

6 November 2009

KYRGYZSTAN: Why is new Religious Education Law being hurried?

By Mushfig Bayram, Forum 18 (<https://www.forum18.org>)

State religious affairs officials failed to invite all religious communities to a 21 October roundtable in the capital Bishkek to discuss the controversial proposed new Religious Education Law, Forum 18 News Service has learnt. At a 29 October conference, where the draft Law was briefly discussed, Kanatbek Murzakhalilov, Deputy Head of the State Commission for Religious Affairs, gave religious communities one week to submit comments. Murzakhalilov refused to tell Forum 18 why discussion is being rushed or why his agency is refusing to allow the publication of the legal review of the draft by the OSCE requested by his agency and received in late October. Several directors of medreses (Muslim secondary schools) across Kyrgyzstan were afraid to comment to Forum 18 on the draft Law for fear of reprisals from the authorities.

Kanatbek Murzakhalilov, Deputy Head of the State Commission for Religious Affairs (SCRA), told participants at a conference on religious freedom in the capital Bishkek on 29 October that Kyrgyzstan's Security Council has told his agency that discussions on a controversial proposed new Religious Education Law must be completed soon and the draft Law must be finalised, as he confirmed to Forum 18 on 4 November. "We may submit the law to Parliament after the New Year in January." He would not explain to Forum 18 why public discussions of the Law, which have only just started, are being hurried. He would not say whether any further discussions will be held in Bishkek or across Kyrgyzstan.

Nor would Murzakhalilov explain why the legal review of the draft by the Organisation for Security and Co-operation in Europe (OSCE) – requested by his agency and which he confirmed the SCRA received from the OSCE in late October – has not been made public. Asked to share the OSCE's review with Forum 18, he refused. "I cannot do it," he said, "because we need to receive comments from the religious communities as well and look at the comments together." Asked if the State Commission would make them available to local religious communities or Forum 18 or publish them at some stage, his answer was, "No." Murzakhalilov gave no reason.

Burul Usmanalieva, Media Relations official at the OSCE's Bishkek Office, told Forum 18 on 2 November that "without the consent of the SCRA the OSCE cannot publish its recommendations on the law."

Emil Shermatov, Aide to the Secretary of the Security Council Adakhan Madumarov, put the responsibility for the Religious Education Law on the SCRA and its director, Kanybek Osmonaliev. He said the Security Council may "in the interest of national security" advise the SCRA on religious issues but "cannot" interfere in their activity. "The process with this Law however has taken longer than expected," he told Forum 18 on 6 November from Bishkek. Asked why the Law has been discussed publicly only twice in a narrow format, he declared: "It is the SCRA's prerogative to define the format of the discussions, not ours."

Murzakhalilov of the SCRA also complained to Forum 18 that religious communities are "sluggish" in submitting their recommendations. "Depending on how fast we get the recommendations from the communities, we will finalise the draft," he maintained.

However, Forum 18 has learnt that SCRA officials gave religious communities only one week from the 29 October conference to submit their views of the draft Law.

Forum 18 has also learnt of selective invitations to religious communities to take part in two meetings where the draft was discussed. SCRA first discussed it with representatives of some religious communities at a round table in Bishkek on 21 October, as well as during the 29 October conference, which was co-sponsored by the OSCE's Bishkek Office.

Religious Education Law follows restrictive Religion Law

After adopting a restrictive new Religion Law, which came into force in January this year, Kyrgyzstan began work on the new Religious Education Law, initiated and prepared by the former State Agency for Religious Affairs (SARA) – now the State Commission for Religious Affairs (SCRA).

The Religious Education Law, if adopted in its current form, would impose sweeping controls on who can open religious educational institutions, would ban all but approved and licensed religious education and ban individuals from seeking religious education abroad without state approval (see F18News 7 September 2009 http://www.forum18.org/Archive.php?article_id=1345).

This would "make it very difficult to raise future leaders" for religious communities, one Protestant leader complained to Forum 18.

The State Agency for Religious Affairs (SARA) was transferred from the authority of the government directly to the president and renamed the State Commission for Religious Affairs (SCRA) on 26 October by presidential decree. President Kurmanbek Bakiev confirmed Osmonaliev as the director of the new Commission.

Meanwhile no communities have been registered or re-registered since adoption of the new Religion Law. Although Osmonaliev, Head of the SCRA, assured Forum 18 that religious communities registered under the old Religion Law will not need to re-register, the new Law appears to require re-registration since religious organisations' charters need to be in harmony with the new Law (see F18News 13 November 2009 http://www.forum18.org/Archive.php?article_id=1375).

SCRA's aims with new Religious Education Law

Government officials have long expressed concerns about religious education and have been intent on imposing greater state control. Speaking at the 21 October round table, Osmonaliev of the SCRA complained that "many Kyrgyz citizens who have received religious education abroad have returned to the homeland (..) with religious convictions untraditional for the country," the 24.kg news agency reported. "Some students of religious education institutions propagandise radical movements. This problem can be seen not only in Muslim but also in Christian denominations."

Osmonaliev was quoted as complaining that "religious education in Kyrgyzstan remains on a low level. And many religious educational institutions do not have appropriate conditions for education."

Reached on 28 October, Osmonaliev refused to discuss his comments at the round table with Forum 18. Nor would his colleagues comment on whether his intention is to restrict the spread of religious communities in Kyrgyzstan using controls on religious education. "I cannot comment on the statements of my superior," Kumar Dushenbaev, a SCRA official responsible for registration of religious organisations, told Forum 18.

Is discussion of the Religious Education Law open?

Some religious communities – even those who appeared on the official list of invitees - expressed concern to Forum 18 that they were not invited to the 21 October round table to discuss the draft Law. The official list, a copy of which Forum 18 has seen, included Muratali Jumanov, Head of Kyrgyzstan's state-sponsored Muslim Board, representatives of six medreses (Islamic secondary schools), Father Igor Dronov of the Russian Orthodox Church, directors of three Russian Orthodox parish schools, Aleksandr Shumilin, Head of Kyrgyzstan's Baptist Union, and Yelena Roslyakova, Director of Ak-Bata Protestant Bible Institute. Officials on the list of invitees, as well as Osmonaliev, were from Kyrgyzstan's Security Council, the Cabinet of Ministers, the Jogorku Kenesh (Parliament), and the Education and Science Ministry.

In contrast to the official list, Gulzad Ibrayeva, a legal expert at the SCRA, claimed to Forum 18 on 28 October that "all religious communities were sent invitations to participate but apparently some did not come."

Roslyakova of the Ak-Bata Protestant Bible Institute was surprised to hear that her name was on the list of invitees, telling Forum 18 on 5 November that she did not receive any invitation. Several other religious communities complained they had not been invited. Mikhail Kokhanovsky, the lawyer of Jehovah's Witnesses in Bishkek, told Forum 18 on 28 October that his community was not invited.

The Baptist Union's Shumilin said that he was the only representative from the Protestant churches at the round table. "I can't speak for all the churches but I know that most of the Protestant churches were not invited to the round table," he told Forum on 28 October.

Father Dronov of the Russian Orthodox Church and Shumilin of the Baptist Union confirmed to Forum 18 that they did not see representatives of the Jehovah's Witnesses, Baha'is or Hare Krishna community at the round table.

Forum 18 notes that the leaders of some religious educational institutions – such as the Seventh-day Adventist and Lutheran Bible institutes - were not invited to the round table. However, Adventist and Lutheran representatives did attend the 29 October conference.

Asked why the Baha'i and Hare Krishna communities were not invited to the round table or the conference, Murzakhalilov told Forum 18: "We only invited large communities at this stage." Asked why Jehovah's Witnesses, who have 41 congregations across

Kyrgyzstan, were not invited, Murzakhilov said, "We did not invite the Jehovah's Witnesses because the Russian Orthodox Church was against participating in the same conference with them. Maybe in the future they will want to be in the same place to discuss issues but at the moment we just wanted not to create unnecessary problems."

But Father Dronov told Forum 18 that they "do not wish" to participate in the same events with the Jehovah's Witnesses, but that they did not specifically ask the State Commission not to invite the Jehovah's Witnesses.

Meanwhile, at the 29 October conference, discussion of the Religious Education Law took "only a little over one hour," Shumilin complained. "SCRA officials told us at the conference we need to give our recommendations on the new law within one week after the conference," he stated.

Shumilin said that the OSCE representative confirmed that the OSCE has submitted its recommendations on the law to the SCRA. "Nothing was said at the round table about what the recommendations included," he complained

Will SCRA listen to OSCE and religious communities?

Sharsheke Usenov, Head of Legal Support Department of the SCRA, told Forum 18 on 2 November that Kyrgyzstan is the "first post-Soviet country developing such a law," and they need to benefit from international experience in this area. "We will take into account the OSCE comments."

Asked why then earlier OSCE comments on the new Religion Law - especially the one that the threshold of 200 members necessary to register a religious organisation constituted a serious violation of international norms - were not taken into account, Usenov responded: "We don't have to take into account all their comments, but we did take account of those which were relevant for us." He would not say exactly what comments OSCE were taken into account in the Religion Law.

Despite not having access to the OSCE's recommendations, some religious communities intend to give their comments to the SCRA. Shumilin told Forum 18 that the Baptist Union intends to present its comments on 9 November.

Father Dronov told Forum 18 that the Orthodox Church is not against the Law but would like it to include the concept of Orthodox parish schools, which is absent in the text of the draft.

Shumilin said that their major objection is that the draft requires all religious education to gain official status. "Educating our members is an internal matter of the church, and we do not wish to have official status." Gaining official status would entail receiving accreditation from the Education Ministry as well as official registration from the SCRA. "How will the Ministry officials evaluate our teachers?" Shumilin asked. "They don't have specialists who could test the knowledge of Baptist ministers."

Shumilin also complained that the law requires inclusion of secular subjects in the curriculum. "Our students are either graduates of higher education institutions or at least secondary schools. We don't need to teach them secular subjects again."

Shumilin added that this law would further restrict religious freedoms. "We raise future leaders in our Bible schools for our churches across Kyrgyzstan," he explained. "If because of the law we cannot run the Bible schools, that means we will have ever fewer leaders, which will seriously slow down the sharing of our faith."

Told that the Baptist Union would like to continue their religious education programmes without official status, Murzakhilov of the SCRA responded: "They have done so until now, and they will be able to continue. There will be no obstacles for them."

Mederbek Sagynbayev, director of the Ali ibn Ali Tolib medrese in Talas Region, one of the participants at the 21 October round table, appeared unworried. "Whatever the Muftiate [the Muslim Board] decides will be acceptable for us," he told Forum 18 on 6 November.

However, several directors of other medreses (Muslim secondary schools) across Kyrgyzstan were afraid to comment to Forum 18 in early November on the draft Law for fear of reprisals from the authorities. "I cannot tell you my opinion over the phone," one director told Forum 18 on 2 November. "Can we meet in person?" he asked. He promised to supply written comments, but later apologised for not being able to give comments and asked Forum 18 not to contact him again. (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 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://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=kyrgyz>.

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