

The Law of the Republic of Kazakhstan of October 11, 2011, № 483-IV On Religious Activity and Religious Associations

The given Law is based on the fact that the Republic of Kazakhstan declares itself to be a democratic, secular state, confirms the right of everybody to the freedom of conscience, guarantees equal rights of every person regardless his/her religious opinion, recognizes historical role of Islam Hanafiyah school and orthodox Christianity in development of culture and spiritual life of people, respects other religions that are in harmony with spiritual heritage of the people of Kazakhstan, recognizes significance of inter-confessional concord, religious tolerance and respect of people's religious convictions.

Chapter 1. GENERAL PROVISIONS

Article 1. Basic Concepts Used in the Given Law

The following basic concepts are used in the given Law:

- 1) religious building (facility) – a place meant for worship services, prayer and religious meetings, religious reverence (pilgrimage);
- 2) religious activity – activity targeted at meeting religious needs of believers;
- 3) minister – a person authorized by a respective religious association to perform clerical, preaching service;
- 4) religious association – a voluntary association of the nationals of the Republic of Kazakhstan, foreigners and stateless persons that have united on the basis of the harmony of their interests to serve their spiritual needs;
- 5) missionary activity – activity of the nationals of the Republic of Kazakhstan, foreigners, stateless persons on behalf of religious associations registered in the Republic of Kazakhstan aimed at promulgation of religious doctrine on the territory of the Republic of Kazakhstan;
- 6) authorized body – a public body in charge of religious activity state regulation.

Article 2. Legislation of the Republic of Kazakhstan on Religious Activity and Religious Associations

1. Legislation of the Republic of Kazakhstan on religious activity and religious associations shall be based on the Constitution of the Republic of Kazakhstan and shall include the given Law and other regulatory legal acts of the Republic of Kazakhstan.

2. In case an international treaty ratified by the Republic of Kazakhstan sets rules other than those stipulated by the given Law norms of international treaty shall be applied.

Article 3. State and Religion

1. The State shall be separate from religion and religious associations.
2. Religious associations and nationals of the Republic of Kazakhstan, foreigners and stateless persons shall be equal before the law regardless their attitude to religion.
3. No religion shall be established as official or mandatory.
4. The system of education and nurturing in the Republic of Kazakhstan except spiritual (religious) educational institutions shall be separate from religion and religious associations and shall be of secular nature.

5. Impeding legal religious activity, violation of civil rights of natural persons on the ground of attitude to religion or insult of their religious sentiments, desecration of objects venerated by the followers of this or that religion, violation of sacred places, structures shall not be allowed.

6. Everybody shall have the right to hold religious or other creed, promulgate it or to participate in the activity of religious associations and carry out missionary activity in compliance with the legislation of the Republic of Kazakhstan.

7. No one shall have the right to refuse waive the duties stipulated by the Constitution and laws of the Republic of Kazakhstan.

Nationals of the Republic of Kazakhstan that are ministers of religion, missionaries, leaders or participants (members) of religious associations may participate in political life on equal terms with all the nationals of the Republic of Kazakhstan sui juris.

8. In compliance with the principle of separation of religion and religious associations from the state the state:

1) shall not interfere with determination by a national of the Republic of Kazakhstan, a foreigner and a stateless person of their attitude to religion and religious belonging, with nurturing children by their parents or other legal representatives in line with their belief except cases when such education poses a threat to life and health of a child, impairs his rights and limits responsibility and is also targeted against constitutional order, sovereignty and territorial integrity of the Republic of Kazakhstan;

2) shall not impose the functions of public bodies on religious associations;

3) shall not interfere with the activity of religious associations provided the activity of religious associations does not go contra to the laws of the Republic of Kazakhstan;

4) Shall contribute to the establishment of relations of mutual tolerance and respect between nationals of the Republic of Kazakhstan, foreigners and stateless persons that exercise and do not exercise religion as well as between different religious associations.

9. In accord with the principle of separation of religion and religious associations from the state religious associations:

1) shall not perform the functions of public bodies and shall not interfere with their activity;

2) shall not take part in the activity of political parties, shall not support them financially and shall not carry out political activity;

3) shall have to observe the requirements of legislation of the Republic of Kazakhstan.

10. Activity of parties on religious basis, formation and activity of religious associations, whose goals and activity are aimed at establishment of supremacy of one religion in the country, fomenting of religious strife or discord, including those related to violence and calls for violence and other illegal acts.

11. The activity of religious associations unregistered in line with the procedure set by the laws of the Republic of Kazakhstan as well as forcing the nationals of the Republic of Kazakhstan, foreigners and stateless persons in defining their attitude to religion, to participation or non-participation in the activity of religious associations, in religious a religious ceremonies and (or) in teaching religion shall not be allowed.

12. The activity of religious associations fraught with violence against nationals of the Republic of Kazakhstan, foreigners and stateless persons or other injury to their health or entailing divorce of spouses (family disruption) or cessation kin relations, moral injury, violation of rights and freedoms of a man and a citizen, urging people to refusal to perform their duties stipulated by the Constitution and laws of the Republic of Kazakhstan and other violation of the legislation of the Republic of Kazakhstan shall not be allowed.

13. The activity of religious associations that forcefully involve nationals of the Republic of Kazakhstan, foreigners and stateless persons into their activity, including by means of charity, and (or) hindering their secession from a religious association, including by exercising blackmail, abuse or the threat of violence with the use of material or other dependence of the nationals of the Republic of Kazakhstan, foreigners and stateless persons or by false pretences shall not be allowed.

14. Coercion of participants (members) of a religious association and religious followers to disposition of the property belonging to them in favor of the religious association, its leader and other participants (members) shall not be allowed.

15. Making decision and undertaking actions with the help of religion and religious views, knowingly able to disarrange the activity of public agencies, to disturb their smooth-running operation, to bring down the controllability in the country shall not be allowed.

16. A leader of a religious association shall have to undertake measures to prevent involvement and (or) participation of minors in the activity of a religious association in case of objection of one of the parents of the minor or his other legal representatives.

Chapter 2. STATE REGULATION IN THE SPHERE OF RELIGIOUS ACTIVITY

Article 4. Authority of the Authorized body

Authorized body:

1) shall participate in the formation and implementation of the national policy major directions in the sphere of interaction with religious of associations;

2) shall examine and analyze the activity of religious associations, missionaries, spiritual (religious) educational institutions set up on the territory of the Republic of Kazakhstan;

3) shall ensure explanatory work covering issues within its terms of reference;

4) shall develop proposals on improvement of the legislation of the Republic of Kazakhstan on religious activity and religious associations;

5) shall coordinate the activity of the local executive bodies of oblasts, cities of the republican significance and the capital on issues of religious activity and interaction with religious associations;

6) shall ensure theological examinations and review the lists of nationals – initiators of setting up a religious associations;

7) shall consider applications of physical and legal entities regarding violations of legislation of the Republic of Kazakhstan on religious activity and religious associations;

8) shall organize and maintain cooperation with authorized bodies of foreign states in the sphere of religious activity;

9) shall coordinate the activity of foreign religious associations on the territory of the Republic, appointment of the leaders of religious associations in the Republic of Kazakhstan by religious centers;

10) shall exercise other authorities stipulated by the given Law, other laws of the Republic of Kazakhstan, acts of the President of the Republic of Kazakhstan and the Government of the Republic of Kazakhstan.

Article 5. Authority of Local Executive Bodies of Oblasts, Cities of Republican Significance and the Capital on Issues of Religious Activity and Interaction with Religious Associations

Local executive bodies in oblasts, cities of republican significance and the capital on issues of religious activity and interaction with religious associations:

1) shall review and analyze religious situation in the region;

2) shall submit proposals to the authorized body with regard to perfection of the legislation of the Republic of Kazakhstan on religious activity and religious associations;

3) shall ensure explanatory work at the local level covering issues within their terms of reference;

4) shall endorse the location of special permanent premises designed for dissemination of religious literature and other religious information materials, religious objects and shall also coordinate the location of premises to hold religious ceremonies outside ceremonial facilities

(buildings);

5) shall make decisions in coordination with the authorized body concerning construction of religious buildings (structures), their location as well as transformation (change of the functional purpose) of premises (structures) into ceremonial buildings (structures);

6) shall exercise other powers of local executive bodies authorized by the legislation of the Republic of Kazakhstan.

Article 6. Theological Examination

1. Authorized body shall ensure theological examination on the following grounds:

1) applications of physical and (or) legal entities to the authorized body;

2) delivery of religious literature, other religious information materials to the libraries of organizations in the Republic of Kazakhstan as well as to the authorized body;

3) application of natural persons for registration of them as missionaries and registration of religious associations;

5) importation of religious information materials with the exception of materials for personal use;

6) order of the authorized body leader.

2. Theological examination objects shall include constituent documents as well as other religious documents, spiritual (religious) education programs, religious information materials and religious items.

3. Theological examination shall be performed by persons with special knowledge in theology/religious studies, with the involvement of representatives of public bodies and other specialists when necessary.

4. The procedure of theological examination shall be determined by the Government of the Republic of Kazakhstan.

Chapter 3. RELIGIOUS ACTIVITY IN THE REPUBLIC OF KAZAKHSTAN

Article 7. Religious Rites and Ceremonies

1. Religious associations shall have the right to maintain shrines.

2. Worship services, religious rites, ceremonies and (or) meetings shall be held (performed) without let or hindrance in religious buildings (structures) and on the territories allocated to them, in organizations and premises of religious associations, in the cemetery and in crematories, habitation, catering places in case of necessity and on condition of observance of rights and interests of the people residing nearby. In other cases religious activities shall be exercised in the procedure set by the legislation of the Republic of Kazakhstan.

3. Holding (performance) worship services, religious rites, ceremonies and (or) meetings as well as missionary activity shall not be allowed on the territory and in the premises:

1) of public bodies and organizations except for the cases stipulated by paragraph 2 and 4 of the given Article;

2) within military forces, other troops and military units, judicial and law enforcement agencies in charge of ensuring public security, life protection and health of natural persons;

3) within educational institutions with the exception of spiritual (religious) educational organizations.

4. Clergy of religious associations registered in accord with the procedure set by the legislation of the Republic of Kazakhstan shall be invited at the request of inmates of special institutions ensuring temporary isolation from society, inmates of penitentiary institutions, patients of health facilities providing in-patient care, inmates on social care in rest homes or at the request of their relatives in case of ritual necessity. At this religious rites, ceremonies and (or) meetings shall not

hinder the activity of the aforementioned institutions, shall not violate the rights and legal interests of other people.

Article 8. Missionary Activity

1. National of the Republic of Kazakhstan, foreigners and stateless persons shall carry out missionary activity upon registration.

2. Registration of persons carrying out missionary activity shall be done by territorial offices of the authorized body within the time period not exceeding thirty calendar days since the date of the documents submission. The registration term shall be suspended when carrying out theological examination to develop a conclusion with regard to the materials submitted by a missionary.

3. Missionaries on the territory of the Republic of Kazakhstan shall have to annually go through reregistration in territorial offices of the authorized body.

4. To be registered missionaries shall submit to territorial offices of the authorized body the following documents and materials:

- 1) A copy of the passport or identity card;
- 2) Application with the indication of the territory and the term of missionary activity;
- 3) A document issued by a religious association certifying the right to carry out missionary activity on behalf of a religious association;
- 4) A copy of the certificate of state registration in the Republic of Kazakhstan and Founding Charter of a religious association, of which the missionary is a representative;
- 5) religious literature, other religious information materials and devotional articles to be used in missionary activity.

To be registered as missionaries foreigners and stateless persons in the Republic of Kazakhstan shall have to submit to territorial offices the following documents:

1) Legalized or apostilled document certifying the fact that the religious association, of which the missionary is a representative, is formally registered in compliance with the legislation of a foreign state;

2) Invitation of a religious association registered in the Republic of Kazakhstan.

Documents issued by foreign states shall be submitted with the certificate of correct translation into the Kazakh and Russian languages notarized in the Republic of Kazakhstan and certificate of authenticity of signature of the translator that has translated the document also notarized in the Republic of Kazakhstan.

5. Nationals of the Republic of Kazakhstan, foreigners and stateless persons that have submitted documents for registration as missionaries shall be refused registration based on the negative conclusion of theological examination and also in case their missionary activity jeopardizes constitutional and public order, human rights and freedoms, health and morals of the people.

6. Use of religious materials and religious objects by missionaries shall be allowed upon obtaining positive conclusion of theological examination.

7. Unregistered missionary activity shall be prohibited.

Article 9. Religious Objects and Religious Articles

1. Nationals of the Republic of Kazakhstan, foreigners and stateless persons, religious associations shall have the right to acquire and use religious literature, other religious information materials, and religious articles at their discretion

2. Dissemination of religious literature, other religious information materials, and religious articles shall be allowed only in cultic premises (structures), spiritual (religious) educational institutions, as well as in permanent premises specially defined by executive bodies of oblasts, cities of republican significance and capitals.

3. Importation of religious information materials to the territory of the Republic of Kazakhstan with the exception of those for personal use shall be done only by registered religious associations upon obtaining positive conclusion of theological examination.

4. Religious literature and other religious information materials published and (or) disseminated by a religious association shall include full name of the religious association.

Article 10. Charitable Activity

1. Religious associations shall have the right to carry out charitable activity and set up charitable organizations.

2. When carrying out charitable activity the use of material dependence (need) of nationals of the Republic of Kazakhstan, foreigners and stateless persons in order to involve them into religious activity shall be prohibited.

Article 11. International Links and Contacts of Believers and Religious Associations

1. Nationals of the Republic of Kazakhstan, foreigners, stateless persons and religious associations shall have the right to establish and maintain international links and personal contacts, including traveling abroad for pilgrimage, participation in meetings and other religious activities.

2. Religious associations may delegate nationals of the Republic of Kazakhstan abroad for training in spiritual (religious) educational organizations and receive foreigners, stateless persons for training in spiritual (religious) educational organizations on the territory of the Republic of Kazakhstan.

Chapter 4. FORMATION, STATE REGISTRATION, REORGANIZATION, LIQUIDATION OF RELIGIOUS ASSOCIATIONS

Article 12. Status of Religious Associations

1. Religious associations with the status of: local, regional and republican associations may be set up and function in the Republic of Kazakhstan

2. Local religious association shall be recognized a religious association set up at the initiative of at least fifty nationals of the Republic of Kazakhstan functioning within the limits of one oblast, city of republican significance and the capital.

3. Regional religious associations shall be recognized a religious association set up at the initiative of at least five hundred nationals of the Republic of Kazakhstan being participants (members) of two and more local religious associations, the size of which shall be at least two hundred and fifty nationals of the Republic of Kazakhstan from each of them and representing at least two oblasts, cities of republican significance and the capital.

Regional religious associations shall be set up and carry out their activity within the limits of the territory of the activity of the given local religious associations.

4. A republican religious association shall be recognized a religious association set up at the initiative of at least five thousand nationals of the Republic of Kazakhstan representing all oblasts, cities of republican significance and the capital in the size not less than three hundred nationals of the Republic of Kazakhstan in each of them and having its own structural subdivisions (sub-offices and representative offices) on the entire territory of the Republic of Kazakhstan.

Article 13. Creation of Religious Associations

1. A religious association shall be set up at the initiative of the nationals of the Republic of Kazakhstan that have attained the age of eighteen, calling a constitutive meeting (congress, conference), which shall make decisions on creation of a religious association, its name, charter

and its governing bodies are formed. Nationals shall take personal participation in a constitutive meeting (congress, conference) at their own free will

2. A religious association shall have the following signs:

- 1) common creed;
- 2) performance of religious rites, ceremonies and preaching;
- 3) religious education of its participants (members) and religious followers;
- 4) spiritual nature of its activity

3. Republican religious associations and regional religious associations shall have the right to set up spiritual (religious) educational organizations in the form of institutions that shall implement professional curricula for training clergy.

4. Formation and activity of legal entities carrying out religious activity in other legal form of organization except religious association shall not be allowed with the exception of spiritual (religious) educational organizations.

5. Formation of organizational structures of religious associations in public bodies, organizations and institutions, educational and health organizations shall not be allowed.

Article 14. Name of a Religious Association

1. Name of a religious association shall have to include confessional belonging and status.

2. Full and abbreviated name and its symbols shall not duplicate in full or in substantial part symbols of state of the Republic of Kazakhstan and other states, name and symbols of public bodies of the Republic of Kazakhstan, religious associations registered in the Republic of Kazakhstan as well as religious associations prohibited and (or) liquidated due to violation of legislation of the Republic of Kazakhstan.

Article 15. State Registration of Religious Associations

1. A religious association shall acquire legal competence of a legal entity since the date of its state registration.

2. State registration of republican religious associations and regional religious associations shall be performed by the Ministry of Justice of the Republic of Kazakhstan.

State registration of local religious associations, record registration of sub-offices and representative offices shall be performed by territorial justice agencies.

3. To be registered an application shall be submitted to registration agency within a two-month period since the decision is made on formation of a religious association. Attached to the application shall be:

- 1) charter of a religious association, signed by the leader of the religious association;
- 2) minutes of the constitutive meeting (congress, conference);
- 3) list of the nationals – initiators of the religious association being set up on electronic and paper media, set by the registration agency;
- 4) document confirming location of religious association;
- 5) printed religious materials giving the history of origin and basics of religious doctrine and including information on respective religious activity;
- 6) document confirming the payment of charges for state registration of a legal entity;
- 7) document on election of the leader of a religious association or in case of appointment of the leader by a foreign religious center – the document certifying coordination with the authorized body.

4. When registering a regional religious association a list of participants of each of local religious association initiating formation of regional religious associations shall be additionally submitted in the form set by the registering authority, as well as notarized copies of charters of their local religious associations.

5. To confirm their status republican religious associations shall have to provide copies of the documents proving the origin of record registration by their structural units (sub-offices and representative offices) to territorial justice agencies within a year since their registration day.

6. Failure to implement requirements of paragraph 5 of the given Article shall entail reorganization or liquidation of a religious association according to the procedure set by the laws of the Republic of Kazakhstan.

7. State registration of religious associations and record registration of the sub-offices and representative offices, re-registration, refusal to register religious associations shall be performed according to the procedure and within the term stipulated by the Law of the Republic of Kazakhstan “On State Registration of Legal Entities and Record Registration of Sub-offices and Representative Offices” given special considerations stipulated by the given Law.

8. The term of state registration (re-registration) shall be terminated to carry out theological examination and verification of the list of nationals – initiators of the religious association set up with regard to compliance with the given Law requirements.

9. A registration agency within three working days since the day of making a decision on termination of the state registration (re-registration) term shall forward to the authorized body copies of documents necessary for the arrangement and performance of theological examination and verification of the list of nationals – initiators of the religious association set up.

10. Based on the results of the review of submitted documents for their compliance with the legislation, outcomes of theological examination, verification of the list of national the list of nationals – initiators of a religious association set up the decision on state registration or refusal of state registration of the religious association shall be made.

Article 16. Charter of a Religious Association

1. A religious association shall carry out its activity based on the Charter that has to include:

- 1) name, subject-matter and activity goals;
- 2) location area and territory, within the limits of which its shall carry out its activity;
- 3) structure, set up procedure and competence of administration agencies;
- 4) rights and responsibilities of participants (members);
- 5) confessional belonging, basics of religious doctrine and information on respective religious activity;

6) terms and procedure of admission to membership of a religious association and secession from an association;

7) sources of property formation;

8) procedure of introduction of amendments and additions into constituent documents;

9) terms of reorganization and discontinuation of activities;

10) procedure of the property use in case of liquidation;

11) information on sub-offices and representative offices.

2. The Charter of a religious association may also include other provisions concerning its activity and not contradicting legislation of the Republic of Kazakhstan.

3. Information on the basics of religious doctrine and religious activity shall have to include basic religious ideas, activity forms of a religious association, specifics of attitude to marriage and family, education, health of participants (members) of the given religious association and other persons, attitude to the implementation of constitutional rights and responsibilities of its participants (members) and ministers of religion.

Article 17. Refusal to Register a Religious Association

1. Refusal in state registration of a religious association, record registration of its structural sub-division (sub-office and representative office) shall be performed in compliance with the laws

of the Republic of Kazakhstan and also in cases when information included into constituent and other submitted documents is inaccurate and (or) the association being set up is not recognized as a religious association based on the results of theological examination.

2. Refusal to register may be appealed in the court.

Article 18. Reorganization and Liquidation of a Religious Association

1. Reorganization of religious associations may be accomplished in accord with the laws of the Republic of Kazakhstan by way of merger, joining, separation, reorganization and exclusion at the decision of the body authorized by constituent documents of the religious association or by the court judgment. A religious association may be transformed only into another religious association or into a private agency. Organizations set up as a result of reorganization of religious associations may be registered as religious associations in case of compliance with the requirements of the given Law.

2. Suspension of activity and liquidation of a religious association shall be done according to the procedure established by the laws of the Republic of Kazakhstan.

Article 19. State and Foreign Religious Associations

1. Activity of the leader of a religious association appointed by a foreign religious center without coordination with the authorized body shall not be allowed.

2. To coordinate a nominee for the position of the leader of a religious association a foreign religious center shall submit the following documents to the authorized body:

1) application including information about the nominee, his previous activity in a foreign religious center;

2) decision on the appointment of a nominee as the leader of a religious association functioning on the territory of the Republic of Kazakhstan;

3) a copy of the passport or the certificate of identity of the nominee for the position of the leader of a religious association.

The documents shall be submitted with a notarized in the Republic of Kazakhstan translation accuracy into the Kazakh and Russian languages and authenticity of the signature of the translator that has performed the translation notarized in the Republic of Kazakhstan.

3. Documents mentioned in Paragraph 2 of the given article shall be considered by the authorized body within the period of thirty calendar days since the date of their submission.

4. Authorized body shall refuse in coordination of the appointment of the leader of a religious association in the Republic of Kazakhstan by a foreign religious center, in case his activity may create a threat to constitutional order, public order, human rights and freedoms, health and morals of the population.

Chapter 5. MATERIAL LEGAL RELATIONSHIP OF RELIGIOUS ASSOCIATIONS

Article 20. Property of Religious Associations

1. Religious associations shall have the right to ownership of property acquired or created by them at the expense of their own means, donated by the nationals of the Republic of Kazakhstan, foreigners and stateless persons, by organizations or acquired in other ways that do not contradict the laws of the Republic of Kazakhstan.

2. Immovables and movables beneficially owned by religious associations shall be their ownership.

3. Property outside the Republic of Kazakhstan may also be owned by religious associations.

4. Religious associations shall have the right to request voluntary financial and other donations and take them.

5. Property right of religious associations shall be protected by Law.

Article 21. Use of Property that is the Ownership of the State, Organizations and Natural Persons

1. Religious associations shall have the right to use buildings, territory and property provided to them on contractual basis.

2. Historical and cultural monuments of religious purpose may be chartered to religious associations in accord with the legislation of the Republic of Kazakhstan.

Article 22. Administration of Assets of a Liquidated Religious Association

1. When liquidating or cessation of activity of a religious association disposition of property that has been its ownership shall be done in accordance with its charter and legislation of the Republic of Kazakhstan.

2. In the absence of a legal successor the property shall become the property of the state pursuant to the legislation of the Republic of Kazakhstan on state-owned property.

Chapter 6. CONCLUDING PROVISIONS

Article 23. Liability for Violation of Legislation of the Republic of Kazakhstan on Religious Activity and Religious Associations

Violation of legislation of the Republic of Kazakhstan on religious activity and religious associations shall entail responsibility set by the laws of the Republic of Kazakhstan.

Article 24. Transitional Provisions

1. Religious associations shall have to introduce respective amendments into their constituent documents within a year since the day of enforcement of the given Law in compliance with the requirements of the given Law. At the same time documents confirming the status of a religious association shall be submitted to the registration agency.

2. Legal entities in charge of meeting religious interests and needs and set up prior to enactment of the given Law in a legal form other than religious association shall have to introduce respective amendments into their constituent documents within a year since the day of the given Law enactment.

3. Upon expiration of the indicated period legal entities that have not arranged their constituent documents in line with the given law requirements shall be liquidated through judicial procedures at the request of the agency in charge of the state registration of religious associations.

Article 25. Concluding Provisions

1. The given law shall come in force within ten calendar days since its first formal publication.

2. The Law of the Republic of Kazakhstan of January 15 1992 "On freedom of Conscience and Religious Associations" (Vedomostee/bulletin of the Supreme Soviet of the Republic of Kazakhstan, 1992, № 4, art. 84; 1995, № 20, art. 120, 121; Vedomostee of the Parliament of the Republic of Kazakhstan, 1997, № 13-14, art. 205; 2004, № 23, art 142; 2005, № 5, art. 5; № 13, art. 53; 2007, № 9, art. 67; 2011, № 11, art. 102).

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of the Republic of Kazakhstan*

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