

Nov. 19, 2008: Central Asia: Kyrgyz Draft Law, Like Others in Region, Will Restrict Freedom of Religion

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WASHINGTON—Kyrgyzstan has joined the roster of former Soviet republics that are intent on asserting state control over faith communities. In the process, these states are depriving many citizens of the freedom of religion guaranteed by their constitution and protected by international conventions. A new draft law that has been passed by the Kyrgyz parliament and is awaiting President Kurmanbek Bakiyev's signature requires that a religious organization have 200 members before it can operate legally, a steep increase from the 10 members previously required, prohibits children from participating in religious organizations, and bans the distribution of religious materials in public places. The draft law poses an existential threat to small denominations.

"If the president signs the law as passed by the parliament, religious freedom will be eroded in Kyrgyzstan, which used to enjoy the reputation of being most democratic of the post-Soviet Central Asian republics," said Felice D. Gaer, Chair of the United States Commission on International Freedom. "The United States should work through diplomatic channels, including the Organization for Security and Cooperation in Europe, to persuade the Kyrgyz and other Central Asian governments to roll back legislation that provides legal cover for egregious discrimination on the basis of religion."

In Kazakhstan, the upper house of parliament is continuing work on a new religion law that will introduce more restrictive registration requirements for all religious groups, reduce the number of religious communities permitted to operate in the country, and increase the penalties for members of unregistered communities. It will increase the minimum number of members of religious organizations necessary to register from 10 to 50, and smaller communities will not be permitted to teach or profess their religion, own property, or rent public space for religious activities. The law would permit the distribution of religious literature only in permanent buildings assigned by the government. All of these changes would be made without any opportunity for public discussion since, as in Kyrgyzstan, the draft law has not been made public.

Harsh restrictions on religious freedom continue in Turkmenistan, Uzbekistan, and Tajikistan. Both Uzbekistan and Turkmenistan—countries that the Commission has recommended be designated by the U.S. State Department as "countries of particular concern," or CPCs, for their egregious and systematic violations of religious freedom—have laws on religion that severely limit the ability of religious communities to function. These laws facilitate the governments' exercise of a high degree of control over religious communities and the approved manner in which Islam and other religions are practiced. The new Turkmen government has been pledging reform of its

religion law, but the promises ring hollow. Tajikistan currently is developing its own restrictive law on religion.

The Turkmen and the Uzbek governments prohibit all but clerics from wearing religious garb in public. The prohibitions directly contradict the 1981 Declaration of the UN General Assembly, which articulates that "The right to freedom of thought, conscience, religion or belief includes the freedom, "To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief." The UN Human Rights Committee has noted, "The observance and practice of religion or belief may include not only ceremonial acts but also such customs as (the wearing of distinctive clothing or head coverings";

"All five of these countries, as well as the United States, belong to the Organization for Security and Cooperation in Europe, which has developed significant expertise in assessing the human rights impact of pending legislation and has already commented on several of the pending religion laws in Central Asia—though so far, its recommendations have met mostly with deafening silence. The United States should encourage the Central Asian governments to cooperate more fully with the OSCE to find ways to maximize rather than to legally hobble vital protections on religious freedom, especially since Kazakhstan is due to chair the organization in 2010 and will serve as an example for the other 55 OSCE member-states," Gaer said.