

16 January 2012

KYRGYZSTAN: "Against the Constitution and discriminatory"

By Mushfig Bayram, Forum 18

Officials continue to enforce Kyrgyzstan's repressive Bakiev-era Religion Law, Forum 18 News Service has found. No progress has been made in dealing with registration applications from – among others - hundreds of mosques, unregistered Protestant churches, and the Hare Krishna community. Unregistered religious activity is – against human rights standards Kyrgyzstan has agreed to implement – banned. One major obstacle to gaining legal status is the Religion Law's requirement that those wishing to found a religious organisation – at least 200 adult permanent resident citizens as founders under the Law – must identify themselves to national and local authorities, which many are afraid to do – even if their community is that large. Human rights defenders Valentina Gritsenko of Justice, a human rights group in Jalal-Abad, and Dmitri Kabak of Open Viewpoint in Bishkek, both describe the Law as "against the Constitution and discriminatory". "Why should communities have to collect 200 signatures to worship or pray together?" Gritsenko asked Forum 18.

Three years after Kyrgyzstan's Religion Law came into force, officials continue to enforce the repressive Bakiev-era Law, Forum 18 News Service has found. No progress has been made in dealing with registration applications from – among others - hundreds of mosques, unregistered Protestant churches, and the Hare Krishna community. The restrictive Law was passed under deposed former President Kurmanbek Bakiev and entered into force in January 2009.

Unregistered religious activity is – against human rights standards Kyrgyzstan has agreed to implement – banned. National and local state officials have obstructed some communities - such as the Ahmadi Muslims and Jehovah's Witnesses - who have tried to gain state registration. In addition, State Commission for Religious Affairs (SCRA) officials have threatened to close down unregistered mosques in the southern Osh Region, but this threat does not appear to have been carried out (see F18News 18 January 2012 http://www.forum18.org/Archive.php?article_id=1657).

In the three years since the Law came into force, only 122 mosques, 23 Muslim religious education institutions, and three Russian Orthodox organisations have been given registration - i.e. permission to exist. SCRA officials Forum 18 has spoken to have been unable to explain why only these organisations have been registered but many others have not. Regulations to implement the Law have still not been issued by the SCRA, which some local keneshes (councils) have been claiming is the reason they are refusing to notarise lists of founders (see eg. F18News 21 December 2011 http://www.forum18.org/Archive.php?article_id=1650). Kenesh approval for lists of founders is an essential part of registration (see below).

The total of only 138 organisations registered since January 2009 was announced at a roundtable organised by the SCRA on 30 November 2011. No organisations have been registered since then. The SCRA also claimed at the roundtable that before the 2009 Religion Law came into force, 2,200 religious organisations and associations had gained registration under previous laws. This total includes 77 Islamic organisations, 1,764 mosques, 62 madrassahs (Islamic religious schools), and 140 Christian communities, including Baptist, Catholic, Pentecostal and Russian Orthodox churches.

It remains unclear why 138 organisations have been able to since January 2009 gain local kenesh approval for their lists of founders, but numerous others have not. SCRA Director Ormon Sharshenov claimed to Forum 18 on 20 December 2011 that he did not know, but "I think if the local keneshes want to register them they can find a way". When asked what those who cannot get kenesh approval can do, he said, "let them sue them in the courts". But in at least some cases, the SCRA and keneshes have obstructed registration applications (see F18News 18 January 2012 http://www.forum18.org/Archive.php?article_id=1657).

Following President Bakiev's April 2010 fall from power, many religious communities and civil society human rights groups called for the Religion Law to be abolished or radically changed (see F18News 16 April 2010 http://www.forum18.org/Archive.php?article_id=1432).

"Extremist, totalitarian, and sectarian"

Some un-named groups have been targeted by officials' public statements. SCRA Director Ormon Sharshenov, for example, told the November 2011 roundtable that "despite the efforts of the state, destructive [religious] groups, which are extremist, totalitarian, sectarian appear in the country, and they want to reinforce their positions in the minds of citizens. These groups are destabilising

society, and pose a threat to the security of Kyrgyzstan."

The only communities invited by the SCRA to the roundtable were the state-backed Muslim Board, the Russian Orthodox Church, the Catholic Church, and some Protestants. Other Protestants, Ahmadi Muslims and Jehovah's Witnesses have all told Forum 18 that their unregistered branches in various regions of the country cannot hold open and public meetings for worship. Police and other local authorities have even raided meetings in private homes, demanding that such meetings stop until the various communities gain official registration.

SCRA Director Sharshenov and SCRA Chief Specialist Yusupzhan Kadyrazhiyev both declined to talk to Forum on 12 January.

200 founders

Those communities who would like to do so have often found it very difficult to obtain registration, with officials contradicting themselves on whether previously registered religious communities must re-register (see F18News 13 November 2009 http://www.forum18.org/Archive.php?article_id=1375).

One major obstacle is Article 10.2 of the Religion Law. This demands that those wishing to found a religious organisation – which Article 8.3 demands should have at least 200 adult permanent resident citizens as founders – must among other documents: "present notarised lists of citizens endorsed by the local keneshes [councils] as founders, who are the initiators of establishment of the religious organisation or mission, and who are responsible before the Law within the frame of the organisation's charter". All 200 founders must provide their full name, date of birth, citizenship, place of residence, with their passport number, date of issue and issuing authority.

As noted above, many keneshes have been claiming that they cannot notarize lists of founders because the SCRA has still not issued Regulations to implement the Law. But this has not stopped some keneshes from notarising the founders lists of 135 state-backed Muslim organisations, as well as three Russian Orthodox churches.

Also, members of the Baha'i and other religious communities have voiced concerns that many people are afraid to identify themselves to the authorities as founders (see F18News 6 November 2008 http://www.forum18.org/Archive.php?article_id=1215). Others including Hare Krishna devotees, Jehovah's Witnesses and Catholics have pointed out that many smaller communities do not have 200 members, and so have no possibility of legally existing (see F18News 27 May 2009 http://www.forum18.org/Archive.php?article_id=1301).

These problems have caused some communities – such as Protestants in the Association of Evangelical Churches of Kyrgyzstan – to decide not to apply for registration. Aleksandr Shumilin of the Association, who is also a Baptist pastor, told Forum 18 on 9 January that this is because "many unregistered churches do not even have 200 members, and also churches are afraid to give the personal data of their members to local and central authorities".

Those who do decide to register, and should theoretically be able to do this, still face problems. Some communities have found that the SCRA and local keneshes have deliberately obstructed their registration attempts (see F18News 18 January 2012 http://www.forum18.org/Archive.php?article_id=1657).

"Against the Constitution and discriminatory"

Human rights defenders Valentina Gritsenko of Justice, a human rights group in Jalal-Abad, and Dmitri Kabak of Open Viewpoint in Bishkek, both describe the Law as "against the Constitution and discriminatory". "Why should communities have to collect 200 signatures to worship or pray together?" Gritsenko asked Forum 18 on 12 January.

Asked whether the Religion Law will be changed, Odina Artykova, who oversees religious issues in the Education, Science, Information and Religion Department (which reports direct to the Prime Minister), claimed to Forum 18 on 12 January that: "the Government will initiate to change the Religion Law in the second quarter of this year, and we will bring clarity to this and other questions in the Law".

The parliamentary Committee on Education, Science, Culture, Information and Religious Policies is due tomorrow (17 January) to continue considering a bill amending the Religion Law to impose greater controls on the "import, making, obtaining, keeping and spreading of print, photo, video and audio products that contain calls for religious extremism, separatism, and fundamentalism".

During the Bakiev era, officials claimed that the Religion Law's restrictions on sharing faith, distributing religious literature, and the high threshold of members required before religious communities can register and thus function legally, might be changed (see F18News 27 May 2009 http://www.forum18.org/Archive.php?article_id=1301). However, no fundamental changes to ease such restrictions have yet been made.

"Foreign" organisations

If a community has "administrative centres located beyond Kyrgyzstan or having foreign citizens in its administrative body" it is classified as a "mission", must re-register every year and is not regarded as having legal personality. This provision has been used against communities officials dislike, such as the Grace Presbyterian Church. The SCRA has forced the Church to stop its activity in the capital Bishkek, Osh in the southern Osh Region, and the town of Kant and village of Serafimovka in Chui Region surrounding the capital.

But SCRA Chief Specialist Kadyrazhiyev dismisses any concerns. "We are just trying to help Grace Church in a legal way by asking them to re-register as a foreign Mission as in the past," he claimed to Forum 18 on 20 December 2011. He added that the SCRA "will help them to easily register their missionaries and re-register their branches."

Grace Church members have told Forum 18 that they do not believe that the SCRA wants to help them. They have also commented that "it is difficult to re-register each year as a foreign 'mission' because of the unwillingness of the authorities. This is why we decided to register as a local organisation" (see F18News 21 December 2011 http://www.forum18.org/Archive.php?article_id=1650).

The status of the Catholic Church, which would like a concordat with the government, has occasionally been questioned by officials, who have intermittently claimed that it should be registered not as a local but as a foreign religious organisation. The questioning has arisen from the Church's strong foreign links. But a Catholic from outside Bishkek told Forum 18 on 12 January that this has not led to interference with the freedom of religion or belief of Catholics. (END)

For background information see Forum 18's Kyrgyzstan religious freedom surveys at <http://www.forum18.org/Analyses.php?region=30>.

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 compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

A printer-friendly map of Kyrgyzstan is available at <http://education.nationalgeographic.com/education/mapping/outline-map/?map=Kyrgyzstan>.

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