

KYRGYZ REPUBLIC 2012 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's respect for religious freedom did not change significantly during the year. The government continued to restrict the registration of some religious groups and the activities of Muslim groups it considered threats to security.

There were some reports of abuses and discrimination based on religious affiliation, belief, or practice. Throughout the year, tensions continued among Muslims, converts from Islam, and adherents to other religions.

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 motive 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

According to 2011 World Bank figures, the population is 5.5 million. Sunni Islam accounts for 83 percent of the population and there are also approximately 1,000 members of Shia groups. Approximately 15 percent of the population is Christian, half of which identifies itself as Russian Orthodox.

Of the remaining population, Protestant Christians number 11,000. Protestant denominations include 48 registered Baptist groups, 21 Lutheran, 49 Pentecostal, 35 Presbyterian, 43 "Charismatic," and 30 Seventh-day Adventist communities. Jehovah's Witnesses number approximately 4,800. There are three Roman Catholic churches, with an estimated 1,200 adherents nationwide. The Jewish community, with about 1,500 members, has one synagogue. The Buddhist community includes approximately 1,000 members and has one temple. There are 12 registered Bahai houses of worship that serve approximately 300 members.

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Islam is the predominant religion in both urban and rural areas. Members of Russian Orthodox and other non-Muslim religious groups live mainly in major 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

The constitution provides for religious freedom. Some laws and policies, including the 2008 religion law, however, restrict religious freedom.

The constitution defines the country as a sovereign, unitary, democratic social state based on the rule of law with separation of religion and state. It also provides for freedom of religion and prohibits discrimination based on religion or religious beliefs. 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 2008 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 religious groups, “insistent attempts to convert followers of one religion to another (proselytism),” and “illegal missionary activity.”

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 agency contracted. The law prohibits the distribution of religious literature and materials in public locations or by visiting 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, 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

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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 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 on the Universal Duty of Citizens of the Kyrgyz Republic on Military and Alternative Service 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 pay the MOD. The penalty for evasion of compulsory military service is 25,000 som (approximately \$530) and/or community service.

The government ascribes “extremist agendas” to some groups, including politically motivated Muslim groups whose members it labels “Wahhabists.” In 2008, the Pervomaisky District Court of Bishkek identified one additional religious group, Jamaat al-Jihad al-Islamias, as a terrorist organization.

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.

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The government does not currently ban hijabs and religious clothing in schools.

The government observes the following religious holidays as national holidays: Kurman Ait (Eid al-Adha), Orozo Ait (Eid al-Fitr), and Orthodox Christmas.

Government Practices

There were reports of abuses of religious freedom, including detentions. 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 nine religiously-oriented groups, including Al-Qaeda, the Taliban, Islamic Movement of Eastern Turkistan, Kurdish Peoples' Congress, Organization for the Release of Eastern Turkistan, Hizbut Tarir, Union of Islamic Jihad, Islamic Party of Turkistan, and Takfir Jihadist. During the year, the government added the Church of Unification to the banned list.

The government continued to restrict the activities of Muslim groups it considered threats to security. For example, it banned Hizbut Tahrir (HT) and classified it as "extremist" although its philosophy professed nonviolence and no violent acts were attributed to it. Membership in HT was illegal as was any activity on behalf of the group. Authorities used their powers broadly to enforce the ban. In April 2011, the most recent data available, the State Committee on National Security estimated there were 1,900 HT members in the country. During the first four months of the year, the authorities detained 40 HT members 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. At year's end, the Ministry of Internal Affairs refused to release information regarding HT membership.

Jehovah's Witnesses continued to experience harassment and discrimination. The government prosecuted Jehovah's Witnesses who refused as conscientious objectors to contribute funds to the MOD as required by law, despite their willingness to make a monetary contribution to non-defense related areas in place of military service.

On May 17, 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. Observers reportedly witnessed a senior

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employee of the Toktogul city council helping to organize the attack. Police made no arrests in the case by year's end.

The May 17 attack in Toktogul took place nearly two years to the day after a mob looted and destroyed the same worship hall in 2010. Police initially made no arrests following the 2010 attack in spite of the fact that authorities reportedly knew many of the perpetrators. After the Jehovah's Witnesses made multiple requests, local police opened a criminal investigation in late 2011. On December 1, the Toktogul Regional Court convicted five defendants of hooliganism, inciting religious hatred, and arson. All five defendants were given a suspended sentence and ordered to pay 5,000 som (approximately \$100), while the Jehovah's Witnesses claimed the damage to their hall exceeded 1.3 million som (approximately \$27,000).

On June 15, a court dismissed the prosecutor general's attempt to label the local Ahmadiyya Muslim Community an "extremist sect." The prosecution relied on testimony, including from a former mufti, to support the argument that the Ahmadiyya community's activities divided the country's Muslims and caused "social instability." The prosecution mentioned that recent clashes between Ahmadi Muslims and Sunni Muslims in Indonesia illustrated the "threat" posed by Ahmadis to the country. Lawyers representing the Ahmadiyya Muslim Community relied largely on procedural arguments to defend their clients, arguing that current legislation required prosecutors to convene a special government council in order to label a group "extremist," rather than relying on individual expert testimony. In dismissing the case, the judge cited the failure of the government to set up an independent commission before filing the complaint as the grounds for dismissal.

Since 1996 the SCRA has registered more than 1,300 foreign citizens as religious missionaries, including 12 registered during the year. At year's end, there were 2,397 officially registered religious groups, educational establishments, and places of worship, of which 1,913 were Islamic, 370 Christian, and 114 had other religious affiliations.

On June 13, the SCRA unilaterally withdrew the local registration of the Jehovah's Witnesses community in Toktogul. The SCRA asserted that the move was necessary to maintain public order and to ensure the Jehovah's Witnesses' safety. In August a Bishkek court ruled the SCRA's denial of registration was illegal and restored the group's registration.

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During the year, several 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 year's end. Officials attributed the registration delays to erroneous or insufficient applications.

According to the Open Viewpoint Foundation, a central-Asian based NGO, 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 a lengthy process. As a result, some groups reportedly abandoned the effort to register. Throughout 2011 and 2012, the SCRA refused to register Jehovah's Witnesses in Naryn, Osh, and Jalalabad. Although a Bishkek inter-district court ordered the SCRA to allow registration, the Bishkek City Court overturned the ruling upon the SCRA's appeal. On May 31, the Supreme Court upheld the lower court's decision. According to Open Viewpoint Foundation and Freedom House, the SCRA frequently refused to inform religious groups of why it denied their registration or re-registration.

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 Jehovah's Witnesses, have succeeded in registering in some cities, only to be told that their registration did not apply in other cities.

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

The prosecutor general's office has the power to investigate and prosecute publications and individuals for the dissemination of materials that "incite ethnic hatred." The SCRA did not prosecute any specific cases involving anti-Semitism in 2012.

Section III. Status of Societal Respect for Religious Freedom

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

The Spiritual Administration of Muslims of the Kyrgyz Republic, a nongovernmental entity commonly known as the muftiate, was the highest Islamic administrative body in the country. The muftiate oversaw all Islamic entities, including institutes and madrassahs, mosques, and Islamic groups. A muftiate-

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established commission reviewed and standardized Islamic educational literature printed and distributed in the country and reviewed new books on Islamic themes before their publication. A 2004 government decree authorized 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. On December 15, the 30-member council of ulamas (Islamic clerics and scholars) elected Rahmatulla Ajy Egemberdiyev as the new mufti, official head of the muftiate.

The Islamic University, 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.”

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 for this situation.

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

The embassy hosted events with religious groups in honor of holidays, including an Easter lunch with Christian leaders and an iftar reception for civil society, academic, government, and religious leaders. The embassy also awarded a grant to a local NGO which brought multi-ethnic religious leaders together to preserve a holy site in Batken Oblast. 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.