

KYRGYZ REPUBLIC 2013 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution provides for religious freedom for all citizens. Other laws and policies, however, restrict religious freedom, and the government enforced those restrictions. The government continued to restrict the registration and activities of some religious groups, including Muslim groups it considered threats to security, and imprisoned some members of these groups.

There were reports of abuses and discrimination based on religious affiliation, belief, and practice. Tensions existed among Muslims, converts from Islam, and members of other religious groups, which on at least one occasion resulted in violence.

The U.S. embassy maintained contact with government officials, leaders of religious groups, and nongovernmental organizations (NGOs) regarding religious affairs, including religious freedom. In cases where authorities attempted to restrict religious freedom, embassy representatives engaged officials to ascertain the motives for their actions. When these actions led to legal proceedings, embassy representatives attended and observed the hearings. Embassy officers, including the Ambassador, consistently urged the government to respect religious freedom.

Section I. Religious Demography

The U.S. government estimates the total population is approximately 5.5 million (July 2013 estimate). About 75 percent of the population is Muslim, almost all of whom are Sunni, 20 percent is Russian Orthodox, and 5 percent adheres to other religious groups.

Protestant Christians number approximately 11,000. Protestant denominations include 49 Baptist, 21 Lutheran, 49 Pentecostal, 36 Presbyterian, 43 charismatic, and 30 Seventh-day Adventist communities. Jehovah's Witnesses number approximately 4,800 with 41 groups. There are an estimated 1,200 Roman Catholics, 1,500 Jews, 1,000 Buddhists, and 300 Bahais.

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

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cities. Ethnic Kyrgyz and Uzbeks are primarily Muslim, while ethnic Russians most often belong to the Russian Orthodox Church or one of the several Protestant denominations.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Although the constitution provides for religious freedom, laws and policies, including the religion law, restrict religious freedom.

The constitution defines the country as a sovereign, unitary, and democratic social state based on the rule of law with separation of religion and state. The constitution prohibits the establishment of religious political parties and the pursuit of political goals by religious groups. It also prohibits the establishment of any religion as a state or mandatory religion. Furthermore, the government prohibits religious groups and clergy from interfering in the activities of government institutions.

The religion law affirms that all religions and religious groups are equal, but imposes some significant restrictions on religious freedom. It prohibits the involvement of minors in organized, proselytizing religious groups, “insistent attempts to convert followers of one religion to another (proselytism),” and “illegal missionary activity.”

The law that often is applied to groups the government labels as “extremist” prohibits the “involvement in organizational activities aimed at inciting ethnic, racial, or religious hatred.”

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 State Commission for Religious Affairs (SCRA) or religious scholars that 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.

The religion law also requires all religious groups, including schools, to register with the SCRA. The SCRA is responsible for promoting religious tolerance,

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protecting freedom of conscience, and overseeing laws on religion. The SCRA can deny or postpone the certification of a particular religious group if it believes 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 have at least 200 adult citizen members and 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 recommends rejection when a religious group 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.

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 commercial activity, it is required to pay taxes.

All religious foreign entities, including missionaries, must operate within these restrictions and must register annually.

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 government prosecutes conscientious objectors who refuse military service and also refuse to make the MOD contributions. The penalty for evasion of compulsory military service is 25,000 som (approximately \$506) and/or community service.

In March and April the Supreme Court suspended the prosecution of 10 pending conscientious objector cases involving Jehovah's Witnesses. The Supreme Court referred the cases to the newly-formed Constitutional Chamber for review. The chamber has a three-year backlog of cases and the case was pending at the end of the year.

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The government ascribes “extremist agendas” to some groups, including politically active Muslim groups, whose members it labels “Wahhabists.”

The religion law allows public schools to teach religion courses that the state deems “mainstream” if such lessons do not otherwise conflict with the country’s laws.

Government Practices

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.

Authorities maintained bans on thirteen “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, Hizbut-al-Tahrir (HT), the Union of Islamic Jihad, Islamic Party of Turkistan, the Unification (Mun San Men) Church, Takfir Jihadist, Jaysh al-Mahdi, Jund al-Khilafah, and Ansarullah. The latter four of these groups were added to the proscribed list in October 2012. On August 1, the Supreme Court upheld the ban on the Mun San Men Church as well as an SCRA decision earlier in the year to close the public association “Federation of Families for Unity and Peace in the World” for being “a camouflaged division of the Mun Church.” The SCRA stated it made the decision to close this church “to prevent the activities of totalitarian sects and destructive cults on the territory of the republic, which pose a threat to the morals and health of the country’s citizens and affect human rights and dignity and freedom.”

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 HT’s philosophy professed nonviolence and its members committed no violent acts. Membership in HT as well as any activity on behalf of the group remains illegal. Authorities used their powers broadly to enforce the ban. The Ministry of Interior estimates there are 3,000 HT members and 20,000 supporters in the country. The ministry reports that arrests of HT members increased by 20 percent compared to 2012. In 2012, the authorities arrested 1,822 HT members, detained 40 HT members for trial, and sentenced 23 to prison terms. Law enforcement officials also seized 719 electronic texts, 1,202 pieces of “extremist” literature, and more than 2,000 leaflets. HT members are mostly active in the

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South, where 70 percent of the arrests of HT members occurred. The authorities also observed HT activity in Talas and Chui Provinces.

There were 2,393 officially registered religious groups, educational establishments, and places of worship. The government denied registration to approximately 500 religious organizations. Twelve foreign citizens were registered as missionaries.

Jehovah's Witnesses continued to experience harassment and discrimination. Police and secret police officers raided eight worship meetings of Jehovah's Witnesses, claiming they were illegal because the local communities had no individual registration. The SCRA also issued two official warnings that individual communities broke the registration law. During the year officials denied for the second time a registration application by a Jehovah's Witness community in Jalal-Abad. Since 2011, the SCRA had refused to register Jehovah's Witness communities in Naryn, Osh, Kadamjai, and Jalal-Abad.

On May 19, more than 10 officials, including representatives of the State Committee on National Security, the Ministry of Interior, and the SCRA, raided a religious meeting of Jehovah's Witnesses in Osh. The officials subjected male and female Witnesses to threats of sexual violence and intimidation. The officials also seized Bibles, religious literature, and other personal effects.

Officials in the Osh and Jalal-Abad districts justified their actions by stating that Jehovah's Witnesses could not peacefully manifest their religious beliefs, individually or in association with others, without registering as a local religious organization. On August 13, the ombudsman characterized the actions of the police as "outrageous and illegal." While the government did not pursue criminal charges against the police officers involved, officials from the Osh police department stated that senior officials reprimanded and warned the police officers that took part in the raid.

In May 2012, the Supreme Court had upheld a lower court's decision affirming the SCRA's denials of registration to Jehovah's Witness communities in 2011. In September 2012, Jehovah's Witnesses filed a complaint with the UN Human Rights Committee in Geneva alleging that the registration denial was a violation of their rights under the International Covenant on Civil and Political Rights. That complaint remained pending at year's end. On March 26, Jehovah's Witnesses lodged a further complaint with the UN Human Rights Committee about the denial of registration to their Kadamjay community. According to Open Viewpoint Foundation, a central-Asian based NGO, and Freedom House, the SCRA

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frequently refused to inform religious groups about why it denied their registration or re-registration.

Bishkek's Ahmadiyya Muslim community continued to challenge the SCRA's 2012 denial of the religious community's re-registration application. In 2012, Bishkek's Inter-District Economic Court denied their requests for re-registration consideration, a decision the community then appealed to the City Court. On January 30, the City Court officially denied the community's appeal for the ability to re-register based on the SCRA's claims that the group represented an extremist threat.

Because of the re-registration denial, by year's end the Ahmadiyya Muslim community had been unable to meet legally for worship since July 2011.

Several other religious groups experienced difficulties registering. The Church of Jesus Christ of Latter-day Saints (Mormons) initially applied for registration with the SCRA in 2004, but had not received approval by the end of the year. Nearly all Christian denominations reported long delays – up to several years – in their registration applications. Government officials attributed the delays to erroneous or insufficient applications and understaffing.

Religious groups with fewer than the required 200 members found it difficult to gather members because the government prohibited meetings of unregistered groups. Other religious groups, such as the Jehovah's Witnesses, succeeded in registering in some cities, only to be told that their registration did not apply in other cities.

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

The Open Viewpoint Foundation reported several complaints that the government refused burial rights in religious cemeteries to persons who were neither Muslim nor Christian. Existing legislation provided no solution to this situation. In an article published in *Interfax* on March 6, the reporter quoted SCRA officials as saying that the controversy over Protestant burials represented “a serious threat to the interreligious concord in the society.”

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The SCRA continued its practice of regularly monitoring religious services of registered groups, taking photographs, and asking questions.

Section III. Status of Societal Respect for Religious Freedom

There were reports of discrimination based on religious affiliation, belief, or practice.

In May 2012, approximately 40 persons attacked and burned down the local Jehovah's Witnesses' place of worship in Toktogul after harassing the volunteers working on the building for weeks. On April 16, the Jalal-Abad District Court upheld the one-year suspended sentence imposed on the five people convicted of the attack. The court also ordered that the defendants pay restitution of more than 600,000 soms (\$12,146).

The Spiritual Administration of Muslims of the Kyrgyz Republic, a nongovernmental entity commonly known as the "muftiate," is the highest Islamic administrative body in the country. The muftiate oversees all Islamic entities, including institutes and madrassahs, mosques, and Islamic groups. A muftiate-established commission reviews and standardizes Islamic educational literature printed and distributed in the country and reviews new books on Islamic themes before their publication. A government decree authorizes the muftiate to ban Islamic publications not meeting established standards. Nonetheless, as a religious entity, the muftiate had no authority to provide advice on affairs of state. 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.

Islamic University, which is affiliated with the muftiate, continued to oversee the work of all Islamic schools, including madrassahs, in order to develop a standardized curriculum and curb the spread of religious teaching deemed "extremist."

Section IV. U.S. Government Policy

U.S. embassy representatives met with the SCRA, leaders of religious groups, including minority groups, and with NGOs monitoring religious freedom. Embassy representatives engaged with government officials when government actions threatened religious freedom and monitored judicial proceedings against

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members of minority religious groups, including the government's judicial effort to criminalize the Ahmadiyya Muslim Community as "extremist."

The embassy hosted events with religious groups in honor of holidays, including an iftar reception for civil society and academic, government, and religious leaders. The embassy also 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.