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Religion in Kazakhstan: A General View

*Roman Podoprigora**

I. INTRODUCTION

The Republic of Kazakhstan is one of the largest states in Asia. With respect to religion, Kazakhstan is often regarded as part of the Moslem world, although this is debatable. Kazakhstan can hardly be called a Moslem country; it is neither purely Asian nor European; it is a place where East and West are closely intermingled. This factor influences various processes which take place in this country, including those affecting religion.

It is necessary to note that Kazakhstan has never been a country affected by particularly strong religious sentiments or powerful religious forces. Religious organizations have always been rather passive and do not claim any political role in the state. In contrast to those in neighboring countries, religious groups in Kazakhstan generally do not strive to exercise their influence upon political or social events. The vast majority of religious organizations in Kazakhstan pursue their own practical aims and try not to go beyond the limits of their legal activities. Some occasional attempts by Islamic fundamentalists to become more politically active have been quickly stopped by the state.

The religious situation in Kazakhstan has changed radically since the collapse of the Communist system. Today there is growth in religious freedom that would have been impossible under the Soviet regime. Some examples include: rapid growth in the number of believers¹ and religious organizations; ² cre-

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1. It is difficult to give an accurate estimate on the number of believers in Kazakhstan due to the lack of available sources of information. Existing sociological research indicates that about 35-40% of the people in Kazakhstan consider themselves believers, about 15-20% of whom consider themselves deeply religious people. See *Uroven religioznosti i religioznye orientatsii v Kazakhstane* [Level of Religiousness and Religious Orientations in Kazakhstan], ALMATY, 1996, at 7; *Religioznaya situatsiya v Centralno-Aziatskom regione* [Religious Situation in the Central-Asian Region],

582 BRIGHAM YOUNG UNIVERSITY LAW REVIEW [1999

ation of certain conditions for believers to satisfy their religious needs;³ legalization of previously banned religious organizations;⁴ absence of state control over all religious organizations and individual believers;⁵ rise of new religious organizations (nontraditional for Kazakhstan) including many foreign religious organizations;⁶ and growth of Islamic fundamentalism.

The relationships between the state and religious organizations have also changed greatly. The former attitude of stubborn and active opposition against all religious organizations which was characteristic of the Soviet period has been replaced with an attitude of mutual respect and cooperation.⁷ In general, the religious situation in Kazakhstan can be characterized as calm. Throughout the period of political

PANORAMA, Nov. 11, 1997.

No research was done on the number of believers in Kazakhstan during the Soviet period. In 1987, the number of believers in the USSR was estimated at 10-20% of the total population. See *Konstantin Kharchev, Garantii svobody [Guarantees of Freedom]*, NAUKA I RELIGIYA, 1987, #11, at 23.

2. In 1990, there were 676 religious organizations in Kazakhstan. See Artur Artemieve, *Atheizm religiya, lichnost [Atheism, Religion Personality]*, ALMA-ATA, 1990 at 50. In 1996, there were about 3,000 religious organizations including 1,503 which were registered by the state bodies. See YURIDICHESKAYA GAZETA, Dec. 16, 1998.

3. Believers have received more rights under the new legislation. Many prohibitions of ritualistic, missionary, and charitable activities; religious teaching; conducting of religious meetings and conferences; organizing of religious associations; and the like have been eliminated.

4. Some organizations which were prohibited under the Soviet regime have been recently registered. Examples include the Jehovah's Witnesses and several Baptist, Adventist, and Pentecostal churches.

5. Religious organizations and believers today are relatively free from state control in comparison with the Soviet period. Special permission from the state to conduct religious meetings or conferences or to construct religious buildings is not required. Religious organizations can act without official registration. The officials cannot dismiss the members of the executive bodies of the religious organizations or forbid missionary activity in Kazakhstan. None of these activities were possible during the Soviet period.

6. There are many nontraditional religious organizations in Kazakhstan: Presbyterian and Charismatic churches, Hare Krishna, Unification Church, Church of Scientology, etc. Some of them were created after the growing activity of foreign missionaries.

7. Presently, the state provides materials, as well as financial and other aid to religious organizations in the construction, restoration, and maintenance of religious buildings. It finances the organizing of pilgrimages and gives them articles of religious significance. In turn, religious organizations help the state in charitable, elucidative, and medical activities.

independence in Kazakhstan, there have been no noteworthy conflicts nor any other negative events on religious grounds.

The legal foundation for the existence of activity for religious organizations has changed as well. Several regulatory documents legalizing various religious activities were recently approved and passed into law. Registered religious organizations are now recognized as legal entities and can take part in legal transactions. Religious organizations have expanded rights and may now participate in civil negotiations on their own behalf; in many respects they do not differ from other legal organizations.⁸

II. SHORTCOMINGS IN THE LEGAL FOUNDATION

Everything mentioned above can be referred to as the general social and juridical spheres of religious organizations' functioning. But upon closer examination of religious issues, there are at least seven shortcomings that are not evident at first sight. In the future, these shortcomings may present a considerable problem that could influence the development of the religious situation in Kazakhstan.

First, despite some positive changes in Kazakhstan's religious legislation, many troublesome questions remain unanswered. Very often the law regards religious organizations as commercial enterprises, with all the consequences of this assumption. This assumption ignores the peculiarities inherent in the structure and management of religious organizations and handicaps the very existence and practical activity of these organizations. For example, in some cases religious organizations were required to have the same institutional structure and executive bodies as for-profit organizations.

Second, some foreign religious organizations and missionaries from Saudi Arabia, Pakistan, Turkey, Egypt, Iran, and Lebanon are operating in Kazakhstan. Most of them represent radical Moslem groups. They organize Moslem communities, send people to study at foreign religious centers, and conduct religious seminars, especially for students. As a

8. During the Soviet era, religious organizations did not have the right to be legal entities. They could not own buildings, land, or other property. All property of religious organizations belonged to the state. Religious organizations were extremely limited in business activity and in civil negotiations.

584 BRIGHAM YOUNG UNIVERSITY LAW REVIEW [1999

rule, they act without registration by the state bodies. Fortunately, at the present time, these groups have a spiritual rather than a terrorist orientation. Nevertheless, the presence of these groups is a cause for anxiety, both for the state and the official Moslem Administration. The state is very tough in such cases and implements measures to prevent the spread of radical Islam in the country. For example, the state uses the National Security Service to control this kind of activity. Sometimes the government does not pay attention to the law in these cases.

Third, compared with local religious organizations, foreign religious organizations are put in a more difficult position. Certain limitations are established for the activity of foreign missionaries.⁹ Additionally, it is difficult for foreign citizens to register their religious organizations if not founded by at least some local residents.¹⁰

Fourth, religious organizations are limited in their educational activity. According to existing legislation, educational institutions can be organized only by religious centers (national or regional organizations).¹¹ Educational activity of any local church is prohibited.

Fifth, due to the meager financial situation of most religious organizations, the problem of taxation is critical. Churches and other religious unions receive no tax breaks or concessions. Collections from parishioners and profits from certain religious events are tax free; however, profits from commercial activities such as selling religious books or items of worship are taxable. Religious organizations are allowed to organize enterprises or

9. Foreign missionary activity is permitted only after accreditation by the state bodies. See POLOZHENIE O PORIAIDKE AKKREDITATSII INOSTRANYKH GRAZDAN I LITS BEZ GRAZHDANSTVA ZANIMAUSHIKHCHIA MISSIONERSKOI DEIATELNOSTYU UTVERZHDENO POSTANOVLENIEM PRAVITELSTVA RESPUBLIKI KAZAKHSTAN 21 SENTIABRIA 1997 G. [GOVERNMENT REGULATIONS ON PROCEDURE FOR ACCREDITATION OF FOREIGN CITIZENS AND STATELESS PERSONS ENGAGED IN MISSIONARY ACTIVITY], SOBRANIE AKTOV PRESIDENTA I PRAVITELSTVA RESPUBLIKI KAZAKHSTAN 1997, 43.

10. Actually, there are no such restrictions in the law, but it happens in practice. As a rule, these problems can be solved.

11. See ST. 7, 9 ZAKON RESPUBLIKI KAZAKHSTAN 1992 G. "O SVOBODE VEROISPOVEDANIIA I RELIGIOZNYKH OB EDINENIIAKH" [LAW OF THE REPUBLIC OF KAZAKHSTAN "ON FREEDOM OF RELIGION AND RELIGIOUS ASSOCIATIONS," art. 7, 9], VEDOMOSTI VERKHOVNOGO SOVETA RESPUBLIKI KAZAKHSTAN 1992, 4.

conduct business, but are not exempt from paying taxes on profits from such activities.

Sixth, there is no doubt that some organizations, calling themselves "religious," in fact present a serious danger to society. Some of these religious organizations are totalitarian sects. These sects often exercise psychological influence over their members, demanding abject obedience to their leaders and full abandonment of their property and financial means for the benefit of their commune. In Kazakhstan, unions such as the White Brotherhood or Aum-Senrike are not as popular as they were in the Ukraine or Russia, but they certainly appear in one form or another.

Seventh, in Kazakhstan there are approximately three thousand religious organizations of various denominations.¹² Among them, the two most important religions are Islam and Russian Orthodox Christianity. The position of these groups differs greatly from that of other denominations in that they receive state support, have permanent contacts with state and local officials and bodies, and receive other miscellaneous privileges. These two dominant religious organizations try to create barriers to the emergence of other religious organizations which they deem undesirable or dangerous. Among these, for example, are traditional and wide-spread Protestant churches in Kazakhstan, worshipers of Krishna, some new religious organizations, and totalitarian sects. Moslem leadership is greatly alarmed with the spread of Christianity among the Kazak population. On the other hand, the Russian Orthodox leadership is worried by the growing influence of the Protestant churches and other religious associations.

Moslem and Russian Orthodox leaders have managed to promote their interests through some normative regulatory and legislative acts of Parliament and some specific changes to the Constitution of the Republic. Under pressure from these organizations, certain constitutional and code provisions have been adopted that create obstacles for other denominations. For example, the Constitution of the Republic of Kazakhstan states that activities of foreign religious associations on the territory

12. For additional statistical information regarding the number of believers, see *Level of Religiosity and Religious Orientations in Kazakhstan*, *supra* note 1, at 7.

586 BRIGHAM YOUNG UNIVERSITY LAW REVIEW [1999

of the Republic, including the appointment of religious association leaders in the Republic by foreign religious centers, shall be carried out in coordination with the respective state institutions of the Republic.¹³ Additionally, the Kazakhstan Civil Code states that missionary activity of foreign citizens and stateless persons shall be permitted only after their accreditation by local agencies.¹⁴

The issues enumerated above are only some of the many problems that exist in the religious organizations' activity. In reality, there are many more problems. It is important to stress the problem of the formation of religious organizations and their state legalization or registration, because this is essential for them to be able to function. All religious organizations, as well as other organizations, must be registered by the Ministry of Justice or its regional departments to reap the benefits of such status.¹⁵

On the one hand, there are no special difficulties in the establishment and registration of the majority of local religious organizations. The procedure is not very complicated; in fact, to form such an organization, one needs to complete an application and provide a declaration of ten local citizens indicating their free will to form a religious organization.¹⁶

There is, however, a more complicated procedure for the registration of churches which are part of national or foreign religious organizations. The problem is that sometimes the existing legislation does not allow certain organizational forms

13. See KONSTITUTSII RESPUBLIKI KAZAKHSTAN [CONSTITUTION OF THE REPUBLIC OF KAZAKHSTAN] art. 5.

14. See ST. 109 GRAZHDANSKOGO KODEKSA RESPUBLIKI KAZAKHSTAN (OBSHAIA CHASTY), VEDOMOSTI VERCHOVNOGO SOVETA RESPUBLIKI KAZAKHSTAN 1994, PRILOZHENIE K #23-24 available in THE CIVIL CODE OF KAZAKHSTAN, art. 109 (W.E. Butler trans., 1995).

15. See ST. 42 GRAZHDANSKOGO KODEKSA RESPUBLIKI KAZAKHSTAN (OBSHAIA CHASTY), VEDOMOSTI VERCHOVNOGO SOVETA RESPUBLIKI KAZAKHSTAN, 1994, PRILOZHENIE K #23-224 available in THE CIVIL CODE OF KAZAKHSTAN, *supra* note 14, art. 42; see also UKAZ PREZIDENTA RESPUBLIKI KAZAKHSTAN IMEUSHII SILU ZAKONA 1995 G. "O GOSUDARSTVENNOI REGISTRATSII YURIDICHESKICH LITS V RESPUBLIKE KAZAKHSTAN," art. 4 [EDICT OF THE PRESIDENT OF THE REPUBLIC OF KAZAKHSTAN HAVING THE FORCE OF LAW "ON STATE REGISTRATION OF THE LEGAL ENTITIES"], VEDOMOSTI VERCHOVNOGO SOVETA RESPUBLIKI KAZAKHSTAN 1995, 3-4.

16. See ST. 10 ZAKONA RESPUBLIKI KAZAKHSTAN 1992 G. "O SVOBODE VEROISPOVEDANIIA I RELIGIOZNYKH OB EDINENIIAKH," art. 9 [LAW OF THE REPUBLIC OF KAZAKHSTAN "ON FREEDOM OF RELIGION AND RELIGIOUS ASSOCIATIONS"] VEDOMOSTI VERCHOVNOGO SOVETA RESPUBLIKI KAZAKHSTAN 1992, 4.

which correspond to the canonical traditions of the religious union.¹⁷ Because of this fact, lengthy negotiations with the parties are often required to find a compromise. As a result, the majority of such organizations do not have legal entity rights because they are not formed on the initiative of their individual members, but by the order of a superior administrative body within the church.

On the other hand, state administrative officials have every right to decline the registration of any religious organization on any pretext. The registration may be declined for a variety of reasons, such as finding insignificant mistakes in the registration documents or imposing upon a registrant the officials' own ideas about religious organizational structure. Sometimes the Ministry of Justice has unofficial instructions not to register certain religious organizations. In Kazakhstan such instructions have been given regarding the registration of the Jehovah's Witnesses, Korean Protestant Churches, several Moslem organizations which do not belong to the Religious Moslem Administration of Kazakhstan, the Russian Orthodox Church Abroad, and others. When such unofficial instructions have been given, it is practically impossible to register a religious organization.

Religious organizations have never tried to submit a disputable matter or illegal action to the courts; therefore it is not possible to give an example of such a case. As a rule, such organizations either agree to all the demands of the official in order to be registered, or they are forced to stop their activity in Kazakhstan or continue working without registration,¹⁸ thus losing the rights of legal entity status.

III. CONCLUSION

In recent years, believers in Kazakhstan have received some long-awaited rights. Nevertheless, it is too early to say that

17. For example, a religious union may have a rule requiring a local church to be founded by individuals. However, legislation requires that the church(es) must be created by the religious union.

18. It is necessary to note that in Kazakhstan, in contrast to nonreligious nongovernmental organizations which are not allowed to work without registration, there is no ban on nonregistered religious organizations' activities. However, the unavailability of registration deprives religious organizations of many rights and advantages.

588 BRIGHAM YOUNG UNIVERSITY LAW REVIEW [1999

religious freedom and freedom of association have been fully realized. Realization of these freedoms would require amendments in legislation, serious changes in the everyday practice of local authorities, and changes in the relationships between state officials and religious leadership.

There are two main directions in which the religious situation in Kazakhstan might develop. First, Kazakhstan may experience a strengthening of governmental control over religious organizations and the creation of different conditions for various religious structures which would lead to increased limitations of religious freedom. Alternatively, the improvement of legislation and practice in religious areas, as a result of new experiences acquired after the collapse of the Soviet system, may create new opportunities for religious organizations and believers.

Unfortunately, the first alternative is most likely to be realized. The evidence for this conclusion can be found in many articles in newspapers and in statements of politicians and religious leaders of the traditional religious organizations which insist on limiting religious activity in Kazakhstan, especially for new religious organizations. Moreover, the government is currently preparing amendments to existing law which contain discriminatory provisions related to many religious organizations. Thus, while Kazakhstan has made some positive changes since the dissolution of the Communist regime, nontraditional and foreign religious organizations will likely continue to experience limitations on religious activities.