

KYRGYZ REPUBLIC 2019 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution guarantees freedom of conscience and religion and bans religious groups from undertaking actions inciting religious hatred. It establishes the separation of religion and state and prohibits pursuit of political goals by religious groups. The law requires all religious groups to register with the government and prohibits activity by unregistered religious groups. The law criminalizing “extremist material” was revised in January; the new law requires that law enforcement demonstrate an intent to distribute extremist materials in order to charge a suspect with a crime. Authorities maintained bans on 21 “religiously oriented” groups they considered extremist. The State Commission on Religious Affairs (SCRA) proposed amendments to the religion law, and government agencies conducted a review of their constitutionality. The amendments include a ban on door-to-door proselytizing. After the review, the SCRA submitted the amendments to parliament for review and debate. In March the UN Human Rights Council issued a judgment finding that the law’s requirement that religious groups register with local councils in order to establish new places of worship was in violation of Article 18 of the International Covenant on Civil and Political Rights (ICCPR) and the constitution. This judgment echoes an earlier Supreme Court decision finding the practice unconstitutional. The law, however, remained unchanged, since the parliament did not by year’s end pass amendments to the Law on Religion that would introduce new, constitutional guidelines for religious registration. The Jehovah’s Witnesses, adherents of Tengrism, and the Ahmadiyya Muslim Community continued to face difficulties registering as official religious groups, and Forum 18, an international religious freedom nongovernmental organization (NGO), reported that even registered religious groups were prevented from meeting in public by police and other government actors. The government did not provide religious materials to prisoners convicted of affiliation with banned religious groups, according to NGOs.

According to Christian activists, non-Muslim religious minorities continued to face difficulties arranging for burial of their dead in public cemeteries. In March Eldos Sattar uuly, a Christian who was attacked for his religious beliefs by fellow villagers, fled the country after ongoing threats against him and his family. His lawyer was also threatened as a consequence of her work for Sattar uuly, and according to an NGO there were reprisals against other Christians from his village. In January unknown vandals desecrated a Russian Orthodox cemetery.

The Ambassador and other U.S. embassy officers met with government officials to discuss restrictions on minority religious groups, proposed revisions to the religion law, and violence against religious minorities. Embassy officers regularly met with religious leaders, including representatives of the grand muftiate, and with representatives of NGOs to discuss tolerance and respect for religious groups. Issues discussed included the law on terrorism and extremism, the ability of independent religious groups to register, and the rights of religious minorities

Section I. Religious Demography

The U.S. government estimates the total population at 5.9 million (midyear 2019 estimate). According to government estimates, approximately 90 percent of the population is Muslim, the vast majority of whom are Sunni. The government estimates Shia make up less than 1 percent of the Muslim population. There is also a small Ahmadiyya Muslim community not reflected in government figures and estimated by an international organization at 1,000 individuals. According to government estimates, approximately 7 percent of the population is Christian, of which an estimated 40 percent is Russian Orthodox. Jews, Buddhists, Baha'is, and unaffiliated groups together constitute approximately 3 percent of the population. Adherents of Tengrism, an indigenous religion, estimate there are 50,000 followers in the country.

According to the National Statistics Committee, ethnic Kyrgyz make up approximately 73 percent of the population, while ethnic Uzbeks make up an estimated 15 percent. Both ethnic Kyrgyz and ethnic Uzbeks are primarily Muslim. Ethnic Russians are primarily adherents of the Russian Orthodox Church or one of several Protestant denominations. Members of the Russian Orthodox Church and other non-Muslim religious groups live mainly in major cities.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution guarantees freedom of conscience and religion; the right to practice or not practice a religion, individually or jointly with other persons; and the right to refuse to express one's religious views. It bans actions inciting religious hatred.

The constitution establishes the separation of religion and state. It prohibits the establishment of religiously based political parties and the pursuit of political goals by religious groups. The constitution prohibits the establishment of any religion as a state or mandatory religion.

The law states all religions and religious groups are equal. It prohibits “insistent attempts to convert followers of one religion to another” and “illegal missionary activity,” defined as missionary activity of groups not registered with the SCRA. The law also prohibits the involvement of minors in organized, proselytizing religious groups, unless a parent grants written consent.

The law requires all religious groups and religiously affiliated schools to register with the SCRA, which is responsible for overseeing the implementation of the law’s provisions on religion. The law prohibits activity by unregistered religious groups. Groups applying for registration must submit an application form, organizational charter, minutes of the organizing meeting, and a list of founding members. Each congregation of a religious group must register separately and must have at least 200 resident founding citizens. Foreign religious organizations are required to renew their registrations with the SCRA annually. The law also requires that religious groups register with local councils to establish new places of worship.

The SCRA is legally authorized to deny the registration of a religious group if it does not comply with the law or is considered a threat to national security, social stability, interethnic and interdenominational harmony, public order, health, or morality. The SCRA may also deny or postpone the registration of a particular religious group if it deems the proposed activities of the group are not religious in character. Denied applicants may reapply at any time or may appeal to the courts. The law prohibits unregistered religious groups from actions such as renting space and holding religious services. Violations may result in an administrative fine of 500 som (\$7).

After the SCRA has approved a group’s registration as a religious entity, the group must register with the Ministry of Justice to obtain status as a legal entity so it may own property, open bank accounts, and otherwise engage in contractual activities. The organization must submit an application to the ministry that includes a group charter with an administrative structure and a list of board and founding members. If a religious group engages in a commercial activity, it is required to pay taxes. By law, religious groups are designated as nonprofit organizations exempt from taxes on their religious activities.

The law gives the SCRA authority to ban a religious group in cases where courts concur that a religious organization has undermined the security of the state; has undertaken actions aimed at forcibly changing the foundations of the constitutional system; created armed forces or propaganda advocating war or terrorism; has engaged in the encroachment on the rights of citizens or obstruction of compulsory education of children; has coerced members to remit their property to the religious group; or has encouraged citizens to refuse to fulfil their civil obligations and break the law. The group may appeal the decision in the courts.

The constitution prohibits religious groups from “involvement in organizational activities aimed at inciting ethnic, racial, or religious hatred.” A conviction for inciting ethnic, racial, or religious hatred may lead to a prison term of three to eight years, while a conviction for creating an organization aimed at inciting ethnic, racial, or religious hatred may lead to a term of five to 10 years. Conviction for murder committed on the grounds of religious hatred is punishable by life imprisonment.

The law mandates separate prison facilities for prisoners convicted of terrorism and “extremism.” The law also allows for stripping the citizenship of any Kyrgyz national found to have trained to acquire skills to commit terrorist or extremist crimes outside the country. The law defines “extremist activity” as including the violent overthrow of the constitutional order; undermining the security of the country; violence or inciting violence on racial, national, or religious grounds; propagating the symbols or paraphernalia of an extremist organization; carrying out mass riots or vandalism based on ideological, political, racial, national, or religious hatred or enmity; and hate speech or hostility toward any social group.

According to the law, only individuals representing registered religious organizations may conduct missionary activity. If a foreign missionary represents an organization approved by the SCRA, the individual must apply for a visa with the Ministry of Foreign Affairs. Visas are valid for up to one year, and a missionary is allowed to work three consecutive years in the country. All foreign religious entities, including missionaries, must operate within these restrictions and must reregister annually. Representatives of religious groups acting inconsistently with the law may be fined or deported. Violations of the law may result in fines of 1,000 som (\$14), and deportation in the case of foreign missionaries.

The law provides for the right of religious groups to produce, import, export, and distribute religious literature and materials in accordance with established

procedures, which may include examination by state experts. The law does not require government examination of religious materials (such as literature and other printed or audio or video materials), and it does not define the criteria for state religious experts. The law prohibits the distribution of religious literature and materials in public locations or in visits to individual households, schools, and other institutions. The law specifies fines based on the nature of the violations. In January President Sooronbay Jeenbekov approved updates to the criminal code, including the law governing extremist materials. The updated law now requires that law enforcement demonstrate an intent to distribute extremist materials to arrest a suspect. Prior to the changes to the law, simple possession of extremist materials was deemed sufficient to arrest suspects.

The law allows public schools an option to offer religion courses that discuss the history and character of religions, as long as the subject of such teaching is not religious doctrine and does not promote any particular religion. Private religious schools need to register with SCRA to operate as such.

According to the law, religion is grounds for conscientious objection to and exemption from military service. Conscientious objectors must pay a fee of 18,000 som (\$260) to opt out of military service. Draft-eligible males must pay the fee before turning 27 years of age. Failure to pay by the age limit requires the person to perform 108 hours of community service or pay a fine of 25,000 som (\$360). If males are unable to serve due to family circumstances and have not paid by the age limit, they must pay 18,000 som (\$260). Draft-eligible men who evade military service and do not fall under an exemption are subject to a fine or imprisonment of up to two years. It is obligatory to serve in the military for 12 months, though the law provides for alternative forms of community service. Religious groups are not exempt from this law and must pay to opt out of military service.

The country is a party to the ICCPR.

Government Practices

On June 19, officers of the State Committee on National Security (GKNB) and the Interior Ministry detained six members of the organization Hizb ut-Tahrir in the At-Bashi District of Naryn Oblast (province).

The government maintained its bans on 21 “religiously oriented” groups it considered to be extremist, including: al-Qaida, the Taliban, Islamic Movement of Eastern Turkistan, Kurdish Peoples’ Congress, Organization for the Release of

Eastern Turkistan, Hizb ut-Tahrir (HT), Union of Islamic Jihad, Islamic Party of Turkistan, Family Federation for World Peace and Unification (Unification Church), Takfir Jihadist, Jaysh al-Mahdi, Jund al-Khilafah, Ansarullah, At-Takfir Val Hidjra, Akromiya, ISIS, Djabhat An Nusra, Katibat al-Imam al-Buhari, Jannat Oshiqdari, Jamaat al-Tawhid wal-Jihad, and Yakyn Incar. Authorities also continued to ban all materials or activities connected to the Chechen Islamist militant leader A.A. Tihomirov (aka Said Buryatsky), whose activities and materials the Bishkek District Court deemed to be extremist in 2014.

According to open sources, extremism arrests dropped significantly after the change to extremism laws in January, with six arrests reported in the press during the year, compared with 213 the previous year. Official government statistics were not available. Extremist incidents included membership in a banned “religiously oriented” organization, distribution of literature associated with a banned organization, and proselytizing on behalf of or financing a banned organization. The GKNB reported that, during the first nine months of the year, 399 pieces of extremist materials were seized by the government, but that criminal cases were not initiated due to the changes to the extremism law. Ethnic Uzbeks said that the police targeted and harassed them, usually in connection with the possession of banned religious literature or support of banned organizations, which they said was based on false testimony or planted evidence. Leadership of two Christian denominations reported that both the SCRA and the GKNB made unannounced visits to their places of worship, under the guise of preventing extremism, in which they demanded that churches present their financial records and religious texts.

Parliament continued to consider 2018 draft amendments to the religion law submitted by the SCRA. The revised amendments include a ban on door-to-door proselytizing and a requirement to notify the government prior to undertaking religious education abroad. The SCRA eliminated a proposed change to increase the number of members required to register as a religious organization (from 200 to 500 members), allowing registered religious organizations to create filial branches across the country regardless of the number of adherents in a locality. Jehovah’s Witnesses continue to express concerns with the draft amendments. The SCRA submitted the amendments to parliament early in the year and at year’s end were being reviewed under a second reading before parliament. Generally, proposed laws undergo three readings in parliament before floor debate and a vote.

On March 29, the UN Human Rights Committee found that the provision of the law requiring that religious groups register with local councils to establish new places of worship was in violation of Article 18 of the ICCPR and the constitution.

The Supreme Court had in 2014 found this provision to be unconstitutional. Jehovah's Witnesses noted that the provision of the law remained in force, stating that parliament failed to amend the law to reflect the decision of the Supreme Court.

NGOs working in prison reform and countering violent extremism reported that the laws mandating separate facilities for prisoners convicted of terrorism and extremism were often poorly implemented. NGOs reported that violent extremists were not separated from inmates who were incarcerated for lesser crimes, including simple possession of extremist materials, which they said could lead to radicalization of other populations in the prisons. NGOs reported that prison authorities required religious literature other than the Quran or *hadith* (the record of the traditions or sayings of the Prophet Mohammed) to be approved by the muftiate.

Religious groups continued to report the SCRA registration process was cumbersome, taking anywhere from one month to several years to complete. One group reported that the SCRA had not registered it, after five years of attempts. Some unregistered groups continued to report they were able to hold regular religious services without government interference, especially foreign religious organizations that had been registered in the past and had an annual application for reregistration pending. The SCRA reported it registered one Protestant, eight Presbyterian, three Pentecostal, three Baptist, and four evangelical Protestant congregations during the year. The SCRA reported that 2,669 mosques were legally registered under the law, and approximately 300 mosques did not receive registration due to a lack of documentation.

According to Forum 18, the SCRA registered more than 60 Christian churches and organizations, most of them Protestant, between the end of 2018 and June. Authorities registered the Jehovah's Witnesses Community in Osh early in the year after 10 years of seeking registration. Forum 18 reported that Jehovah's Witness communities in Naryn, Jalal-Abad, and Batken Oblasts were still unable to register, however.

According to Forum 18 News, despite some religious organizations successfully registering, registration "does not remove many obstacles to exercising freedom of religion and belief." Members of various religious communities stated they could still not hold public meetings outside their registered addresses without permission, and that authorities usually did not grant permission. They also stated that

religious literature could not be imported without going through state censorship, and that members could not publicly share their beliefs.

Although the government continued not to list the Ahmadiyya Muslim Community as a banned organization, a representative of the group confirmed it still had not obtained registration. The community initially registered in 2002, but the SCRA had declined to approve its reregistration every year since 2012, including again in 2019. The SCRA has also refused to register Tengrism as a religion since 2013, on the stated basis that government theologians said that Tengrism is a philosophical movement and not a religion.

The SCRA continued to state that, while the law did not mandate expert review of religious literature, its practice was to examine imported religious materials submitted for review by religious organizations. There continued to be no specific procedure for hiring or evaluating the experts performing the examination of religious literature that groups wished to distribute within their places of worship. According to religious studies academics, the SCRA continued to choose its own employees or religious scholars with whom the agency contracted to serve as the experts. Attorneys for religious groups continued to say the experts chosen by the SCRA were biased in favor of prosecutors and were not formal experts under the criminal procedure code. The State Forensic Service, with support from SCRA on religious matters, screened the content of websites, printed material, and other forms of media for extremist content.

Jehovah's Witness representatives stated that the SCRA and other government organizations continued to use spurious applications of the law to prevent the establishment of new congregations. On August 28, the SCRA rejected an application by the Jehovah's Witnesses for the registration of a religious organization in the city of Kadamjay, citing an article in the housing codex as the rationale for rejection, noting that industrial or commercial activities were prohibited in residential housing. According to a letter from the SCRA, since the Jehovah's Witnesses were attempting to register their religious organization through a residential address, the SCRA could not approve their application. The Jehovah's Witnesses also reported that the refurbishment of an established Kingdom Hall in Sovietskaya, Jalalabad Oblast, was halted after the city government formed a committee to investigate the construction. The committee stated that the Jehovah's Witnesses were engaged in proselytism, and that their community had failed to register with the local council. In light of these findings, the committee, which included the SCRA representative in Jalalabad Oblast, demanded that the Jehovah's Witnesses cease all religious activity that was not

approved by local residents in order to prevent the threat of religious conflict. While the law does not require examination of all religious literature and materials, religious groups, including the Jehovah's Witnesses, stated that SCRA required they submit 100 percent of their religious material for review.

According to representatives of religious groups, refusal either to serve or to pay a fee to opt out of military service continued to subject a conscientious objector to hardship, because military service remained a prerequisite for employment in the government and with many private employers.

The SCRA again held interfaith dialogue forums in all seven oblasts of the country during the year. These forums included Muslim, Russian Orthodox, Catholic, Protestant, and Baha'i participants, as well as civil society representatives, local authorities, and officials from the Ministry of Interior and the GKNB. The forums focused on religious tolerance, cooperation, and mutual understanding among representatives of religious communities, as well as between the state and religious organizations. Religious groups stated they were generally happy with the interfaith platforms, though there were few concrete results.

Section III. Status of Societal Respect for Religious Freedom

According to Christian activists, non-Muslim religious minorities continued to face difficulties arranging for burial of their dead in public cemeteries. Sources reported at least five separate cases in which members of minority religious groups were refused burial in public cemeteries. In 2017 the SCRA announced a policy to divide public cemeteries by religion, which it said would be introduced by government decree. The SCRA said it developed the policy in response to reports that religious minorities continued to face difficulties arranging for the burial of their dead in public cemeteries; however, the policy had not been implemented as of September.

According to civil society activists, incidents of harassment of minority religious groups typically occurred in small towns and villages with majority Kyrgyz populations. In 2018, according to Forum 18 News Service, Eldos Sattar uuly was attacked for his Protestant religious beliefs in the village of Tamchi. After ongoing threats against him, his lawyer, and his family, including threats during police questioning about the attack, Sattar uuly fled to Ukraine. In July police dropped the charges against his alleged attackers, citing the accuser's departure from the country as the rationale. In the aftermath of Sattar uuly's departure from the country, Forum 18 stated his lawyer was threatened with prosecution for the

incitement of national, racial, or religious hatred, in reprisal for her legal representation of him. According to Forum 18, there were reprisals against other Christians from Sattar uuly's village, including violence against other Christians.

On January 11, vandals desecrated a Russian Orthodox cemetery in Ananievo village, in Issyk Kul Oblast. According to local residents, 89 gravestones were damaged. Authorities were not able to identify suspects.

Section IV. U.S. Government Policy and Engagement

The Ambassador and other embassy officers met regularly with government officials, including the SCRA chief and deputy and high ranking officials in the grand muftiate, to discuss restrictions on minority religious groups, proposed revisions to the religion law, and violence against religious minorities.

In June the embassy hosted an iftar with the grand muftiate, which included local imams and religious representatives. A senior embassy official also hosted an iftar with religious experts and government officials. During both iftars, embassy officials discussed tolerance, religious freedom, and interreligious engagement.

Embassy officers also continued to engage with representatives of the muftiate, leaders of minority religions, NGOs, and civil society representatives to discuss the law on terrorism and extremism, the ability of independent religious groups to register, and the rights of religious minorities. The Ambassador had regular meetings with members of religious communities, including the grand mufti, representatives of the Jehovah's Witnesses, and the Baptist and Evangelical Unions of Kyrgyzstan, and discussed religious registration, interreligious relations, and religious extremism.