

31 January 2008

KYRGYZSTAN: Will new Presidential Decree ban small religious communities?

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

A planned Presidential Decree could ban many of Kyrgyzstan's small religious communities, Forum 18 News Service has learnt. Regulations attached to the Decree – if adopted – insist that religious communities must gain registration with the State Agency for Religious Affairs and must have 200 adult citizen members. "A provision for 200 founders would be bad, even for the Orthodox and the Muslims," Fr Igor Dronov of the Russian Orthodox Church told Forum 18. Amongst other provisions which break international human rights standards are that "universities, institutes, madrassas, seminaries, parish and Sunday schools etc." must gain official registration. "The first anyone knew about it outside a narrow circle," one source told Forum 18, was "on 11 January. And it could be adopted very quickly." Other sources state that the Justice Ministry has already approved the Decree. Officials have either denied that the Decree exists or downplayed its importance to Forum 18. The Deputy Head of the State Agency was not able to state which specific part of the current legal framework required change. Protestant churches have organised a roundtable on 1 February, which will be attended by the State Agency, Catholic Bishop Nikolaus Messmer, and the Organisation for Security and Co-operation in Europe (OSCE).

Concern is mounting among many of Kyrgyzstan's smaller religious communities about a proposed new presidential decree that could ban many of the country's small religious communities, Forum 18 News Service has learnt. Regulations attached to the new Decree – if adopted in current form – continue to insist that religious communities must gain registration with the State Agency for Religious Affairs but require that each one has 200 adult citizen members. Another Regulation requires all religious educational establishments – "universities, institutes, madrassas, seminaries, parish and Sunday schools etc." – to gain official registration.

Some religious minorities fear that if the Decree is adopted, all registered religious communities will be required to re-register, as happened when the current Decree was adopted in November 1996. "Those with fewer than 200 members will be denied re-registration and will become illegal," Aleksandr Shumilin, head of the Baptist Union, told Forum 18 from the capital Bishkek on 31 January. "We've told the authorities though that our congregations will continue to meet for worship regardless."

Asked by Forum 18 on 31 January about the proposed new restrictions, Kanat Murzakhhalilov, Deputy Head of the State Agency, responded: "You're panicking. International norms will be respected."

He said the draft Decree on the Rights of Citizens of the Kyrgyz Republic to Freedom of Conscience and Religious Confession (which has four attached Regulations) – which was drawn up under the supervision of his Agency, and of which Forum 18 has a Russian-language text – is with the Presidential Administration. "It still needs an opinion from several departments there," he told Forum 18 from Bishkek. "If they're positive the President will sign." He declined to speculate how long he believed this might take.

Bishkek sources who preferred not to be identified told Forum 18 on 31 January that the Ministry of Justice has already approved the draft decree and that the only departments in the Presidential Administration still to give their approval are the Legal and Financial departments.

Reached on 31 January, the deputy head of the Press Office at the Presidential Administration, Dosali Esenaliev, told Forum 18 that he had never heard of the draft Decree. "I would know about it if it was there."

Admitting that the draft Decree exists but downplaying its importance was Tursunbek Akun, who heads the presidential Human Rights Commission. "The Decree is being discussed, but it's not yet come to me even though I head the Human Rights Commission," he told Forum 18 from Bishkek on 31 January. He dismissed the concerns of religious minorities over the restrictions in draft texts that are available.

Members of various religious communities complained of endemic secrecy over the way the Decree has been drawn up. "The first anyone knew about it outside a narrow circle was when it was mentioned at a roundtable held by the State Agency for Religious Affairs on 11 January," one told Forum 18. "And it could be adopted very quickly."

The new Decree, which would replace the 1996 Decree, elaborates on provisions in the 1991 Religion Law as amended in November 1997. The four Regulations cover: the registration of religious organisations; the registration of foreign citizens coming to Kyrgyzstan to conduct religious activity; the registration of missions set up by foreign religious organisations; and registration of religious education.

The Regulation covering the registration of religious organisations requires all to be registered with the State Agency, whether individual places of worship, unions or associations. "The activity of religious organisations and their associations and the functioning of religious entities without registration in accordance with the present Regulation is banned," it adds. Associations can be formed by three registered communities.

As at present, registration with the State Agency would not confer legal status. Organisations wishing to receive legal status also have to present their documents – together with the State Agency certificate – to the Justice Ministry. Only registration with the State Agency would be compulsory.

Religious organisations require 200 adult citizen founders who live in one region of the country before they can apply for registration. Founders have to be recorded on a notarised list which includes their full name, full date of birth, home address, place of work and job title and passport number. The application needs to include information about the organisation's religious faith, form of rites, history in Kyrgyzstan, attitude to marriage and the family, attitude to education, and attitude to military service. The application needs to be accompanied by written permission from the local authorities for use of premises where it meets.

Religious organisations need permission to build or take over buildings for religious purposes not only from the local authorities but also from the State Agency. Religious events outside a community's own premises require similar permission from the local authorities and the State Agency. The State Agency has to approve the publication, import or distribution of all religious literature.

The State Agency has the right to suspend for between one and six months the activity of religious organisations that break the law. This means that any activity they conduct in this time would be illegal.

The Regulation on religious education declares: "Religious educational institutions (universities, institutes, madrassas, seminaries, parish and Sunday schools etc.) are subject to compulsory registration in the Agency for Religious Affairs. Religious education on the territory of the Kyrgyz Republic without undergoing registration in the prescribed manner is banned." The Regulation also requires anyone travelling abroad for religious education to have approval from the State Agency.

All resources – including books and videos – used in teaching must have permission from the State Agency, including a copy of its written assessment of each item.

The application form for those wishing to travel abroad for religious education asks applicants to list full personal details, as well as where they have worked in the past five years, their knowledge of languages, whether and if so where they conducted military service, whether they are married and their attitude to military service. They are also required to list by name their parents, and any spouse, brothers or sisters or children. Their addresses, dates and places of birth and places of work are also required.

The Regulation on the registration of foreign citizens bans any foreigners from conducting religious activity without approval from the State Agency. It also requires missionaries to respect "the traditional moral foundations and customs of the people".

Concerns have mainly focused on the proposed requirement for each religious organisation to have 200 adult citizen founders. "I have not seen the text of this proposed decree, but if it includes a provision for 200 founders this would be bad, even for the Orthodox and the Muslims," Fr Igor Dronov, secretary of the Russian Orthodox diocese for Kyrgyzstan, told Forum 18 from Bishkek on 31 January.

His view was echoed by Catholic representatives. "This worries not just us, but others as well, including the Orthodox and Lutherans," a local Catholic who preferred not to be named told Forum 18 from Bishkek the same day. "We're a minority here. We have three full parishes and about 20 smaller groups which our priests visit regularly." The Catholic said his Church had already asked the authorities to reduce this high threshold.

A coalition of Protestant Churches – which includes the Baptist and the Pentecostal Unions, as well as the Lutherans and the Seventh-day Adventists – also complain of the high threshold. "This in effect represents discrimination against small religious communities," they declare, "which should have equal conditions for realising their rights to freedom of conscience established in Article 14 of Kyrgyzstan's Constitution." They point out that the current law requires just ten adult citizens.

The Protestant coalition insists that the requirement for the State Agency to approve the building for or transfer of a building to religious use should be removed from the draft. It also objects that the Regulation on foreign citizens in effect bans all religious activity by all foreigners and does not distinguish between those working for religious organisations and those specifically conducting missionary activity to non-members, those working in secular jobs who want to take part in a religious community as an ordinary member.

The Protestant coalition calls for the requirement that even "parish and Sunday schools" must register to be removed. This concern is also shared by Fr Dronov of the Orthodox Church. "A Sunday school is not an educational establishment – we simply teach the Catechism," he told Forum 18. "We can't understand why this might be included." The Protestants also complain about the approval needed for all course materials and question the competence of the State Agency to undertake this.

No-one was available at the Muftiate, the state-backed Muslim Board, to comment on the proposed Decree when Forum 18 called on 31 January.

The Protestant coalition has organised a roundtable on 1 February to take place in a Bishkek hotel, where the proposed new Decree will be discussed. Murzakhalilov of the State Agency told Forum 18 he planned to attend. Catholics told Forum 18 the local bishop, Nikolaus Messmer, also plans to attend. Fr Dronov of the Orthodox Church said he is waiting to discuss the issue with his bishop. The Bishkek office of the Organisation for Security and Co-operation in Europe (OSCE) said it also plans to attend.

Successive governments and parliamentary deputies have long proposed amending the 1991 Religion Law also. A recent draft text – of which Forum 18 has seen a copy – is also in circulation. However, it has not yet reached parliament, as Murzakhalilov confirmed. "The new Law and the Decree are separate," he told Forum 18. "But the Law still needs discussion in parliamentary committees and will need three readings of the full parliament."

Religious minorities dislike many provisions in the draft Religion Law, but believe the Decree is likely to be adopted much sooner. "Changing the Religion Law didn't work, so they began working intensively on the Decree instead," one Protestant told Forum 18. "That's why it's our main focus of concern at present."

Asked why Kyrgyzstan needs to amend the Religion Law or the 1996 Decree at all, Murzakhalilov was vague. "The Decree was adopted eleven years ago," he told Forum 18. "Some points are not in accord with today's conditions. The religious picture has changed so much – globalisation has affected us and there are now destructive sects and religious extremist organisations." He could not specify which provisions of the 1991 Law or 1996 Decree were outdated.

Others are more sceptical. "The earlier Law was and is fine," the Catholic told Forum 18. "We don't want the Decree or the new Law to be adopted in their current form," the Protestant told Forum 18. (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