Asia REF
Religious & Ethnic Freedom

SITUATIONAL ANALYSIS

ASIA REF, 2022

USAID FROM THE AMERICAN PEOPLE

Freedom House

Search for Common Ground

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"This report is made possible by the support of the American people through the United States Agency for International Development (USAID). The contents are the sole responsibility of the Asia REF Learning specialist and do not necessarily reflect the views of USAID or the United States Government."

"Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."

Article 18, International Covenant on Civil and Political Rights (ICCPR).

INTRODUCTION

Asia is the largest and most diverse continent in the world in terms of ethnic, linguistic, and religious diversity. The regions of South, Southeast, and Central Asia alone comprise 24 countries and account for about 35 percent of the world's population. According to the Pew Research Center, these regions also have some of the highest levels of government restrictions on religion and have the most hostile incidents involving religion compared with other countries around the world. The Asia Religious and Ethnic Freedom (Asia REF) program, funded by USAID, was designed to support targeted in-country and cross-border efforts by local partners to expand the freedom of religion and conscience in Asia. It also aimed at improving the ability of local community partners to advance the freedom of religion and conscience within their countries, address their immediate needs, and develop and access resources to address deficits in self-reliance. To achieve these objectives, the program supports iterative projects and a learning agenda to respond to existing and emerging threats to the rights of ethnic and religious minorities.

When the project was started, the Asia REF team identified seven key religious freedom issues, after consulting with international experts and advisory group members. These include: the rise of religious nationalism; anti-conversion, blasphemy and apostasy laws; a reform of educational curricula to support religious and ethnic freedom (REF); gender-based REF violations; hate speech and misinformation; legal, policy and governance reform to support REF; and capacity building for civil society organizations (CSOs) working on religious and ethnic freedom. The advisory group members recommended that these issues take top priority. They added that there is also a need to consider other laws used to target minorities, the narrowing of civic space, the responsibility of social media companies, the position of children and youth, and the role that local context plays in providing greater depth and nuances to the issues identified.

A situational analysis is one of the steps in identifying the needs and opportunities in the expansion of religious and ethnic freedom in the region. It involves the collection and study of REF violations in secondary data, country contextual information, and regional trends to identify and understand the specific issues to be addressed. It examines the status of REF issues, establishing a basis of shared understanding for Asia REF partners and USAID. It also assists Asia REF in identifying actionable intervention areas for projects and identifies the key priorities for the Asia REF learning agenda. The approach of Asia REF incorporates adaptive management and flexible programming of award funding to support local organizations that promote the recognition of religious freedoms across Asia. The research includes projects in Kazakhstan, Kyrgyzstan, Bangladesh, Pakistan, Sri Lanka, Malaysia, and the Philippines, based on project development needs. It also ensures diverse representation of countries in the region for comparative analysis.

To understand the REF context in the selected countries, Johan Galtung's Violence Triangle was used. The triangle helps to identify how physical violence, discriminatory structures in society and ideas about "the other" are interlinked. ***Direct violence*** is direct physical or psychological violence with clear specific victims and perpetrators. It can be carried out by states, groups in the society, or family. (Examples include security force attacks, torture, mob violence, sexual violence, and hate crimes.) ***Structural violence*** is harm done to people by injustice and discrimination in society leading to the denial of their basic rights. This injustice and discrimination can be found in the structures of society. It can be found in laws, polices, written and unwritten rules; the institutions and praxis of government authorities and civil society, and in the behavior of individuals. ***Cultural violence*** refers to the prevailing attitudes or beliefs used to legitimize violence – whether of a direct or structural nature. These include the prejudices or stereotypes existing in society that have been internalized by individuals. The stereotypes find expression in the interactions people have with each other.

Therefore, each country profile consists of a short background; an overview of its legal framework, describing constitutional norms and relevant legal religious freedom acts; an analysis through the

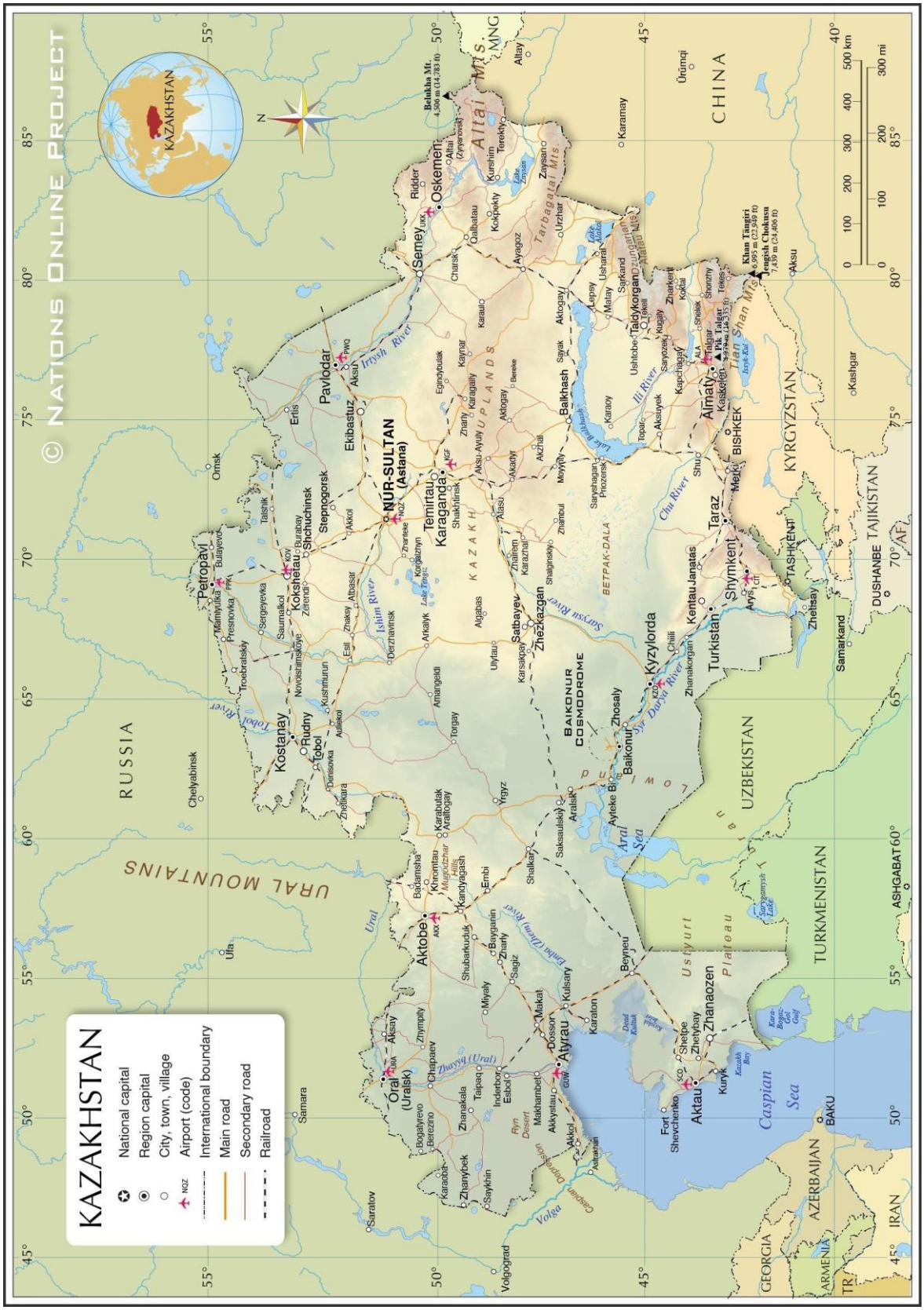
triangle of violence lens; and an analysis of the actors involved. The study was conducted between May and September 2022.

Key Questions of the Study:

- What are the most pressing concerns for different groups in the target area, including women, girls, men, boys, and minorities.? How are they linked to REF rights?
- Are there examples of direct violence related to REF in the country's context?
- What are examples of structural violence connected to REF in a country's context? How are men and women, boys and girls affected by these?
- Which attitudes make direct and structural violence seem acceptable to people? How are these attitudes and values being transmitted through a cultural context?
- Which actors/stakeholders are working on REF in the targeted countries and what types of programming are they doing now?
- What are the thematic priority/development challenges that Asia REF needs to address in each target area?

Limitations:

- *Secondary data and reliability*: The situational analysis is entirely desk research, with no expected key informant interviews. The study does not claim to be academically original. It is based on a literature review of sources provided by national and international human rights reports, as well media reports.
- *Language:* Most of the desk research consisted of a study of secondary sources available in English. For Kyrgyzstan and Kazakhstan resources in Russian language also were used.
- *Difficulty in identifying cultural narratives:* Reports on human rights and religious freedom provide little insight into the cultural narratives that underlie direct and structural violence. A feasible understanding of social perceptions of religious and ethnic diversity has been gathered, not intending to be comprehensive. A more in-depth study of the issue is needed.
- *Limitations of an actor analysis:* The situational analysis also includes a review of organizations working on religious freedom. However, an actor analysis is limited to those organizations mentioned in the resources covered in the literature review. Thus, the list is not exhaustive and does not identify the needs of these organizations. The identified list of organizations will be shared with REF partners, so it can be supplemented and evaluated in consultation with the Advisory Group and consortium partners.
- *Definition*: Inherent in religious freedom is the right to believe or not believe as one's conscience directs and to live out one's beliefs openly, peacefully, and without fear. Freedom of religion or belief is an expansive right that includes the freedoms of thought, conscience, expression, association, and assembly. While religious freedom is a core human right, international law and treaties recognize it as a vital element of national security that is crucial to ensuring a more peaceful, prosperous, and stable world.



Source: Nations Online Project

KAZAKHSTAN

COUNTRY BACKGROUND

Kazakhstan, officially the Republic of Kazakhstan, is the largest country in Central Asia. It borders Russia, China, Kyrgyzstan, Uzbekistan, and Turkmenistan. Kazakhstan gained independence on December 16, 1991, and is a unitary state with a presidential form of government. The authoritarian regime has dominated with some elements of democracy. In this so-called quasi-democracy, Nursultan Nazarbayev and his inner circle have played a major role for about 30 years. Even though Kassym-Jomart Tokayev was elected in 2019, Nazarbaev, as "the head of the nation" and the first president of the country, continued to lead the nation until the end of 2021. Clashes and riots started by civilian protests in January 2022 led to the consolidation of Tokayev's power and the government's cleansing of Nazarbayev's people. According to country officials, the clashes throughout the nation were provoked by extremist and terrorist groups and the Collective Security Treaty Organisation had to intervene by assisting the current president. Despite the active support of Russian President Vladimir Putin in the process, Tokayev now tries to keep Kazakhstan in a neutral position in regard to the Russian-Ukrainian conflict[1].

The population of Kazakhstan is about 18.87 million people, with Kazakhs making up 68.51 percent of that. The rest of the ethnic structure of its society at the beginning of 2020 consists of: 18.85 percent Russians, 3.25 percent Uzbeks, 1.47 percent Uighurs, 1.42 percent Ukrainians, about one percent Tatars, and less than one percent Germans. Other groups make up 4.47 percent[2]. A 2019 Committee for Religious Affairs (CRA) study shows that 92.8 percent of the population identifies themselves as being religious and 63.04 percent support the secular principles of state development.[3] According to recent data, about 70 percent of the population who identified themselves as being religious are Muslim, and most of those adhere to the Sunni Hanafi school. Other Muslim groups include the Shafi'i Sunni, Shia, Sufi, and Ahmad sects. Christians constitute 25 percent of the population who identify themselves as being religious, the great majority of whom are Russian Orthodox. Other groups include Roman Catholics, Greek Catholics, Lutherans, Presbyterians, Seventh-day Adventists, Methodists, Mennonites, Pentecostals, Baptists, Jehovah's Witnesses, members of The Church of Jesus Christ of Latter-day Saints (Mormons), and members of the Family Federation for World Peace and Unification (the Unification Church or Moonies). Ethnic Kazakhs and other Central Asian ethnic groups primarily identify as Muslim, while ethnic Russians and Ukrainians primarily identify as being Christian.[4] Nonbelievers or atheists constitute 18.8 percent of the population, according to a 2019 study by a government-affiliated think tank.[5]

Kazakhstan has the second largest economy (after Russia) in the post-soviet region. The country's economy has developed rapidly since its independence in 1991. This happened due to structural reforms, an abundance of hydrocarbon resources, high internal demand, and the growth of direct foreign investment. These reduced the poverty rate and put the country into an upper-income economy. The World Bank said in 2021 that Kazakhstan's Gross Domestic Product (GDP) was $202.9 billion. Its GDP per capita was $10,693.50. Primary school enrollment was at 100 percent, and the average life expectancy in 2019 was 73.2 years[6]. However, these achievements hide the vulnerabilities and unevenness of the progress achieved. The main challenges are slow growth in production, property inequality, growing life expectancy, lack of workplaces, and weak institutions. COVID-19 worsened these challenges, leading to protests at the beginning of 2022 – the largest protests in the country's history of independence.

LEGAL FRAMEWORK

According to its constitution, Kazakhstan is a democratic, secular, legal, and social state (Article 1), where freedom and human rights are guaranteed (Article 12). Additionally, Kazakhstan accepts the right to freedom of conscience (Article 22). Article 14, part 2, of the constitution of the Republic of

Kazakhstan states: “No one may be subjected to any discrimination based on origin, social, official and property status, gender, race, nationality, language, attitude to religion, beliefs, place of residence or any other circumstances.” These rights may be limited only by laws and only to the extent necessary for protection of the constitutional system, public order, human rights and freedoms, and the health and morality of the population. Under the constitution, all people have the right to follow their religious beliefs or other convictions, take part in religious activities, and disseminate their beliefs. According to Roman Podoprigora, an ex-member of the OSCE/ODIHR Experts’ Council on freedom of religion and beliefs, under a provision of the constitution: “The activities of foreign religious associations on the territory of the republic, as well as the appointment by foreign religious centers of leaders of religious associations in the republic, are carried out in agreement with the relevant state bodies.” (Paragraph 5 of Article 5). This does not comply with international legal obligations and standards. [7]

There is a special law on “religious activities and religious associations” to regulate questions of religious organizations. Article 3 of this law has provisions distinguishing secularism and the right to freedom of religion and belief. In general, the law regulates religious relations between the state and religious organizations, including the registration of associations (Article 15), religious expertise (Article 6), rites and ceremonies (Article 7), missionary activities (Article 8), religious literature and objects (Article 9), and others. For example, Article 12 of this law states that there could be three types of religious associations based on their territory – local, regional, and republican – where each has a limited number of initiators and their activities in specific territories (regions). The law allows the government to deny registration to a religious group based on an insufficient number of adherents or on inconsistencies between the religious group’s charter and any national law, as determined by an analysis conducted by the Committee for Religious Affairs (CRA).[8]

A recent Podoprigora analysis of the law highlights provisions that do not comply with international legal obligations, standards, and the constitution of the Republic of Kazakhstan. They are:

- Prohibition of the activities of unregistered organizations (paragraph 11 of Article 3);
- A ban on the participation of minors in the activities of a religious association if one of the parents objects (paragraph 16 of Article 3);
- Obligatory state religious approval of religious literature, information materials of religious content, charters of religious associations, materials used in missionary activities, etc. (Article 6);
- Restrictions on places where religious services and ceremonies can be held (Article 7);
- The compulsory registration of missionary activities (Article 8);
- Restrictions related to the distribution of religious literature and objects for religious purposes (Article 9);
- The status of religious associations influencing issues of religious autonomy (Article 12), and
- Complex procedures for the creation and registration of religious associations (Article 13 and 14.)

Apart from this law, there is a law on Non-Profit Organizations (NGOs) and the Code of Administrative Offenses (CAO) to regulate issues of religion. The CAO has two major articles about responsibilities for the management and participation in activities of non-registered religious associations, financing their activities (Article 489), and other violations of Kazakhstan legislation on religious activities and associations (Article 490).

Moreover, legislation on how combatting extremism and terrorism impacts the freedom of religion and religious beliefs in Kazakhstan includes a law from July 13, 1999, “On Countering Terrorism,” and a law from February 18, 2005, “On Countering Extremism.” The government justifies such strict regulations of religious activities as protecting national security and combatting the spread of extremism and terrorism[9].

TRIANGLE OF VIOLENCE

There is a lack of information about any direct physical or psychological violence against religious groups in the media. On one hand, this may be the result of victims' distrust of law enforcement and the effectiveness of appeals or may demonstrate victims' reticence to mention the problem. On the other hand, it may be an indication of the effectiveness of public policy in the religious sphere. Cases of religious discrimination in Kazakhstan are more institutional in nature when state bodies, based on certain normative legal acts, prioritize one religion over another.

Direct violence

Persecution of minorities. As in many other former Soviet republics, the number of violent incidents in Kazakhstan tends to be low or very low. The international Christian NGO, Open Doors, continued to cite the country on its World Watch List for the government's control over religious expression, including surveillance, raids on church meetings, and arrests.[10] Open Doors said reports of violence against Christians decreased in 2021, compared with those reported in 2020. The country's report mentions that Christians from a Muslim background bore the worst persecution, much of it from the community rather than from authorities. They are likely to experience pressure and, occasionally, physical violence from their families, friends, and the local community to force them to return to their former faith. Some converts are locked up by their families for long periods, beaten, and may eventually be expelled from their communities. Local imams preach against the converts, thus adding pressure. As a result, converts will do their best to hide their faith — they will become so-called secret believers.[11]

Counterterrorism. Media outlets more often reported about cases of direct violence related to extremism and terrorism and counterterrorism efforts rather than cases of structural violence in the region. There was a spike at the end of 2011 when there were bombings and killings in Atyrau (western Kazakhstan) and Taraz (southern Kazakhstan.) Since then, the government stepped up its suppression of radical Islamic influence. New attacks occurred in 2016 — on June 5 in Aktobe and July 18 in Almaty. The terrorist attack in Aktobe, which killed 17 people, was the largest in the history of independent Kazakhstan. Officials admitted that hundreds of Kazakhs went to Iraq and Syria to join Islamic State (IS) fighters in recent years. Since January 2017, more restrictions came into force under the law on anti-terrorist activities, which negatively affects otherwise peaceful religious communities.

Interethnic tensions. Ethnic backgrounds, along with the language and religion, are the deciding factor for discrimination and violence against the minorities in Kazakhstan, including Russians. In one of the videos spread on social media, a woman makes demands in the Kazakh language that a vendor comply with legislation and is outraged by the vendor's ignorance regarding the "state language." "This is not Russia," she claims instructively. Similarly, thugs attacked a village of ethnic Dungan people in the Kordai district of the Jambul region in Kazakhstan. Eleven people died, several dozens were burned, and some escaped across the border. Such incidents based on ethnicity have happened before, as well. Representatives of different ethnic groups conflicted in 2016, when a five-year-old child from the village of Buryl, earlier known as Rovnoye, died. According to a local media outlet, someone claimed to have removed ethnic minorities from the village, and the government sent the National Guard to prevent the conflict. Another clash happened in the villages of Yntymak and Bostandyk between Kazakhs and Tajiks in the southern Kazakhstan (now Turkestan) region in 2015. In the previous year, interethnic unrest happened in the same region between a vendor and two men when the men resisted paying for a pack of cigarettes. In 2013, villagers in Shengeldy in the Almaty Region attacked ethnic Chechen people. The authorities, however, maintained that incidents involving people of different ethnicities are considered to be domestic disputes[12].

Structural violations

Discriminatory norms. As stated in a report from the U.S. State Department[13] and noted by local and international observers in 2020-2021, the government continued using limitations toward "non-traditional" religious associations, including Muslims who are different from the commonly accepted Sunni Hanafi Islam and Non Lutheran Protestant Groups. According to observers, authorities:

- Kept arresting and limiting the freedom of individuals based on their religious identities;
- Prevented unregistered associations from leading religious activities;
- Restricted freedom of assembly with the goal of peaceful religious activities;
- Criminalized public manifestations of religious beliefs, including the wearing of religious clothing;
- Limited proselytism (the conversion from one religion to another);
- Restricted the publication and spread of religious literature; and
- Censored materials with religious content.

The authorities, according to observers, restricted the purchase or use of space for worship and other religious activities. They kept questioning worshippers about "illegal missionary activities" while opposing the registration of some religious organizations. Some religious minorities even faced challenges from local authorities trying to confiscate their property. The management detained and fined members of the Krishna Consciousness Society, as well as Christian and Muslim organizations for activities that they believed to be against religious norms.

Jehovah's Witnesses reported that some members of this community who refused to perform military service due to religious reasons encountered difficulties with getting exempt from service, although their cases were subsequently resolved in all cases after speaking with the authorities. Jehovah's Witnesses reported that in 2020 (the most recent information), 63 members of the congregation were detained on charges of illegal missionary activity between January and October that year. Some minority religious groups have faced attempts by local authorities to confiscate their property. On January 21, 2021, the Supreme Court overturned a lower court decision from 2020 to seize New Life church buildings in Almaty and reversed the seizure of two buildings that were being used by the church to support those in need.

Registration issues. According to Forum 18, members of many religious communities have described the registration process as "complex," "burdensome," "arbitrary," "unnecessary" and "expensive."[14] Every instance of a group of people exercising their right to freedom of religion or belief without state authorization is prohibited. That is in opposition to international human rights law. The state does not approve the registration of non-Hanafi Muslim associations. The Ahmadiyya Muslim community remained unregistered for years; the group attempted to register with authorities six times since 2011 and was last denied in 2016. Non-Muslim organizations also face registration issues. The Council of Baptist Churches reported it continued to refuse to register under the law on principle, in keeping with its policy of maintaining a distance from the government. Community representatives reported authorities continued to closely monitor their meetings and travel, with police following or monitoring them, as in previous years. The Church of Scientology continued to function as a registered public association rather than as a religious organization. The government allowed the Church of Scientology, as a public association, to maintain resource centers/libraries where members could read or borrow books and host discussions or meetings, but it did not allow the church to engage in a public activity that the government considered religious in nature, such as conducting services.

Xinjiang ethnic minorities. Kazakhstan adheres to the principle of non-interference in the internal affairs of other states on the issue of the rights of ethnic Kazakhs living in the Xinjiang Uygur Autonomous Region of China.[15] Although refugees from Xinjiang seek asylum in Kazakhstan, they also consider this country dangerous. Ethnic Kazakhs and Uighurs do not stay in Kazakhstan for long and

often seek ways to leave for Europe, Turkey, and the United States. Experts say Kazakhs fear China's influence and cannot fully protect those fleeing Xinjiang.[16] On May 11, 2021, police detained eight protesters who had gathered in front of the People's Republic of China consulate in Almaty to voice their opposition to the detention of Kazakh-Muslim families in Xinjiang. The protests in Almaty continued until the end of the year. A U.S. State Department Office of International Religious Freedom report states that on September 30 and October 14, 2021, government authorities administratively extended for an additional year the asylum status of four Muslim ethnic Kazakh Chinese citizens who fled persecution in Xinjiang. (The year was the maximum time allowed by law.) On January 21, however, unidentified people attacked two of these individuals at about the same time in the cities of Nur-Sultan and Almaty. The victims stated publicly that local authorities and PRC contacts had warned them repeatedly not to speak about the situation in Xinjiang. Kaster Muskan and Murager Alimuly, two other Muslim ethnic Kazakh refugees from China, also said that living in Kazakhstan had become more difficult. They said, "Our main goal was to stay in Kazakhstan. At first, the authorities told us, 'We will give you citizenship, just keep a low profile.' We got used to it and kept quiet. But eventually, we were told that we would never be granted citizenship."

Gender. A 2019 CEDAW report noted that Kazakhstan has introduced several positive laws and policies to combat gender inequality.[17] However, It observed several ongoing issues, such as harmful gender norms and stereotypes, child marriages or forced marriage, a preference for sons, and violence against women (CEDAW, 2019). Under Kazakh law, men and women have equal rights to enter marriage, must enter it freely, and be 18 years of age (OECD, 2019).[18] However, many continue to marry through religious or traditional marriages, which don't offer legal protection. The practice of bride kidnapping and forced marriages are reportedly on the rise, primarily in rural areas(Kennan Institute, 2020).[19] Legislation on domestic violence has tightened but fails to criminalize such violent acts as a stand-alone offense (HRW, 2022).[20] Domestic violence remains prevalent and underreported and has reportedly risen during the COVID-19 pandemic. According to a U.S. State Department report, the government maintained its policy of banning religious attire in schools.[21] In September 2021, a group of 1,640 parents wrote an open letter to President Tokayev requesting legislative changes to allow girls to wear the kimeshek, a traditional Kazakh head covering, in school and to allow prayer rooms in schools. The official response was that the 2016 Ministry of Education decree on mandatory school uniforms for both public and private educational facilities remained in force, in accordance with the country's secular form of government. The decree does not permit students to wear traditional clothing.

The Open Door report highlights that due to patriarchal norms, female converts from Islam are more vulnerable to persecution, both as Christians and as women who challenge the existing order. Converts risk suffering physical and verbal abuse, harassment, threats, or being put under house arrest.[22] One convert reported that she had been regularly beaten by her husband a few years previously and he had kicked her in the stomach while she was pregnant. In such cases, a widespread culture of shame and fear of being seen as a bad wife prevents women from seeking help from their parents or law enforcement.

Cultural narratives

Islam (predominantly Sunni) is the main religion in Kazakhstan. However, it would be wrong to call Kazakhstan a Muslim country. Seventy years of atheism during the Soviet era left a deep influence. The government (the heirs of the atheist Soviets) is staunchly secular and seeks to keep Islam under control. Still, the overwhelming majority of the population merely follows Islamic traditions rather than strict Muslim teachings. Nevertheless, "to be a Kazakh is to be a Muslim" is the belief of many Kazakhs. As a result, converts to Christianity experience pressure from family, friends, and the local community. This pressure is much stronger in rural areas than in major cities. Relatives will oppress Christian converts, sometimes using physical abuse, to make them turn back to Islam. Sometimes this is done by the local police.[23]

As in many post-Soviet Central Asian countries, a negative perception of so-called non-traditional movements, mostly labelled as 'destructive' cults or sets, is widespread in Kazakhstan. Private and government-run media outlets continued to release articles or broadcasts defaming minority religious groups they regarded as "non-traditional," including Jehovah's Witnesses and the Church of Scientology. NGOs and academics said members of some religious groups continued to face greater societal scrutiny and discrimination.[24] These groups include Muslims who choose to wear headscarves or other identifying attire, as well as some Christian groups, including evangelical Protestants, Baptists, and Jehovah's Witnesses.

According to a Search for Common Ground report on media and Freedom of Religion or Belief (FoRB),[25] only with respect to Kazakhstan's two traditional religions – Sunni Islam and Russian Orthodoxy – a positive or restrained background is noted in the information field. Topics and the overall tone note friendly relations between the two religions with respect to these religions deserving mutual respect. Such conclusions are typical for both the Kazakh and Russian-speaking segments. Other Christian and Islamic movements are covered either neutrally or with negative tones and the use of evaluative, emotional vocabulary. The balance of opinions is often broken upon covering conflict situations, and events are mainly presented by the accusing party. Against this background, misconceptions may arise that non-traditional movements of Islam are a priori associated with religious extremism and terrorism, and that Christian movements, aside from Orthodoxy, are undesirable and do not fit the values of Kazakh society. Such conclusions are correlated with the state's position, which does not hide concerns that non-traditional for Kazakhstan Islam carries potential risks for stability and interfaith harmony.

The report also mentions that state orders to the media, to a certain extent, generate a negative assessment. This is especially true for private media publications. There are specific occasions where media outlets mention religious issues in both neutral-positive and negative perspectives. These include mentions of religious holidays, public or state events, conflicts or criminal situations. A positive or neutral tone in both languages is present when covering state-supported religious holidays (Kurban-bairam, Christmas, and Easter) and official events involving government officials and religious figures. In the Kazakh-language media, the openings of new mosques or Islamic educational and cultural centers supported by the Spiritual Administration of Muslims (SAMK) are always presented in a positive tone. At the same time, the media sometimes presents a negative attitude toward any religious movement through the description of domestic conflicts and private stories with reference to the religious affiliation of their actors. Among the discrediting key messages in the media are those of religious organizations destroying families, opposing social rules, attracting people with promises of material benefits, and harming society and people's health[26].

These sentiments, constantly repeated in the media and by government officials, are widely shared among the conservative sector of the population. Religious intolerance is largely the result of the state's discriminatory religious policies against non-traditional movements. As Forum 18 states, the Interior Ministry claimed in 2018 that 22,945 people were adherents of alleged "destructive religious movements," found "in the course of joint work by local executive bodies (religious affairs departments), police, and national security agencies drawing on professional theologians and religious studies experts."[27] Human rights defender Zhovtis of the Kazakhstan International Bureau for Human Rights and the Rule of Law told Forum 18: " 'Destructive religious movements' is not a legal term. It is unclear what criteria are used to designate any particular religious group as 'destructive'."

ACTOR ANALYSIS

Human rights organizations. There are a number of non-governmental human rights organizations operating in Kazakhstan. However, there are no organizations that specialize exclusively in religious issues. Some human rights organizations refuse to address this topic. There is only one organization that has a sustained interest in protecting the rights of believers and religious associations: the Kazakhstan International Bureau for Human Rights and Rule of Law. This organization systematically

deals with issues of religious freedom and implements various projects in this area. As the most well-known and experienced human rights organization in Kazakhstan, it has good contacts with state authorities. Its representatives are members of various consulting and advisory structures under the state bodies. The advantage of the organization is the presence of branches in various regions of Kazakhstan. This organization has subdivisions in 11 regions of the country and provides real support in the event of an application to it. Another organization that periodically shows an interest in religious freedom issues is the public association "Qadir-Kasiyet," which functions in the capital of Kazakhstan. This organization has also implemented several projects in the sphere of freedom of religion and has good contact with government agencies.

*Faith based NGO*s. Notable in Kazakhstan is the Religious Unions Association of Kazakhstan, which unites some Protestant organizations that emerged mostly in the post-Soviet period. This association (a registered legal entity) has well-established contacts with government agencies, monitors legislation and law enforcement practices, and provides legal support when necessary.

In 2018, the Union of Pentecostal Churches of Kazakhstan was created, one of the purposes of which is to participate in joint activities to improve the legislation of the Republic of Kazakhstan in the sphere of religion and religious activity. In 2019, the union signed a memorandum of cooperation with the Ministry of Information and Public Development (which regulates religious activity). On May 13, 2019, Kazakhstan established the Interconfessional Council of Traditional Christian Confessions of the Republic of Kazakhstan, which brings together representatives of the Orthodox, Catholic, and Lutheran churches.

GONGO. The non-governmental sector is also represented by GONGO – Government-Organized (or Operated) Non-Governmental Organizations. They include: the Association of Centers for Religious Research, Centers for Consultation and Rehabilitation from Destructive Ideology in the Departments of Social Development of City Administrations, the "Perspective" information and advisory group, and a number of others through their experts, analysts, religious scholars, political scientists, and ongoing research and events.[28]

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CROSSCUTTING CHALLENGES

Most of the challenges to enjoying religious and ethnic freedom in the region are shared from country to country to various extents and with different specific issues. For example, the objects and subjects of religious nationalism differ depending on which religion is dominant: Islam, Christianity, or Buddhism. However, the mechanisms are identical, such as the use of hate speech, attacks on believers and places of worship, damage to the property of religious minorities, discriminatory rules in law, and favoritism of the majority religion. In addition, violations are of an intersectional nature and must be considered in conjunction with others. For example, blasphemy allegations and the enforcement of these violations are often coupled with extrajudicial violence, imminent threats to violence or even intimidation tactics, including the presence of mobs.

A partial list of regional challenges includes growing religious nationalism, conversion, the operation of religious related violent groups, and hate speech.

Religious nationalism. In all the countries analyzed, religion has shaped history through colonialism and imperialism, whether in the 1970s or 1990s, so that nationalism has become a unifying expression to break with the country's colonial past and shape identity. Countries, formed as secular earlier in the 20th century, have changed in the end. They seek secularism as an external product and look for origins, unity, and pride in religion and their historical past. Such narratives are often underpinned by conspiracy theories and the "destructive" influence of external traditions on one's own local traditions. The neutral notion of religious nationalism, in its extreme manifestations and in countries where religion is virtually indistinguishable from deeply rooted cultural traditions, leads to the manipulation of religious and ethnic identities.

To varying degrees, the politicization of religion (as well as the "religionization" of politics) can be observed in all countries covered by this analysis. This is more evident in forms of Buddhism in Sri Lanka, and Islam in Bangladesh, Malaysia, and Pakistan; and less in Kazakhstan, Kyrgyzstan, and the Philippines. Obviously, the secular nature of the state, as enshrined in the constitutions of the countries, restrains the growth of nationalist sentiments to a certain extent. Religious nationalism is a major backdrop when considering the challenges and causes of violations of rights to religious freedom. It is accompanied by deepening social divisions along religious lines, intolerance not only of minorities – whether religious, ethnic, or gender – but also within the mainstream itself. This gives rise to disputes about the purity of faith or the correctness of its expression. It provides moral justification for structural violations, discriminatory laws, and access to education, jobs and decision-making institutions.

Conversion. Over the last decade, governments across the region have taken legal measures to prohibit religious conversions. Often the motivation behind these laws, though not officially stated as such, is to protect the dominant religious tradition from a perceived threat from minority religious groups. The methods for preventing conversions vary: national laws may prohibit proselytizing directly, blasphemy laws may be used to criminalize attempts to convert members of the majority, and governments tighten controls on foreign missionary groups. Moreover, narratives of betrayal of faith and financial motivation for adopting another religion are widespread in society. Converts face intense societal pressure and hostility. Some have gone into hiding or concealed their newly adopted faith for fear of social stigmatization. However, feelings of insecurity exist not only among converts, but also in communities from which people have converted. Women who converted are even more often subject to discrimination, constant verbal or physical harassment, and are sometimes even forced to convert back to the religion of their birth.

Blasphemy and related laws. Blasphemy laws are found in criminal codes in all analyzed countries. Often blasphemy laws are vaguely worded, do not specify intent, and carry unduly harsh penalties for violators. Blasphemous acts might be criminalized through the enforcement of other criminal laws, such as apostasy laws, anti-conversion laws, incitement to hatred laws, or anti-extremism laws.

Blasphemy laws not only target ordinary citizens and believers, but can also affect lawyers, human rights activists, political opponents, journalists, and scholars. Blasphemy accusations are often accompanied by mob action, violence, or threats thereof, as well as growing religious intolerance. In addition, by virtue of the nature of social media, its accessibility, and its approval (likes) and dissemination (shares) functions, the possibility of being caught in blasphemous or hateful acts is increased. Social media blurs the distinction between the public and private spheres, allowing the state to act against behavior that may never have been intended for public consumption or wide distribution. These laws violate fundamental human rights, including rights to freedom of expression; freedom of religion or belief; freedom from torture or cruel, inhuman, or degrading treatment or punishment; and fair trial rights.

Terrorism and violent extremism. This analysis showed that terrorism and violent extremism are seen as a serious threat in all the countries analyzed. The activities of homegrown, regional, and global terrorist networks, as well as attacks and hate narratives have implications on the exercise of the right to freedom of religion or belief in the region. On one hand, the subjects of such attacks are religious minorities, representing both dominant and non-dominant religions, as well as representatives of various beliefs – be they communists in the Philippines, or secular bloggers in Bangladesh, Malaysia, or Pakistan. Violent groups impede any peacebuilding, interfaith or human rights activities by threatening or attacking the initiators and participants. In countries such as Kyrgyzstan and Kazakhstan, such incidents are less common, but the consequences of the response show a general trend. On the other hand, the states' response prioritizes a military and hard measures approach, including the use of anti-extremism and anti-terrorism laws to severely restrict the activities of religious communities, suppress peaceful dissent, and imprison people through "national security" measures. Peaceful religious practitioners or organizations might be imprisoned or fined after being accused of crimes of extremism or terrorism. In some cases, there is an abuse of extended powers by law enforcement agencies. In some countries, this is accompanied by extrajudicial executions, restriction of access to justice or the persecution of political opponents and journalists.

Gender issues. Most research and data on religious freedom violations covered by the analysis were gender blind. Gender based violence related to FoRB is often blended in with other areas, such as domestic violence, and is not recognized as violations against religious minorities or groups. According to the Stefanus alliance, women tend to be disproportionately more affected by Freedom of Religion or Belief (FoRB) violations than men, both in terms of frequency and in level of severity. Women are more likely to be subject to discrimination and persecution based on their religion or belief because of their gender. In addition, they do not have equal access to resources. Women and religious minorities are more likely to access informal justice systems, which are still highly patriarchal (refering to local religious leaders). Muslim women have fewer protections in Muslim communities. All these factors shape the gender dimension of FoRB violations. Women in most of the countries covered by the analysis appear to be victims of double and triple forms of discrimination, because of the intersection between ethnicity, gender, religious or belief identity, and sometimes socio-economic status. These different identity layers mutually reinforce each other, making women particularly vulnerable to discrimination. It might be a part of legislation (religious and family laws), honor killings, kidnappings, abductions, forced conversions and forced marriages of minority girls and young women. Women, in particular, have suffered violence at the hands of Islamist groups, who inflict vigilante punishments against women charged with adultery or other alleged violations of Islamic law.

In addition, hostility and violence against the LGBTQ+ community is common in the region. Cases of discrimination and abuse against LGBTQ+ persons are regularly reported, including in employment, education, health care, housing and social services, attacks on representatives, and — in some cases — killings. If there is a tendency for FoRB violations against women needed to understand the correlation between gender-based violence and FoRB, then the issue of violations of LGBTQ+ experience of FoRB violations is not on the agenda at all. Given the sensitivity of the issue, an examination of the nature of FoRB violations in the LGBTQ+ communities is appropriate.

CONCLUSION

The countries analyzed represent different patterns of religious and ethnic freedom challenges in the Asian region. They represent diversity with respect to constitutional systems (secular and religious), dominant religions (Christianity, Islam, and Buddhism), varying degrees of state restrictions and social hostilities, and different levels of civil society development. Virtually all countries are post-conflict societies, and while the nature of conflict lay more in the political realm, it has had far-reaching consequences, shaping entrenched images of the "other," shaping social intolerance, and justifying disproportionate state interventions. Yet, the challenges faced by such seemingly different countries are quite similar: they all require working at a structural level and community engagement. This similarity allows us to find common solutions through Asia REF programming. The intended results of Asia REF programming now covers the major challenges of religious freedom such as preventing and responding to REF-related violations, countering exclusionary narratives, supporting media efforts to cover such violations, and providing technical assistance to state agencies.

In addition, the complexity of non-governmental organizations in the region is worth considering. Virtually all countries have state restrictions on the activities of the civil society sector, especially human rights organizations, supported by narratives fearing the promotion of "Western," or "alien" values. In Central Asia, civil society is restricted by an information campaign for the forming of images of "foreign agents," "grant-eaters," and are heavily supported by similar Russian discourse. In other Asian countries, attacks on civil society can go as far as physical violence and threats of violence. Where people are suspicious about international organizations, locals who received funding also becoming subject to monitoring. While some assume that partnering with religious organizations (particularly in the majority) and the government would be more effective, there are risks to consider. Religious organizations involved in peace and development work often have weak transparency and accountability mechanisms, which is combined with a perceived sense of moral superiority. A lack of coordination among organizations from different religious traditions is common. This can undermine the work of these religious groups, but since public demand for religion remains very high, these problems are rarely addressed.

Moreover, bias and lack of trust in civil society organizations demonstrates the challenges of promoting human rights – including religious freedom – which is also seen as an external construct. As the analysis has shown, to avoid prejudice some organizations frame their initiatives in protecting religious freedom as interreligious dialogue and engagement, round tables, and promoting peace and co-existence. Considering that virtually all countries have constitutional freedoms of religion or belief and non-discrimination provisions, law reform initiatives can take place under the umbrella of bringing laws and regulations into conformity with the constitution. In any form, concepts of religious freedom and gender must be strongly applied locally before starting any Asia REF programs. This study also revealed different understandings of the concept of secularism in the countries. For example, some South Asian countries introduced the idea of positive secularism, calling for a reasonable level of religious freedom; while Central Asian countries see secularism more as an atheistic model, which leads to a negative perception of the secular state as godless.

Since the analysis of actors was based on those mentioned in English-language reports and media, it lacks complete coverage and should be supplemented by country stakeholder mapping. At the same time, it shows the limited number of organizations working directly on religious freedom, which suggests the need to build capacity to work with FoRB, increase interaction between "secular" and religious NGOs, and strengthen the gender sensitivity of REF programs.

In every country, there are efforts to resolve conflicts and promote human rights. In post-conflict societies, these include government and civil society efforts to reconcile after civil wars, positive judicial precedents in favor of a secular state, media efforts to build and strengthen national unity.

Efforts by religious leaders to foster interfaith relations might be recognized as a good opportunity to promote religious and ethnic freedoms.

At the same time, today's society, wracked by political-economic and social crises, may prefer to scapegoat a minority with the potential for violence against it (e.g., the belief that Muslims intentionally infect others with COVID-19). On the other hand, in the face of external challenges, society can find the strength to reconcile.

RECOMMENDATIONS

Building state and public demands to promote REF:

- Conduct an awareness raising campaign on the positive impact of religious diversity on peace and the development of each country;
- Demonstrate to governments the economic advantages of fulfilling international obligations on FoRB (e.g. economic preference mechanisms);
- Support local civil society actors to build public demands for addressing violent acts of religious intolerance, gender violence, and discrimination;
- Develop initiatives and activities aimed at understanding the strategic importance of a tolerant attitude toward religious, beliefs, and ethnicity. For example, optional training courses (online and offline) on FORB and inter-religious tolerance in mass media in local languages could be developed.

Efficiency of state authorities:

- Strengthen the neutrality principle of public services along with state agencies for civil service and local self-governments, judiciary and law enforcement;
- Assist government capacity building for local law enforcement on addressing religious and ethnic freedom violations (e.g., the rights of minorities, the investigation and prosecution of offenders attacking minority groups) and mob negotiation tactics;
- Establish monitoring and evaluation systems of state policies on religion and countering extremism/terrorism;
- Provide technical support to governments in the reform, development, or adoption of REF relevant legislation. For example, blasphemy, conversion, and anti-extremism laws should have a non-religious purpose to protect potential victims, rather than protecting a majority religious group from alleged threats from religious minorities. These laws also must define the main concepts.

Protecting victims:

- Support local human rights organizations providing legal assistance/consultations for REF violation victims; and engage in strategic litigation related to REF issues outlined in the constitution;
- Build the capacity of small local NGOs to strengthen the community oversight of REF violations; hold capacity-building workshops for various religious freedom protection skills.
- Build the capacity of relevant groups and organizations and start an informational campaign among those groups on local, national and international access to justice mechanisms and on local legislation (e.g. the Vested Property Return Act in Bangladesh.)
- Establish a national mechanism for documenting and responding (early warning mechanisms) to religious and ethnic freedom violations, strengthen the interaction between the central apparatus of government and the heads of state, and strengthen the system of response to cases of religious discrimination.

Countering societal polarization:

- Reconstruct exclusionary narratives through work with community actors, religious and ethnic leaders, as well as media representatives;
- Work with local officials and media representatives on reframing narratives about "non-traditional," "destructive," or "deviant" religions, portraying converters as "betrayers"; and develop conflict-sensitive journalism guidelines for the mass media to cover the subject of religion, taking into account international standards and journalism ethics;
- Support civil society organizations to address the rapid spread of disinformation and hate speech online. Religious or belief-based hate speech is not a focus in some countries in the region. Most interventions are directed at political narratives or anti-extremism/counternarratives;
- Focus on activities indirectly promoting REF, stimulating intra-faith, interfaith and inter-ethnic engagement (For example, preserving and supporting cultural and linguistic heritage);
- Efficiently distribute efforts in the country. For example, in recent years the emphasis of NGO work in Kyrgyzstan has been on the south of the country, leading to an increase in protest sentiments in the northern regions. In Kazakhstan, religious freedom observers noted that the Kordai District experienced a disproportionate number of religious freedom prosecutions;
- Programs should seek adequate representation from all relevant stakeholders. For example, in Central Asia, religious minorities are often excluded. In Southeast Asia it is indigenous groups.

Gender:

- Strengthen gender sensitive approaches in REF protection and capacity building;
- Address gender inclusion in ensuring access to justice for the victims of REF violations;
- Reconstruct narratives to address the traditional attitudes and social norms that legitimize bride kidnapping, polygamy, early marriages, honor killings, etc.;
- Initiate positive masculinity campaigns. Work with male leadership to champion women's rights to REF.

Research:

- Understand how different religious, ethnic, and belief groups make sense of their presence as minorities in each country. Arguably, these nuances shape their understanding of their own religious freedom;
- Understand intersections of REF and gender (including LGBTQ+) and consult with local women's group to ensure strong gender analysis and mainstreaming in projects;
- Provide opportunities for localization of REF, gender, and secularism concepts: What does religious freedom means to people in the countries where Asia REF intends to do projects? Is religious freedom and secularism about the separation of church and state? Does it also factor in individual liberties of exercising beliefs, practices, and even moral choices?
- Establish stakeholder mapping exercises/actor analysis in the countries where Asia REF works. Identify different organizations/bodies/people/institutions that are in their REF field and seek their classification and evaluation.