



United Nations Human Rights Council: 28th Session (2nd to 27th March 2015)
UPR: Kazakhstan
Thursday 19th March
Speaker: BHA Representative, Amelia Cooper

Thank you Mr President.

I make this statement as a member of the International Coalition Against Blasphemy Laws.

We deeply regret Kazakhstan's refusal to review their domestic legislation regarding freedom of assembly¹, freedom of religion or belief², and freedom of expression³.

This is both indicative of a very weak commitment to Kazakhstan's obligations as a Member of this Council⁴, and an abject refusal to comply with international law. It must be condemned in the strongest terms.

In the UPR report, the Kazakh delegation stated that 'all religions received equal treatment and protection under the law'⁵. While the Kazakh history of pluralism is commendable, this is simply not the case.

Non-traditional and minority groups suffer from the lack of definition in the 2005 and 2011 religious laws⁶ and the new Criminal Code, which outlaws, *inter alia*, 'inciting social, national, clan, racial, or religious discord'⁷, 'incitement to religious enmity'⁸ and 'insult to religious feelings'⁹. It can thus be used against any speech that threatens the status quo.

This conflicts with both international standards and Kazakhstan's constitutional provision, Article 22, of freedom of conscience for individuals.

In 2013, the case of Aleksandr Kharlamov demonstrated that State control took precedence over de facto freedom of religion or belief.

Arrested for 'inciting religious discord' due to his atheist views and criticism of religions, Kharlamov was confined to a psychiatric hospital, and detained in prison for five months. While he was released on bail, the case against him remains open, and he faces up to seven years in prison¹⁰.

We echo Special Rapporteur Heiner Bielefeldt's insistence that freedom of religion or belief is a universal right, rather than '*a mere dividend of efficient diversity management by the State*'¹¹.

As such, we urge Kazakhstan:

- To adhere to their verbalized approval of the Rabat Plan of Action through its domestic implementation;
- To reconsider their refusal to review domestic legislation;
- To provide precise and narrow definitions of the terms used [in their Constitution, laws and Criminal Code];
- To close the case against Aleksandr Kharlamov.

Thank you.

¹ A/HRC/28/10, paragraphs 126.21; 126.42-48.

² A/HRC/28/10, paragraphs 126.28; 126.33; 126.34.

³ A/HRC/28/10, paragraphs 126.35-126.42. It must also be noted that the Delegation of Kazakhstan also expressed that it felt it had taken all necessary steps to protect freedom of expression (cf. 124.22; 124.30)

⁴ A/RES/60/251 mandates members to 'uphold the highest standards in the promotion and protection of human rights'.

⁵ Paragraph 57, A/HRC/28/10.

⁶ This refers to the 2005 Law against Religious Extremism, and the 2011 law **on Religious Activity and Religious Associations**. It must also be noted that the Delegation of Kazakhstan also expressed that it felt that the 2011 law complied with international legislation (cf. 124.21)

⁷ <http://www.hrw.org/world-report/2015/country-chapters/kazakhstan?page=3>

⁸ Article 174 of the 2015 Criminal Code, as quoted in paragraph 46 of A/HRC/28/66/Add.1

⁹ Ibid.

¹⁰ Freedom of Thought Report 2014, p. 236, available for download at: <http://freethoughtreport.com>

¹¹ A/HRC/28/66/Add.1