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KYRGYZSTAN: Tightened censorship from September?

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

Kyrgyzstan's parliament is considering amendments to the restrictive Religion Law which would tighten state censorship, Forum 18 News Service notes. The existing censorship – like other parts of the Religion Law – breaks the country's international human rights commitments. Lawyers from various religious communities, who wished to remain anonymous for fear of state reprisals, have told Forum 18 that the amendments would have the effect of imposing total censorship on all religious literature and similar material. Asked why censorship is needed, the main parliamentary backer Deputy Tursunbay Bakir uulu told Forum 18 he was busy in a meeting, and could not comment further.

After President Almazbek Atambayev refused on 13 April to sign amendments to tighten censorship under Kyrgyzstan's Religion Law, it was sent back to the single-chamber parliament, the Zhogorku Kenesh. The main proposer has told Forum 18 News Service that the amendment is being considered by parliament's Education, Science, Culture and Sport Committee.

The proposed Religion Law amendments add a new provision, Article 22, Part 9: "Control on the import, production, acquisition, storage and distribution of printed materials, film, photo, audio and video productions, as well as other materials with the purpose of unearthing religious extremism, separatism and fundamentalism is conducted by the plenipotentiary state organs for religious affairs, national security and internal affairs."

A lawyer from one religious community, who wished to remain anonymous for fear of state reprisals, told Forum 18 on 25 June that this will have the effect of imposing total censorship on all literature and similar material. Officials, the lawyer said, will interpret this as meaning that anyone wanting to import, publish or distribute religious literature will have to seek prior permission from the authorities.

Lawyers from two other religious communities and a leader of a religious community, who also wished to remain anonymous, also independently stated that officials will take this as an instruction to impose total censorship on all religious literature and similar material.

The 2009 Religion Law did not impose prior compulsory censorship of all religious literature. However, it allows state examination of any religious literature and requires state examination of all religious materials placed in a library. It also bans all distribution of religious literature, print, audio-video religious materials in public places, on the streets, parks, and distribution to homes, children's institutions, schools and higher education institutions. Such distribution is permitted only within the confines of a religious organisation's legally owned property, or in places allocated by local authorities (see Forum 18's Kyrgyzstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1388).

Tightened censorship text to be finalised in September

Deputy Tursunbay Bakir uulu, who is one of the initiators of the changes to the Religion Law, told Forum 18 on 25 June that 27 deputies (out of 120) support tightened censorship. He stated that, after the Zhogorku Kenesh's summer break, the text will be finalised in September.

The Committee voted on 29 May to form a joint group to prepare a revision of the proposed amendments. Deputy Bakir uulu stated that this will include officials from the Presidential Administration, the Zhogorku Kenesh, and independent legal experts from non-commercial organisations to agree on the final text.

The Education, Science, Culture and Sport Committee was called the Committee on Education, Science, Culture, Information and Religious Policies until late 2011, and was under this name considering the changes (see F18News 16 January 2012 http://www.forum18.org/Archive.php?article_id=1655).

Who will censor?

The Religion Law amendments also propose the establishment of a new Co-ordinating Expert Committee to oversee this censorship.

President Atambayev did not object to the tightened censorship as such, only to the provision in the amendments requiring religious organisations to be involved in it.

The Education, Science, Culture and Sport Committee noted, in its 29 May response to President Atambayev's refusal to sign the draft in current form, that those who censor religious literature must be "specialists with an appropriate profile". It stressed that individuals and legal entities are required to cooperate with government agencies in countering extremism.

"Law-enforcement agencies should not be involved in evaluating religious literature since they are not specialists in this area, and do not have staff to do it objectively," Deputy Bakir uulu insisted to Forum 18. He said that it was his idea to give this role – in the initial draft of the amendments - to the state-backed Muslim Board and the Russian Orthodox Church. (In the parliamentary process, the Muslim Board and Russian Orthodox Church were removed, and the final version approved by parliament required religious organisations merely to assist state agencies.)

"The President does not want religious communities to have anything to do with the expertise or be obliged to cooperate with the state in this way," Deputy Bakir uulu added.

Elaborating on why he does not want the state to provide the "expert analyses", Bakir uulu said that recently a woman was arrested and charged with extremism in Tashkumyr in Jalal-Abad Region, for storing a Quran and several disks in Kyrgyz with sermons on what the Quran teaches. "Since the Quran is in Arabic, and Prosecutor's Office officials do not speak or understand Arabic, they claimed that she has ties with some militant Islamic groups. The sermons are in Kyrgyz and only explain what the Quran teaches."

Deputy Bakir uulu said that the woman received a seven year jail term, but would not give any more details of the case. "I am preparing a complaint against this decision," he told Forum 18.

The Religion Law amendments were originally presented to the Zhogorku Kenesh in June 2011, and then named the Muslim Board and the Russian Orthodox Church's Bishkek Diocese, not state agencies, as being responsible for providing censorship "expert analysis". Other religious communities expressed fears to Forum 18 that this might allow these two communities to exercise a veto over literature from other religious communities. However, before the November 2011 first reading in parliament, the amendments had been changed to remove any specific mention of the Muslim Board and the Russian Orthodox Church.

The amendments as sent to the President on 2 March 2012 required registered religious organisations to assist state agencies and local authorities in countering extremism, including by assessing religious literature.

Why?

Asked why religious literature and material should be censored, and why – if there is a problem which can be defined - Kyrgyzstan is not using alternatives to censorship, Deputy Bakir uulu told Forum 18 he was busy in a meeting, and could not comment further.

Kanybek Osmanaliyev, Head of the Parliamentary Science, Education, Culture and Sports Committee (and a former Head of the then State Agency of Religious Affairs), insisted that state control of religious literature needs to be tightened. "This is clear from the wide support from the Parliament for the changes to the Religion Law," he told Forum 18 on 22 June. However, he refused to elaborate on why he thinks such a need exists and refused to talk to Forum 18 further, saying he was busy with a group of people with urgent issues.

Censorship now

A lawyer from one religious community, who did not wish to be named for fear of state reprisals, told Forum 18 on 25 June that total censorship is already applied to all imported religious literature and materials. Permission is required from the State Commission for Religious Affairs (SCRA) before Customs will release literature. The lawyer was not certain whether any legal basis exists for Customs and other state agencies to allow the SCRA to make this decision. "It may be just an agreement between the state organs."

"I have heard that the SCRA and Customs discriminate in favour of some communities, especially the Russian Orthodox Church, in granting permission to import literature," the lawyer told Forum 18. "But state agencies can delay or block other communities' literature being released by Customs."

Khamit Iskakov, a Jehovah's Witness representative, told Forum 18 on 25 June that in the recent past Jehovah's Witnesses several times received shipments of literature from abroad without problem. But they had to obtain a signed and stamped letter from the SCRA allowing release of the shipments by Customs. "Each time we had to give samples of literature to the Commission for an 'expert analysis' – even if some of the books were the same as in previous shipments," he complained. "Some books were not released but returned to the sender."

Asked why some books were not approved by the SCRA, Iskakov said that some of them had quotations from the Quran to better

explain some Jehovah's Witness teachings to Kyrgyz people. SCRA officials did not like this. They also did not like the pictures in some other books.

Aleksandr Shumilin, a Baptist pastor who chairs the Association of Evangelical Churches, told Forum 18 on 25 June that Baptists are not importing much literature at present. He added that Protestant Churches are not publishing much inside Kyrgyzstan. This is because printing firms and publishing companies often refuse to do work for Protestants because they were told by officials not to print religious materials. He declined to give details of specific cases for fear of state reprisals.

Synarkul Muraliyeva, leader of the Hare Krishna community, told Forum 18 on 21 June that her community is still not able to function openly and publicly. "We were refused official registration, and the situation has not changed," she lamented. "This makes it impossible for us to import, print or distribute literature." She did not think that they will receive official registration soon, as the Hare Krishna community does not have the officially imposed threshold of 200 founders to gain state permission to exist.

Many communities have been unable to gain official permission to exist for a variety of reasons, including overt hostility and discrimination on the part of state officials and the SCRA (see F18News 28 January 2012 http://www.forum18.org/Archive.php?article_id=1657). Indeed, Kyrgyzstan's law-enforcement and other state agencies are failing to stop or even appear sympathetic to violent attacks on people exercising freedom of religion or belief (see F18News 15 June 2012 http://www.forum18.org/Archive.php?article_id=1712).

Censorship violates human rights commitments

Censorship directly violates Kyrgyzstan's international human rights commitments, such as Paragraphs 16.9 and 16.10 of the Organisation for Security and Co-operation in Europe's (OSCE) Vienna Concluding Document of 1989. In 2010, Kazakhstan was OSCE Chair-in-Office. Paragraphs 16.9 and 16.10 read:

"(16) In order to ensure the freedom of the individual to profess and practise religion or belief, the participating States will, inter alia,

(16.9) – respect the right of individual believers and communities of believers to acquire, possess, and use sacred books, religious publications in the language of their choice and other articles and materials related to the practice of religion or belief,

(16.10) – allow religious faiths, institutions and organizations to produce, import and disseminate religious publications and materials;

(17) The participating States recognize that the exercise of the above-mentioned rights relating to the freedom of religion or belief may be subject only to such limitations as are provided by law and consistent with their obligations under international law and with their international commitments. They will ensure in their laws and regulations and in their application the full and effective exercise of the freedom of thought, conscience, religion or belief" (see compilation of OSCE freedom of religion or belief commitments at http://www.forum18.org/Archive.php?article_id=1351).

OSCE criticism

In a 22 March Opinion on the draft amendments that President Atambayev rejected, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) called on the Kyrgyz authorities to "reconsider in their entirety" the proposed amendments. It stressed the right of religious communities and individuals to produce and distribute religious literature without interference. It expressed concern about assigning the state's investigative powers to religious organisations and pointed out the terms "religious extremism, separatism and fundamentalism" "lack a clear legal definition" which it fears could lead to "a significant risk of arbitrary application of the law".

The OSCE Opinion concluded that "in their current reading they are both too vague and disproportionately restrictive to conform to international standards. It should be recalled that violent separatism and terrorism are better addressed not through laws on freedom of religion, but rather through the ordinary criminal law or through precisely formulated special laws on national security – which moreover should not be used as a pretext to restrict legitimate religious activity" (see http://www.legislationline.org/download/action/download/id/3732/file/203_FOR_KYR_22%20Mar%202012_en.pdf) (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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