

KYRGYZSTAN

The Kyrgyz government restricts religious freedom through its 2008 religion law and other laws and policies, and draft October 2014 amendments would sharply

The 2008 religion law imposes burdensome registration requirements

increase these controls. USCIRF has been monitoring conditions in Kyrgyzstan for a number of years. A USCIRF staff member visited the country in October 2014 to assess the religious freedom situation.

Background

Over 80 percent of Kyrgyzstan's population is Sunni Muslim. There is also a very small Shi'a community. Fifteen percent of the population is Christian, mostly Russian Orthodox; there are about 11,000 Protestants and a small number of Catholics. The Jewish, Buddhist and Baha'i communities are estimated at 1,000 each. The country's large ethnic Uzbek community (up to 40 percent of the south Kyrgyz population) mostly adheres to traditional Hanafi Sunni Islam. The Kyrgyz constitution purports to provide for religious freedom for all citizens. In February 2014, President Almazbek Atambayev said it had been a "mistake" to remove state agencies from regulating religious practice. In September 2014, the Kyrgyz Supreme Court Constitutional Chamber ruled that activities of a registered religious group cannot be limited geographically.

2008 Religion Law

Kyrgyzstan's 2008 religion law imposes burdensome registration requirements for religious organizations, including having 200 resident citizen founders and at least 10 members, of whom at least one must have been

in Kyrgyzstan for 15 years. International organizations, including the Organization for Security and Cooperation in Europe (OSCE), the Council of Europe's Venice Commission, and the UN Human Rights Committee, have noted the law violates international standards; its flaws include strict registration requirements, criminal penalties for unregistered religious activities, vague restrictions on "fanaticism and extremism," and limitations on missionary activities and the dissemination of religious materials.

Proposed 2014 Amendments

On October 9, 2014, draft amendments to the religion law and administrative code suddenly were distributed to a roundtable arranged by the State Committee on Religious Affairs (SCRA) with the United Nations Development Program (UNDP) in Bishkek. The SCRA-led government working group that wrote the drafts, the UNDP, local human rights groups, and clergy from the state-backed Muslim Board, the Russian Orthodox Church, and several Protestant churches took part. At the roundtable USCIRF staff encouraged the involvement of international legal specialists in the drafting. SCRA promised to hold a second roundtable; the drafts were issued the night before the session.

Religious Freedom Prospects in 2015

These amendments, if enacted in 2015, would markedly change the environment for religious freedom in Kyrgyzstan and could warrant a change in Kyrgyzstan's tier status in next year's USCIRF annual report. The amendments would sharply increase SCRA authority; privilege Islam and the Russian Orthodox Church, and define other religious groups as "non-traditional;" require 500 founders for all religious groups to re-register by December 31, 2015; require an annual SCRA license for any official or worker in a religious group or religious educational institution; and further limit sites where religious texts can be distributed. Another set of draft

proposals would increase the maximum administrative code fines for religious offenses to the equivalent of 14 months' average salary.

Increased State Control of Muslim Board and Banning Groups

A February 2014 Presidential Decree increased state control over the semi-autonomous Muslim Board, directing it to “improve the system” to elect imams and the Chief Mufti; to include government officials in internal exams for imams; to organize material rewards for those Muslim clergy who have excelled in meeting internal criteria; and to check with local and national government law enforcement agencies to ascertain if clerical candidates are members of extremist organizations, Forum 18 reported. The Muslim Board was also instructed to choose the Mufti, imams, regional imams, religious judges and members of the Council of Ulema only from the Hanafi school of Islam that the government deems “traditional” for Kyrgyzstan’s Muslims. Unlike elsewhere in Central Asia, Kyrgyzstan also has programs for local members of Tabligh Jamaat, an international Muslim proselytizing movement.

In March 2014, a Bishkek court banned the Uzbek Islamic religious movement Akromiya as an extremist organization. Lists of prohibited religious organizations reportedly are coordinated with intergovernmental regional security organizations, in particular, the Shanghai Cooperation Organization and the Collective Security Treaty Organization.

Registration Issues

In 2014, nearly 700 of the country’s unregistered mosques were identified as “illegal,” Forum 18 reported. Ahmadi Muslims have not been able to hold

refusal to register Ahmadi Muslims. The Church of Scientology’s registration was denied in 2014. Jehovah’s Witnesses are registered in one city but are denied national registration despite numerous attempts. In June 2014, Russian Orthodox Bishop Feodosy was forced to leave the country after the SCRA refused to renew his missionary registration, alleging he was a threat to public security and sowed religious discord, allegations that members of his community denied.

In a potentially positive development, in September 2014, the Constitutional Chamber of the Supreme Court ruled that a religious organization cannot be limited to carrying out its activity only in the place where it has its legal address. The Constitutional Chamber also found that it is unconstitutional for local councils to approve the list of 200 founders of a religious group required for legal status. The Jehovah’s Witnesses who brought the case think this will, if implemented, help stop harassment of their community.

Other Legal Issues

Other restrictions in current Kyrgyz religion law include restricting conscientious objection to military service to young men who belong to registered religious groups. In addition, SCRA authority to censor religious materials – increased by 2012 amendments to the religion law – seem particularly to apply to non-traditional Muslim, Protestant, and other minority religions.

Recommendation

USCIRF recommends that the U.S. government urge Kyrgyzstan to seek expert advice from the UN Special Rapporteur on Freedom of Religion or Belief as well as relevant OSCE entities on the October 2014 draft religion law and include international legal experts in a second

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worship meetings since July 2011, when the SCRA refused to re-register them in Bishkek and three other cities. In July 2014 the Supreme Court rejected an appeal of two lower courts’ support of the SCRA’s

roundtable. The United States should also publicly raise Kyrgyzstan’s religious freedom violations at appropriate international fora, such as the OSCE and the UN.