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KYRGYZSTAN: Religious censorship, sharing faiths ban?

By Felix Corley, Forum 18

All religious literature would be subject to censorship, sharing beliefs would be banned, adults wanting to study faith abroad would have to notify Religious Affairs officials, and 500 adult citizens in one location would be required to apply for registration if parliament adopts Religion Law amendments.

Full state censorship of all religious literature published, distributed or photocopied in Kyrgyzstan or imported into the country, as well as a ban on sharing beliefs in public – particularly from door to door – could soon become law. Proposed amendments to the 2009 Religion Law are due to have their first reading in the Zhogorku Kenesh (Parliament) in the capital Bishkek tomorrow (1 June).

The amendments were prepared by the State Commission for Religious Affairs (SCRA), which has been headed since 13 February by Zaiyrbek Ergeshov.

Other provisions in the proposed amendments include a rise in the number of adult citizens living in one place required before a religious community can apply for registration from 200 to 500, as well as a requirement that even adults who travel abroad for religious education have to inform the state where they are studying.

Punishments have not yet been set out for those violating all these provisions.

In addition to the new proposed restrictions, the amendments do not propose removing any of the restrictions on exercising freedom of religion or belief in the current Law. Existing provisions which violate Kyrgyzstan's international human rights commitments include a ban on exercising freedom of religion or belief without state registration (see Forum 18's Kyrgyzstan religious freedom survey http://www.forum18.org/archive.php?article_id=2013).

Deputies told Forum 18 the amendments could be adopted before parliament's summer break, or after parliament returns in September.

Many provisions of the proposed amendments are close to provisions proposed in 2014. They were strongly criticised by the United Nations Human Rights Committee (see below).

The SCRA's amendments

The proposed amendments were prepared by the SCRA. They were approved by the government on 11 April and sent to Parliament. The text of the draft was published in April on several government websites, including those of the Justice Ministry and the SCRA.

On 16 May Parliament's International Affairs, Defence and Security Committee approved the proposed amendments.

At a hearing on 29 May, the Social Affairs, Education, Science, Culture and Health Committee also approved them. SCRA's Director Ergeshov spoke up in the Committee in support of the amendments.

In a demonstration of the wide backing for the proposed new restrictions, the Committee invited to the hearing the Interior, Justice, Foreign, Education and Culture Ministers, the head of the secret police and the General Prosecutor.

Also invited were Chief Mufti Maksat Toktomushev and Russian Orthodox bishop Daniil (Kuznetsov). (The Chief Mufti gained religious education in Pakistan and the bishop in Russia.)

Muftiate representatives backed the amendments, according to the parliamentary website. "Everyone must adhere to their own faith," one insisted. "Cases arise when there are followers of different movements in one family, Muslims and Baptists. This leads to conflicts."

Committee member Ryskeldi Mombekov "supported the amendments in Committee and will speak up in support of them tomorrow in parliament", his assistant told Forum 18 from parliament on 31 May.

Three Committee members opposed the amendments, Committee member Yevgeniya Strokova told Forum 18. One of them, Tazabek Ikramov, described the draft as "unfinished" and called on it to be sent back for further work, according to the parliamentary website.

The proposed amendments have been included in Parliament's agenda for a first reading on 1 June, according to the parliamentary website. The draft will require three readings in parliament before being adopted. It would then be sent to the President to be signed into law.

How soon?

Many previous proposed laws or amendments about religion have failed to be adopted or have been approved by Parliament but not signed into law. Many observers therefore remain unsure whether these amendments will be adopted and, if so, when.

Religious studies expert Galina Kolodzinskaya acknowledges that deputies could adopt the amendments before Parliament's summer break at the end of June, particularly as she believes they have strong political support from leading state figures and agencies.

"If there is no unified voice from civil society and religious communities, the amendments might move through parliament quickly," Kolodzinskaya told Forum 18 from Bishkek on 31 May. "Sadly, religious communities are fragmented and are unlikely to work together on this."

"But it's quite possible they will be postponed until after the presidential elections now scheduled for 15 October," Kolodzinskaya added. "If that is the case, all will depend on what attitude the new president will take, as religious policy is in the hands of the president."

Parliamentary deputy and Social Affairs, Education, Science, Culture and Health Committee member Natalya Nikitenko, who has concerns about some provisions in the draft amendments, says that ten days should separate the three readings at minimum. "But the initiators could speed up the adoption of the amendments," she told Forum 18 from Bishkek on 31 May.

Nikitenko hopes consideration of the draft will not be rushed. "There must be time to consider this properly, hopefully in the autumn after parliament has had a proper chance to listen to people's views in public hearings."

Proposed new restrictions: religious censorship

A proposed amendment to Religion Law Article 22 would introduce full state censorship of all religious literature produced, copied or distributed in Kyrgyzstan or imported into the country. Only registered religious organisations are identified as being allowed religious literature and only "commensurate with their needs" (which are undefined).

Individuals would be allowed to acquire only "individual copies" of religious books and materials and only "in line with procedures established by the government".

All religious literature in print or digital form and other materials would be subject to compulsory prior state censorship by the SCRA. The amendments specifically ban the printing or publication of any works without its express permission.

SCRA Deputy Director Zakir Chotayev denied that this would represent censorship. "It is the same as in the current Law," he claimed to Forum 18 from Bishkek on 31 May. However, while the current Law allows the SCRA to censor religious literature it does not mandate it.

Parliamentary deputy and Social Affairs, Education, Science, Culture and Health Committee member Strokova supported the religious censorship. "I'm not against freedom," she claimed to Forum 18. "But there must be limits."

But fellow Parliamentary deputy and Social Affairs, Education, Science, Culture and Health Committee member Nikitenko warned that the proposed state religious censorship would increase the powers of the SCRA. "There is no control over what the SCRA does," she complained to Forum 18. "It's not a transparent organisation."

Proposed new restrictions: ban on sharing faith

A proposed amendment to Religion Law Article 5 widens the ban on sharing faith. "Illegitimate proselytism, going round flats or homes with the aim of spreading religious views is banned, as is any illegal missionary activity. Those guilty of violating this provision bear responsibility under the Code of Administrative Offences."

A proposed amendment to Religion Law Article 3 defines "illegitimate proselytism" as "actions directed at attracting to one's own faith followers of other faiths by means of psychological and physical pressure, threats and violence".

The current Article 5 bans only "insistent actions" aimed at sharing faith, though it does ban "illegal missionary activity".

Parliamentary deputy and Social Affairs, Education, Science, Culture and Health Committee member Strokova defended this restriction. She complained that "religiously illiterate people" share their faith and argued that this has to be stopped.

"Anyone could say they are doing this, but there's no guarantee they're professing the faith that they should profess," she told Forum 18. "You don't allow unqualified people to talk about medicine – the same goes for religion. We need to prevent spiritual violence." Asked whether adults are incapable of making up their own mind about any views they hear on religion, she responded: "You're deliberately twisting my words."

Proposed new restrictions: Further registration obstruction

Religious communities which want to gain state registration will find it even harder if the amendments are adopted. A proposed amendment to Religion Law Article 8 would require not 200 adult citizens as at present but 500 to apply to register a religious community. The amendment also implies that these 500 adult citizens must live in one region of the country.

SCRA Deputy Director Chotayev insisted to Forum 18 that the suggestion for 500 adult citizen members in one location came from a "public consultation". He declined to say who had proposed this or why it had been included.

Parliamentary deputy and Social Affairs, Education, Science, Culture and Health Committee member Nikitenko told Forum 18 she sees no need for the number of required members to be increased. She fears this could harm "law-abiding religious communities", including smaller communities such as of Jews or Buddhists. Fellow deputy Strokova told Forum 18 of her similar concerns.

However, another proposed amendment to Article 8 would allow the creation of a centralised religious organisation to religious organisations from a minimum of seven of the country's nine regions. Under the current Law, organisations have to be present and registered in all nine regions before they can apply for a centralised religious organisation.

The proposed amendments – at least in theory – remove one of the obstacles for local communities to apply for formal registration (known in Russian as "uchetnaya registratsia"). Previously this required local keneshes (councils) to approve such applications, but the Constitutional Chamber of the Supreme Court ruled in September 2014 that this was illegal. However, officials have so far ignored this ruling and many local communities struggle to get such registration (see F18News 11 November 2016 http://www.forum18.org/archive.php?article_id=2230).

Proposed new restrictions: State notification to study religion abroad

A proposed amendment to Religion Law Article 6 requires anyone wishing to study in a foreign religious educational establishment to notify the SCRA of where they intend to study. The amendments do not say whether the SCRA is empowered to withhold permission for an individual to study their faith abroad.

Another proposed amendment to Article 6 would ban private teaching of religion. The current Law bans the private teaching of "religious studies".

Proposed new restrictions: SCRA's warning, liquidation powers

A proposed amendment to Religion Law Article 26 would allow the SCRA greater powers to warn, halt or seek to liquidate religious organisations that conduct activity "contradicting the goals" of an organisation or "not specified in the statute". A warned or halted religious organisation can challenge the SCRA's decision in court. The SCRA would have to seek liquidation of an organisation through the courts.

The SCRA is empowered to conduct inspections of religious organisations to ensure that they are abiding by the law either at its own initiative, at the initiative of state agencies or in response to complaints.

UN comments ignored

The United Nations (UN) Human Rights Committee commented on the Religion Law and possible plans to amend it in March 2014 Concluding Observations (CCPR/C/KGZ/CO/2) to its consideration of Kyrgyzstan's record under the International Covenant on Civil and Political Rights (ICCPR). It noted that "the Committee is concerned about the restrictions incompatible with provisions of the Covenant [ICCPR] contained in the current law, including with respect to missionary activities, registration procedure and dissemination of religious literature" (see F18News 1 April 2014 http://www.forum18.org/archive.php?article_id=1944).

The Committee stressed that the then planned amendments to the Religion Law should "remove all restrictions incompatible with Article 18 of the Covenant, by providing for a transparent, open and fair registration process of religious organizations and eliminating distinctions among religions that may lead to discrimination" (see F18News 1 April 2014 http://www.forum18.org/archive.php?article_id=1944).

However, many provisions of the current proposed amendments are similar to those proposed in 2014.

SCRA Deputy Director Chotayev dismissed the UN's stated views. "We live in Kyrgyzstan and have our own procedures," he told Forum 18. "We're an independent state." When Forum 18 reminded him that Kyrgyzstan is a member of the UN and has acceded to the ICCPR he put the phone down.

Religious communities – mostly no comment

While Muftiate leaders have been vocal in their support for the proposed restrictions, leaders of most other faiths have remained silent. Forum 18 could find no leaders of other faiths prepared to express their views publicly.

Parliamentary deputy and Social Affairs, Education, Science, Culture and Health Committee member Nikitenko said she had seen no comments from other communities. "Our Committee was not given any comments," she told Forum 18.

Nikitenko acknowledged that many communities are afraid to come forward with comments. "There is fear among the population, which is a limit on freedom of speech. But parliament must hear the voice of the people – that's why we are calling for public hearings in parliament on the proposed amendments."

Privately, a number expressed concerns over at least parts of the draft. One spoke of the "onerous registration requirements which make registration for minority religions virtually impossible", adding that the "total ban" on sharing faith is also a concern.

"After the SCRA published the draft in April, most religious leaders preferred not to lodge official comments," a religious activist told Forum 18 from Bishkek. "This was because of the negative response last time around, when their comments were used to make the draft even harsher. In effect they were revealing their Achilles heel." (END)

For more background information see Forum 18's Kyrgyzstan religious freedom survey at http://www.forum18.org/archive.php?article_id=2013.

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.

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