

# UNIVERSAL PERIODIC REVIEW

## Session 35

### Kyrgyz Republic

#### Freedom of religion or belief

##### Stakeholder Report

Submitted: 18 July 2019

#### *Jointly submitted by:*



#### **European Baptist Federation (EBF)**

The EBF was founded in 1949 to unite European Baptists as Europe emerged from WWII. Today the EBF is comprised of approximately 825,000 members in 61 member bodies representing nearly every country in Europe and Euro-Asia as well as five Baptist Unions in the Middle East. The EBF is one of the five regions that make up the Baptist World Alliance, and serves as European representative for the BWA. The EBF is diverse in language, culture, and tradition but remains united in Baptist identity, evangelistic zeal, and a concern for human rights and religious freedom.



#### **Baptist World Alliance (BWA)**

The Baptist World Alliance is a global movement of Baptists founded in 1905 in London, England. Today, the BWA is headquartered outside Washington D.C., USA and is a fellowship of 240 Baptist conventions and unions in 125 countries and territories comprising 47 million members in 169,000 churches.

## Summary Report:

1.) In 2009 the Kyrgyz Republic adopted a new law on religion, “Law on freedom of religion and religious organizations in the Kyrgyz Republic”. It replaced the previous 1991 law on religion and many elements of the new legislation conflicted with both the Kyrgyz constitution and the international human rights treaties to which the Kyrgyz Republic is party (ICCPR, ICEPS, and CRC). The majority of relevant freedom of religion or belief issues (FoRB) in Kyrgyzstan can be traced to this legislation including; restrictive registration requirements for all religious communities in Kyrgyzstan and a blanket ban on all religious activities carried out by the bodies not recognized by the State Committee on Religious Affairs (SCRA); restrictions on participation in religious community for those under 18; prohibition on educational exemptions on religious grounds; bans on religious teaching and religious expressions in schools; bans on „persistent“ or „aggressive“ proselytism, and limitations on the distribution of religious literature.

2.) In addition to these persistent legal barriers to FoRB, Kyrgyzstan has seen increased religious and ethnic tensions. There are reports of systematic and allegedly sometimes violent police raids on the meetings of non-registered religious communities in clear violation of their first order human rights of freedom of religious expression. In the past two years there have been increasing reports of hate crimes against religious minorities as well as multiple cases of the denial of burial rights of Christian and other non-Muslim minorities. Even as religious and ethnic tensions persist in this multi-confessional society, there have been some positive efforts from the government to promote religious peacebuilding, tolerance, and non-discrimination. One of these is the establishment in the Spring of 2016 of a Multireligious Council, which serves as an advisory board to the government on religious affairs. Secondly 60 religious communities that were previously denied religious registration have received religious registration since the end of 2018. This has been a huge step in the direction of recognition and protection of the religious rights of these communities. This development is also in concurrence with Kyrgyzstan’s 2014 UPR support of the recommendation by the United States to grant registration to peaceful religious groups.

3.) Some groups including the Jehovah’s Witnesses and the Ahmadiyya Muslims still lack registration. The increase in religiously motivated violence in Kyrgyzstan has been met with minimal response from authorities, with perpetrators of religiously motivated discrimination and violence being allowed to operate with impunity. This has led to an increasing atmosphere of fear among religious minorities in Kyrgyzstan even with the positive developments regarding church registrations since December 2018.<sup>1</sup>

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<sup>1</sup> 2019. KYRGYZSTAN: “Registration only gives you right to exist”Oslo: Forum 18.  
[http://www.forum18.org/archive.php?article\\_id=2491](http://www.forum18.org/archive.php?article_id=2491)

### ***Religious registration laws and bans on all non-registered religious activities***

4.) To qualify to apply for religious registration in Kyrgyzstan, a community must have at least 200 members all of whom live in the same administrative region. Prior to the 2009 law the minimum membership requirement was 10 persons. Further all qualifying members must be Kyrgyz citizens above 18 years-of-age, and all 200 members should appear at the same time before a public notary to fulfill registration requirements. This presents obvious and unnecessary logistical issues both for the religious community seeking registration as well as to the offices of public notary in the country. If registration is granted, the religious organization may operate as a legal entity in the territory of Kyrgyzstan as well as hold religious meetings and publish, distribute, import and export religious literature. With this official status comes also the requirement that the religious organization report regularly on their activities to the SCRA. Failure to adequately report such activities may result in a legal petition from the SCRA for the liquidation of the religious community in question. Finally, under the 2009 Law on religious freedom, “persistent” or “aggressive” proselytization is banned, although what constitutes persistent proselytization is not qualified.<sup>2</sup> The law may therefore be interpreted as a simple ban on all proselytization, although the right to share and express religious beliefs is also an inalienable right to religious freedom as well as to religious expression.

5.) Recent reports from Forum 18 indicate that since December 2018 the State Committee on Religious Affairs and the Department of Justice have approved the religious registration of over 60 Christian religious communities, most of which were Protestant communities but also including all Roman Catholic and Russian Orthodox congregations. Non-Christian groups such as the Baha’i community as well as the Falun Gong Chinese spiritual movement have also received official registration since December 2018. The Ahmadiyya Muslims remain unregistered. Even with these positive developments, many religious leaders remain frustrated that this registration does not allow for their full expression of FoRB rights, including meetings outside of officially registered church buildings. There is continued fear of state reprisals for religious expression and sharing that is interpreted as “persistent proselytization”.

6.) It should be noted that those that did not receive registration status are in Kyrgyzstan prohibited from gathering in religious community, possessing or distributing religious texts, or any other religious activities. This situation remains in direct violations of Kyrgyzstan’s obligations under its own constitution as well as its international human rights commitments. Under no circumstances should a religious community be prohibited from meeting, performing their rituals, or manifesting their beliefs, regardless of the religious community’s status as legal entity, or lack thereof. This right is systematically violated in the Kyrgyz Republic, and non-registered religious groups are often subjected to police raids.

### ***Investigations into religious violence and violent police raids of religious meetings***

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<sup>2</sup> Esengeldiev, Almaz. 2013. *Problems of legal freedom of religion: Direction of legal regulation of religious activities and religious organizations in Kyrgystan before and after the constitutional reform of 2010*. Bishkek: OpenViewpoint Foundation .

7.) The wave of newly granted religious registrations is occurring after a series of high-profile hate-crimes against religious minorities, instigated primarily by persons identifying with the Muslim majority against Protestant Christians and Ahmadiyya Muslims. Forum 18 documents two major cases in the Kaji-Sai region. In 2018 the local Baptist church was burnt down in an apparent act of arson. Church members found bottles of petrol at the scene and understand the arson as a culmination of violent threats, attacks on and intimidation of church members. All of these cases were under-investigated and un-punished by local authorities.<sup>3</sup> Locals describe an atmosphere of impunity for those who attack Christian minorities, and victims who report their situation experience intimidation, further investigation into the registration status of their communities, and ultimate inaction from police and authorities.

8.) A second troubling and fully documented case of a religiously motivated hate crime includes the case of Protestant Eldos Sattar uuly in Issyk-Kul. In October 2018 Sattar uuly was violently attacked in the home of his uncle in the village of Tamchi. He was beaten as the attackers yelled that he was a *kafir* (Arabic for infidel) and that he had betrayed Islam. He was hospitalized for severe injury and underwent surgery at the National Hospital in Bishkek. His attackers have been identified and charged and convicted of “hooliganism” under Article 224 of the criminal code, and notably not “incitement of national racial or religious hatred” under Article 299 of the criminal code. Reports state that their house arrest has not been enforced by the police and they have been free to intimidate Sattar uuly. This includes a visit during his stay in the hospital while he was recovering from the injuries they themselves inflicted. Their visit included threats and harassment. Meanwhile Zhanara Askar kyzy, Sattar uuly’s lawyer has been threatened with criminal prosecution for her work on the case. The head of the Issyk-Kul Regional Police Criminal Investigation Department Colonel Altair Ismailov is reported to have stated to Askar kyzy by phone that in performing her role as lawyer to Sattar uuly, she herself risks prosecution under Criminal Code 299 “incitement of national, racial, or religious hatred”.<sup>4</sup> The latest information from sources indicate that Sattar uuly has been forced to flee the country due to the threat of this escalating situation—threats from both the original perpetrators and inaction and intimidation from police authorities charged with investigating the case.

9.) Since 2018 many other religious minorities have alleged that hate speech and hate crimes are on the rise in Kyrgyzstan, and that police and government authorities systematically fail to address the issue or prosecute perpetrators. This contributes to an increasing atmosphere of impunity for religious hate crimes. The tense atmosphere in the country is reflected in the marked decrease in willingness of local contacts to discuss such issues, and when they do discuss they increasingly request anonymity for fear of state reprisals.<sup>5</sup>

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<sup>3</sup> 2018. *KYRGYZSTAN: Church arson follows long standing government failures*. Oslo: Forum 18. [www.forum18.org/archive.php?article\\_id=2346](http://www.forum18.org/archive.php?article_id=2346)

<sup>4</sup> 2019. *KYRGYZSTAN: Fighting against violent extremism?* Oslo: Forum 18. [http://www.forum18.org/archive.php?article\\_id=2349](http://www.forum18.org/archive.php?article_id=2349)

<sup>5</sup> 2019. *KYRGYZSTAN: "Registration only gives you right to exist"* Oslo: Forum 18. [http://www.forum18.org/archive.php?article\\_id=2491](http://www.forum18.org/archive.php?article_id=2491)

### ***Religious rights for parents and children***

10.) Under the 2009 Law on Religious Freedom, children are banned from all formal participation in religious organizations, in violations of the rights of the Child set out in the CRC. Additionally, all religious expression and all religious symbols are banned in schools and all exemptions from public education on religious grounds are banned.

### ***Local conflicts over religious burial rights***

11.) In recent years, there have been a series of conflicts over burial rights of Christians across the country, including in the village of Barskoon. In late 2017 a mob of young men and local officials led by a local imam refused to allow the burial of a Christian villager, Ulam Kaliyev, to take place. The cemetery where the family planned to bury Kaliyev was state-owned and other relatives were buried there. The Imam cited a recent fatwah of the local Muslim board which forbid non-Muslims being buried together with Muslims in the same cemeteries.<sup>6</sup> Therefore, it was decided that Kaliyev would not be allowed to be buried in the village cemetery, even as the custom for persons to be buried in their home villages pre-dates Islam's arrival in Kyrgyzstan and even as Kyrgyzstan is a secular state. Kaliyev was eventually allowed to be buried in a Baptist cemetery of Kaji-Sai, about 60 km away from Barskoon. The Baptists in Kaji-Sai are unique in the region in that they possess a plot of land where they may reliably bury their dead. According to reports dating from as early as late-2010, Christian villages in the Issyk-Kul region have received a series of threats, intimidation, and violent attacks when requesting grave plots to bury their dead.<sup>7</sup>

12.) Article 16 pt. 3 of the 2009 Law on Religious freedom delegates all regulation of cemeteries to local authorities. This change in the law has exacerbated the religious tensions and burial issues, as it relegates the final authority on such issues to local officials, who have proven prone to discrimination. No recourse beyond the discretion local officials is provided to those religious minorities seeking their rights to a dignified burial in accordance with their religious beliefs. There have been multiple other reports of abuse across Kyrgyzstan of similar abuses, exhumations of bodies, intimidation, and forced renunciations of faith in exchange for burial rights from local authorities both religious and secular.<sup>8</sup> In all known cases the victims of such abuse were Christian converts who are unwilling to go public with their names and cases due to fear of state reprisals. This issue remains a major grievance among Christians throughout the country who find the government unwilling to investigate such crimes nor hold the perpetrators accountable.

### **UPR 2014:**

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<sup>7</sup> 2018. *KYRGYZSTAN: Burial blocked with violence resolved "peacefully"?* Oslo: Forum 18.

<sup>8</sup> Ibid.

13.) Kyrgyzstan received a total of 10 UPR recommendations regarding FoRB issues in 2014, six of which were „Supported“, while four recommendations were „Noted“. A significant proportion of recommendations were rather broadly formulated „anti-discrimination” recommendations. Such recommendations are common in the UPR process but are often also quite inactionable and difficult to measure. All suggestions seeking a specific commitment from Kyrgyzstan to implement new anti-discrimination legislation were rejected.

14.) We recommend that effective recommendations regarding FoRB in the coming UPR cycle move away from broad recommendation regarding anti-discrimination legislation and focus more explicitly on the 2009 Law on religious freedom, especially the elements thereof that conflict with Kyrgyzstan’s international human rights commitments, as well as its own constitution. Religious discrimination and religiously motivated violence are pressing issues in Kyrgyz society, and some effective recommendations might be suggestions towards the implementation of religious diversity and anti-discrimination trainings of police and civil servants, especially in rural areas and not merely in the capital Bishkek. Also of high importance are the church registration laws in the country, namely that the registration status of a religious community should have no bearing on their right to gather or to manifest their religion alone or in community so long as they do not violate the rights or safety of others in the process. Inasmuch as a registration process provides religious communities with the status of legal entity, this status should not be granted in a discriminatory fashion. Advocacy for non-discriminatory religious registration would also constitute a sensible and needed recommendation.

15.) In 2014 Kyrgyzstan supported multiple recommendations both by Poland and the Netherlands, to review the 2009 Law on freedom of religion in order to guarantee its compliance with international standards, and there is as yet no record of whether or not such a review took place, nor of what results may have come from such a review. The 60 new registration status granted to religious communities is a positive development for FoRB in Kyrgyzstan and can be traced to the 2014 UPR commitment to the recommendation from the United States.

#### **Sample of supported 2014 UPR recommendations**

16.) *Cease harassment and discrimination by police of members of ethnic minorities and peaceful religious adherents under the pretext of combating violent extremism, and grant registration to peaceful religious groups. (USA)*

17.) *Review the Law on Religion so as to ensure that the right to freedom of religion is upheld in compliance with international legal standards. (Netherlands)*

18.) *That any changes in legislation uphold fundamental freedoms and ensure non-discrimination, including on the basis of religion or sexual orientation. (Australia)*

#### **Sample of noted 2014 UPR recommendations**

19.) *Adopt comprehensive anti-discrimination legislation effectively fighting and preventing discrimination on all grounds, including ethnicity, religion, gender and sexual orientation. (Czechia)*

20.) *Refrain from any action incompatible with the non-discrimination of religious and ethnic minorities as well as of LGBT persons.* (Switzerland)

21.) *Enact specific legislation to prohibit discrimination against persons based on sex, race, colour, religion, national origin and sexual orientation.* (Canada)

### **UPR 35 (2019) suggested recommendations**

22.) *Provide systematic trainings to police and civil servants, in both urban and rural areas, on constitutional and international standards of human rights and freedoms, including in the area of freedom of religion or belief.*

23.) *Implement an active campaign to promote freedom of religion and belief and prevent hate speech and hate crimes against religious minorities in the country.*

24.) *Actively and credibly investigate allegations of religiously motivated hate crimes and perform all due diligence to ensure the protection of victims as well as the proper prosecution of perpetrators of religiously motivated hate crimes under Article 299 of the criminal code.*

25.) *Amend the 2009 Law on Religion to provide for the right of non-registered religious groups to gather freely and without state interference, in accordance with universal first-order rights to freedom of religion, belief, and expression.*

26.) *Ensure that the process of church registration for legal entity is applied in a non-discriminatory fashion, and in a fashion that does not provide unreasonable hardship to the applicants*

27.) *Ensure the rights of religious freedom and practice, and the right to found a religious community to non-citizens as well as citizens of the Kyrgyz Republic.*

28.) *Ensure the rights of children to participate in religious community without intimidation or coercion from any party. Ensure the rights of parents to raise and educate their children in accordance with their religious beliefs, as guaranteed in the CRC and ICCPR.*

29.) *Guarantee the right of all religious minorities to a dignified burial without discrimination or intimidation on religious grounds.*

30.) *Provide for conscientious objection to military service with non-punitive civil alternatives and remove any high fines that may produce a barrier for an individual to practice their right to conscientious objection*

### **References**

Esengeldiev, Almaz. 2013. *Problems of legal freedom of religion: Direction of legal regulation of religious activities and religious organizations in Kyrgystan before and after the constitutional reform of 2010.* Bishkek: OpenViewpoint Foundation .

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