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KYRGYZSTAN: Repressive new Religion Law passes first reading

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Parliament has given first reading approval to two draft new laws increasing freedom of religion or belief restrictions. Among many other restrictions, the draft Religion Law makes it impossible for communities with fewer than 500 adult members to legally exist. Violations Code amendments sharply increase fines. "This is a very dangerous law," a religious community leader who wished to remain anonymous for fear of state reprisals told Forum 18. "They seem to be in a rush, and this is alarming," a human rights defender who wished to remain anonymous for fear of state reprisals told Forum 18.

On 12 December, the Zhogorku Kenesh (Parliament) in Bishkek approved in the first reading two draft new laws which would continue to restrict freedom of religion or belief. The draft Religion Law continues to ban all unregistered exercise of freedom of religion or belief and makes it impossible for communities with fewer than 500 adult citizen members to gain legal status (up from 200 in the current Law). For the first time it requires places of worship of registered religious organisations to also register and bans sharing faith in public and from door to door. Amendments to the Violations Code sharply increase fines for those who violate provisions of the Religion Law.

"This is a very dangerous law for us," a religious community leader who wished to remain anonymous for fear of state reprisals told Forum 18 on 11 December.

Muslim and Russian Orthodox leaders were present in the Zhogorku Kenesh for the 12 December debate. One deputy, Jalolidin Nurbayev, opposed the proposed ban on those who share faith door to door. "They simply knock on the door, invite to the mosque and call only for the good," he stated. "There is nothing bad in that." Citing other deficiencies, he called for the proposed Laws to be withdrawn and reworked.

In approving the draft Laws in the first reading, the Zhogorku Kenesh sent them to its Social Policy Committee as well as to its "expert services". Both are instructed to prepare any written comments and amendments within 10 working days. The draft Laws would then return to the full Zhogorku Kenesh for the second reading, possibly before the end of 2024.

The new Religion Law – if adopted by the Zhogorku Kenesh in its current form and signed by the President – would come into force on 1 February 2025. The Amending Law's changes to the Violations Code would come into force 10 days after its official publication (see below).

The draft new Religion Law would replace the 2008 Religion Law and subsequent amendments. An associated draft new Amending Law in the Area of Religion would change the 2021 Violations Code, the Political Parties Law, the Laws on Elections of and Status of Deputies of Local Keneshes [administrations], and the Law on Status of Deputies of the Zhogorku Kenesh (see below).

The Chair of the Cabinet of Ministers, Akylbek Japarov, submitted the Kyrgyz and Russian texts of the draft new Laws to the Zhogorku Kenesh, which registered them on 25 November. The drafts are available on the parliamentary website (see below).

Both drafts were prepared by the State Commission for Religious Affairs (SCRA) (https://www.forum18.org/archive.php?article_id=2711), the National Security Committee (NSC) secret police (https://www.forum18.org/archive.php?article_id=2711), and the Interior Ministry at the regime's initiative, according to the documentation accompanying the draft Laws. As of 13 December, the SCRA website does not mention the two draft new Laws now in the Zhogorku Kenesh (see below).

The regime has long wanted to make laws on freedom of religion or belief harsher. It made public previous draft versions of the two proposed Laws in November 2023 but later withdrew them. New versions, published for public discussion in August 2024, contained many similar provisions from the November 2023 versions that violate Kyrgyzstan's international human rights commitments (see below).

On 5 September 2024, President Sadyr Japarov held a meeting of senior officials and members of a few religious organisations (apparently only from the Muftiate) to discuss the draft Religion Law. He encouraged "well-known ulema [Islamic scholars]" to

submit their proposals on the draft Law during the public discussion, according to the presidential website. He added that "taking into account the views of all parties", the agreed text would then be submitted to the Zhogorku Kenesh (see below).

"I am afraid that if these changes are adopted, and if the authorities continue their past strategies, many churches will be closed down," one Protestant who wished to remain anonymous for fear of state reprisals told Forum 18. Other religious communities, who also wished to remain anonymous for fear of state reprisals, told Forum 18 that neither the SCRA (https://www.forum18.org/archive.php?article_id=2711) nor other regime officials had informed or consulted them on the proposed new Laws (see below).

The SCRA (https://www.forum18.org/archive.php?article_id=2711) submitted to the Zhogorku Kenesh justifications for producing the two draft laws along with the texts. The justification for the draft Religion Law claims among other reasons that the "objective of the draft law" is to "fulfil the international obligations of the Kyrgyz Republic" (see below).

The SCRA (https://www.forum18.org/archive.php?article_id=2711) has previously prepared multiple drafts of a new Religion Law (most recently in August 2024), all of which would have continued to violate Kyrgyzstan's legally binding international human rights obligations, and has argued against Kyrgyzstan implementing its human rights obligations. The draft Religion Law and the draft Amending Law's changes to the Violations Code now in the Zhogorku Kenesh contain multiple examples of the regime ignoring legally-binding international human rights obligations (see below).

The draft new Religion Law would (see below) among other things:

- continue to require all religious communities to gain state registration before they are allowed to exist or exercise freedom of religion or belief;
- continue to make illegal and punishable any exercise of freedom of religion or belief by religious communities without state registration;
- impose compulsory re-registration of religious communities every 10 years;
- impose multiple burdensome registration requirements, increasing the high thresholds for the numbers of founders required for a religious community;
- impose obstacles to founding religious communities, such as requiring a founding meeting to unanimously vote to establish a community;
- give the SCRA multiple arbitrary powers to reject registration applications;
- allow unspecified regime agencies to veto a religious community being founded;
- ban Muslims from founding any religious communities which are not controlled by the regime-controlled Muslim Board;
- give the SCRA extensive powers to "control" registered religious organisations, religious education establishments, and registered places of worship;
- give the SCRA extensive powers to ban religious communities;
- require registered religious organisations and religious education establishments to give the SCRA intrusive annual reports on their organisations and activities;
- require all places of worship to gain state registration from the SCRA;
- require SCRA permission before an individual can conduct unclearly defined "preaching activity";
- require registered religious organisations and educational establishments to gain SCRA permission for any religious rituals or other mass events they plan away from their registered premises;
- continue SCRA censorship of all religious texts and material;
- continue the ban on distributing religious literature or materials "in public places, as well as by going round residential properties, state and municipal organisations, and in pre-school and general educational establishments, with the exception of religious educational establishments";
- ban sharing faith in public and from door to door;

- ban religious education (whether of children or adults) without SCRA permission, including allowing the SCRA to control the curriculum;
- require SCRA permission for individuals to travel abroad to study in a religious educational establishment;
- continue to ban teaching religion individually outside a registered religious educational establishment;
- require SCRA registration for those sent by foreign religious organisations "to conduct religious activity in Kyrgyzstan", with only registered religious organisations being able to apply for such registration;
- and ban elected members of local keneshes and the national Zhogorku Kenesh from conducting "religious activity". It is unclear if this means that elected members could not be leaders or members of registered religious organisations, or even be banned from attending any meetings for worship (see below).

Current Violations Code Article 142 allows the police and the SCRA (https://www.forum18.org/archive.php?article_id=2711) to issue summary fines for violating the Religion Law. The new Amending Law's changes to the Violations Code increases the punishable scope of the exercise of freedom of religion or belief, and sharply increases fines (see below).

Despite the Zhogorku Kenesh's 6 June rejection of a Religion Law amendment that would have imposed tighter financial reporting by registered religious organisations, work on a similar amendment (https://www.forum18.org/archive.php?article_id=2914) continues. Deputy Ulan Primov – who is promoting such tighter controls – has not answered Forum 18's question on why he believes they are needed. "Financial control measures for non-commercial organisations in general were incorporated into law in 2022," Gulshayir Abdirasulova of human rights organisation Kylym Shamy noted.

"They seem to be in a rush, and this is alarming"

The regime has long wanted to make laws on freedom of religion or belief harsher. In 2022, draft Laws were posted for public comments. However, this was then withdrawn for reworking. It made public draft versions of two proposed Laws (https://www.forum18.org/archive.php?article_id=2875) in November 2023 but later withdrew them.

On 29 August 2024, the regime's draft legislation website posted the Kyrgyz and Russian texts of two proposed new laws which continue to restrict freedom of religion or belief. A proposed new Religion Law was to replace the 2008 Religion Law (https://www.forum18.org/archive.php?article_id=2711) and subsequent amendments.

An associated proposed new Amending Law in the Area of Religion was to introduce amendments to the 2021 Violations Code (https://www.forum18.org/archive.php?article_id=2711), as well as the Political Parties Law, the Laws on Elections of and Status of Deputies of Local Keneshes [administrations], and the Law on Status of Deputies of the Zhogorku Kenesh.

Various religious communities, who all wished to remain anonymous for fear of state reprisals, told Forum 18 that neither the State Commission for Religious Affairs (SCRA (https://www.forum18.org/archive.php?article_id=2711)) nor other regime officials have informed or consulted them on the proposed new Laws. One religious community leader, who wished to remain anonymous for fear of state reprisals, stated that the SCRA and other regime bodies "never consult us, and never ask the opinion of other religious communities which we know".

The August 2024 justification for the draft new Religion Law noted that Kamchybek Tashiyev, one of the Deputy Chairs of the Cabinet of Ministers as well as Chair of the National Security Committee (NSC) secret police (https://www.forum18.org/archive.php?article_id=2711), had on 5 July 2024 ordered the creation of a working group made up of the SCRA (https://www.forum18.org/archive.php?article_id=2711), the NSC secret police and the Interior Ministry "as a result of whose work the draft law is presented".

Tashiyev – who has headed the NSC secret police since October 2020 – was a driving force behind the attempt to ban the Jehovah's Witness community (https://www.forum18.org/archive.php?article_id=2706). He claimed to the General Prosecutor's Office in July 2021, without giving evidence, that Jehovah's Witnesses "at various times and in various countries have been accused of rape, child kidnapping, murder, incitement to murder and suicide, desertion, fraud, theft, racism, extortion, bodily harm, prostitution, etc".

On 5 September 2024, President Sadyr Japarov held a meeting of senior officials (including NSC secret police (https://www.forum18.org/archive.php?article_id=2711) chief Tashiyev and senior SCRA (https://www.forum18.org/archive.php?article_id=2711) officials) and members of Muslim (apparently only Muslim) religious organisations to discuss the draft Religion Law. Japarov encouraged "well-known ulems [Islamic scholars]" to submit their proposals on the draft Law during the public discussion, according to the presidential website. He added that "taking into account the views of all parties", the agreed text would then be submitted to the Zhogorku Kenesh.

The regime's draft legislation website said both draft laws were open for public discussion until 28 September. Comments began to appear under both draft Laws on 2 September, and most were critical of specific provisions (https://www.forum18.org/archive.php?article_id=2931).

The SCRA (https://www.forum18.org/archive.php?article_id=2711) claimed that, of the 25 comments it received on the proposed new Religion Law, 6 were taken into consideration. It claimed that the 19 rejected comments had complained about the proposed Laws' restrictions on freedom of religion or belief without giving specific details of what they objected to.

The Catholic Apostolic Administration had asked that the maximum period of three years for foreign missionaries be abolished or reviewed. SCRA (https://www.forum18.org/archive.php?article_id=2711) Chair Azamat Yusupov said this had been rejected, as three years is the "optimal" length and it had long been intended to introduce that in the law "with the aim of controlling the number of foreign citizens (missionaries) as well as preventing the mass influx of foreign citizens (missionaries)".

The Catholic Apostolic Administration had also called for the period of registration to be increased from the then proposed limit of 5 years to 15 years. SCRA Chair Yusupov said this had partially been taken into account by making the registration period 10 years.

SCRA Chair Yusupov claimed in his 25 November justification for the Law (see below) that the draft Religion Law's ban on sharing faith door to door "has been agreed with the representatives of Kyrgyzstan's traditional religious confessions," which he identified as the regime-controlled Muslim Board (https://www.forum18.org/archive.php?article_id=2711) (Muftiate) and the Russian Orthodox Church. He said they had "fully supported" the move. The Council of Ulems (Muslim scholars) "has presented a document saying that going door to door is not compulsory in Islam".

Various smaller religious communities, who all wished to remain anonymous for fear of state reprisals, told Forum 18 in December that many registered religious communities had not been consulted about the draft Law.

The regime then reworked the two draft Laws, with the participation of Chinara Musabekova, a lecturer at the Higher School of Justice under the Supreme Court and an official in the Association of Women Judges. However, the regime appears to have ignored at least some of her views. She told Forum 18 on 12 December that she had "many disagreements" with Zhogorku Kenesh "experts".

For example, Musabekova stated that she does not understand why the unregistered exercise of freedom of religion or belief, including meeting others privately for worship and studying sacred texts, must be regulated by the state. "I told the Zhogorku Kenesh that we must distinguish between those who want to be a regular religious organisation, and small numbers of people who want to meet in private." She also stated that compulsory state registration in order to exist "is not right in terms of jurisprudence".

Musabekova also told Forum 18: "Demanding 500 founders living in the same district for registration is not just." She observed that "this will put religious communities in a very difficult situation," as it will be particularly difficult for smaller religious communities.

"I do not understand why Muslims, who are a majority in the country, must be put under even greater state control," Musabekova added. "Why must all Muslims, some of whom may have different views on Islam than the Chief Mufti, be put under his control?" She noted that "fear of extremism is always there. But the way to struggle against extremism is to not severely control Muslims or their beliefs."

Musabekova was not consulted about the Amending Law's changes to the Violations Code.

President Japarov held a further meeting of senior NSC secret police (https://www.forum18.org/archive.php?article_id=2711) and SCRA (https://www.forum18.org/archive.php?article_id=2711) officials, as well as Muslim leaders, on 8 November. Japarov told them that the aim of the new Religion Law is "to strengthen the position of the Muftiate [the regime-controlled Muslim Board (https://www.forum18.org/archive.php?article_id=2711)] and the Council of Ulems [Islamic scholars]" and promote "unity among Muslims", according to the presidential website. He insisted that Dawah (calling Muslims to faith) was not being banned.

The Chair of the Cabinet of Ministers, Akylbek Japarov, submitted the Kyrgyz and Russian texts of the draft new Laws to the Zhogorku Kenesh, which registered them on 25 November. The drafts are available on the parliamentary website.

The various parliamentary committees approved the two draft Laws between 9 and 11 December. In the Law and Order Committee, SCRA (https://www.forum18.org/archive.php?article_id=2711) Chair Yusupov answered deputies' questions. Asked whether the Islamic-inspired Yiman Nuru (Light of Faith) Party, which has five deputies, would be allowed to compete in future elections, he said they would not (see below).

A human rights defender, who wished to remain anonymous for fear of state reprisals, told Forum 18 on 11 December: "Parliament is discussing the draft Law in secrecy without publishing on its website the details of discussions and their results," adding that "they seem to be in a rush, and this is alarming."

Multiple Zhogorku Kenesh deputies and officials involved in the passage of the draft Religion Law and the Amending Law's

changes to the Violations Code, who Forum 18 contacted between 11 and 13 December, refused to discuss either law.

No SCRA official answered their phone whenever Forum 18 called between 11 and 13 December.

The new Religion Law – if adopted by the Zhogorku Kenesh in its current form and signed by the President – would come into force on 1 February 2025. The Amending Law's changes to the Violations Code would come into force 10 days after its official publication.

The Organisation for Security and Co-operation in Europe (OSCE)'s Office for Democratic Institutions and Human Rights (ODIHR) "has not received any request from Kyrgyzstan to review either of these draft laws (<https://legislationline.org/legal-reviews>), but we would be willing and able to do so if asked", Katya Andrusz, ODIHR Spokesperson, told Forum 18 on 11 December 2024. Similarly, the Council of Europe's Venice Commission told Forum 18 on 11 December that it has not received a request to review the draft laws (https://www.venice.coe.int/WebForms/pages/?p=01_activities&lang=EN).

"To .. fulfil the international obligations of the Kyrgyz Republic"?

The SCRA (https://www.forum18.org/archive.php?article_id=2711) provided the Zhogorku Kenesh on 25 November with its justification for producing the draft Religion Law, and the draft Amending Law's changes to the Violations Code, along with both texts. The justification for the draft Religion Law – signed by SCRA Chair Azamat Yusupov - claims that the draft Law is dictated by the need to enact the rights to freedom of belief and the activity of religious organisations in the light of the new May 2021 Constitution.

The new Constitution was strongly criticised in a Council of Europe Venice Commission and Organisation for Security and Co-operation in Europe's (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) March 2021 Joint Opinion (https://www.forum18.org/archive.php?article_id=2711), as well as by Human Rights Watch and local and international human rights defenders.

"The objective of the draft law," the justification for the draft Religion Law prepared by the SCRA (https://www.forum18.org/archive.php?article_id=2711) claims, "is to improve the legislative framework, fulfil the international obligations of the Kyrgyz Republic, and ensure continuity and consistency of state policy in the religious sphere." It also claims that the 2008 Religion Law contains "numerous inconsistencies and gaps" affecting half that Law.

SCRA (https://www.forum18.org/archive.php?article_id=2711) Chair Yusupov falsely claimed that adopting the new Religion Law would have "no negative social, economic, legal, human rights, gender, ecological, or corruption consequences".

The Amending Law – which includes changes to the Violations Code - is accompanied by a separate justification.

UN concerns

On 18 December 2023, four United Nations Special Rapporteurs – including Nazila Ghanea, Special Rapporteur on Freedom of Religion or Belief – wrote to the regime (KGZ 6/2023 (<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28670>)) expressing concern about provisions in the November 2023 draft Religion Law (which has been adapted into the current November 2024 draft).

The Special Rapporteurs asked the regime (https://www.forum18.org/archive.php?article_id=2914) to explain how the contentions provisions "are compatible with international human rights standards regarding the right to freedom of religion or belief, and the rights to freedom of peaceful assembly and freedom of association".

The Special Rapporteurs asked the regime to inform them of measures it had taken or was planning to take to ensure the proposed Law's compliance with the country's obligations under international human rights law. As of 12 December 2024, the United Nations website does not list any response from the regime to their letter.

In December 2022, the UN Human Rights Committee's Concluding Observations on Kyrgyzstan (CCPR/C/KGZ/CO/3 (<https://www.undocs.org/CCPR/C/KGZ/CO/3>)) stated – as have previous Concluding Observations - among other things that Kyrgyzstan should: "Expedite the adoption of the legislative amendments to the Freedom of Religion and Religious Organizations Act and ensure that all limitations that are incompatible with article 18 ["Freedom of thought, conscience and religion"] of the Covenant [the ICCPR] are removed .."

Regime denies legally binding human rights obligations are legally binding

Kyrgyzstan ratified both the International Covenant on Civil and Political Rights (<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>) (ICCPR) and its Optional Protocol (OP1) (under which individual complaints are made

(<https://www.ohchr.org/sites/default/files/2021-08/FactSheet7Rev.2.pdf>) on 7 October 1994. By voluntarily doing this, Kyrgyzstan took on both the binding international human rights law obligations of the ICCPR, and the obligation to correct any violations of its obligations (<https://www.ohchr.org/en/instruments-and-mechanisms/international-human-rights-law>) – such as violations found by the UN Human Rights Committee.

Individual complaints include those concerning Jehovah's Witness communities, which have been repeatedly denied state registration (https://www.forum18.org/archive.php?article_id=2850), as have other communities. Such denials have "a chilling effect", Jehovah's Witnesses note. They took their cases to the UN Human Rights Committee, which in two decisions so far have found that Kyrgyzstan violated the rights of Jehovah's Witnesses (https://www.forum18.org/archive.php?article_id=2703) by arbitrarily refusing their communities in Naryn, Osh, and Jalal-Abad regions state registration.

SCRA (https://www.forum18.org/archive.php?article_id=2711) officials have claimed – wrongly – that Human Rights Committee views "are for consideration but not for implementation" (https://www.forum18.org/archive.php?article_id=2850). Both the SCRA and court officials refused to explain to Forum 18 in July 2023 why the SCRA rejected registration applications – including after the Human Rights Committee decisions - ignored repeated Human Rights Committee decisions, and why the SCRA claimed that Kyrgyzstan's legally binding international human rights law obligations are not legally binding.

As the Laws were being prepared in autumn 2024, Jehovah's Witnesses expressed concern that provisions "would severely restrict religious freedom and freedom of expression". They were concerned that it will be illegal for Jehovah's Witnesses to meet for worship privately in Regions (especially in the south) where officials have repeatedly rejected applications to register a religious organisation.

The draft Religion Law and the draft Amending Law's changes to the Violations Code contain multiple examples of the regime ignoring Kyrgyzstan's legally-binding international human rights obligations.

Attempting to put a barrier between freedoms

Much of the draft new Religion Law is taken up with attempting to creating a barrier between exercising the right to freedom of thought, conscience and religion (International Covenant on Civil and Political Rights (<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>) - ICCPR, Article 18) and other rights, such as the freedoms of expression, peaceful assembly, and association. All of these freedoms are already threatened and violated by the regime (<https://www.hrw.org/europe/central-asia/kyrgyzstan>). The freedoms threatened by the new Religion Law also include the right to participate in public affairs (ICCPR Article 25 - "Participation in Public Affairs and the Right to Vote" – see below)

The regime's attempt to create a barrier between rights violates the UN Vienna Declaration and Programme of Action (<https://www.ohchr.org/en/instruments-mechanisms/instruments/vienna-declaration-and-programme-action>), which states: "All human rights are universal, indivisible and interdependent and interrelated."

Similarly, the Siracusa Principles on the Limitation and Derogation Provisions (<https://www.refworld.org/legal/resolution/unchr/1984/en/57200>) in the International Covenant on Civil and Political Rights state: "No limitations or grounds for applying them to rights guaranteed by the Covenant are permitted other than those contained in the terms of the Covenant itself." The Siracusa Principles go on to state: "The requirement expressed in article 12 of the Covenant, that any restrictions be consistent with other rights recognized in the Covenant, is implicit in limitations to the other rights recognized in the Covenant."

"Illegal" exercise of freedom of religion or belief

Under the current Religion Law, the unregistered exercise of freedom of religion or belief is illegal and punishable (https://www.forum18.org/archive.php?article_id=2711). Article 8, Part 3 of the draft new Religion Law continues this restriction, specifying that the exercise of freedom of religion or belief without SCRA registration is illegal and punishable under the Violations Code.

Article 24 specifies that the activity of registered religious organisations "is forcibly terminated by court decision in cases of the systematic violations of the norms of the Constitution, this Law or other Laws or in cases of the systematic carrying out of activity contradicting the aims in the Statute". Such a decision makes any activity by the liquidated religious community illegal and punishable.

The OSCE / Council of Europe Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (<https://www.osce.org/files/f/documents/9/9/139046.pdf>) state: "State permission may not be made a condition for the exercise of the freedom of religion or belief. The freedom of religion or belief, whether manifested alone or in community with others, in public or in private, cannot be made subject to prior registration or other similar procedures, since it belongs to human beings and communities as rights holders and does not depend on official authorization."

The Amending Law's changes to the Violations Code rewords the provision in Violations Code Article 142 to punish those who exercise freedom of religion or belief or use a place of worship without state permission with a fine of 200 Financial Indicators (FIs) on individuals (20,000 Soms, equivalent to three weeks' average wages) and 650 FIs on organisations. The Violations Code allows the police and the SCRA (https://www.forum18.org/archive.php?article_id=2711) to issue summary fines for violating Article 142.

"Impossibly high" registration requirements

Under Article 9 of the draft new Religion Law:

- local religious organisations, which can function only in the administrative territory where they are registered, and require at least 500 adult citizen founders living in a single Region of the country;
- and central spiritual administrations.

Under Article 23, those with criminal records are not allowed to act as a founder or religious community leader.

(The current Religion Law requires religious organisations to have 200 adult founders (https://www.forum18.org/archive.php?article_id=2711) living anywhere in the country.)

A Protestant expressed concern about the large numbers of adult citizens that would be needed to register regional and national bodies after the November 2023 version of the new Religion Law was made public. "We have difficulty collecting signatures of 200 persons at the moment to register in one locality," the Protestant told Forum 18 in November 2023 (https://www.forum18.org/archive.php?article_id=2875). "This means to us that the authorities do not want the participation of Protestant Churches in the decision-making process in the area of freedom of religion or belief on the national or regional level. They want to limit our exercise of freedom of religion or belief as much as they can."

Many smaller religious communities of a range of beliefs have not sought state registration as they are, they told Forum 18 in July 2023 (https://www.forum18.org/archive.php?article_id=2850), "afraid of state reprisals for themselves as communities as well as their members". They fear that if regime agencies are given – as is required – the personal details of founders this will lead to state surveillance of their private lives, and possible later targeting by regime agencies.

A human rights defender, who wished to remain anonymous for fear of state reprisals, observed to Forum 18 on 11 December that "many people will not want to identify themselves to the regime as founders of a religious community".

Fears of state reprisals have grown since 2019, and as a member of a religious community commented to Forum 18 (https://www.forum18.org/archive.php?article_id=2711) at the time: "practically speaking, registration only gives you permission to exist. Registration does not give you the freedoms one should expect."

In known incidents in 2023 of regime targeting of registered communities (https://www.forum18.org/archive.php?article_id=2849), a Catholic church was raided by the SCRA (https://www.forum18.org/archive.php?article_id=2711), the NSC secret police (https://www.forum18.org/archive.php?article_id=2711), and Talas Police "Department for the Struggle against Extremism and Illegal Migration", with congregation members detained at gunpoint, and two nuns each fined the equivalent of just over two weeks' average wages for reading the Bible at Mass. After the raid, the SCRA threatened to ban the Catholic Church nationwide (https://www.forum18.org/archive.php?article_id=2849). A Hare Krishna wedding rehearsal was also raided, the host fined, and Indian students present had their visas revoked. Elsewhere, two foreigners at a registered Protestant church were also fined.

The Interior Ministry, police "Departments for the Struggle against Extremism and Illegal Migration", the SCRA (https://www.forum18.org/archive.php?article_id=2711), and the NSC secret police (https://www.forum18.org/archive.php?article_id=2711) all refused to explain to Forum 18 (https://www.forum18.org/archive.php?article_id=2849) why they violate legally-binding international human rights obligations.

"Setting the impossibly high threshold of 500 signatory founders living in the same district will seriously limit the number of religious communities, and denies the reality that we are a multi-confessional society," a human rights defender, who wished to remain anonymous for fear of state reprisals, told Forum 18 on 11 December.

The human rights defender added: "Many religious communities will not be able to collect the 500 signatures, and will run into trouble with the authorities for exercising their constitutional right to freedom of religion or belief without state permission." They observed that, as a result, "members of communities will not be able to meet to read religious texts or pray and worship together. They also will not be able carry out charitable or other activities."

Various smaller religious communities, who all wished to remain anonymous for fear of state reprisals, told Forum 18 in December that "it is obvious that the draft Law is aiming to push various smaller religious communities into unions of so-called "central

spiritual administrations," which will make it easier for the regime to control individual religious communities and their clergy" (see below).

A Protestant who wished to remain anonymous for fear of state reprisals told Forum 18 that their Church "doubted that anyone will be able to receive registration under the requirement for 500 founders". They added that "if by chance registration is given to a church, they will be asked to re-register every 10 years. This will push them into repeating the same burdensome process."

The OSCE / Council of Europe Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (<https://www.osce.org/files/f/documents/9/9/139046.pdf>) note that "burdensome requirements that are not justified under international law include, but are not limited to, the following: that the registration application be signed by all members of the religious organization and contain their full names, dates of birth and places of residence .. that excessively detailed information be provided in the statute of the religious organization; that the religious organization has an approved legal address; or that a religious association can only operate at the address identified in its registration documents".

Legislation, the Guidelines also note, "should not make obtaining legal personality contingent on a religious or belief community having an excessive minimum number of members".

Article 9, Part 5 of the draft new Religion Law requires all the founders of any religious organisation to be personally present at a meeting that formally founds the organisation and chooses its leadership. All participants have to vote unanimously to found the organisation. A simple majority of votes is required to choose the leaders.

It remains unclear what would prevent an individual who did not want a specific religious organisation to exist – for example a regime official - from attending a founding meeting, and voting against its founding.

Founders of a religious organisation are also considered the members of it.

Under Article 9, Part 10, a religious community's application requires a full list of all the founders. It appears that would have to list their full names and passport details. This list has to be legally notarised. (The current Religion Law has the same requirement (https://www.forum18.org/archive.php?article_id=2711).

It appears that when - for example - a local religious community gathers 500 adult citizens living locally, and they unanimously agree to found a religious organisation, and submit an application and associated documentation. If the SCRA (https://www.forum18.org/archive.php?article_id=2711) thinks that any of the 500 is ineligible, the local religious community's application is to be rejected. The religious community would then have to start the whole procedure again by calling a new founders' meeting and preparing a new application.

Article 21, Part 4 allows the religious community to appeal against a SCRA (https://www.forum18.org/archive.php?article_id=2711) rejection after the application and associated documents have been returned to the community. The appeal must be made in accordance with the law on administrative procedures.

Under Article 9, Part 10, religious communities applying for registration have to include with their application a document with "information about the basics of the doctrine and the practice corresponding to it, including the history of its origin, the forms and methods of its activities, the attitude towards family and marriage, education, the peculiarities of the attitude towards the health of followers of the given religion, and restrictions for members and servants of the organisation regarding civil rights and obligations". (The current Religion Law has the same requirement (https://www.forum18.org/archive.php?article_id=2711).

The OSCE / Council of Europe Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (<https://www.osce.org/files/f/documents/9/9/139046.pdf>) note: "The state must respect the autonomy of religious or belief communities when fulfilling its obligation to provide them with access to legal personality. .. states should observe their obligations by ensuring that national law leaves it to the religious or belief community itself to decide on .. the substantive content of its beliefs .. In particular, the state should refrain from a substantive as opposed to a formal review of the statute and character of a religious organization."

Religious communities also have to include documentary evidence that they have a suitable venue, which could not be a residential address, with all documentation related to the venue's purchase or rental.

Article 10, Part 3 of the draft new Religion Law requires religious organisations to include in their statute "the territories in which the religious organisation carries out its activity".

Under Article 21, the SCRA (https://www.forum18.org/archive.php?article_id=2711) has 30 days to consider registration applications. The SCRA checks "the veracity of information and accordance with the current Law" of the application and associated documents. The SCRA would be allowed an extra 30 days if it considers it necessary to get an "expert analysis" on "controversial issues".

Article 21 specifies that, "in cases of necessity", the SCRA (https://www.forum18.org/archive.php?article_id=2711) has the right to seek extra information or to forward the applicant's documents to the "appropriate state organs" (unspecified). These would probably be the Interior Ministry and the NSC secret police (https://www.forum18.org/archive.php?article_id=2711).

Article 21 allows the SCRA (https://www.forum18.org/archive.php?article_id=2711) to reject applications if an "expert analysis" finds a "failure to abide by the demands of legislation on countering extremist activity".

The OSCE's Freedom of Religion or Belief and Security: Policy Guidance (<https://www.osce.org/files/f/documents/e/2/429389.pdf>) notes that "'extremism' is an imprecise term without a generally accepted definition, which leaves it open to overly broad and vague interpretations and opens the door to arbitrary application of the law".

The NSC secret police (https://www.forum18.org/archive.php?article_id=2711) already stops registration applications (https://www.forum18.org/archive.php?article_id=2711), attempts to ban religious communities (such as Jehovah's Witnesses), and has been responsible for the banning of Ahmadi Muslims.

Regime "expert analyses" of religious materials and religious communities' beliefs have been used to justify regime human rights violations, such as censoring and banning films and texts officials dislike (https://www.forum18.org/archive.php?article_id=2711), attempting to ban an entire religious community, and in August 2023 jailing a Protestant for six months for questioning regime policy on freedom of religion or belief (https://www.forum18.org/archive.php?article_id=2870).

Article 9, Part 9 allows individuals to check in advance with the SCRA (https://www.forum18.org/archive.php?article_id=2711) if a proposed name for a religious organisation would be suitable.

Under Article 18, Part 1 a registered religious organisation is required to re-register (under the full requirements imposed for registration) in the case of reorganisation, a change of name, amendments to the statute, or if a court ordered re-registration. They are also required to re-register when the 10-year validity of their registration certificate runs out (see below).

Religious organisations must re-register every 10 years

Article 8 of the draft new Religion Law divides registered religious organisations (the only ones allowed to exist and function) into central and local organisations.

Article 9, Part 2 specifies that the required compulsory SCRA (https://www.forum18.org/archive.php?article_id=2711) registration lasts no more than 10 years. Religious organisations that want to continue to function will then be required to undergo re-registration. No reason is given for the 10-year time limit on the validity of registration.

Article 18 specifies that re-registration applications will entail the same requirements as in the original registration procedure. This requires a meeting of all the adult citizen founders and preparation of all required documentation.

The current Religion Law (https://www.forum18.org/archive.php?article_id=2711) has no time limit for the duration of registration. Article 40 of the draft new Religion Law specifies that, when the new Religion Law comes into force, provisions (such as existing state registration) related to registered religious organisations will not have retroactive force. It appears that religious organisations that have registration at the time the new Law enters legal force will have to re-register 10 years later.

One Protestant expressed concern about the draft November 2023 provision that religious communities would have to re-register every five years when that draft was made public. "We believe that they will use this to close down any church they do not like," they told Forum 18 in November 2023 (https://www.forum18.org/archive.php?article_id=2875).

Another Protestant, who wished to remain anonymous for fear of state reprisals, described the "repetition of this [re-registration] process" to Forum 18 as "an immense burden".

Jehovah's Witnesses have also expressed their concern about being required to re-register. "This proposed 're-registration' process can be used as a tool to deny registration to religious minorities," they warned. "The pending criminal case against Jehovah's Witnesses (https://www.forum18.org/archive.php?article_id=2850) indicates it would be used against them."

Jehovah's Witnesses also expressed concern that many of their smaller communities would not have enough members to be eligible to apply for state registration.

Compulsory re-registration linked with denials of communities' existing legal status is illegal under international law. As the OSCE / Council of Europe Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (<https://www.osce.org/files/f/documents/9/9/139046.pdf>) note: "In cases where new provisions to the system governing access to legal personality of religious or belief communities are introduced, adequate transition rules should guarantee the rights of existing

communities. Where laws operate retroactively .. (for example, requiring reapplication for legal personality status under newly-introduced criteria), the state is under a duty to show that such restrictions are compliant with the criteria set out in Part I of these Guidelines."

The Guidelines' Part 1 outlines the permissible restrictions on the freedom of religion or belief, including that "limitations may not be retroactively or arbitrarily imposed on specific individuals or groups; neither may they be imposed by rules that purport to be laws, but which are so vague that they do not give fair notice of what the law requires or which allow for arbitrary enforcement (<https://www.osce.org/files/f/documents/9/9/139046.pdf>)".

The Guidelines go on to note that "the state must demonstrate the objective reasons that would justify a change in existing legislation, and show that the proposed legislation does not interfere with the freedom of religion or belief more than is strictly necessary in light of those objective reasons".

Central spiritual administrations given power over individual communities

Under Article 11 of the draft new Religion Law, only religious organisations of one faith will be allowed to form one central spiritual administration.

Article 11, Part 2 also specifies that for Muslims, the central spiritual administration will be the regime-controlled Muslim Board (https://www.forum18.org/archive.php?article_id=2711) (Muftiate). This would appear to prevent the formation of independent nationwide Muslim bodies that are not controlled by the regime. Why Muslims are targeted by this restriction is not explained.

Article 11 defines the functions of a central spiritual administration as, among others, to name leaders of religious educational establishments (see below) and of individual communities under the central spiritual administration. This will prevent imams not appointed by the state-controlled Muslim Board (https://www.forum18.org/archive.php?article_id=2711) from leading Islamic communities.

Central spiritual administrations are also responsible for applying to the SCRA (https://www.forum18.org/archive.php?article_id=2711) to found and build religious educational establishments and places of worship.

SCRA given extensive arbitrary "control" powers

Under Article 36 of the draft new Religion Law, the SCRA (https://www.forum18.org/archive.php?article_id=2711) and its regional branches exercise "control" over how registered religious organisations and religious education establishments, as well as registered places of worship, abide by the provisions of the Religion Law and their own statutes.

The SCRA has the right to demand administrative and financial documents from the leadership of registered religious organisations. (The current Religion Law has the same provision (https://www.forum18.org/archive.php?article_id=2711)). It will also have the right to seek such information from state tax and statistics authorities, as well as from banks.

The SCRA (https://www.forum18.org/archive.php?article_id=2711) also has the right to send its officials to attend events by registered religious organisations. (The current Religion Law has the same provision (https://www.forum18.org/archive.php?article_id=2711)).

The SCRA is empowered to inspect registered religious organisations, religious education establishments and place of worship. Regime agencies and municipal bodies can ask the SCRA to conduct such an inspection of a particular religious organisation or place of worship.

Under Article 37, if SCRA (https://www.forum18.org/archive.php?article_id=2711) officials find a violation of the Religion Law during such an inspection, the SCRA issues a written warning to the religious organisation specifying a deadline (of up to 30 days) by which it will have to have ended the violation.

If the religious organisation does not in the SCRA's view end the violation within the SCRA's deadline, the SCRA can, under Article 37, ban the organisation's activity for 90 days. If the religious organisation still does not in the SCRA's view end the violation within that period, the SCRA can go to court to liquidate the organisation. This makes all exercise of freedom of religion or belief by the organisation illegal. (The current Religion Law has similar provisions (https://www.forum18.org/archive.php?article_id=2711)).

The exercise of freedom of religion or belief by religious organisations can also be "halted, liquidated or banned" if they violate the February 2023 Countering Extremist Activity Law. This Law has been criticised by human rights defenders (<http://birduino.kg/en/press/review-of-the-draft-law-of-the-kyrgyz-republic-on-counteracting-extremist-activities-performed-by-the-center-for-information-and-analysis-sova>).

Intrusive reporting requirements

Article 36 of the draft new Religion Law specifies that the SCRA (https://www.forum18.org/archive.php?article_id=2711) and its regional branches check that every type of religious organisation and their approved places of worship act in accordance with their statutes and the requirements of the Religion Law. The SCRA is empowered to demand to see administrative and financial documents, send officials to attend events, and inspect financial and other transactions.

Article 36 requires registered religious organisations, religious education establishments, and religious charities to provide the tax authorities and the SCRA with intrusive reports revealing extensive personal, organisational, and financial information.

Reports to the SCRA (https://www.forum18.org/archive.php?article_id=2711) are to include "an annual report on its activities, including religious premises, personnel of governing bodies, employees, teachers and students for a religious educational establishment, as well as documents on the expenditure of funds and the use of other property, including those received from international and foreign organisations, foreign citizens and stateless persons".

(The current Religion Law has similar reporting requirements (https://www.forum18.org/archive.php?article_id=2711).

If a religious organisation fails to supply the annual report, the SCRA issues a written warning. If it fails to comply within the SCRA's deadline of up to 30 days, the SCRA can, under Article 31, ban the organisation's activity for 90 days. If it then fails to comply within that period, the SCRA can go to court to liquidate the organisation (thereby rendering all its activity illegal).

If a religious organisation commits a violation for the second time within a year, the SCRA can go to court to have the organisation liquidated.

(The current Religion Law specifies a much wider range of reasons (https://www.forum18.org/archive.php?article_id=2711) for the SCRA to go to court to liquidate a religious organisation, such as if it is harming individuals' life or health, forcing adherents to hand over their property, or encouraging suicide.)

Places of worship to require registration

Article 17 of the draft new Religion Law requires state registration with the SCRA (https://www.forum18.org/archive.php?article_id=2711) of buildings used by both registered religious organisations (including places of worship), and by registered religious education establishments. Such buildings can only be used after they have gained state registration.

In the 25 November justification for the Religion Law (see above), SCRA (https://www.forum18.org/archive.php?article_id=2711) Chair Yusupov claimed that registering places of worship and banning building them on private land is necessary because "the building of religious buildings has been chaotic because of the absence of laws".

Registration applications for communities under a central spiritual administration can only be lodged by the administration, which will also own the building. This would mean, for example, that the Muslim Board will be the only body allowed to apply for approval of a new mosque.

If a religious community is not part of a registered central spiritual administration, the local community must apply for registration for its place of worship.

Applications to register a place of worship need to include documents confirming the ownership, rental or other legal use of the building.

A Protestant, who wished to remain anonymous for fear of state reprisals, described the registration requirement for places of worship in the November 2023 draft Religion Law as "an extra burden on religious organisations". "Getting such registration will be a difficult process, since the NSC secret police (https://www.forum18.org/archive.php?article_id=2711), the Interior Ministry, and local mayors' office will have to give permission for such registration," the Protestant told Forum 18 in November 2023 (https://www.forum18.org/archive.php?article_id=2875). "The registration as a religious building could mean that the community may be banned in future to use it for other purposes for its members or the wider public."

Under Article 17, Part 10, building places of worship on land owned by individuals is banned.

A Protestant, who wished to remain anonymous for fear of state reprisals, told Forum 18 on 12 December: "Construction of church buildings on private land will be very difficult, as the state authorities will invent excuses not to give permission."

The Protestant also noted that "using private homes to exercise freedom of religion or belief with others will be banned under the Law," adding: "This will make meeting for worship almost impossible for many churches." This will have force religious

communities into central spiritual administrations to get state registration for their buildings, "which will make state control of religious communities easier, and also allow the regime to decide how many religious buildings will be allowed".

Once a religious building is registered, under Article 17 the owner is required to notify the local administration where it is based within five working days of its registration and its address. The owner's name, address, phone number, e-mail address and passport details must also be provided. The owner needs to send confirmation of this notification to the SCRA (https://www.forum18.org/archive.php?article_id=2711) within five working days.

The Cabinet of Ministers is in charge of setting out provisions for building, reconstructing or changing the usage of such religious buildings.

Article 17 specifies that the number of religious properties must not exceed a number set by the Cabinet of Ministers.

The Amending Law's changes to the Violations Code adds a provision to Violations Code Article 142 to punish those who use a place of worship which is not registered with the SCRA (https://www.forum18.org/archive.php?article_id=2711) with a fine of 200 Financial Indicators (FIs) on individuals (20,000 Soms, equivalent to three weeks' average wages) and 650 FIs on organisations. The Violations Code allows the police and the SCRA to issue summary fines for violating Article 142.

Public events to require SCRA permission

Under Article 31 of the draft new Religion Law, registered religious organisations and educational establishments are allowed to hold events in their own premises, at places of pilgrimage and at cemeteries.

For any religious rituals or other mass events they plan elsewhere, they need to notify the local administration and the SCRA (https://www.forum18.org/archive.php?article_id=2711) 10 working days before the proposed event, giving the date, location and programme of activity. The local administration and the SCRA are responsible for giving or refusing permission for the event.

Religious events in prisons, homes for elderly or disabled people, or the armed forces are allowed only at the request of residents and in special premises. The institution's administrations must also get approval for the event from the SCRA.

The creation of religious organisations in state bodies (including the armed forces) is banned by draft Religion Law Article 5.

The Amending Law's changes to the Violations Code adds a provision to Violations Code Article 142 to punish those who exercise freedom of religion or belief without SCRA (https://www.forum18.org/archive.php?article_id=2711) permission with a fine of 200 Financial Indicators (FIs) on individuals (20,000 Soms, equivalent to three weeks' average wages) and 650 FIs on organisations. Violations Code Article 142 already allows the police and the SCRA to issue summary fines for violating the Religion Law.

Religious materials on paper and online to be censored

Article 32 of the draft new Religion Law specifies that registered religious organisations have the right to produce, acquire, distribute, export and import religious literature and other materials (which includes items in the media and on the internet). It says that the procedure would be set out by the Cabinet of Ministers, but gives no information about what this procedure might consist of.

Under Article 32, individuals entering the country are allowed to have only one copy of any one religious publication, which are for their own use only.

Imports of religious literature are already subject to SCRA censorship (https://www.forum18.org/archive.php?article_id=2711). For example, in 2022 the SCRA denied permission to import the 2022 issue of another Jehovah's Witness booklet, the Kyrgyz version of "Examining the Scriptures Daily". This was one of 13 publications and six videos the NSC secret police and the General Prosecutor's Office's tried to have declared "extremist" (https://www.forum18.org/archive.php?article_id=2706) in a failed 2021 application to the courts.

On 23 February 2023, the SCRA (https://www.forum18.org/archive.php?article_id=2711) denied permission to import a Jehovah's Witness brochure for parents to read with their children, "The Lessons for Little Ones" in both Kyrgyz and Russian. "Although Jehovah's Witnesses met with SCRA representatives to discuss this instance of religious censorship, the SCRA's decision to ban the brochure still stands," Jehovah's Witnesses noted.

Article 32 of the draft new Religion Law empowers the SCRA to conduct "religious studies expert analyses" of printed and online religious literature and materials. (The current Religion Law has the same requirement (https://www.forum18.org/archive.php?article_id=2711)). It will normally have up to 30 working days to complete such analyses, but this could be extended by an extra month "taking into account the level of complexity and quantity of materials".

All religious literature acquired by libraries requires a SCRA "religious studies expert analysis". (The current Religion Law has the

same requirement (https://www.forum18.org/archive.php?article_id=2711.)

Regime "expert analyses" of religious materials and religious communities' beliefs have been used to justify regime human rights violations, such as censoring and banning films and texts officials dislike (https://www.forum18.org/archive.php?article_id=2711), attempting to ban an entire religious community, and in August 2023 jailing a Protestant for six months for questioning regime policy on freedom of religion or belief (https://www.forum18.org/archive.php?article_id=2870).

Article 32 of the draft new Religion Law does not state when the SCRA (https://www.forum18.org/archive.php?article_id=2711) can impose "expert analyses" on literature and materials, stating only that the procedure is set out by the Cabinet of Ministers. No information is given about what this procedure might consist of.

All religious literature, audio and video recordings, including online, produced by registered religious organisations or religious educational establishments has to have the full official legal name of the organisation and its religious affiliation. (The current Religion Law has the same requirement (https://www.forum18.org/archive.php?article_id=2711.)

Article 32, Part 4 bans the distribution of religious literature or materials "in public places, as well as by going round residential properties, state and municipal organisations, in military sites, and in pre-school and general educational establishments, with the exception of religious sites and religious educational establishments". Those who violate this face punishment under the Violations Code. (The current Religion Law has the same provision (https://www.forum18.org/archive.php?article_id=2711.)

Article 142, Part 3 of the Violations Code already punishes distributing religious literature in public with a fine of 55 Financial Indicators (FIs) on individuals (5,500 Soms, equivalent to just over a week's average wages) and 170 FIs on organisations. The Amending Law's changes to the Violations Code specify in more detail the sorts of distributed religious materials and places where it is distributed (including in public places and going door to door) for which punishment is set out. It also increases the fines to 200 FIs (20,000 Soms, equivalent to three weeks' average wages) on individuals and 650 FIs on organisations.

Violations Code Article 142 already allows the police and the SCRA (https://www.forum18.org/archive.php?article_id=2711) to issue summary fines for violating the Religion Law.

A member of a religious community expressed concern about the restrictions on sharing faith in public in November 2023 when the then draft Religion Law was made public. "Even if you can register overcoming all the obstacles put there by the authorities, we won't be able to effectively share our faith," the individual, who wished to remain anonymous for fear of state reprisals, told Forum 18 in November 2023 (https://www.forum18.org/archive.php?article_id=2875). "For instance, we would like to pass out our books and literature on the street to others so they can find out about our faith, but this is directly banned in the draft Law."

Religious education – with state permission only

Article 6, Part 9 of the draft new Religion Law specifies that religious education (whether of children or adults) is to be under the control of the Cabinet of Ministers, but gives no information about what this control might consist of.

Under Article 6 and Article 12, for religious communities that are part of central spiritual administrations, only the administrations are allowed to apply to the SCRA (https://www.forum18.org/archive.php?article_id=2711) for permission to establish religious educational establishments "for children and adults". Registered religious communities which are not part of central spiritual administrations are also allowed to apply to the SCRA for permission to found such establishments

Article 6, Part 3 allows registered religious organisations to establish religious educational establishments to prepare "clergy and religious personnel they need". It remains unclear why they will not be able to establish such facilities for any adult who wishes to learn more about a faith. They will also be allowed to hold "short-term religious courses for adults and children".

Article 12, Part 1 specifies that only registered religious organisations can found religious educational establishments. (The current Religion Law has the same provision (https://www.forum18.org/archive.php?article_id=2711.)

Article 12, Part 6 specifies that applications from a registered religious organisation to register a religious educational establishment with the SCRA (https://www.forum18.org/archive.php?article_id=2711) need to include "a curriculum together with a list of religious literature to be used in study".

The application will also need to show that the religious educational establishment had "high-quality teachers" approved by the founding registered religious organisation. (The current Religion Law has the same provision (https://www.forum18.org/archive.php?article_id=2711.)

Article 6, Part 6 specifies that anyone teaching religion in a registered religious educational establishment has to have "specialised higher or general religious (spiritual) education" with an appropriate certificate.

(A provision in the current Religion Law that teachers in religious educational establishments must have documented higher religious education qualifications is not in the draft new Religion Law.)

The applicant religious organisation also needs to submit documents for the premises where the religious educational establishment is based, together with certification of the premises from the sanitary-epidemiological and fire services. (Such a provision related to the sanitary-epidemiological and fire services is in the current Religion Law.)

Article 6, Part 8 of the draft new Religion Law requires SCRA (https://www.forum18.org/archive.php?article_id=2711) permission for adults to travel abroad to study in a religious educational establishment. The SCRA then informs the Foreign Ministry. Those studying abroad must register with the Kyrgyz consulate in the country where they are studying. The SCRA maintains a list of "recommended" religious education establishments abroad.

A member of a religious community who wished to remain anonymous for fear of state reprisals expressed concern about similar restrictions on individuals going abroad for religious study in the November 2023 draft Religion Law. "We would like to send our members, who have the possibility to go, to study abroad since we are not able to do so in Kyrgyzstan," the individual told Forum 18 in November 2023 (https://www.forum18.org/archive.php?article_id=2875).

Once a religious educational establishment is registered, under Article 36 it is required to notify the local administration where it is based within five working days of its registration and its address. It also has to provide it with the name, address, phone number, and passport details of the head of the establishment. The religious educational establishment needs to send confirmation of this notification to the SCRA (https://www.forum18.org/archive.php?article_id=2711) within five working days.

Once a religious educational establishment is registered, it must notify the administration where it is based within 5 working days. Under Article 19, it is required to notify the SCRA within 30 days of any changes to its name, address, leadership body, phone number, or e-mail address.

Individual religious teaching still to be banned

Article 6, Part 7 of the draft new Religion Law also continues to ban teaching religion individually outside a registered religious educational establishment. Those who violate this face punishment.

The Amending Law's changes to the Violations Code adds a provision to Violations Code Article 142 to punish those who teach religion individually outside a registered religious educational establishment with a fine of 200 Financial Indicators (FIs) on individuals (20,000 Soms, equivalent to three weeks' average wages) and 650 FIs on organisations. (The current equivalent part of Article 142 punishes those who violate "the procedure for religious education.")

Violations Code Article 142 already allows the police and the SCRA (https://www.forum18.org/archive.php?article_id=2711) to issue summary fines for violating the Religion Law.

"This needs to be redrafted," an individual noted on the draft legal website on 3 September. The individual noted that young people go to the mosque and receive "short lessons on behaviour, prayer or reading the Holy Koran". "Or a person can simply come with questions to the imam and during the time when the imam answers his questions, some may consider this a lesson in the wrong place and fine him?!"

"Preachers" must be registered every year

In a new move, Kyrgyz citizens who want to carry out "preaching activity" within the country or abroad will require state registration.

Draft Religion Law Article 3 defines a "preacher" as a Kyrgyz citizen "involved in spreading a religion by various methods (including through the media and on the internet)" appointed by a registered central spiritual administration, and who has been given SCRA (https://www.forum18.org/archive.php?article_id=2711) registration as a preacher.

Only registered religious organisations can have "preachers". "Only those people who have specialised higher or general religious education can act as preachers," Article 13 of the draft Religion Law states.

"Preachers" must apply to the SCRA for registration. They must submit written approval from a registered central spiritual administration together with their application, passport, and religious diploma. SCRA registration lasts for up to one year, though a preacher can apply to extend this period. When the SCRA issues the registration certificate, the SCRA (https://www.forum18.org/archive.php?article_id=2711) must then tell the "preacher" that they must not violate the Religion Law, and that any violations will be taken into account in deciding on registration period extensions.

Within five working days of gaining SCRA registration, the preacher must notify the local administration where they will be

conducting preaching activity. They will have to provide their passport details, their contacts and their residential address. They will then have five working days to provide confirmation of this notification to the SCRA.

Article 13 states that "preachers" can only speak in the name of a state-registered central spiritual administration, and can only act within a state-registered religious community's territory. However, "spreading a religion" is not explicitly defined. It is unclear whether a "preacher" and "preaching activity" taking place in the context of a regular meeting for worship within a state-registered place of worship of a state-registered religious community requires SCRA (https://www.forum18.org/archive.php?article_id=2711) registration.

Members of various religious communities, who wished to remain anonymous for fear of state reprisals, criticised both the Law's regulation of "preachers" and lack of clarity. This leaves much room for arbitrary state actions.

Protestants, for example, criticised the requirement for "preachers" to be registered by the SCRA every year. "It is also unclear what exact relationship preachers must have with a registered church. Will they need the permission of a central spiritual administration, which potentially create greater regime control of preachers?"

Similarly, other Protestants also criticised the regime's claim to determine who is a "preacher". "It is not clear to us if a preacher is defined as a pastor of a church, and will pastors need to be separately registered by a local administration and the SCRA?" They observed that "this would allow local authorities or the SCRA to block, obstruct, or punish pastors".

Under Article 13, the "preacher" must get the approval of the registered central spiritual administration of their religious community for the content of their sermons.

Under Article 11, "preachers" can only appear in the media or online after the central spiritual administration of a registered religious community has gained permission from the SCRA.

Foreign missions and "missionaries" to require registration

Articles 14 and 15 of the draft new Religion Law require missions of foreign religious organisations and those sent by foreign religious organisations "to conduct religious activity in Kyrgyzstan" (also described as "missionaries") to have state registration with the SCRA (https://www.forum18.org/archive.php?article_id=2711). (The current Religion Law has the same requirement (https://www.forum18.org/archive.php?article_id=2711).

Under Article 14, missions require 200 adult citizen founders living in one Region, and all their personal details (confirmed by a notary) will have to be submitted with the application.

The application must be accompanied by the statute of the foreign religious organisation and its legal registration document from its home country, together with notarised translations into Kyrgyz or Russian.

Missions also have to include with their application a document with "information about the basics of the doctrine and the practice corresponding to it, including the history of its origin, the forms and methods of its activities, the attitude towards family and marriage, education, the specifics of the mission's attitude towards the health of followers of the given religion, and restrictions for members and servants of the organisation regarding civil rights and obligations".

Missions must submit personal details of all their staff. This includes full name, year of birth, citizenship, education, place of previous work and residential address.

Under Article 15, only registered religious organisations are able to apply for registration for "missionaries". The application has to include a form filled out by the foreigner, a copy of the foreigner's passport, a certificate that the foreigner does not have a criminal record in their home country and a referral letter from the foreign religious organisation. It also has to specify how long the individual will stay in the country. The inviting organisation also has to state that it will accept responsibility if the foreigner violates the Religion Law during their stay.

The maximum term the SCRA (https://www.forum18.org/archive.php?article_id=2711) is able to give "missionaries" is one year, although this can be renewed for a maximum of a further three years. If the foreigner commits any violations of the Religion Law, the SCRA takes that into account in deciding whether or not to approve the application for the registration to be renewed.

"A missionary can carry out activities only in the territory covered by the activities of the religious organisation that invited him," Article 15 adds. The foreigner is warned in advance about abiding by the law.

Once "missionaries" are registered, under Article 15 they are required to notify the local administration where they are based within five working days of their registration, address, contact and passport details. They need to send confirmation of this notification to the SCRA within five working days.

Religious believers banned from political activity?

Among the freedoms threatened by the draft new Religion Law is the right under (International Covenant on Civil and Political Rights (ICCPR) (<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>) Article 25 ("Participation in Public Affairs and the Right to Vote") to participate in political life.

Like many other provisions of the draft Religion Law, this violates the regime's legally-binding international human rights obligations. The UN Human Rights Committee's General Comment 25 (<https://www.refworld.org/docid/453883fc22.html>) on ICCPR Article 25 states among other things: "No distinctions are permitted between citizens in the enjoyment of these rights on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

General Comment 25 goes on to observe: "The right to freedom of association, including the right to form and join organizations and associations concerned with political and public affairs, is an essential adjunct to the rights protected by article 25."

Article 5, Part 7 of the draft new Religion Law bans "interference by religious figures in the activity of state bodies, local administrations and their officials, including exerting pressure on them in any form".

Many of the draft Religion Law's provisions on this and other topics are vaguely worded. For example, it remains unclear if religious community members who lobby state officials or parliamentary deputies on state policy on freedom of religion or belief or other issues of public concern, or even simply express their opinions on such subjects, would be violating this ban.

Article 5, Part 7 also bans "parties and other political formations founded on a religious basis". It also bans political campaigning and "other measures of a political nature" in places of worship. Religious organisations and their representatives are banned from "pursuing religious goals" and participating in local or national elections.

Article 2 of the Amending Law's changes to the Violations Code amends Article 3 of the 1999 Political Parties Law to ban "the creation of political parties on a religious basis, as well as the participation of political parties in religious activity".

The Amending Law's changes to the Violations Code also adds a provision to Article 9 of the Political Parties Law: "During election campaigning and in the name of the party, the display and other use in campaign materials of parts and elements of information (images) containing direct and indirect borrowings or references to religious topics is not allowed."

Also, the Amending Law's changes to the Violations Code adds a provision to Violations Code Article 142 to punish those who conduct electoral campaigning or "other meetings of a political nature" in a place of worship with a fine of 200 Financial Indicators (FIs) on individuals (20,000 Soms, equivalent to three weeks' average wages) and 650 FIs on organisations.

Another provision punishes those who finance political parties with religious organisations' funds with similar penalties. Another provision punishes religious figures or organisations who seek to influence officials, with similar penalties.

(The current Religion Law already bans holding political events in places of worship (https://www.forum18.org/archive.php?article_id=2711), and Violations Code Article 142 already allows the police and the SCRA to issue summary fines for violating the Religion Law.)

Articles 3 and 4 of the Amending Law's changes to the Violations Code ban elected deputies of local keneshes and the national Zhogorku Kenesh from conducting undefined "religious activity". It is unclear what this means, for example if deputies could not be leaders or members of registered religious organisations, or even be banned from attending any meetings for worship.

(The current Religion Law states that if a religious leader becomes a state or municipal official, their activity as a religious leader is suspended (https://www.forum18.org/archive.php?article_id=2711.)

The ban on religiously-inspired political parties seems set to affect the Yiman Nuru (Light of Faith) Party, which has an Islamic inspiration. The Justice Ministry registered the party in June 2012, and the party gained five deputies in November 2021 parliamentary elections (<https://www.osce.org/files/f/documents/2/f/519087.pdf>). It currently has five deputies in the Zhogorku Kenesh. (END)

More reports on freedom of thought, conscience and belief in Kyrgyzstan (<https://www.forum18.org/archive.php?query=&country=30>)

For more background, see Forum 18's Kyrgyzstan religious freedom survey (https://www.forum18.org/archive.php?article_id=2711)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (https://www.forum18.org/archive.php?article_id=1351)

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