

**Institute on Religion and Public Policy:  
Religious Freedom in Kyrgyzstan**

**Executive Summary**

(1) The Kyrgyz Republic provides a legal foundation for certain religious freedoms. Yet in practice, there is considerable harassment of religious groups by the government. Religious groups are required to go through a lengthy registration process, in some cases years. The process often ends with the request being denied and the applicant forced to restart the entire process from the beginning. Religious leaders are at risk of being deported if they take any sort of action that displeases the State Agency for Religious Affairs. The government tightly controls the religious material that travels in and out of the country, often depriving religious groups of the material that they need to adequately perform worship. In recent years, the government's concern about Islamist groups has grown, resulting in the banning of certain political groups and the persecution of the members of those groups. The government does not adequately prevent violence and friction between the different religious groups that make up the country. In certain instances, government forces themselves participate in sectarian conflict. The government should also ensure that its council on religious extremism and the new education law comply with international norms for religious liberty.

**Institute on Religion and Public Policy**

(2) The Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights, and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. Twice nominated for the Nobel Peace Prize, the Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world

**Introduction to the Legal Situation**

(3) The constitution and laws of Kyrgyzstan provide for certain religious freedoms and limits the role that religion can play in the Kyrgyz society. Section 8, Article 1 of the constitution states, "in the Kyrgyz Republic no religion shall be recognized as the state religion or mandatory religion." In Section 13, Article 3, the constitution grants all citizens equality declaring, "In the Kyrgyz Republic everyone shall be equal before the law and the courts. No one shall be subjected

to any kind of discrimination or violation of their rights and freedoms on grounds of ethnic origin, sex, race, nationality, language, religious denomination, political or religious beliefs or any other personal or social circumstances.” Article 5 of the Law on Religious Freedom and Religious Organizations state that the government cannot “interfere with the activity of religious organizations that adhere to established laws, does not allow for establishing advantages or restrictions of one religion over another, does not finance the activity of religious organizations and activity of propagating atheism.” The constitution also not only protects the rights of believers, but explicitly the rights of non-believers. Article 14, Section 5 says that “Everyone shall be guaranteed freedom of religion and atheistic views.”

(4) However, the constitution limits what religious groups can do in Section 5 stating that the “establishment of political parties on a religious basis and the pursuit by religious organizations of political goals and tasks” shall be forbidden. Section 5 states that “interference by religious organizations and ministers of religious faiths in the activity of state bodies” is forbidden as well.

(5) Kyrgyzstan has a long history of raids and crackdowns on religious groups and justifies them as national security measures that protect public morality. Article 85 of the Constitution states that the Constitutional Court has the sole authority to determine the constitutionality of a religious organization's activities, giving the government total control over what religious practices can take place in their country.

(6) Missionary groups operate freely in the country for the most part. However, if they advocate for their own actions and morals that stray too far from the customs upheld by the local Muslim communities, they are subject to expulsion. There have been 20 missionary groups expelled since 1991. The State Agency for Religious Affairs (SARA) has said that all of the expelled groups represented totalitarian sects that are not compatible with the general principles accepted by world religious groups.

(7) A May 2006 decree recognized Islam and Russian Orthodoxy as “traditional religions.” This allows the religious to be favored by the government when making decisions. This violates the constitutional declaration that Kyrgyzstan has no religious affiliation.

(8) The government of Kyrgyzstan interferes in the day-to-day operation of the Islamic community. The Administration of Muslims of Kyrgyzstan, or the Muftiate, is an organization that provides oversight to all Islamic entities (schools, mosques, etc.). A commission established by the Muftiate reviews and standardizes all Islamic educational and entertainment literature that is printed in or is brought into the country. The Muftiate is authorized by the government to ban any materials that do not meet their established standards.

(9) There is a very rigorous registration process in Kyrgyzstan. The process is very long, often taking months or years to complete. In order to apply to be registered, a religious group must have at minimum 10 adult, citizen members and submit the application for registration, organizational charter, minutes of an institutional meeting, and a list of founding members to SARA. SARA then submits a recommendation on whether the application should be granted to the Ministry of Justice. If registration is denied, groups can apply again or appeal to the court system. Holding religious services and renting space to hold services is prohibited for unregistered religious groups, though many still hold services without government interruption.

(10) On February 2, 2008, President Kurmanbek Bakiev rejected a decree placed in front of him that would have made most minority Kyrgyz religious groups illegal. The rejected decree would have required each registered religious organization to have at least 200 adult citizen members and all religious educational establishments to gain official registration. Because the decree advanced as far as the president's desk, religious minority believers began to worry that a new religion law under consideration since July 2007 might be equally harsh. President Bakiev, trying to quell fears, says that a new decree and the new law would not contain the stringent provisions of the rejected decree.

(11) In February 2008 the government announced plans to ban public prayer in the central square in Bishkek during Islamic holidays. These plans stem from fear in the government of mass protests against the regime. There are two large Islamic holidays a year (*Kurmain ait* and *Orozo ait*) which draw upwards of 50,000 adherents to the square for prayer. The government came up with many reasons for the ban, saying that the holidays cause streets in Bishkek to be closed down and that while outside praying Muslims may feel the need to go to the bathroom in public, which would distract them from their prayers and is a sin in Islam. The government asked the mufti of Kyrgyzstan to declare all prayer must be held at the central mosque. Large gatherings have been outlawed in many areas of Kyrgyzstan recently, resulting in a large number of arrests in Bishkek.

### **Instances of Official Discrimination**

(12) Numerous instances of discrimination took place in Kyrgyzstan over the last year. On June 6, 2008, New Zealander Edward Sands, the rector of Bishkek's Protestant United Theological Seminary, was forced to leave the country because he was accused of violating religious registration laws by allowing the Protestant International Church of Bishkek (ICB) to hold religious services on the grounds of the Seminary. While the Seminary is registered as an educational institution, it does not have any buildings on its grounds as dedicated buildings of worship. The pastor of the ICB, British citizen Alastair Morrice, fled the country out of fear that the same action would be taken against him. Sands says that the ICB and the Seminary had always been honest and straightforward with SARA,

and that he refused to hand over files to the government which he considered to be confidential.

(13) On May 19, 2008, a Baptist family was prevented from burying their 14-year old son in their home village by a largely Muslim mob. Leaders of the mob claimed that district authorities handed down a written ruling saying that the family could not bury the boy in the village because the family refused to allow the local imam to lead the burial, violating local Muslim tradition. The head of the district authority denied this, however, saying that there was no ruling issued, just that the entire village was opposed to the boy's burial. Police who arrived at the funeral, who the family hoped would quell the situation, only supported the mob's position. They went as far as to break into the family's home, steal the boy's body, and bury it in a village about 40 km away in what the family calls a "disrespectful manner." The father, upon arriving to grave, dug the body up, washed it, and reburied it a respectful manner.

(14) On March 23, 2008 The Blessed Teresa of Kolkata Church in Dzhalal-Abad was vandalized. It had its windows broken and notices that it had posted torn down in the Holy Triduum. The local parish priest said that there was an entire gang of vandals who threw stones to break the windows. He reported the incident to the local police who are investigating.

(15) In August 2009, Forum 18 noted that the Kyrgyz government had formed a "Coordinating Council on the Struggle against Religious Extremism." The establishment of this organization is problematic in that it assumes a very broad definition of religious extremism. Likewise, this governmental body includes the NSS secret police, which could lead to the monitoring and harassment of law-abiding religious communities. Jehovah's Witnesses have voiced concern over the Council, stating that some of the members had referred to them as a "destructive movement" in the past.

(16) Also in August 2009, regional authorities throughout Kyrgyzstan have ordered unregistered communities of Hare Krishnas, Protestants, and Ahmadiya Muslims to disband. Although these groups have assembled peacefully, authorities refuse to grant them recognition since they are unregistered. Nevertheless, members of these groups (often due to their small size) are unable to meet the onerous registration requirements. As a result, they find themselves unable to practice their faith freely.

(17) In September 2009, Forum 18 reported on a law proposed by the Kyrgyz government entitled "Law on Religious Education and Educational Institutions." If it is passed, the law would give the government the ability to restrict many forms of religious education; only specifically registered and government-licensed religious groups would be able to conduct religious education. Kanybek Osmonaliev, Head of the State Agency for Religious Affairs, believes that there are "too many" Islamic schools and religious minorities such as Protestants,

Baha'is, and Ahmadiyya Muslims fear that they may be unable to provide religious education to their communities given the restrictions of the new law.

## **Conclusion**

(15) The government of Kyrgyzstan needs to carry out its constitutional responsibilities of protecting religious freedoms fully. There are many actions that need to be taken to ensure that Kyrgyzstan finds itself in compliance with international standards of religious freedoms. The government needs to remove any favored status it has given Islam and Russian Orthodoxy and grant all religions equal status. The government needs to abolish the registration restrictions placed upon religious groups. The government also needs to start taking a proactive role in preventing violence between different religious groups. When security forces fail to do so, they should be prosecuted under the rules of law. In addition, the government ought to ensure that the Council on Religious Extremism complies with international norms and that it does not become an instrument for the harassment of religious groups. Likewise, the government should reject the new law on religious education as it hampers the right of peaceful religious communities to teach their own congregations.