

# KYRGYZ REPUBLIC 2014 INTERNATIONAL RELIGIOUS FREEDOM REPORT

## Executive Summary

The constitution guarantees freedom of conscience and religion; however, some laws and policies still restrict religious activity. The government continued to enforce significant restrictions on the registration of religious organizations and missionaries, such as the Ahmadiyya Muslim community, the Church of Scientology, and groups or individuals it considered threats to security. Human rights activists and attorneys noted an increase in arrests of Muslims for possessing banned religious materials. In September a court ruled sections of the religion law unconstitutional, changing registration requirements for organizations with fewer than 200 members.

Members of minority religious groups, including Jehovah's Witnesses and small Muslim groups, spoke to lawyers and human rights defenders about abuse and discrimination by the police and in the workplace.

The Ambassador and U.S. embassy officers consistently urged the government to respect religious freedom. In cases where authorities attempted to restrict religious freedom, embassy representatives engaged officials to ascertain the motives for their actions. When the officials' actions led to legal proceedings, embassy representatives attended and observed the hearings. The embassy supported religious leaders and civil society in its religious freedom programs and met with them regularly to discuss religious freedom issues.

## Section I. Religious Demography

The U.S. government estimates the total population is 5.6 million (July 2014 estimate). Approximately 75 percent of the population is Muslim, the majority of which are Sunni; 20 percent is Russian Orthodox; and 5 percent adhere to other religious groups, including Baptists, Lutherans, Pentecostals, Presbyterians, charismatics, Seventh-day Adventists, Jehovah's Witnesses, Roman Catholics, Jews, Buddhists, and Bahais. There are approximately 11,000 Protestant Christians.

Islam is the main religion in both urban and rural areas. Members of the Russian Orthodox Church and other non-Muslim religious groups live mainly in major cities. Ethnic Kyrgyz and Uzbeks are primarily Muslim, while ethnic Russians

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most often belong to the Russian Orthodox Church or one of several Protestant denominations.

### **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, and the right to refuse to express one's religious and other views.

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 establishment of any religion as a state or mandatory religion is prohibited.

The religion law affirms that all religions and religious groups are equal. However, it prohibits the involvement of minors in organizations, "insistent attempts to convert followers of one religion to another (proselytism)," and "illegal missionary activity."

The religion law also requires all religious groups, including schools, to register with the State Commission for Religious Affairs (SCRA). The SCRA is responsible for promoting religious tolerance, protecting freedom of conscience, and overseeing laws on religion. The SCRA can deny or postpone the certification of a particular religious group if it deems the proposed activities of that group are not religious in character. Unregistered religious groups are prohibited from actions such as renting space and holding religious services, although many hold regular services without government interference.

Groups applying for registration must submit an application form, organizational charter, minutes of an institutional meeting, and a list of founding members to the SCRA for review. 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. Denied applicants may reapply or may appeal to the courts. The registration process with the SCRA is often cumbersome, taking anywhere from a month to several years to complete. Each congregation of a religious group must register separately.

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If approved, a religious group may choose to complete the registration process with the Ministry of Justice. Registration is required in order to obtain status as a legal entity and for the group to own property, open bank accounts, and otherwise engage in contractual activities. If a religious group engages in a commercial activity, it is required to pay taxes. Normally religious groups are exempt from taxes.

According to the law, missionary activity may only be conducted by individuals representing registered religious organizations. Once the foreign missionary's registration is approved by the SCRA, the missionary 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 religious foreign entities, including missionaries, must operate within these restrictions and must register annually.

The law gives the SCRA authority to ban religious groups as long as it delivers written notice to the group indicating that they are not acting in accordance with the law and if a judge issues a decision, on the basis of the SCRA's request, to ban the group. Authorities maintained bans on fifteen "religiously-oriented" groups, including Al-Qaida, the Taliban, the Islamic Movement of Eastern Turkistan, the Kurdish Peoples' Congress, the Organization for the Release of Eastern Turkistan, Hizb utl-Tahrir (HT), the Union of Islamic Jihad, the Islamic Party of Turkistan, the Unification (Mun San Men) Church, Takfir Jihadist, Jaysh al-Mahdi, Jund al-Khilafah, Ansarullah, Akromiya, and the Church of Scientology.

According to the law, religious groups are prohibited from "involvement in organizational activities aimed at inciting ethnic, racial, or religious hatred." This law is often applied to groups the government labels as extremist.

While the law provides for the right of religious groups to produce, import, export, and distribute religious literature and materials in accordance with established procedures, all religious literature and materials are subject to examination by state "experts." There is no specific procedure for hiring or evaluating these experts, and they are typically employees of the SCRA or religious scholars with whom the agency contracts. The law prohibits the distribution of religious literature and materials in public locations or in visits to individual households, schools, and other institutions.

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The law requires individuals who wish to undertake alternative service as conscientious objectors to make monetary contributions to a special account belonging to the Ministry of Defense (MOD). The penalty for evasion of compulsory military service is 25,000 som (\$426) and/or community service.

The religion law allows public schools to offer religion courses which discuss the history and character of religions as long as the subject of such teaching is not religious and does not promote any particular religion. In November the president and the National Defense Council issued a *Concept on Religion* – part of which calls on the Ministry of Education to develop a formalized method of teaching religion and the history of world religions in schools.

### Government Practices

The government prohibited religious groups and clergy from interfering in the activities of government institutions. Members of law enforcement and security services actively enforced restrictions on religious freedom while investigating alleged religious extremism. The government also enforced strict registration requirements for religious groups. The government ascribed “extremist agendas” to some groups, including politically active Muslim groups whose members it labeled “Wahhabists.”

In October a court in Osh acquitted Oksana Koriankina and her mother, Nadezhda Sergienko, two Jehovah’s Witnesses under house arrest since April 2013 on charges of defrauding three elderly women of their life savings. In his decision, the judge noted that the prosecutor unfairly referred to Jehovah’s Witness as a “sect.” In November the prosecutor appealed the trial court’s decision. The two women were forbidden from leaving the city of Osh until the court heard the prosecutor’s appeal, scheduled for January 2015.

On April 30, the SCRA banned the Church of Scientology for distributing religious materials in unlicensed areas. On March 14, the Pervomaisky District Court of Bishkek ruled to ban the Akromiya religious movement, stating that it was an extremist organization.

On September 4, the Constitutional Chamber ruled that a section of the religion law, requiring a group have 200 adult citizen members before a registration application could be approved, was unconstitutional. Prior to this ruling, authorities repeatedly denied registration of Jehovah’s Witness groups in Osh,

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Naryn, Jalal-Abad, and Batken on grounds that the local city councils refused to approve the list of founding members. This requirement for 200 adult citizen members reportedly was also used by the SCRA.

There were 2,575 officially registered religious groups and educational establishments. According to the Open Viewpoint Foundation, a central-Asian based nongovernmental organization (NGO), and Freedom House, the SCRA frequently refused to inform religious groups about why it denied their registration or reregistration.

The head of the Russian Orthodox Church in the country, Bishop Feodosy, left Bishkek in July after numerous inspections from the SCRA during the first half of the year. Eventually, the SCRA refused to extend his term of residence in Kyrgyzstan, saying that he submitted registration documents after the deadline. Feodosy was replaced by a new head and no further problems were reported.

On July 10, the Supreme Court upheld a January 2013 ruling denying the Ahmadiyya Muslim Community Mission the right to register as a religious group. Because Ahmadis were denied registration, members could not legally congregate, pray, or hold any ceremonies.

The Open Viewpoint Foundation stated that certain religious communities complained that authorities used discrepancies in existing legislation as an excuse to avoid registering them or to force them to reregister, which was typically a lengthy process. As a result, some groups reportedly abandoned the effort to register.

Law enforcement officials classified 302 persons as members of religious extremist organizations in Bishkek: 144 as HT members and 158 Salafis. Law enforcement authorities arrested 145 members of groups which they deemed extremist and investigated 181 crimes considered committed by extremists. Forty-eight percent of investigations took place in the South. Twelve percent were in Bishkek.

The government continued to restrict the activities of Muslim groups it considered threats to security. For example, it classified the banned HT as extremist, although the group's philosophy professed nonviolence and its members committed no violent acts. Membership in HT as well as any activity on behalf of the group remained illegal and authorities used their powers broadly to enforce the ban. The

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Ministry of Interior (MOI) estimated there were 3,000 HT members and 20,000 supporters in the country. Human rights activists and attorneys noted a sharp rise in the first half of this year in arrests and investigations of suspected HT members. The MOI reported that arrests of HT members increased by 20 percent compared to 2012 when authorities arrested 1,822 HT members, detained 40 HT members for trial, and sentenced 23 to prison terms. HT members were mostly active in the South, where 70 percent of the arrests of HT members occurred. The authorities also observed HT activity in Talas and Chui Provinces.

Attorneys handling HT cases stated that members of the State Committee on National Security arrived at homes claiming to have a search warrant, which they did not, entered the home, located or “planted” printed material promoting HT, and arrested the suspect. Overall, law enforcement officials seized 719 electronic texts, 1,202 pieces of “extremist” literature, and more than 2,000 leaflets.

The government prosecuted some conscientious objectors who refused military service and who also refused to make monetary contributions to the MOD; however, 12 Jehovah’s Witnesses were acquitted as a result of the November 2013 Supreme Court ruling that allowed them to perform alternative military service, including civic activities. According to this ruling, cases previously filed against Jehovah’s Witnesses for failure to perform military service would be dismissed.

In February President Atambayev chaired a Defense Council meeting, involving representatives of the newly established Muslim Council, the SCRA, State National Security Committee, law enforcement agencies, the Presidential Administration, and parliament to discuss the relationship between the state and religious groups. Following the meeting, the president issued a decree increasing state oversight of rulings by the Muslim Council. This decree led to the formation of a working group to investigate ways of implementing the ideas of religious experts.

### **Section III. Status of Societal Respect for Religious Freedom**

The Spiritual Administration of Muslims of the Kyrgyz Republic, commonly known as the “muftiate,” was the highest Islamic administrative body in the country and was responsible for overseeing all Islamic entities, including institutes, madrassahs, and mosques. According to the constitution the muftiate is an independent entity, but in practice the government exerted influence over the office, including the mufti selection process.

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The Islamic University, which is affiliated with the muftiate, continued to oversee the work of all Islamic schools, including madrassahs, with the stated aim of developing a standardized curriculum and curbing the spread of religious teaching deemed extremist.

The Jehovah's Witnesses rebuilt their place of worship in Toktogul, which was burned down in May 2012 by unidentified individuals.

### **Section IV. U.S. Government Policy**

U.S. Embassy representatives engaged with government officials when government actions threatened religious freedom. They monitored judicial proceedings against members of minority religious groups, including the Supreme Court hearing for the Ahmadiyya Muslim community. Embassy officials met regularly with the SCRA, representatives of the muftiate, leaders of religious groups, and with NGOs to discuss changes in the religion law, the ability of independent groups to register, and the rights of religious minorities.

The embassy invited Muslim clerics and public figures to speak on the importance of interfaith dialogue and religious tolerance. The embassy also sponsored English language programs at local madrassahs to provide students with better access to international religious dialogue.

The embassy continued to fund human rights organizations that monitored problems related to religious freedom, including draft legislation regarding religious beliefs. These NGOs provided free legal advice to members of marginalized religious groups.