

16 October 2008

KYRGYZSTAN: Secrecy surrounds Religion Law before final parliamentary reading

By Mushfig Bayram, Forum 18

Kyrgyzstan's Parliament has passed without discussion the first reading of a restrictive draft Religion Law, which may, according to some, pass its final reading on 21 October. However, others have told Forum 18 News Service that the second and final reading will be later. It is unclear what is in the current text, as officials refuse to release the latest version. Deputy Zainidin Kurmanov told Forum 18 that the latest text is on the parliamentary website, but other deputies state that they do not know what is in the draft Law. Kurmanov revealed that the draft Law includes: a ban on unregistered religious activity; a threshold of 200 adult citizens to gain state registration; a ban on "proselytism"; a definition of a "sect"; and a ban on the free distribution of literature. Kurmanov claimed he did not understand objections as "only criminals should be afraid of law and order." Protestant, Jehovah's Witness and Baha'i religious minorities have all expressed concern at the secrecy surrounding the Law, the lack of public consultation, and the restrictions thought to be in the first reading text. A joint Venice Commission / OSCE legal review of a July text of the Law is also highly critical of it. Officials claim to be organising a roundtable, but religious communities say they have not been invited to it.

Kyrgyzstan's single-chamber Parliament, the Zhogorku Kenesh, approved without discussion the first reading of a restrictive draft Religion Law on 9 October. It is completely unclear what the current text contains, Forum 18 News Service has found. Officials of the State Agency for Religious Affairs and Parliament have refused to release the latest text of the draft Law, either for public discussion, or to Forum 18. Protestant, Jehovah's Witness and Baha'i religious minorities have all expressed concern at the secrecy surrounding the text of the draft Law, the lack of public consultation, and the restrictions thought to be in the text approved at first reading. Some officials told Forum 18 the second reading could be as early as 21 October, the day after a roundtable in the capital Bishkek, but others say it will not be that early.

Deputy Zainidin Kurmanov was part of the parliamentary group that wrote the draft Law. Asked whether he could supply the text of the draft Law as approved in the first reading, he referred Forum 18 to the text of the draft from 20 May posted on the parliament's website kenesh.kg. "It's not changed from that," he claimed.

Kurmanov stated that, in the text approved in the first reading, unregistered religious activity would be banned, 200 adult citizens would be needed to register a religious organisation, proselytism would be banned and that the law includes a definition of a "sect". He insisted that local authorities will be authorised to issue special permission to religious organisations to hold a campaign outside the place where they are registered.

The free distribution of literature will be banned, Kurmanov added. "We are not going to make war against religion, but we need to bring some order into this chaos." He claimed that extremist leaflets are distributed under the guise of religious literature. "That's why we need to have stronger checks at the customs and have religious expert analyses of literature."

Referring to objections to the Law, Kurmanov claimed that "I don't understand why these religious organisations are afraid of the law. Only criminals should be afraid of law and order. It is very unpleasant when you are on the street when someone comes up to you and forces on you their ideas on their religion."

And he added: "Kyrgyzstan is not a democratic country yet. We cannot allow these religious groups to overthrow the government one day. We have to keep everything in balance." However, he then claimed that concerns would be listened to. "We will not adopt a law like in Uzbekistan, Kazakhstan or even Russia."

Other parliamentarians refused to discuss the draft Law. Alisher Sobirov, Chair of the parliamentary Standing Committee on Religious Affairs, did not want talk to Forum 18 about the Law on 14 October, lamenting that he did not know the text of the draft law very well. He referred Forum 18 back to Deputy Kurmanov.

Cholpon Bayekova, the Vice Speaker of the Parliament, told Forum 18 on 14 October through her secretary told that there was nothing to talk about, since the draft Law had only passed the first reading. Forum 18 was again referred back to Deputy Kurmanov.

Parliamentary officials claim that amendments made by deputies will be considered during the second reading. Sobirov of the Standing Commission on Religious Affairs told Forum 18 from Bishkek that the Law could have three readings, but needs only two before it is sent to the President for signature.

Deputy Kurmanov told Forum 18 on 16 October that the second reading will not be as early as 21 October, the date that some officials have stated. "It will be in a week minimum and a month maximum after a roundtable." This is due to take place on 20 October. He confirmed that there will be only two readings for the Law.

Kurmanov is quoted by the parliamentary website as stating that the draft law is not aimed at total control of religion but establishing a partnership between the State and religion.

Local religious communities, however, are highly critical of the draft Law and the alleged "partnership", having been hampered by the authorities' refusal to open the latest text for public consultation. A coalition of Protestant churches stated on 13 October - in an open letter to President Kurmanbek Bakiev and Parliamentary Speaker Aytibay Tagaev - that they thought that the draft Law will break both the Kyrgyz Constitution and international human rights standards. They called for it to be recalled from Parliament, and for there to be open public consultation about any replacement law, stating that the draft text may be "a Law on Limiting the Rights of Believers."

A Jehovah's Witness told Forum 18 from Bishkek on 16 October that "the draft Law conflicts with 14 articles of our Constitution." He noted that "religious activity in homes will be banned, and the import of religious literature will be significantly reduced," complaining that "this will directly violate our Constitutional rights to freedom of religion or belief." Baha'i representatives from Bishkek told Forum 18 on 16 October that "we don't know what changes they are making to the current law either. We are able to meet and worship now, but we don't know what will happen after the new Law is adopted."

A joint Council of Europe Venice Commission / Organisation for Security and Co-operation in Europe (OSCE) Advisory Council on Freedom of Religion or Belief legal review is highly critical of a July 2008 version of the draft Law. The review, published on 8 October <http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD%282008%29032-e>, makes numerous criticisms. Among the draft provisions criticised are:

- "vague" provisions which "appear to invite abuse of authority and discrimination by officials";
- a ban on unregistered religious activity is "an unnecessarily broad limitation of freedom of religion or belief";
- "undue limitations" on the possibility of gaining legal status and unclear registration requirements cause "considerable confusion";
- the draft "does not appear to allow religious groups flexibility to organise in accordance with their own doctrines and traditions";
- "numerous provisions of the Draft Law inappropriately restrict freedom of expression and rights to disseminate religious and other materials"
- and the July draft Law "fails to protect the rights of freedom of religion or belief of non-citizens residents in the Kyrgyz Republic".

Kanatbek Murzahalilov, Deputy Head of the State Agency for Religious Affairs, insisted to Forum 18 on 16 October that no separate meeting would be held to discuss the Venice Commission / OSCE comments, but that "OSCE representatives" would be present at a roundtable on 20 October and could give their views. He claimed that any comments from the roundtable would be taken into account, but declined to discuss the specific content of the draft Law.

Perizad Ismaylova, Senior Consultant of the parliamentary Committee on Constitutional Law, State Structure, Legality and Human Rights, told Forum 18 on 14 October that religious communities would be invited to the roundtable. This Committee has been responsible for the text of the Law (see F18News 2 October 2008 http://www.forum18.org/Archive.php?article_id=1197). Asked whether or not the comments and suggestions of the communities would be taken into account, Ismaylova referred Forum 18 to Seyidzhan Apyshv, a Senior Consultant on Human Rights at the parliamentary Committee.

Apyshv is responsible for organising the roundtable, but rejected criticisms by religious communities, telling Forum 18 on 14 October: "Please do not listen to subjective opinions." He claimed however that officials have listened to religious communities and will do so again during the forthcoming round table. Then, referring to criticism from Protestant communities, he alleged that "sometimes some of these people just act hypocritically."

Jehovah's Witnesses told Forum 18 that they were not aware that there would be a roundtable on 20 October, and that the Law's second reading would take place as early as 21 October. Baha'i representatives also told Forum 18 that they have never been invited to any roundtables, including the one due to take place on 20 October. The eight Protestant Churches which signed the 13 October open letter – the Evangelical Lutheran Church, the Local Church of Jesus Christ, the People of God Church, the Baptist Union, the Southern Conference of Seventh-day Adventists, the Union of Faith Christian Churches, the Alliance of Kyrgyz Evangelical

Churches and the Union of Evangelical Churches – have questioned the usefulness of such state roundtables.

Describing their open letter as a "cry from our hearts" on behalf of 300 religious organisations, the Protestants state that "speaking on television, radio, internet and newspapers the state officials all the time assured us that the comments from the religious organisations would be listened to and taken into account." However, they complain, "serious problems in the draft Law were not at all discussed" in the first reading of the draft Law.

Broadly backing the Law have been representatives of the Russian Orthodox Church in Bishkek. A senior member of the Muslim Board has told Forum 18 that it believes a new Law is necessary but declined to discuss whether the current version of the Law is what the Board wants (see F18News 2 October 2008 http://www.forum18.org/Archive.php?article_id=1197).

Azim Kurmanov, aide to Deputy Kurmanov, claimed that there had been "intense discussions" in Parliament during the first reading of the law. Apyshhev of the parliamentary Committee on Constitutional Law, State Structure, Legality and Human Rights also claimed that there had been discussions during the first reading, although he could not tell whether the comments from the communities were taken into account. "I do not remember which deputies gave comments on the law but there were discussions," he insisted to Forum 18. Azim Kurmanov too was unable to tell Forum 18 on 14 October what the discussions had been about, referring questions to Ismaylova of the parliamentary Committee on Constitutional Law, State Structure, Legality and Human Rights.

However, Ismaylova contradicted the claims that there had been "discussions". She told Forum 18 that no discussions took place during the first reading and that this was "usual" for first readings. Discussions will take place during the second reading, she said.

Manaf Murataliev of the State Religious Affairs Agency emphasised that many roundtables, discussions and meetings took place since the spring between the group of Deputies working on the draft law, other state officials and the religious communities. "The communities had a lot of opportunities to speak in those meetings," he told Forum 18 on 14 October. Asked what concretely the State Agency has done to incorporate the communities' comments in the draft law, Murataliev responded: "All of the changes and amendments should be made during the second reading and we will support the communities in this." (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>.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY