nationwide, and applications for a licence are generally given without any problem. Whereas government representatives argued that in practice religious communities do not encounter serious problems in receiving the literature they need, the very requirement of a special licence nonetheless reflects an understanding in which the relationship between a fundamental right to freedom and its limitations is turned upside down. Instead of starting from the understanding that freedom of religion or belief has the status of a human right against which limitations need to be concretely justified in line with the criteria defined in article 18, paragraph 3, of the Covenant, in Kazakhstan those wishing to exercise their freedom to use, import or distribute religious literature are requested to apply for special permission from the State. This is not in line with international standards of freedom of religion or belief. The restrictive provisions furthermore violate freedom of expression, as enshrined in article 19 of the Covenant.

## **E. Obstacles to religious charity work**

40. Representatives of religious communities also mentioned problems that they encounter when trying to organize charity work. This may be based on a restrictive understanding of religion or belief being chiefly associated with religious worship and ceremonies in a narrow sense. However, many believers and religious organizations see themselves called upon to offer charity services for their own communities and outside them. The Special Rapporteur would like to reiterate that the right to manifest one's religion or belief, according to article 18, paragraph 3, of the Covenant, relates to "practice" in a wide sense, therefore also covering charity work. Moreover, article 6 (b) of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981) clarifies that freedom of thought, conscience, religion or belief *inter alia* includes the right "to establish and maintain appropriate charitable or humanitarian institutions".

## **V. Combating religious hatred and religious extremism**

### **A. Combating religious hatred that constitutes incitement to discrimination, hostility or violence**

41. The Special Rapporteur acknowledges the Government's efforts to counter religious hatred, intolerance and extremism. Indeed, the stability of Kazakhstan, in particular when compared with volatile situations in some neighbouring countries that are torn by violent religious conflicts, is a precious asset that deserves to be preserved and further developed. In talks with different stakeholders, including civil society organizations, the Special Rapporteur sensed that there was broad agreement on the need to remain on the alert and take appropriate political action in this area.

42. During some of the discussions held with government representatives, the Special Rapporteur exchanged views on the Rabat Plan of Action on the prohibition of advocacy of national, racial and religious hatred that constitutes incitement to discrimination, hostility or violence, enacted in October 2012 under the auspices of the Office of the High Commissioner for Human Rights.<sup>2</sup> The Rabat Plan of Action has received broad public

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<sup>2</sup> A/HRC/22/17/Add.4, appendix.

approval in the international community, including by Kazakhstan. As the document's title indicates, it deals with measures to be taken by governments and other stakeholders against hateful acts of incitement. While requesting States to take a wide range of activities in this area, the Rabat Plan of Action at the same time defines a high threshold for restrictive legal measures, with a view to fully ensuring freedom of expression and other communicative rights. A key message contained in the Rabat Plan of Action is the call to make creative use of freedom of expression in order to counter "hate speech" by "positive speech" and to challenge entrepreneurs of hatred by means of communicative outreach. Those responsible in governments, religious communities, civil society organizations, media and other organizations should jointly and clearly speak out against incitement to hatred and publicly show solidarity with targeted groups.

43. Kazakhstan's commitment to interreligious dialogue coincides with some key recommendations contained in the Rabat Plan of Action. As mentioned earlier, the Government's engagement in this area comprises both domestic efforts to bring religious communities together and to hold gatherings of religious leaders, which Kazakhstan has already convened four times. The Fifth Congress of Leaders of World and Traditional Religions is scheduled to take place in 2015 in Astana.

## **B. Lack of clear definition of criminal offences**

44. When combating religious hatred, Kazakhstan also resorts to criminal sanctions. In this regard, human rights problems arise from the overly broad terminology used in some articles of the Law on Countering Extremism, the Criminal Code and the Code of Administrative Offences. As the Special Rapporteur learned after the visit, the currently still valid Criminal Code, as well as the currently still valid Code on Administrative Offences, will soon be replaced by a new Criminal Code and a new Code on Administrative Offences, respectively, which were both adopted in July 2014 and will enter into force on 1 January 2015. During the visit, upcoming reforms, which were discussed with a number of government representatives, seemed to offer an opportunity to create substantial improvements and aim for more clarity. Having seen the new Criminal Code and the new Code on Administrative Offences, however, the Special Rapporteur feels that this particular opportunity has been missed, which came as a disappointment. He hopes that amendments needed to bring legislation more into line with international standards can still be made.

45. The Criminal Code (both its currently valid version and the new Code) imposes sanctions on individuals — with penalties ranging from substantial fines to imprisonment of up to seven years — for crimes of extremism, including incitement to religious enmity or strife, insulting the religious feelings of citizens, making propaganda of the superiority or inferiority of individuals based on their religion;<sup>3</sup> for establishing, participating in or leading an illegal religious organization who engage in violence against citizens or cause harm to their health, or in encouraging citizens to refuse to fulfil their civic duties; for establishing, participating in or leading a religious party or civic organization that propagates or practises religious intolerance or superiority;<sup>4</sup> and for organizing and participating in activities of an organization that was banned or liquidated by the decision of the court in connection with extremism.<sup>5</sup>

46. Many of these provisions remain merely vaguely circumscribed rather than being clearly defined. Perhaps the most obvious example is article 164 of the current Criminal

<sup>3</sup> Article 164 of the 1997 Criminal Code and article 174 of the 2014 Criminal Code.

<sup>4</sup> Article 337 of the 1997 Criminal Code and article 404 of the 2014 Criminal Code.

<sup>5</sup> Article 337-1 of the 1997 Criminal Code and article 404 of the 2014 Criminal Code.

Code (article 174 of the new Criminal Code). This article combines the offence “incitement to religious enmity” with a number of other phenomena such as “insult to religious feelings”. Given the broad formulation, even exclusivity or superiority claims made on behalf of certain religions might arguably fall within the remit of this article. As a result of broadly circumscribed offences, however, any sort of unwelcome religious claims deemed offensive to parts of the society or to government agencies could be penalized by sanctions, including imprisonment. This leads to legal insecurity with concomitant adverse repercussions on freedom of expression and freedom of religion or belief.

47. The risk of being sanctioned is not merely hypothetical. Article 164 of the Criminal Code has been used in practice, and a number of individuals sentenced under this provision are currently serving prison terms. In discussions with civil society organizations working in this area, the Special Rapporteur heard worrisome stories about allegations raised against members of different religious communities, sometimes leading to interrogation, administrative detention and very long pre-trial detention. Without being able to assess all individual cases brought to his attention, the Special Rapporteur is convinced that article 164 of the current Criminal Code, owing to an overly broad circumscription of offences, is a source for concern. From the specific angle of his mandate, he would therefore concur with the March 2014 recommendation on this issue by the United Nations Committee on the Elimination of Racial Discrimination in its concluding observations on Kazakhstan’s State report. The Committee recommends “that the State party clearly define criminal offences, in particular those in article 164 of the Criminal Code, so as to ensure that they do not result in unnecessary or disproportionate interference with freedom of expression, including that of minority communities”.<sup>6</sup> This recommendation would still be valid for the new Criminal Code, and for article 174 in particular.

48. Article 337-1 of the current Criminal Code (article 404 of the new Criminal Code), which deals with associations accused of inciting extremism, including religious extremism, poses a similar problem to article 164. There is again no doubt that the Government has to take an active role in fighting religious extremism, in particular organized religious extremism, and that the Criminal Code can be one of the various instruments used for that purpose. However, what is missing above all in article 337-1 of the Criminal Code (and its new equivalent) is a clear definition of the term “religious extremism”. Without such a definition, the provision can open the floodgates for punitive measures against individuals or groups deemed suspicious by some government institutions, including law-enforcement agencies. Again, this danger is not merely hypothetical.

49. On 18 February 2005, Kazakhstan passed the Law on Countering Extremism, which sets forth *inter alia* the definition of religious extremism and measures to prevent it. The law defines religious extremism as incitement to religious enmity or strife, including in connection with violence or encouragement to violence, as well as the use of any religious practice threatening the safety, life, health, morals, or rights and freedoms of citizens.<sup>7</sup> Furthermore, it defines extremist propaganda [religious] as intentional actions aimed at inciting religious strife or at insulting the religious feelings of citizens. The law authorizes and instructs the Agency for Religious Affairs and local and district executive bodies to monitor and take preventive measures against activities of missionaries and religious associations that violate the Law on Countering Extremism.<sup>8</sup> The Special Rapporteur is concerned that the definitions of “religious extremism” in Kazakhstan’s Law on Countering Extremism is overly broad and vague, allowing for arbitrariness in its application.

<sup>6</sup> CERD/C/KAZ/CO/6-7, para. 13.

<sup>7</sup> Article 1 of the Law on Countering Extremism.

<sup>8</sup> Article 6 of the Law on Countering Extremism.

50. Similarly, the old and new Codes of Administrative Offences sanction individuals with penalties ranging from substantial fines to imprisonment for publication, possession, importation, transportation and distribution of materials aiming to incite religious strife;<sup>9</sup> for leading, financing and participating in activities of non-registered, suspended or banned religious organizations;<sup>10</sup> for violating the legislation on religious activities and religious organizations, including failing to comply with the requirements for conducting religious rites, ceremonies and meetings, importing, publishing and/or disseminating religious literature, as well as constructing religious buildings; carrying out missionary activities without registration (permission); for the leadership of a religious organization by a foreigner, without consent from the administration; and for the participation of juveniles in the activities of a religious organization without the consent of both parents.<sup>11</sup> The Codes of Administrative Offences also sanction the religious organizations with a range of penalties including fines, suspension of activities and complete ban on the organization for violating the legislation on religious activities and religious organizations, including failing to comply with the financial or safety regulations.<sup>12</sup>

51. When discussing the issue of criminal and/or administrative trials, a number of civil society organizations complained about a lack of transparency and fairness in procedures. They reported that it was not easy for defendants and their lawyers to obtain the important documents on which the allegations were based. The Special Rapporteur also heard about cases of long administrative detention or pretrial detention and unacceptable conditions of imprisonment. Concerns were also raised that psychiatric treatment was being used to discipline, control and punish people suspected of holding and propagating what were deemed to be dangerous religious beliefs. This state of affairs further exacerbates the chilling effects that unclear penal law provisions have on freedom of expression and freedom of religion or belief.

## **VI. Educational efforts inside and outside of schools**

### **A. Differentiation between religious instruction and information about religion**

52. In discussions on educational matters, mention was made of the Toledo Guiding Principles on Teaching about Religions and Beliefs in Public Schools, elaborated by the Organization for Security and Co-operation in Europe.<sup>13</sup> The Toledo Guiding Principles clearly differentiate between education to acquaint students with their own religious traditions and education to broaden students' general knowledge about religions. While the first type can be termed "religious instruction", the second can be called "information about religion". And whereas "religious instruction" is based on the tenets of a particular faith, "information about religions" should be given in the spirit of neutrality and impartiality. Mixing or conflating both forms of education can lead to serious infringements of freedom of religion or belief, particularly in the context of mandatory school education.

<sup>9</sup> Articles 343 and 344 of the 2001 Code on Administrative Offences and article 453 of the 2014 Code on Administrative Offences.

<sup>10</sup> Article 374-1 of the 2001 Code on Administrative Offences and article 489 of the 2014 Code on Administrative Offences.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> The Toledo Guiding Principles, published in 2007, were drawn up by the Organization for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights Advisory Council of Experts on Freedom of Religion or Belief.

53. Owing to the secular nature of public schools in Kazakhstan, the curriculum merely provides for information about religions, not for religious instructions on the tenets of a particular faith. Familiarizing the younger generation with their specific religious traditions is thus left entirely to the religious communities themselves.

## **B. Religious information as part of the school curriculum**

54. As previously mentioned, Kazakhstan subscribes to a strict understanding of secularism, which is also reflected in the school curriculum. The Ministry of Education introduced religious studies — in terms of information about religions — only a few years ago. At present, this particular subject is taught for one year only, in grade 9. The Ministry currently does not intend to extend this tuition period. When discussing the situation in schools with teachers of this subject, the Special Rapporteur learned that the subject appears to meet with great interest from students who are curious to learn more about religions. The class generally takes place within the premises of schools and, according to information received, does not include visits of places of worship or religious sites located in the vicinity of the schools.

55. The textbook used for informing grade 9 students by and large covers the different world religions in a spirit of neutrality. However, the chapter on “new religious movements” assumes a warning tone, with the obvious purpose of alerting students to the dangers of seduction or manipulation associated with this particular type of religious movements. The chapter does not refer to any individual groups.

56. While the dangers discussed in the textbooks certainly exist, they should not be associated with one particular type of religions, for instance “new religious movements”. The history of religions unfortunately includes countless examples of force, coercion and manipulation perpetrated by traditional or new religions, by big or small communities, by organized groups, as well as by less organized movements. Associating “destructive” tendencies merely with one type of religions may reinforce prejudices against small groups often branded as “sects”. On a closer look, this type of small groups and new religious movements comprises a broad variety of different religions and beliefs that deserve to be addressed according to their distinctive features.

57. When visiting Karaganda, the Special Rapporteur discussed programmes of learning about history, including the history of repression under totalitarian rule. He learned that during the Soviet era numerous political critics and dissenters had been exiled in Karaganda and many of them had been held in concentration camps. He held in-depth discussions on the significance of learning about history in broader programmes of human rights education within and outside schools. Such human rights education should cover the full range of human rights, including freedom of religion or belief.

## **C. The problem of “anti-sect” campaigns**

58. Members of small religious communities repeatedly raised concerns about “anti-sect” campaigns organized by municipal “anti-sect centres”. There seems to be a widespread fear in society that certain religious communities, in particular small and less traditional communities, pose a threat to people’s health and well-being. In many cases, such fears are not based on any clear empirical evidence. The Special Rapporteur saw a few examples of leaflets targeting certain communities, which did not contain any reliable facts.

59. Under freedom of religion or belief, Governments have a responsibility to eliminate negative stereotypes and create a climate of mutual respect between different religious groups. Issuing public warnings against certain communities amounts to infringing the



freedom of religion or belief of members of the targeted groups. Such measures can only be permissible when meeting all the criteria for limiting the right to manifesting one's religion or belief as set out in article 18, paragraph 3, of the Covenant, including the principle of proportionality. Moreover, a high degree of empirical diligence is required in order to do justice to the affected religious communities. The Special Rapporteur is convinced that the examples of anti-sect material that he obtained do not meet these criteria.

#### **D. Promoting “religious literacy” in society**

60. Given the importance of solid religious knowledge and understanding for overcoming negative stereotypes and for living together peacefully in a religiously pluralistic society, programmes of religious information should go beyond school education and also cater to the general population.

61. The Special Rapporteur met with some organizations dedicated to the promotion of “religious literacy” in society. Some of these organizations collaborate closely with the Agency for Religious Affairs. Their agendas vary: familiarizing people with the wealth of religious traditions, promoting a better understanding of religious diversity, encouraging interreligious dialogue and building resilience against religious hatred and extremism. These purposes obviously overlap. One basic assumption explained by experts in this field was that religious extremists, while typically claiming to present a “pure” version of their faith, often show a very narrow-minded interpretation of religious messages. Spreading knowledge and a deeper understanding could thus help people build resilience against simplistic slogans. The need for promoting “religious literacy” was associated by some with the Soviet past, which had led to a sharp decline of religious practice and knowledge in society.

62. The Special Rapporteur acknowledges initiatives to promote “religious literacy” in society. It seems to him that such a positive approach is much more promising than campaigns undertaken by anti-sect-centres, which he finds very problematic. The Toledo Guidelines include criteria that could be used also when designing programmes of enhancing religious literacy also beyond public schools.

#### **E. Religious socialization of young people**

63. In the absence of religious instruction, as defined in section VI.A above, the task of familiarizing the younger generation in Kazakhstan with their own religion is left entirely to the religious communities. Representatives of various communities explained how they operated in this regard. Some raised concerns that the general lack of legal clarity in the broad area of religious manifestations in the wake of the Law on Religious Activity and Religious Associations also affected their educational efforts. The Special Rapporteur heard about instances in which facilities for private religious education had been closed down by the administration on charges of illegality. Apparently, one of the reasons given was that religious communities should not use the term “school” when educating the younger generation. The Special Rapporteur would like to reiterate in this context that free religious education belongs to the core elements of freedom of religion or belief as set out in article 18 of the Covenant as well as in article 6 (e) of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

64. Reportedly, under-age persons attending a religious service are legally required to present written permission from both parents. In practice, it seems difficult for those offering religious services to ask young people for such permissions without thereby alienating them. This is yet another example of the legal insecurity that hampers the full

functioning of religious communities, in particular small and non-traditional minorities. Representatives of religious communities, including traditional communities with generally good relations to government agencies, expressed the wish for more legal clarity based on the understanding that teaching and education belong to core elements of the human right to freedom of religion or belief.

## **VII. Conclusions and recommendations**

65. Representatives of the Government repeatedly emphasized that Kazakhstan had embarked on a process of rapid and far-reaching transformation. The country aspires to fully using its potential as a “bridge” between different geographical and cultural areas and between international and regional organizations. Domestically, reforms are under way, including in the law. In this context, the Special Rapporteur heard encouraging expressions of commitment to further developing the culture of peaceful inter-ethnic and interreligious coexistence that has largely shaped the history of the country. After the collapse of the Soviet Union, Kazakhstan has seen a revitalization of religious life, *inter alia* embodied in the construction of impressive religious buildings.

66. The Agency for Religious Affairs, which was established in 2011 as a central governmental body responsible for carrying out State regulation of religious affairs in the country, plays an active role in managing religious diversity both nationally and regionally. Much of its activity, such as the facilitation of interreligious gatherings, meets with the approval of many representatives of religious communities, including minority communities. At the same time, the 2011 Law on Religious Activity and Religious Associations shows restrictive features that are not in line with international standards of freedom of religion or belief. The most obvious problem concerns the mandatory status of official registration. Failure to obtain this status means that a religious community is deemed “illegal”, which has far-reaching negative repercussions on the enjoyment of freedom of religion or belief. Moreover, even those communities which are registered suffer to some extent from legal insecurity, *inter alia* due to the official confinement of permitted religious activities to certain predefined issues and territorial boundaries. In general, the 2011 Law is based on the assumption that the exercise of core aspects of freedom of religion depends on specific acts of Government approval — thereby turning the relationship between freedom and limitations, as generally understood in the framework of human rights, upside down.

67. While Kazakhstan has broadly embraced religious pluralism, members of non-traditional small religious communities, frequently branded as “sects”, continue to experience suspicion, mistrust and discrimination in society. Moreover, some provisions of the Criminal Code and of the Code on Administrative Offences — both the existing and the new Codes — which are aimed at combating religious hatred or religious extremism — are defined only vaguely, thus creating a climate of legal insecurity, which is further exacerbated by shortcomings in the handling of criminal procedures, long pretrial detention and related problems. Similar problems are associated with the 2005 Law on Countering Extremism.

68. So far, information about religion plays a limited role in public school education. The textbooks used for that purpose contain problematic language and generally a warning tone with regard to non-traditional religious movements. Some initiatives taken towards broadening “religious literacy” in society may positively empower people to make up their own minds in the area of religion or belief.

69. Against this background, the Special Rapporteur would like to make the following recommendations:

- (a) A public debate on the meaning of secularism in Kazakhstan should help to overcome the currently predominant restrictive interpretation according to which secularism serves as a tool for confining manifestations of freedom of religion or belief to predefined strictly monitored territorial boundaries. Based on freedom of religion or belief for everyone, a secular constitution should provide space for the unfolding of the existing and emerging religious pluralism in society, free from fear and free from discrimination. The Special Rapporteur recommends that the Government consider amending the relevant provisions of the Constitution to bring them into line with article 18 of the International Covenant on Civil and Political Rights. In this context, an open discussion on an inclusive understanding of secularism might also help to overcome restrictive attitudes within the administration and within law-enforcement agencies.
- (b) The Government should bring its constitutional provisions pertinent to freedom of religion or belief fully into line with article 18 of the Covenant and other relevant international human rights standards.
- (c) The Government is currently preparing the Fifth Congress of Leaders of World and Traditional Religions. The Special Rapporteur would encourage those in charge of organizing the event to move beyond the confines of traditional religions and also invite representatives of other communities. Besides the usually male leaders, women should play an active role in the dialogue, including feminist theologians of different denominations. This could serve as a signal to further broaden the understanding and acceptance of diversity within society.
- (d) Above all, the Special Rapporteur would like to recommend far-reaching reforms of the 2011 Law on Religious Activity and Religious Associations based on an understanding that registration should be in the service of freedom of religion or belief which, due to its status as a universal human right, inheres in all human beings, prior to — and independent of — any specific acts of administrative approval. The most important consequence would be that registration should be an offer, not a mandatory requirement, for religious community practice. Non-registered communities must be able to operate free from discrimination and free from fear of intimidation.
- (e) Registration of those religious communities who wish to obtain the respective status position should be undertaken in a spirit of servicing freedom of religion or belief. Procedures should be quick, transparent, fair and without undue bureaucratic complications. Decisions on issues regarding the status of registrations must never reflect the standpoint of a competing religious group.
- (f) Thresholds for registration at different levels (local, regional and national) should be defined in such a way that minorities can fully operate throughout the country. The requirement of registering missionary activities, as well as the practice of licensing the importation and distribution of religious literature, should also be generally overhauled. Representatives of religious communities and civil society organizations working in this field should be consulted throughout this process.

- (g) When amending the 2011 Law on Religious Activity and Religious Associations, particular attention should also be given to the need of religious communities to socialize the younger generation, which requires an adequate infrastructure of educational institutions. Private religious schools and similar institutions must be able to function freely and without undue administrative stipulations.
- (h) Religious communities should be able to offer humanitarian or charitable services for their followers and/or for the larger society.
- (i) Those religious or belief communities which, for whatever reasons, do not have the status of a recognized religious community, or do not wish to obtain this status, should have viable options to obtain an alternative form of legal personality status that would allow them to carry out important community functions in a suitable manner.
- (j) Overly broad definitions of offences concerning religious discord and extremism, which may negatively impact on freedom of religion or belief in conjunction with freedom of expression, should be replaced by clear and narrow definitions. This concerns both the Criminal Code and the Code on Administrative Offences, as well as the 2005 Law on Countering Extremism. After the adoption (in July 2014) of a new Criminal Code and a new Code on Administrative Offences, reforms aimed at more clarity are still needed. The Rabat Plan of Action (put into effect by the United Nations Office of the High Commissioner for Human Rights in 2012) can provide practical guidance in this regard.
- (k) The Special Rapporteur would like to encourage the Ministry of Education to further develop the programmes on religious information for students, also beyond grade 9. School education plays a pivotal role in promoting a climate of religious tolerance. The Special Rapporteur also commends initiatives which recently have been taken for the promotion of “religious literacy” in the population at large.
- (l) The Government should discontinue anti-sect campaigns that stoke negative stereotypes against new religious movements. Information provided on religious beliefs and communities, in particular in the context of school education, must be fair and precise. In this context, the Special Rapporteur commends the Toledo Guiding Principles on Teaching about Religions or Beliefs in Public Schools, which were drawn up by the Organization for Security and Co-operation in Europe.
- (m) The Government should further strengthen the national and regional infrastructure of human rights protection; for instance, by establishing regional offices of the Ombudsman’s institution.
- (n) The Special Rapporteur shares the view expressed by many interlocutors that abiding strictly by the principles of rule of law creates the best conditions for combating the scourges of religious hatred and religious extremism, since a clear reliance on rule of law helps to build trust within society and between State agencies and the population at large.
- (o) Trust-building measures are also contained in the Rabat Plan of Action. It would be useful for the Government to broadly consult with civil society organizations, media, religious communities and other stakeholders on how best to apply the Rabat Plan of Action to the specific situation of Kazakhstan.