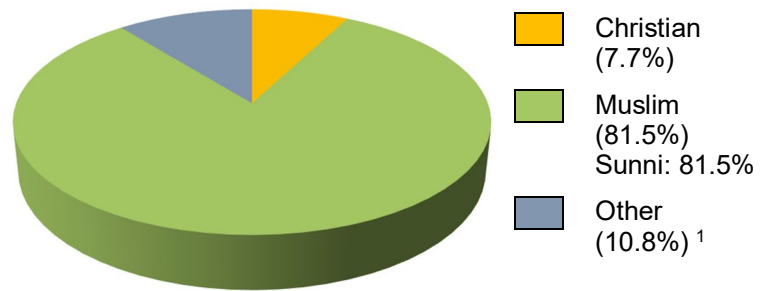


# KYRGYSTAN



<b>Area:</b> 199,900 km <sup>2</sup>	<b>Population:</b> 5.4 million	<b>Political system:</b> Democracy	<b>Major Language(s):</b> Kyrgyz, Russian
---	-----------------------------------	---------------------------------------	--

## Legal framework on freedom of religion and actual application

Kyrgyzstan, the fourth of the five Central Asian republics in terms of land area and population, is passing through a difficult economic situation, with high levels of unemployment and a rapid increase in the cost of living. Parliamentary elections were held on 4<sup>th</sup> October 2015 and – uniquely in the region – were praised by many international observers for the way in which they were conducted. The winner of the elections was the Social Democratic Party, which is linked to the current President, Almazbek Atambayev, and which gained 27.5 percent of the votes.

During the electoral campaign, many of the candidates sought the support of the Christian communities, visiting parishes and churches within the country. On 27<sup>th</sup> September Deputy Prime Minister Valerij Dil visited the Catholic community in Bishkek.<sup>2</sup>

The January 2009 law on religion requires the registration of all religious groups. To register, a religious group needs at least 200 founder members of whom a minimum of 10 must have been resident in the country for 15 years. There are also restrictions on missionary activity, on religious instruction and the distribution of religious material. Proselytism is prohibited. The law allows for conscientious objection for members of registered religious organisations whose beliefs do not permit them to bear arms.

Partly in light of the growing terrorist threat, the Kyrgyz government has begun to rethink the relationship between state and religion. In February 2014 President Atambayev described as a “mistake” the constitutionally-enshrined principle “distancing state bodies from regulating processes in the religious sphere”. On 3<sup>rd</sup> November 2014 the Council for Defence adopted a Draft Concept on State Policy in the Religious Sphere 2014 – 2020. Among other things the draft concept sets out specific recommendations for the Muslim Council to provide greater transparency as regards funding and new rules for the election and appointment of the imams, who must be chosen from the ranks of the Hanafi school. Appointments can only go ahead after previous consultation with the local authorities.

The document also calls for changes to existing laws on religion.<sup>3</sup> A new legislative proposal on the subject, drawn up by a working party established by the State Commission for Religious Affairs (SCRA) got as far as the Prime Minister's desk by May 2015. However, to date it has not yet been introduced to Parliament.

The new draft increases the existing restrictions on freedom of religion and belief, giving still more powers to the SCRA. The proposals – announced as far back as October 2014 – envisage an increase in the number of founder members from 200 to 500, the requirement for the various religious communities to re-register, and a requirement for every worker within a religious organisation to obtain a licence, renewable annually, from the SCRA. The fines envisaged under the administrative code for violations of the law on religion would also increase considerably.<sup>4</sup>

On 4<sup>th</sup> September 2014 the Constitutional Chamber of the Supreme Court ruled that a religious organisation's activities should not be restricted to the place in which it has its legal seat. It also declared unconstitutional the provision whereby the local administrations have power to approve the list of 200 founder members of a religious organisation. This decision by the Constitutional Chamber was greeted with broad enthusiasm by the various religious communities – in particular by the Jehovah's Witnesses, who had brought the case before the court – even though, to date, there have been no changes to the existing laws to reflect this ruling.

A proposed law that passed its first reading in Parliament on 4<sup>th</sup> June 2015 – and which is also expected to be debated by the new parliament – imposes the status of “foreign agencies” on all NGOs that receive funding from abroad and which are involved in activities aimed at influencing the decisions of the authorities and public opinion.<sup>5</sup> This particular bill would grant the Ministry of Justice the power to send representatives to sit in on the internal activities of the organisations, to determine whether they are in conformity with the objectives for which they have been established. The proposed law has been broadly criticised, both internally and by international organisations, which view it as an “inopportune and unjustified interference, incompatible with the right to freedom of association”.<sup>6</sup>

## **Incidents**

The major difficulty for many minority groups is trying to meet the requirement of having a minimum of 200 founder members. There are three Catholic parishes registered in Kyrgyzstan, in the capital Bishkek, in Talas and in Jalal-Abad.

However, the Islamic Ahmadi community, which was banned in 2011, is still not registered. In July 2014 the Supreme Court rejected the Ahmadi's appeal against the SCRA's refusal to register it.<sup>7</sup>

In June 2014 Bishop Feodosy, the longstanding leader of the Russian Orthodox Church in Kyrgyzstan, was forced to leave the country because his missionary visa, which had expired on 10<sup>th</sup> June, had not been renewed by the SCRA. The official letter of refusal explained that the bishop had been refused renewal because he was “threatening public security and sowing religious discord among the population”.<sup>8</sup> A few months later, on 12<sup>th</sup> October 2014, Vakhtang Fyodorov, a catechist and a member of the Russian Orthodox Church, had his visa revoked on the grounds that he had engaged in unauthorised missionary activity.<sup>9</sup>

Nadezhda Sergienko and her daughter, Oksana Koryakina, both Jehovah's Witnesses, were finally released from house arrest on 29<sup>th</sup> October 2015 after serving 31 months under curfew. They had

been arrested in 2013 on a charge of having made live serpents emerge from hens' eggs and then using this trick to defraud elderly ladies. They had already been found innocent and acquitted on 7<sup>th</sup> October 2014 by the city court in Osh, which ruled that the case against them had been "fabricated".<sup>10</sup> Mother and daughter had still been forced to spend a further full year under house arrest because the prosecutor repeatedly appealed against the acquittal.

On 9<sup>th</sup> August 2015 at least 10 police carried out a violent raid on Jehovah's Witnesses who worshipped in rented premises in the centre of Osh. At least seven Jehovah's Witnesses were injured and ended up in hospital. The office of the Public prosecutor in Osh refused to open an inquiry into the police's actions that day.<sup>11</sup>

Members of various minority groups, including Protestants, Baha'is, Jehovah's Witnesses and Hare Krishna followers, face difficulties in burying their dead in accordance with their own rituals, or in Muslim cemeteries. This is because of the opposition of local people and imams, frequently with the tacit connivance of the local authorities and police forces. In 2014 an imam delayed the burial of a woman for three days until her Protestant husband publicly renounced his Christian faith. The local authorities refused to intervene.<sup>12</sup> In August 2015 the city authorities in Osh and the local imam refused permission for a Protestant woman to bury her 25-year-old son in her local cemetery. She was forced to bury him in another cemetery much further away. The woman was also put under pressure to renounce her faith.<sup>13</sup>

The existence of this problem has been recognised in the country's Concept on State Policy in the Religious Sphere 2014-2020.<sup>14</sup> The document referred to the issue of burying non-Muslims especially in rural areas as one of "the problematic aspects of reciprocal relations between the state and the religious groups". The state policy concept suggested an awareness raising campaign aimed at village imams. It also identified areas where non-Muslims could be buried.

The State Property Fund in the capital Bishkek was continuing its effort to confiscate a building owned and used for at least 14 years as a church by the Protestant Church of Jesus Christ. On 24<sup>th</sup> January 2014 a lower court cancelled the 1999 sale contract, claiming it was signed in violation of the law. On 17<sup>th</sup> March 2015 the Supreme Court upheld this decision. In response the Church lodged an appeal on 19<sup>th</sup> May.<sup>15</sup>

The need to combat the spread of terrorism and local involvement in terrorist activities, and to identify militant cells trying to recruit followers of Daesh (ISIS) in Syria has had obvious repercussions on Islamic movements regarded with suspicion by the authorities. There have been numerous arrests. A particular target are the followers, or presumed followers, of the Islamic *Hizb ut-Tahrir* group – which has been banned in Kyrgyzstan and all the countries of Central Asia, despite its continued insistence that it has nothing to do with fundamentalism. The authorities however maintain that it plays a strategic role in the recruitment of young people.<sup>16</sup> Over the course of the past year several dozen followers of this movement have been arrested. Religious material found in their possession during house searches has been confiscated. Frequently, the authorities have arrested women believed to be playing a key role in the group. For example, in March, in the province of Batken, the police arrested a woman whom they accused of running a female cell of *Hizb ut – Tahrir*.<sup>17</sup> Other women were arrested in Bishkek at the beginning of March on suspicion of belonging to the movement.<sup>18</sup> At the end of August 2015 a female follower of *Hizb ut-Tahrir* was arrested in Osh for having organised an illegal religious education course for children aged four to nine.<sup>19</sup>

In November 2015 Imam Rashod Kamalov was sentenced to 10 years' imprisonment on the charge of having incited religious hatred and disseminating extremist material,<sup>20</sup> supposedly as a member of a clandestine group seeking to recruit fighters for Syria. However, according to the supporters of the imam, who is aged 37 and highly regarded as a first-rate religious authority, the real reasons for his arrest were political, above all the fact that he had accused some members of the secret police of threatening to accuse young members of the Uzbek minority of terrorism, simply in order to extort money from them.<sup>21</sup>

### **Prospects for freedom of religion**

The climate of respect for religious freedom has remained more or less stable over the course of this period. However it will be important to monitor developments and conditions might well deteriorate when the new draft law on religion is presented before Parliament.

---

<sup>1</sup>Statistics relating to religious groups – source: ARDA (Association of Religion Data Archives) Area, population, political system, language – source: BBC.

<sup>2</sup> Asia News, 1 October 2015

<sup>3</sup> Forum 18 News Service, 4 November 2014

<sup>4</sup> Forum 18 News Service, 24 October 2014: One Financial Indicator (FI) is equivalent to 100 Soms, or around 1.4 Euros. The average monthly salary in the country is equivalent to 70 Euros

<sup>5</sup> The Diplomat, 4 June 2015

<sup>6</sup> Radio Free Europe/Radio Liberty, 21 May 2015

<sup>7</sup> Forum 18 News Service, 17 July 2014

<sup>8</sup> Forum 18 News Service, 18 July 2014

<sup>9</sup> Forum 18 News Service, 30 October 2014

<sup>10</sup> Forum 18 News Service, 3 November 2015

<sup>11</sup> Forum 18 News Service, 20 October 2015

<sup>12</sup> Forum 18 News Service, 4 November 2014

<sup>13</sup> Forum 18 News Service, 19 August 2015

<sup>14</sup> Forum 18 News Service, 11 June 2014

<sup>15</sup> Forum 18 News Service, 29 May 2015

<sup>16</sup> Radio Free Europe/Radio Liberty, 23 March 2015

<sup>17</sup> Radio Free Europe/Radio Liberty, 18 March 2015

<sup>18</sup> Radio Free Europe/Radio Liberty, 3 March 2015

<sup>19</sup> Interfax Religion, 28 August 2015

<sup>20</sup> Interfax Religion, 25 November 2015

<sup>21</sup> Eurasianet, 29 August 2015