

KYRGYZ REPUBLIC 2018 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. Authorities maintained bans on 21 “religiously oriented” groups they considered extremist and, in an increase in the number of arrests from 2017, arrested hundreds of individuals they accused of participating in what they termed as extremist incidents. The State Commission on Religious Affairs (SCRA) substantively revised draft amendments to the 2009 religion law to address public concerns on restrictions to religious freedom. The proposed amendments, however, include a ban on “door-to-door proselytizing.” Some religious groups believed the changes would also increase the difficulty of registering as a religious organization. As of year’s end, the SCRA had not submitted the amendments to parliament for review. According to nongovernmental organizations (NGOs), in the course of conducting counterterrorism measures against extremists, authorities arrested dozens of citizens for possession of vaguely defined “extremist” materials. The Jehovah’s Witnesses and the Ahmadiyya Muslim Community continued to face difficulties registering as official religious groups. The government did not provide religious materials to prisoners convicted of affiliation with banned religious groups, according to NGOs.

In January unidentified individuals burned the Baptist church in Kaji-Sai village, an incident that church leaders said was a deliberate arson attack. Also in January the international NGO Forum 18 reported a mob led by a local religious figure denied a Christian burial in a public cemetery in Jeti-Oguz District.

The U.S. Ambassador and other embassy officers met with government officials to discuss restrictions on minority religious groups and proposed revisions to the religion law. The embassy regularly met with religious leaders, including office directors of the grand muftiate, and with representatives of NGOs to discuss tolerance and respect for religious groups. Embassy outreach programs, especially for local youth, emphasized religious tolerance and dialogue.

Section I. Religious Demography

The U.S. government estimates the total population at 5.8 million (July 2018 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. According to an international organization, there is also a small Ahmadiyya Muslim community not reflected in government figures and estimated at 1,000 individuals. According to government estimates, approximately 7 percent of the population is Christian, including an estimated 3 percent Russian Orthodox. Jews, Buddhists, Baha'is, and unaffiliated groups together constitute approximately 3 percent of the population.

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, making Islam the main religion in both urban and rural areas. 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 (proselytism)" 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 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 certification 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 as long as the SCRA delivers written notice to the group stating the group does not comply with 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, and it 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 could 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 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.

The law allows public secular 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 240 hours of community service or pay a fine of up to 20,000 som (\$290). 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. There is no option to perform alternative service; community service is imposed only in cases of a conscientious objector failing to pay the 18,000 som (\$260) fee.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

The government maintained its bans on 21 “religiously oriented” groups it considered to be extremist: 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, Unification (Mun San Men) 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 the ban on 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.

Media reported that on September 19, upon the recommendation of the SCRA, the Ministry of Interior filed two criminal cases against two inhabitants of Issyk-Kul Province for possessing materials it said were extremist related to Hizb ut-Tahrir.

Law enforcement authorities stated they had recorded 358 religiously motivated extremist incidents for the first six months of the year. They opened criminal cases in 213 instances. Extremist incidents included membership in a banned “religiously oriented” organization, possession of literature associated with a banned organization, and proselytizing on behalf of or financing a banned organization. In comparison, the authorities recorded 597 extremist incidents in 2017 (35.3 percent higher than in 2016), for which they opened 229 criminal cases. According to a Ministry of Interior report, there were 285 individuals arrested for extremism and terrorism and 3,586 pieces of extremist materials extracted within the first six months of the year. Government law enforcement analysis identified domestic extremism as a growing trend, noting the state had identified 101 “extremist” incidents in 2010, compared with 597 incidents in 2017. There were no reports of citizens being stripped of citizenship for terrorism or extremism, although ethnic Uzbeks said they were arrested and imprisoned on extremism-related charges, usually tied to possession of banned literature or support of banned organizations, based on false testimony or planted evidence.

According to NGOs, in the course of conducting counterterrorism measures against extremists, authorities arrested dozens of citizens for possession of vaguely defined “extremist” materials. On September 17, Human Rights Watch published the report “We Live in Constant Fear: Possession of Extremist Material in Kyrgyzstan,” which identified instances where law enforcement agencies were accused of torturing and extorting suspects found to possess “extremist” materials. The report noted prosecutions for possessing extremist material were carried out under Article 299-2 of the criminal code, the country’s most widely applied charge against terrorism and extremism suspects. It stated that at least 258 persons had been convicted under the article since 2010. The report also stated several hundred suspects were awaiting trial on the charge and the numbers had increased each year, with 167 new cases opened during the first nine months of the year.

Throughout the year the SCRA substantively revised draft amendments to the 2009 religion law, and it held two public hearings in August at which the revised amendments were discussed. Although the Parliamentary Committee on Social Issues, Education, Science, Culture, and Healthcare had already approved the proposed amendments in 2017, the SCRA withdrew them from parliamentary consideration in order to revise them. The revised amendments include a ban on door-to-door proselytizing and a requirement to notify the government prior to undertaking religious education abroad. Some religious groups said, after consultations with the SCRA, the proposed amendments had undergone changes the groups considered positive. For example, 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. NGOs and religious groups also cited as positive amendments that eliminated the need for religious organizations to coordinate registration with local councils in addition to SCRA registration. In meetings with government officials, however, Jehovah’s Witnesses noted concerns with the revised draft amendments, stating they would introduce elements that would have a negative impact on their ability to share their faith with others and register local congregations. In September Jehovah’s Witnesses presented the organization’s concerns with the draft amendments to the Organization for Security and Cooperation in Europe’s Human Dimension Implementation Meeting in Warsaw. As of year’s end, the SCRA had not submitted the amendments to parliament for review

Religious groups continued to report the SCRA registration process was cumbersome, taking anywhere from one month to several years to complete. 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 Jewish, one Buddhist, and 12 Baha'i congregations during the year.

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 2018.

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.

According to the Kyrgyz Baptist Union, local authorities had not approved its request to convert the status of a Baptist church in Kara-Kul, Jalalabad Province, from a "residential home" to a "prayer house." In addition, the Kara-Kul Mayor's Office issued a decision to close the church for failing to adhere to the local government's zoning status. The Kyrgyz Baptist Union called the decision illegal, saying the law did not give this power to local authorities. The Baptist Union stated it had addressed this issue with the SCRA multiple times without resolution.

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 held interfaith dialogue forums in all seven provinces 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 State Committee on National Security. The forums focused on religious tolerance, cooperation, and mutual understanding among representatives of religious communities, as well as between the state and religious organizations.

Section III. Status of Societal Respect for Religious Freedom

On January 2, attackers set the Baptist church in the village of Kaji-Sai on fire. A report by the Forum 18 News Service stated that a few hours before the arson attack, three young men threatened women for attending a church service. Representatives of the Baptist Union reported the local police found the arsonists, who admitted their guilt and agreed to make partial reimbursement for refurbishment of the church. Authorities did not release any information about the identities or motivation of the arsonists.

According to Forum 18, non-Muslim religious minorities continued to face difficulties arranging for burial of their dead in public cemeteries. In January Forum 18 reported that in November 2017 in Jetti-Oguz District, a group led by a local Islamic religious leader refused to allow the burial of a Christian. In response to the report, an SCRA official denied the incident had taken place. 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, as of year's end the policy had not been implemented.

According to civil society activists, incidents of harassment of minority religious groups typically occurred in small towns and villages with majority Kyrgyz populations. According to the Forum 18 News Service, on October 15, Eldos Sattar uuly was attacked for his Protestant religious beliefs in the village of Tumchi. Sattar uuly said three of his fellow villagers beat him while they called him an infidel. In the course of the attack, Sattar uuly's jaw was broken and required surgery. Police in the village of Tumchi denied there was a religious motivation for the attack, saying the beating was the result of "hooliganism." Sattar uuly said the family of one of his attackers continued to threaten him in the hospital.

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. In February the Charge d’Affaires met with the SCRA chief and religious organizations to discuss proposed revisions to the religion law, registration of independent religious groups, efforts to promote religious tolerance through exchange visits, and programs to improve the qualifications of religious teachers and the quality of education at religious institutions.

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 embassy sponsored a group of prominent religious leaders on a U.S. government program to exchange views on the role of religion in U.S. and Kyrgyz societies. In October the embassy hosted a visiting Muslim cleric from the United States to prepare the group of religious leaders for the visit to the United States. The embassy continued its sponsorship of English-language classes and vocational training at local madrassahs to enable students in remote areas to obtain better access to information on religious tolerance.