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ANALYSIS OF CONFESSIONAL POLICY OF EURASIAN STATES: HISTORICAL ASPECT

Abstract. The expanses of Eurasia have been over the centuries a place of historical and cultural contacts and interactions of numerous peoples professing various religions. Today, in the age of parallel globalization processes and the desire of ethnic groups to preserve their own cultural, historical and religious identity before the state authorities, a problem of the formation of the state religious policy has become one of the fundamental tasks.

The article analyzes contemporary views on state-religious relations as the fundamental components of the public administration in the sphere of religious relations, considers the options of the state religious policy and their conformity to the state-religious relations. The author proposes a set of variables that can be used as units of analysis in the study of the state religious policy. The analysis of public administration systems ensuring the implementation of these state religious policies has been made.

This article actualizes the problem of serious clarification and deepening of theoretical and methodological foundations. The implementation of state policy in the field of religion and religious institutions is considered. It also shows the importance of freedom of conscience, as well as improving the efficiency of public administration in this area.

Key words: state religious policy, state-religious relations, a model of state-religious relations, public administration, freedom of conscience, freedom of faith, religious culture, denominational structure.

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Еуразия мемлекеттерінің конфессиялық саясатын талдау: тарихи аспект

Аңдатпа. Еуразия кеңістігі ғасырлар бойы әртүрлі діндерді ұстанатын көптеген халықтардың тарихи-мәдени байланыстары мен өзара іс-қимылдарының орны болды. Бүгінгі таңда жаһандану үдерістері мен этностардың өзіндік мәдени, тарихи және діни ерекшелігін сақтауға ұмтылуы мемлекеттік билік органдарының алдында негізгі міндеттердің бірі ретінде мемлекеттік-діни саясатты қалыптастыру проблемасы тұр.

Мақалада қазіргі заманғы көзқарастар мемлекеттік-діни қарым-қатынас саласындағы негізгі мемлекеттік басқару, діни қарым-қатынастардың нұсқалары қарастырылды, мемлекеттік-діни саясат туралы заңына сәйкес мемлекеттік-діни қатынастар талданған. Авторлар мемлекеттік-діни саясатты зерттеу кезінде талдау ретінде пайдаланылуы мүмкін ауыспалы кешенді ұсынды, сондай-ақ осы мемлекеттік-діни саясатты жүзеге асыруды қамтамасыз ететін мемлекеттік басқару жүйесін қарастырады.

Бұл мақала теориялық-әдіснамалық негіздерді тереңдете білу және нақтылау проблемасын өзектендіреді. Дін, діни институттар саласындағы мемлекеттік саясатты іске асыру қарастырылууда. Сондай-ақ ар-ождан бостандығының маңыздылығын, сондай-ақ осы саладағы мемлекеттік басқарудың тиімділігін арттыруды көрсетеді.

Түйін сөздер: мемлекеттік-діни саясат, мемлекеттік-діни қатынастар, мемлекеттік-діни қатынастардың моделі, мемлекеттік басқару, ар-ождан бостандығы, діни еркіндік.

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Анализ конфессиональной политики государств Евразии: исторический аспект

Аннотация. Просторы Евразии на протяжении столетий были местом историко-культурных контактов и взаимодействий многочисленных народов, исповедующих различные религии. Сегодня в век параллельных процессов глобализации и стремления этносов к сохранению собственной культурной, исторической и религиозной самобытности перед органами государственной власти в качестве одной из основополагающих задач стоит проблема формирования государственно-религиозной политики.

В статье осуществлен анализ современных взглядов на государственно-религиозные отношения как основополагающие составляющие государственного управления в сфере религиозных отношений, рассмотрены варианты государственно-религиозной политики и их соответствие государственно-религиозным отношениям. Автором предложен комплекс переменных, которые могут быть использованы в качестве единиц анализа при исследовании государственно-религиозной политики, а также проанализированы системы государственного управления, обеспечивающие осуществление этих государственно-религиозных политик.

Данная статья актуализирует проблему серьезного уточнения и углубления теоретико-методологических основ. Рассматривается реализация государственной политики в области религии, религиозных институтов. Также показывает важность свободы совести, а также повышение эффективности государственного управления в этой сфере.

Ключевые слова: государственно-религиозная политика, государственно-религиозные отношения, модель государственно-религиозных отношений, государственное управление, свобода совести, религиозная свобода.

Introduction

The study of state lawmaking, as well as the organization, executive and administrative activities of state and local self-government bodies on the basis of these laws in the sphere of religion is a serious and complex theoretical-methodological and scientific-practical problem. Its specificity is largely determined by the fact that it is a sphere where the government control sector is actually exceptional – it leaves under the influence of state bodies only a part of social relations, the totality of which, in turn, has a very serious impact on society and for this reason it requires special attention of the state. This is the sphere, where own legislative systems operate; they are endowed with a sacred sanction and implemented through mechanisms that have been established for millenniums. These systems tend to withdraw from the state jurisdiction of not only beliefs and convictions of objects of law, but also behavioral activities aimed at the implementation of these beliefs and convictions.

The events of the last quarter of the 20th century and the beginning of the 21st century, which are classified more often as the “desecularization of the world” and the “return of religion”, and the implications of these events in the Kazakh socio-political context update the problem of serious clarification

and deepening of theoretical and methodological foundations of not only research, but also the implementation of state policies on religion, religious institutions and the implementation of constitutional guarantees of freedom of conscience, as well as the improvement of the effectiveness of the public administration in this sphere.

Since gaining independence, Kazakhstan has pursued a balanced state religious policy. In accordance with the Constitution of the Republic of Kazakhstan (http://www.akorda.kz/ru/official_documents/constitution) and the Law of the Republic of Kazakhstan “On Freedom of Conscience and Religious Associations” adopted in 1992 (<http://adilet.zan.kz/rus/docs/Z920004000> <http://adilet.zan.kz/rus/docs/Z920004000>), a principle of freedom of faith was legislatively enshrined. The state religious policy was further developed in a regulatory context through the adoption in 2011 of the Law “On Religious Activity and Religious Associations of the Republic of Kazakhstan” (<http://adilet.zan.kz/rus/docs/Z1100000483>) (hereinafter referred to as the Law “On Religious Activity”), which regulated the basic legal relations in the religious sphere.

In order to “make proposals and recommendations on the formation and implementation of the main directions of the state policy in the sphere of religious activity and interaction with religious as-

sociations, the strengthening of spiritual harmony in society and the harmonization of interfaith relations”, the Council for Relations with Religious Associations under the Government Republic of Kazakhstan was established in 2000 (<http://adilet.zan.kz/rus/docs/P000000683>) – a body that fully complies with international and foreign practice. It includes representatives of two main religious associations representing the most significant religious confessions: the Supreme Mufti, the Chairman of the Spiritual Directorate of the Muslims of Kazakhstan and the Head of the Metropolitan District of the Russian Orthodox Church in Kazakhstan, the Metropolitan of Astana and Kazakhstan.

The actual implementation of the state religious policy is the prerogative of the Ministry for Religious and Civil Society Affairs of the Republic of Kazakhstan, established in 2016 on the basis of the Presidential Decree (http://www.akorda.kz/ru/legal_acts). The Scientific Research and Analytical Center for Religious Affairs established in 2007 is one of the subordinate organizations of the Ministry (<http://adilet.zan.kz/rus/docs/P070000072>). The main activity of this Center is the organization and conduct of research on the analysis of processes of the development of the religious situation in Kazakhstan, the information-analytical and scientific-methodological support of the activities of state bodies, organizations and citizens in the sphere of state-confessional relations, and the conduct of the religious expert examination.

Methodological approach

The classification of state-church relations was carried out, clarified and revised by a number of national and foreign researchers. At the same time, the practical importance of such classification systems for the public administration system has been repeatedly emphasized.

The typology of state-church relations that is conventional to a certain extent and shared by many researchers, includes a theocratic (caesarapapian) model, a model of religious-state identification, when the state rigidly associates itself with one religion; a model of the presence of the state church (religion) or a cooperative model; a separation model; a hostility model (Robbers, 2009: 719; Grigorenko, 2015: 140-144).

The typology proposed by the American researcher Mojzes P. should also be noted. He proposes to distinguish ecclesial absolutism, regime of religious tolerance, secular absolutism, and pluralistic freedom (Mojzes, 1996: 263-284).

It should be emphasized that the consideration of models of state-church relations both in the historical perspective and taking into account the multiplicity of their contemporary manifestations, allows us to objectively analyze the specifics of state policies in the religious sphere, but does not replace this analysis. Meanwhile, the historical relevance of a certain model of state-church relations, according to the typology accepted by the researchers of religion and law, does not fully (and sometimes completely) reflect the nature of the policies implemented by states in the religious sphere.

At the same time, the models of state-church relations developed in the literature, mostly in legal texts, are rather productive for the study of policies and state administration systems in the sphere of religion. Moreover, sometimes the theoretical and methodological framework of these models describes not only the relations between religious institutions and the state that coexist in a certain legal regime, but also the policy pursued by the state to establish such a regime. The relations within the framework of the proposed models can be in a fairly wide range and actually be extremely hostile, antagonistic, friendly, neutral, partner, etc. These types are not rigid, but they demonstrate the ability to make significant transformations.

Thus, it should be concluded as follows: the available theoretical patterns and typological approaches to the analysis of state-church relations may constitute reliable methodological bases for the study of the public policy and its implementation in the state administration system, but they do not replace such a study.

In this regard, the purpose and objectives of the article is to study the nature, content and directions of the evolution of state policies in the religious sphere and segments of public administration systems ensuring the implementation of these policies. At the same time, the typology of state-church relations should be clarified and, in particular, it is necessary to identify and analyze the factors that cause significant differences in the policy in the sphere of freedom of conscience and implementation in the state administration system between countries where state-church policies exist within the framework of identical models.

For this purpose, in order to study the nature, content and directions of the evolution of state policies in the religious sphere and segments of public administration systems ensuring the implementation of these policies, it is proposed to introduce a cluster of operational variables that will serve as units of the theoretical analysis of the problem under study.

These are two general clusters: the level of religious freedom and the nature of religious culture and denominational structure, as well as a number of special variables:

- 1) ensuring fundamental freedoms and basic rights in the sphere of freedom of conscience;
- 2) discrimination/non-discrimination of certain religious communities at the legislative level and/or at the level of law enforcement practice in the public administration system;
- 3) discrimination/non-discrimination of religious minorities on the part of majority religions;
- 4) delegating the state administration functions to the religious organizations or depriving them of these functions;
- 5) equality/inequality/hierarchy of religious organizations before the law, in particular:
 - 5a) granting a special status to a particular religious organization (organizations);
 - 5b) the presence of the institute of recognized religious organizations that differ by their legal status from others, the terms of recognition;
- 6) the nature and degree of autonomy of religious organizations;
- 7) the degree and mechanisms for regulating the presence of religious organizations in the public sphere;
- 8) the nature, degree and mechanisms for regulating the political activity of religious institutions.

The main part

In order to clarify the adequacy of the theoretical and methodological framework of the conventional typology of state-church relations, and the classifications of policies implemented by states in the religious sphere, it seems necessary to analyze the congruence of models of these relations with current policies in this sphere.

Therefore, one can confidently speak about this kind of congruence concerning a *theocratic (caesareapist)* model, which largely belongs to the history (exceptions like Iran after the anti-Shah's Islamic revolution of 1978-1979 or the Vatican City State, which is unique in the modern world, only confirm the rule).

The policies implemented by various states in the religious sphere within the framework of the model of *state-religious identification* are often similar in content and by implementation mechanisms. These are predominantly Islamic countries, where Islam is proclaimed the official state religion (among the countries of Islamic culture the exception is Turkey,

where Islam is not enshrined in the Constitution, the Libyan Declaration prescribes the regulation of the rules of succession upon the Sharia Islamic Law).

The aspects similar to the state policies in Islamic countries are as follows: ensuring the unconditional monopoly of Islam and the extension of its rules to the legislative systems of countries, as well as the prohibition, as a rule, of Muslims' appeals to other faiths. The Constitution of Pakistan states: "Since the power over everything belongs to Almighty Allah, the power of the people of Pakistan is exercised within the limits laid down by Him as a sacred truth" (Preamble) [Hereinafter, the constitutions of the world's countries are cited as in (Robbers, 2006: 3), unless otherwise indicated]. The Yemeni Constitution proclaims the protection of Islam as "a sacred duty" (Article 59). But, at the same time, if the Algerian legislator proclaims in the Basic Law that "freedom of religion is unshakable" (Article 35), the Iranian legislator introduces the direct discrimination on religious grounds (Article 13 of the Constitution of the Islamic Republic of Iran). The state policy of Saudi Arabia provides for severe restrictions on the religious practices of non-Muslims and denies them access to such sacred places as Mecca and Medina; the Sudan Constitution guarantees the protection of Christians, but not of "those who betrayed Islam".

However, already in the next model of state-church relations – a model of *state church (religion)* – essentially different state policies can be found. On the one hand, this is the policy that almost completely limits religious freedoms (Laos) and/or discriminates against religious minorities (Burma), and/or does not provide adequate efforts to protect these minorities from attacks on the part of the majority religions (Egypt).

On the other hand, these are the countries, where a particular church historically has a state (official) status and this status serves as an important cultural factor and a component of the national tradition while ensuring the implementation of the state policy aimed at achieving very high standards in the sphere of freedom of conscience, religion, convictions and religious human rights (England, Scotland, Norway, Denmark, Greece, Bulgaria).

It is rather obvious that it is very difficult (if at all possible) to consider within the framework of one typological construct the state policies of Laos, where Protestants are required to renounce their faith under threat of arrest, and, at the same time, of Great Britain, where, despite the absence of a classical Constitution and the presence of Anglican (for England) and Presbyterian (for Scotland) state

churches, exemplary standards of religious freedom are ensured. Moreover, between these two poles of theoretical consideration a number of countries of Latin culture can be placed, where the Roman Catholic Church has a state status, and the states implement the protectionist policy towards it, providing other churches and religious associations with a different degree of freedom in the exercise of their functions (Argentina, Bolivia, Guatemala, Liechtenstein, Malta, Monaco, Costa Rica, Panama, Paraguay, Peru, El Salvador).

Even more serious differences are revealed when considering a *separation model*, which, in our opinion, is only a statement of the legal regime (separation of church and state) and does not describe not only the content of policies implemented by states in the religious sphere, but also the nature of state-church relations, for which this model was actually developed. To start with, the separation regime is enshrined in the Constitutions and special laws of states with very different legal, socio-political, socio-cultural and religious characteristics (Angola, for example, and Russia, Gabon and the USA, Guinea-Bissau and Hungary, Liberia and Kazakhstan, etc.).

It is noteworthy that the separation model is terminologically verbalized in the legislative acts of the countries in a different way: in the West, it is a question of separating the church *and* the state, in the post-Soviet space – mainly *from* the state.

Thus, Article 3 of the Law “On Religious Activity” of the Republic of Kazakhstan explicitly stipulates that the state and the secular system of education and upbringing are separated *from* religion and religious associations. Article 14 of the Constitution of the Russian Federation (http://www.akorda.kz/ru/official_documents/constitution) and Article 4 of the Federal Law of the Russian Federation “On Freedom of Conscience and Religious Associations” (<http://base.garant.ru/171640/1/#block>) also postulate the separation of religious associations *from* the state and their equality before the law. The same situation is observed in Ukraine, where, in accordance with Article 35 of the Constitution of Ukraine (<http://www.president.gov.ua/documents/constitution>) and Article 5 of the Law of Ukraine “On Freedom of Conscience and Religious Organizations” (http://www.irs.in.ua/index.php?option=com_content&view) the church (religious organizations) is separated *from* the state. In the Kyrgyz Republic, according to Article 7 of the Constitution of the Kyrgyz Republic (http://www.gov.kg/?page_id=263&lang=ru), “religion and all cults are separated from the state”.

Thus, in the case of Western countries, the equality of subjects of these relations is emphasized, but not the relations of suzerainty-vassalage, as in the states of the post-Soviet space.

But even in this case, the comparison of various legislative acts of the countries of the post-Soviet space demonstrates greater respect for religion in the separation model of Kazakhstan, where the state separates *itself* from religion, and not vice versa, and therefore it incurs a number of obligations to religious organizations.

But even in the case of countries, where there is a legal model of separation of church *and* state, state policies and corresponding public administration systems in the social sphere under study have serious, at times fundamental differences. It must also be taken into account that the existing models are by no means static, they are in constant development.

Nevertheless, legal experts are almost unanimous: if the “separation” is understood as a state, in which the state has nothing in common with the church, then we will not find such a legal and socio-cultural situation anywhere in the world (Lindholm, 2004: 942-946).

Let us consider the results of the theoretical analysis on the basis of the previously presented cluster of operational variables.

The level of religious freedom is the basis for understanding the democratic nature of the policy implemented by a certain state in the religious sphere. Definitely, there is a fairly stringent correlation between the general development of democracy in the country and the democratic nature of its religious policy. Conversely, the state policy in the religious sphere serves as a sufficiently reliable indicator of the state’s attitude to equality, tolerance, pluralism and fundamental freedoms of citizens.

It is important to note the study of the Hudson Institute (USA), which established the correlation between the state of religious freedom and the general welfare of a country. The study, which covered 101 countries, confirmed the following: a country, where the level of religious freedom is high, is characterized by less frequent armed conflicts, better health indicators, higher incomes, and better educational opportunities for women (Grim, 2008:2).

It is worth agreeing with a well-known researcher of religion and law K. Dyurem, who indicated four presuppositions of religious freedom: minimal pluralism (“so long as there is no disagreement in the society and in the basic belief systems, the problem of religious freedom does not even arise”), economic stability (“in extreme situations the problem of

religious freedom has less priority in society than the satisfaction of basic religious needs”), political legitimacy (“since religion can act as a powerful force, it legitimizes (delegitimizes) society, the measure of religious freedom will depend on how strong or weak is the political legitimacy of the regime”), respect for religious rights of those who have other convictions (“to guarantee religious freedom for all if one religious group not only rejects the convictions of another, but does not even want to live with it on one territory”) (Durham, 2004: 31-32).

Analyzing the level of religious freedom in Kazakhstan, it should be noted that Article 19 of the Constitution establishes the right of everyone to determine, indicate or not to indicate his/her religious affiliation, while Article 3 of the Law “On Religious Activity” provides everyone with the right to “adhere to religious or other beliefs, disseminate them, participate in the activities of religious associations and engage in missionary activities in accordance with the legislation of the Republic of Kazakhstan”.

According to the President of Kazakhstan N. Nazarbayev, religious freedom in Kazakhstan is fully provided. About 65 percent of the country’s residents are Muslims, mostly Sunnis of the Hanafi School; Russian Orthodox Christians make up about 25 percent of the population; Jews, Roman and Greek Catholics, various Protestant denominations and other religions make up less than five percent. So today the Republic of Kazakhstan is a striking example of the way representatives of about 3,500 religious entities representing the interests of 18 faiths, as well as representatives of 130 nations and ethnic groups can live in peace and harmony.

The nature of religious culture and denominational structure of a certain society is an extremely important factor in the formation of the state policy in the sphere of freedom of conscience and religious institutions. Without taking into account this factor, it is impossible to understand, for example, the facts of the presence of state (official) churches in a number of countries in Western Europe and, conversely, the tendency to restrict public manifestations of religion in the practice of public administration in such countries as France or Turkey. Thus, in France the appointment of leaders of major religions is carried out after agreement with the relevant state bodies.

The introduction of such variable as a type of religious culture allows distinguishing the following, for example, in Western Europe: the Catholic belt (Italy, Spain, Portugal, France, Belgium, Ireland),

countries of mixed religious culture (Catholic-Protestant culture – Great Britain, Germany, Netherlands, Switzerland, Northern Ireland), the Lutheran North (Denmark, Iceland, Sweden, Finland, Norway) and the Greek Orthodox enclave.

In the post-Soviet space, it is possible to distinguish the countries of mixed religious culture, some of which are Orthodox-Catholic (Belarus, Ukraine), others are Orthodox-Muslim, with a predominance of a certain confession (Russia, Kazakhstan), as well as the Muslim belt (Uzbekistan, Kyrgyzstan, Turkmenistan, Azerbaijan) and a small exclusively Orthodox enclave (Georgia, Armenia).

However, huge differences between such countries of one type of religious culture, as, for example, France and Ireland or Georgia and Armenia, cannot be understood without considering the nature of this culture. For this purpose, we need to take a look at the history of each of these countries.

As is known, Islam of the Hanafi School is traditional in Kazakhstan. It was adapted to the existing culture, having a thousand-year history in the territory of Kazakhstan, and has always differed from other madhhabs of Sunni Islam by maximum tolerance, taking into account the customs and traditions of local people. In addition, among the Kazakh people Islam is closely linked with ancient religious beliefs that developed long before its emergence, the main of which were Tengrianism and Shamanism of Zoroastrian origin. Thus, the diversity of religious and cultural traditions of Kazakhstan has inevitably led to mutual understanding of representatives of various faiths, finding points of their contact, aspiration of Kazakhstanis to understand other people’s religious values.

Public administration systems, state bodies that implement the policy in the sphere of freedom of conscience must take into account (and, as a rule, they take into account) the degree of influence of a certain religious institution on the socio-political sphere, electoral preferences of citizens, socio-cultural development and public moods in the country, historical links of religious institutions with the state and society, religious education models, the presence of religious organizations in various segments of the public sphere.

At the same time, sufficiently systemic attempts to protect the national-cultural and religious identity of a country are currently made. These attempts are implemented through a complex of legal and organizational measures containing two main components:

1) the protectionist policy on religious organizations, which, in the opinion of state

bodies, played a particular role in the formation of national identity (granting them a special status, state financing, taxation of citizens in their favor, maintenance of historical and cultural monuments used by them, etc.) and

2) restriction of the activity of other religious organizations, which, according to the opinion of the relevant state authorities, may pose a threat to the national identity (prohibition of proselytism, restrictions or a complete ban on the missionary activity, unequal conditions for religious organizations that are not considered traditional, etc.).

As a rule, in most European countries the focus is on the first component and the privileges to traditional religious institutions are not synchronized with the discrimination of non-traditional and new religious communities. Thus, in Italy, Spain, Belgium, Germany, Austria, at the discretion of the state, special agreements are concluded with individual religions. In Italy religions are divided into Catholic and non-Catholic ones, in Latvia – non-traditional religious organizations and religious denominations, in Belgium – recognized and unrecognized religions, in Austria religious organizations are divided into religious societies with preferences from the state and the association.

While in Kazakhstan all religions are declared equal before the law, in Europe, depending on the level of cooperation between recognized religious organizations and the state, they are provided with the appropriate privileges: financing activities (Germany, Romania, Belgium, Czech Republic); religious education at school (Belgium, Germany); the activities of Christian parties (Italy, Belgium, the Netherlands, Germany); clergy funding in the army (Greece, Poland, Italy); the legal force of marriages concluded in the temples (Spain, Czech Republic, Slovakia). Religious communities, who have not received the status of religious associations and do not have an agreement with the state, do not have these privileges. The only fact of “protectionism” at the state level and a privileged status of the two main religions of Kazakhstan can be considered the recognition in the preamble of the Law of the Republic of Kazakhstan “On Religious Activities” (which is not a legal rule and does not bear legal consequences) of the historical role of Islam of the Hanafi School and Orthodox Christianity, largely due to the unifying role of which in the territory of Kazakhstan the unique unity and diversity of national cultures of the peoples inhabiting it have been preserved.

Researchers also note that even the cornerstones that gave a special legal and cultural status to the

state (official) churches of constitutional monarchies will not work in modern conditions if they are discriminatory towards other churches and/or their followers. For example, they note that marrying a Catholic K. Parker-Bowles will not prevent Prince Charles from inheriting the throne, although this directly contradicts Act 1700 (so-called Act of Settlement). “This act will not be effective in these conditions”, wrote S. Jass, “since the United Kingdom currently has a political system that makes such discrimination unacceptable. The incorporation of the European Convention on Human Rights (1950) into the national system of British law in 1998 ... makes the effectiveness of this Act even more impossible” (Satvinder, 2003: 493-494).

In countries with insufficient religious freedom, the discrimination is considered to be constant and sometimes cruel. Repressive measures are often used here to prevent the free exchange of information; the dissemination of information about one’s own religious beliefs can be interpreted as “proselytism” and lead to both strict individual and collective punishments (Algeria, 2008: April 11).

Thus, the analysis of the level of religious freedom and the nature of religious culture and denominational structure makes it possible to assert that religious believers in Kazakhstan are provided with a sufficiently high level of religious freedom, religious culture is based on the principles of tolerance to representatives of various denominations, and the denominational structure is implemented through the protectionist policy towards religious organizations (Islam, Orthodoxy), which, according to the state bodies, played a particular role in the formation of the national identity.

Among *special variables*, the introduction of which as analytical units in the theoretical analysis of state policies in the religious sphere is necessary to understand the meaning and nature of this policy, it is possible to distinguish *basic level variables* (ensuring fundamental freedoms and rights in the sphere of freedom of conscience, discrimination/non-discrimination against religious communities at the legislative level and in the practice of public administration, discrimination/non-discrimination against religious minorities on the part of majority religions), the *second-level variables*, which basically indicate the level of freedoms guaranteed to the religious associations (equality/inequality or hierarchy of religious organizations before the law, the degree of autonomy of religious organizations, the degree of regulation of the presence of religious organizations in the public sphere, the nature and degree of the mechanism for regulating the

political activity of religious institutions) and *auxiliary variables* (the latter indicate the method and mechanisms of the implementation of the state policy in the public administration system).

Achievements in ensuring fundamental religious freedoms and human rights are the main indicator of the successful or unsuccessful state policy implemented in the religious sphere. International, regional, interstate, national, confessional and interdenominational institutions monitoring the state of religious freedom in the world and, accordingly, the efforts made by the governments for its promotion or, on the contrary, violation, are sufficiently active in the world. This is primarily the UN Human Rights Council, which includes the institute of the Special Rapporteur on Freedom of Religion or Belief, as well as the following non-governmental organizations: the International Coalition for Religious Freedom (ICRF), the International Commission on Freedom of Conscience (ICFC), the International Religious Liberty Association (IRLA), the Center for the Study of Religious Freedom and many others.

The most detailed monitoring of religious freedom is contained in the annual reports of the US State Department, which are prepared by the US Foreign Policy Department and all the embassies of this country since the adoption of the Law on Religious Freedom in the World by the Congress in 1998.

According to the conclusions of the authors of the report, the countries are divided into five main categories upon the state of provision by their governments of freedom of conscience and religion. First of all, these are the countries of “special concern”, where the fundamental human rights and freedoms in the sphere of religion (and in the vast majority of cases these are also other basic rights and freedoms) are violated especially gravely and systematically. These countries include Eritrea, Iran, China, North Korea, Sudan, and Saudi Arabia.

The second category includes the countries where the state is the main violator of religious freedoms (Egypt, Laos, etc.).

The third category includes the countries where governments ignore very serious manifestations of religious intolerance on the part of representatives of the religious majority, cannot or do not want to put an end to these manifestations (Guatemala, Nigeria, Sri Lanka, Indonesia, etc.).

The fourth category is characterized by the presence of discriminatory legislation or hostile policy towards certain religious communities (Azerbaijan, Brunei, Malaysia, etc.).

Finally, the fifth group includes the countries with high standards in the sphere of human rights and civil liberties, where, however, some new religious groups were stigmatized as “dangerous sects and cults” (Belgium, Germany, and France) (<http://www.state.gov/g/drl/rls/irf/2015/35335.htm>).

Among the special level variables, which indicate the nature of the state policy in the sphere of religion, we should pay special attention to the degree of provision of religious associations with freedom. After all, freedom of religion and belief becomes a social phenomenon and a subject of public discourse, when the attention is focused on the actions of people with certain religious beliefs and convictions. For this purpose, they are mainly grouped together in structured communities in a different way. No wonder that Article 18 of the Universal Declaration of Human Rights stipulates that the right of everyone to freedom of thought, conscience and religion includes the right to practice one’s religion both alone and jointly.

Moreover, the legislation (and its implementation) concerning the establishment, recognition, legal registration of various types of religious associations, according to lawyers, is vital for the enforcement of the right to freedom of religion. In the modern world, the enforcement of this right of a religious community to receive the rights of a legal entity is extremely difficult (if at all possible), since it excludes the opening of a bank account, the receipt or purchase of a land plot, the rental or acquisition of premises necessary for joint worship services, the payment of staff salaries, manufacturing of religious objects, printing of literature, the defense of one’s rights in court, contacting fellow believers abroad, helping them or receiving their help, etc. Therefore, modern democratic systems, as a rule, rather effectively defend the right of a religious association to obtain the status of a legal entity, considering this right as an important component of religious freedom.

As for the auxiliary variables, which indicate the mechanisms for implementing the state policy in the religious sphere, they (mechanisms) are also largely related to the general level of democratization of society, the state of the judicial system, the effectiveness of the executive authorities and the development of local government. For example, in many Western European countries there is often no need for a special government body that would implement the state policy in the religious sphere (Martinez-Torron, 2004).

But in the post-Soviet states, including in Kazakhstan, there is a need for such bodies, acting

as the instruments for implementing necessary reforms in the sphere under study. However, all measures should be taken to ensure that such bodies do not become an instrument only for controlling and limiting the rights of religious associations. At the same time, in those European countries where there are state (official) churches, such institutions also exist and perform a number of functions to fill the status of this church (these churches) with actual content, as well as to provide members of other religious organizations with freedoms. In this regard, the experience of their activities can be useful.

Conclusions

Nowadays, a model of interethnic and interreligious harmony has been created in Kazakhstan. On the international scene, Kazakhstan is perceived as a territory of peace, a platform for dialogue and rapprochement of cultures and religions.

The integration of all the variables proposed above and their application in specific political, legal, organizational-managerial, historical-cultural and religious-social contexts, in our opinion, paves the way for a deeper analysis of the nature, features and directions of the evolution of the Kazakhstan's policy in the religious sphere and the implementation of this policy in the public administration system.

In particular, the necessary theoretical preconditions are created for identifying problem areas in ensuring the right of a person to act in accordance with his/her religious beliefs,

including to an alternative that is less burdensome for individual conscience in carrying out duties to the state; to determine the degree of protection of religious freedoms and religious rights of a person, religious minorities, as well as the equality/inequality of religious organizations before the law in the implementation of state policies, as well as the basis for further development of the conceptual framework for optimizing the state policy in the implementation of constitutional guarantees of freedom of conscience.

In connection with the above, some recommendations for improving the state religious policy in Kazakhstan may be given.

Thus, today in the Kazakh society there are negative stereotypes towards non-traditional unregistered religious associations. The state should take measures to overcome this phenomenon, but society cannot be entirely changed at once. Today, one of such measures is the state registration of a religious association, which is necessary to consolidate the property and legal isolation of a religious association that allows it to officially carry out religious activities and be a full-fledged subject of religious legal relations. It is necessary to conduct the wide-scale informational-educational and explanatory work among the population in order to inculcate tolerance, religious tolerance and respect for representatives of non-traditional religions. Public councils for relations with religious associations and clubs of religious leaders should be involved in this process to create platforms for dialogue, on which religious problems could be openly discussed and resolved.

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