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KYRGYZSTAN: Repressive Decree withdrawn, but work on new Religion Law speeded up

By Felix Corley, Forum 18 (<https://www.forum18.org/>)

The Presidential Administration has rejected for now a harsh new Decree which would have brought in sweeping controls on religious activity. But Kanat Murzakhalilov, Deputy Head of the State Agency for Religious Affairs, told Forum 18 News Service that his agency hopes to present a final draft of a controversial new Religion Law to the government by the end of March. He refused to say if the draft will require 200 adult citizen members before a community can gain legal status, a provision in the latest publicly-available draft which is opposed by the Russian Orthodox, the Catholics, many Protestant Churches, the Jehovah's Witnesses and the Baha'is. But he stated that registration will continue to be compulsory. Boris Shumkov of the Council of Churches Baptists told Forum 18 that such harsh provisions "would lead to repression and persecution of our congregations". They have named 5 March a day of prayer and fasting. "Our country has so many urgent problems – poverty, the lack of medicine, Aids, crime, corruption," one Baha'i told Forum 18. "Why don't officials work on these instead of making life harder for religious believers?"

On 25 February the Administration of President Kurmanbek Bakiyev rejected in current form the repressive Decree that would have made many of Kyrgyzstan's religious communities illegal. "The Presidential Administration sent it back to us, saying it needed further work," Kanat Murzakhalilov, Deputy Head of the State Agency for Religious Affairs, told Forum 18 News Service from the capital Bishkek on 4 March. "They said it should be adopted only after the new Religion Law is adopted."

However, many religious minorities have told Forum 18 of their continuing concerns about the planned new Religion Law, which is likely to contain many of the same restrictions as were in the rejected Decree. Murzakhalilov tried to downplay these fears. "The version now being considered will be substantially different from the previous version," he told Forum 18. "There are no reasons to fear."

The rejected Decree would have continued to require religious communities to register with the State Agency, but would have required each one to have 200 adult citizen members. It would also have required all religious educational establishments – "universities, institutes, madrassas, seminaries, parish and Sunday schools etc." – to gain official registration (see F18News 31 January 2008 http://www.forum18.org/Archive.php?article_id=1079).

"It is very good that the Decree has been withdrawn - the Decree didn't need as much agreement as a new Law which will have to pass through parliament," Aleksandr Shumilin, head of the Baptist Union, told Forum 18 from Bishkek on 4 March. "But we remain concerned about what the new draft the State Agency is working on will look like."

In late January a group of Protestant Churches – including the Baptist Union – made public detailed comments on the Draft Religion Law then available. They particularly criticised the proposed high registration threshold, compulsory registration of religious communities and all religious education provision, the ban on distributing religious literature outside places of worship, the requirement for permission from the State Agency for religious believers to teach their faith to others or study their faith abroad.

Murzakhalilov said that a meeting of the working group on the new law – which included officials from his State Agency, the Justice Ministry and the Human Rights Ombudsperson's office, as well as religious leaders and scholars – took place on 27 February. The State Agency gave religious communities which wished to present their written comments a deadline of 9 March. Several religious communities have told Forum 18 they are now preparing their comments.

Although Shumilin of the Baptist Union reported that officials of the State Agency told the 27 February meeting that this was the last working group meeting, Murzakhalilov said the State Agency is planning a further meeting on about 20 March. He said the Draft Law will then be sent to various ministries for their comments. He pledged that the text will simultaneously be published on the State Agency's website <http://www.religion.gov.kg>. He said the text would then be submitted to the government, which would present it to parliament for consideration. "It will not be a speedy process," he told Forum 18.

Although Murzakhalilov insisted that the consultation with ministries and the public will last for one month, he also told Forum 18 that the State Agency plans to get the Draft Law to the government by the end of March. Despite repeated questioning, he would not

explain to Forum 18 how it was possible to have one month's consultation while aiming to send the text to the government by the end of March.

Murzakhalilov refused to tell Forum 18 whether harsh provisions in the latest publicly-available draft will remain. Religious minorities – including the Russian Orthodox, Catholics, Protestants, Baha'is, Jehovah's Witnesses and others - have particularly complained about the requirement to have 200 adult citizen members in each congregation before they can apply for legal status. Despite repeated questioning Murzakhalilov refused to say if this will be reduced. "That number was in the working draft only," he kept saying. "I can't say what the final figure will be."

Murzakhalilov said that compulsory registration will remain, though. Asked what will happen to those like the Council of Churches Baptists who refuse to register or those who cannot get registration, he responded: "It would be best to see what will happen to them."

Shumilin of the Baptist Union remains worried. "If they keep the requirement to have 200 members and the requirement that registration for each Sunday school is compulsory, this will lead to churches having to go underground," he warned. "Conflicts in society will emerge and many of the remaining population of European origin will leave."

The only religious community Forum 18 spoke to which expressed no concerns about the proposed new Law was the Muftiate (Muslim Board). "We expect the Law to be positive and in line with our democratic country," Lugmar Haji Guahunov, the deputy head of the Muftiate, told Forum 18 from Bishkek on 4 March. "No-one should be concerned. All views are being sought and all will be taken into account in producing the final text."

Lugmar Haji said that like other faiths, the Muftiate will present its views to the State Agency by 9 March.

Expressing general optimism about the new Law was Fr Igor Dronov, secretary of the Russian Orthodox diocese in Kyrgyzstan. "The Orthodox Church is against the 200-member threshold for registration, but we don't think this will be adopted," he told Forum 18 from Bishkek on 4 March. "We want it to remain at 10 as it is today."

But Fr Dronov insisted that a new Law is necessary. "The current Law is too liberal and should be amended. Registration should be better regulated. And the problem at present is that faiths new to Kyrgyzstan have the same rights as faiths that have been here for a long time. New groups should have fewer rights as they are not part of the established culture here. Some new sects are harmful and should be restricted."

Among those Fr Dronov singled out as needing tighter control were Pentecostal Christians, which he alleged "harm members' psychological health". However, he admitted that no medically-documented proof of such harm was yet available.

Fr Dronov said the Orthodox Church is also preparing to present its written proposals to the State Agency.

All other faiths Forum 18 spoke to remain highly concerned. Boris Shumkov, a member of the Council of Churches Baptists who refuse on principle to register with the state authorities, complains of "very harsh conditions" in the previous draft of the Law. "If adopted, they would lead to repression and persecution of our congregations," he told Forum 18 from Bishkek on 4 March. "While we are law-abiding and respect the government, registration represents control over and interference in our internal affairs and we will not agree to it."

Shumkov said the several dozen Council of Churches congregations across Kyrgyzstan have named 5 March a day of prayer and fasting and church members will write appeals to government agencies not to introduce restrictions on preaching their faith and meeting for worship without registration. "We've had freedom here up to now, not like in Uzbekistan and Kazakhstan," he told Forum 18.

The Jehovah's Witnesses told Forum 18 from Bishkek on 4 March there were "many deficiencies" in the last publicly-available draft of the Law, which they said "harms and violates the rights of individuals". They particularly objected to the 200-member threshold and the ban on preaching one's faith to others and would include this in their written comments to the State Agency. They said that none of their existing communities in Kyrgyzstan have 200 adult citizen members.

They pointed out the difficulties that their communities already face gaining registration. They told Forum 18 that communities in Naryn, Osh and Jalal-Abad lodged applications simultaneously in spring 2007. "Officials claim they need the approval of the local mayor or some other documents, so the applications are stalled."

The Baha'i community also complains of the process of drawing up the law. "No-one has given us any texts or invited us – this is very bad," one leading member of the community told Forum 18 from Bishkek on 4 March. "We want to be invited to participate as this will affect us too."

The Baha'i representative said that indications are that the new Law will again make registration more difficult. "World religions –

such as the Baha'i faith – can't be banned – we're a legal faith and have been registered by the Justice Ministry and the State Agency," the representative insisted. "Look at our principles – we don't get involved in politics. We're doing nothing wrong. Indeed, we're doing good." The Baha'is question why registration is compulsory. "If a faith is not harmful, why ban it?"

The representative reported that their Bishkek community has many more than 200 adult members, unlike the rest of their more than 30 communities across Kyrgyzstan. "If we had to present lists of 200 adult members with full names, addresses and telephone numbers, this could cause problems," the representative told Forum 18. "It would be close to becoming a totalitarian state."

The Baha'i representative noted that some two years ago, after elections to their governing body in the country, the National Spiritual Assembly, State Agency officials summoned the newly-elected leaders are tried to pressure them. "They asked why they had chosen this faith, where they got their money from and why foreigners were taking part. They wanted to pressure the foreign Baha'is to register as foreign missionaries, even though they had come to work in Kyrgyzstan – sometimes many years ago – and merely wanted to practise their faith in their own time. It was all very unpleasant."

The Baha'is also fear that – as in 1997 after the Law was last amended – all religious organisations will have to re-register, a "cumbersome procedure that costs money".

Murzakhalilov of the State Agency reported that as well as the government draft of the Law now being prepared, the former Ombudsperson Tursunbay Bakir Uulu is also preparing his own draft. Murzakhalilov said he had no information about what is in that draft. Shumilin of the Baptist Union told Forum 18 that he has heard that draft has already been prepared and that it is even more restrictive than the government version.

Apart from insisting that the religious situation is very different from when the Religion Law was last amended, Murzakhalilov of the State Agency struggled to explain specifically what problems the current Law failed to address.

Some question the government's priorities. "Our country has so many urgent problems – poverty, the lack of medicine, Aids, crime, corruption," the Baha'i representative told Forum 18. "Why don't officials work on these instead of making life harder for religious believers?" (END)

For background information see Forum 18's Kyrgyzstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=222.

More reports on freedom of thought, conscience and belief in Kyrgyzstan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=30>.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806, and of religious intolerance in Central Asia is at http://www.forum18.org/Archive.php?article_id=815.

A printer-friendly map of Kyrgyzstan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=kyrgyz>

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