

4 November 2014

KYRGYZSTAN: Religious freedom survey, November 2014

By Mushfig Bayram, Forum 18 News Service, and
John Kinahan, Forum 18 News Service

Before the January 2015 UN Universal Periodic Review (UPR) of Kyrgyzstan, Forum 18 News Service notes ongoing violations of freedom of religion or belief and related human rights. These include: a ban on exercising freedom of religion or belief with others without state permission; obstacles such as unreasonably high numbers of required founders and some apparent reprisals against communities including Jehovah's Witnesses and Baha'is wishing to gain state registration; increasing state control of the Muslim community; raids on some religious communities; the banning of the Ahmadi Muslim community; restrictions on conscientious objection to military service; harassment and mob violence against non-Muslims with the authorities' complicity, including preventing the dead being buried; state censorship related to freedom of religion or belief; arbitrary expulsions of foreigners; and threats to property. Officials seem unwilling to implement domestic and international legal obligations, with government proposals for Religion Law and Administrative Code changes contradicting a UN Human Rights Council recommendation to "remove all restrictions incompatible with article 18 of the Covenant [on Civil and Political Rights]".

Ahead of the United Nations Human Rights Council January 2015 Universal Periodic Review (UPR) of Kyrgyzstan, the country has not fully implemented its commitments to implement freedom of religion or belief for all. Despite official promises, the state continues to limit this fundamental freedom and other human rights in both law and practice.

Background

Kyrgyzstan is geographically the fourth largest of the five Central Asia countries, and has the fourth largest population with over 5 and a half million people. Almost 70 per cent of the population are ethnic Kyrgyz (regarded as being of Muslim background), the next largest group being the over 10 per cent who are ethnic Uzbeks (often seen as the most devout Muslims). The rest of the population are ethnic Slavs (mainly Russians and Ukrainians, regarded as being of Russian Orthodox or other Christian background) and other ethnicities such as Dungans and Uighurs.

When Kurmanbek Bakiev took power in 2005, all registered and unregistered religious communities were mainly able to function freely. The main exceptions to this were the banning of the Falun Gong movement under Chinese pressure in February 2005, and social pressure - including violent attacks - against non-Muslims manifesting their beliefs in southern Kyrgyzstan. But the Bakiev regime's introduction of a new Religion Law, entering into force in January 2009 established more obstacles to exercising freedom of religion or belief (see below).

The Law and its implementation continues to trouble Kyrgyz religious communities and human rights defenders such as Open Viewpoint in Bishkek, especially the Law's banning of the exercise of freedom of religion or belief without state permission. Long-standing state promises - dating back to the Bakiev-era - that the Law would be changed to partially meet international human rights standards have yet to be implemented. Human rights defenders such as the Norwegian Helsinki Committee have noted that some, but not all, parliamentary deputies and state officials recognise that the country's laws and their implementation do not comply with its international human rights obligations. But it remains unclear what if any concrete steps they will take to correct this.

After Bakiev was forced out of office, violent clashes took place in the south of the country in June 2010 between ethnic Uzbeks and ethnic Kyrgyz. Many incidents were reported of law enforcement agencies acting against ethnic Uzbeks, and ethnic tensions still exist.

Protestant, Catholic, Baha'i, Hare Krishna, and Jehovah's Witness communities and human rights defenders called for the Religion Law to be abolished or radically changed. No-one from the state-backed Muslim Board (known as the Muftiate, which controls all public expressions of Islam) was willing to talk. Tamilla Zeynalova of the Baha'is told Forum 18 that "we want the new government to restore the religious freedoms at least to the level we had before President Bakiev". As a Kyrgyz Baha'i put it in 2008: "Our country has so many urgent problems - poverty, the lack of medicine, AIDS, crime, corruption. Why don't officials work on these instead of making life harder for religious believers?"

No significant change to the Religion Law was made by the government of Bakiev's successor Rosa Otunbayeva, and she was

herself replaced as President in December 2011 by Almazbek Atambayev. This is the only time so far that a Central Asian President has peacefully handed over power.

A "mistake"?

In February 2014 President Atambayev described as a "mistake" the constitutionally-enshrined "distancing state bodies from regulating processes in the religious sphere". He claimed that in allowing freedom of conscience, "the authorities have allowed the religious sphere to take its own course". "All these omissions, we now feel acutely," he claimed, particularly among the Muslim population.

Participants in a 3 February Defence Council meeting included the then-acting head of the state-backed Muslim Board Maksat Haji Toktomushev, the new head of the State Commission for Religious Affairs (SCRA) Orozbek Moldaliyev, as well as officials from the National Security Committee (NSC) secret police, law enforcement agencies, the Presidential Administration, the single chamber Parliament (Zhogorku Kenesh), and other government ministers and officials. Participants insisted that the state has the "full right" to interfere in religious communities' activity.

Following the closed meeting, a presidential Decree prepared the way for increased state control over the Muslim Board (see below) and work on a draft Concept on State Policy in the Religious Sphere 2014-20. The August 2014 version of the State Concept acknowledges that current law needs to be changed in relation to registration and so-called "religious expertise" issues, and acknowledges conflicts surrounding the burial of non-Muslims (see below). But it repeatedly stresses what is described as patriotism, the "traditional" role of Sunni Islam and Orthodox Christianity, and the need to prevent people's religious feelings being offended.

Human rights defenders and religious communities have often noted cases where the "religious experts" used by the government, including the SCRA, appear to lack knowledge of Kyrgyzstan's international obligations to implement freedom of religion or belief and related human rights. These "experts" also seem to lack any wish to implement the country's international legal obligations (see below).

On 3 November the Defence Council adopted the State Concept. President Atambayev claimed at the meeting that "religious organisations are called to unite people not to separate them, to elevate mankind and not to return it to the middle ages. The state must create for this the necessary laws and norms", Akipress reported the same day.

The Decree also announced the preparation of legal changes, including to the Religion Law, the Code of Administrative Offences and other laws "taking into account the changed religious situation and approaches to its regulation". Potentially the most significant changes are to the Religion Law, which are being led by a Working Group established in February 2014 (see below).

Increased control of Islam

The Defence Council gave specific "recommendations" to the Muslim Board "with the aim of strengthening the trust of Muslims of the country in the ruling body of the Islamic religion". It was told to amend its Statute to increase transparency over income by increasing the independence of the Council of Ulems (religious scholars) and the Audit Committee, as well as increasing the regular reporting by the Chief Mufti.

The Board was also told "to bring order to the system of electing imams and the Mufti, the conducting of attestation of imams and mosques and other forms of qualifications and exams for clergy with the participation of representatives of state bodies, and the creation of a system of material encouragement of its results, as well as the appointment of imams of mosques and imam-hatibs after appropriate checks by law-enforcement agencies of whether they are members of extremist and destructive organisations". The Muslim Board was also told to revert to the procedure in its pre-2009 Statute under which "the appointment of leaders of religious organisations is agreed with local authorities with the aim of preventing the taking up of appointments as imams of mosques and regional imam-hatibs by persons holding extremist views".

It was also told to choose the Mufti, imams, regional imams, religious judges and members of the Council of Ulems "only from among adherents of the Hanafi school traditional for Kyrgyzstan's Muslims".

Despite the proposed heavy state controls over various aspects of the Muslim Board, its press secretary Asan Saipov claimed to Forum 18 on 26 February that "our government doesn't seek to control us, it just wants order and to prevent the activity of terrorist groups. We want the state to bring order. We want government support."

Government proposes harshening Religion Law

On 17 January 2014 the government informed the United Nations Human Rights Committee that it is preparing to revise the Religion Law. It said that a particular focus would be on the numbers of founders - 200 - needed for religious communities to apply for registration, or state permission to exist. Article 8, Part 2 of the Religion Law bans the unregistered exercise of freedom of

religion or belief. It also states that individuals face punishment if they exercise this human right without state permission in association with others.

Little information was in 2014 released on what Religion Law changes are planned, or if they will be made available for public discussion before being submitted to the Zhogorku Kenesh. But new SCRA Head Moldaliyev - in office since 17 January 2014 - told journalists after the Defence Council meeting that legal changes would focus in particular on state registration of religious organisations. "There are religious organisations which are unregistered. All this must be put right," local news agency Akipress quoted him as declaring.

Moldaliyev is part of the Working Group preparing the changes, which is headed by the Secretary of the Defence Council, Major-General Beishenbai Junusov. Moldaliyev of the SCRA and a Deputy Prime Minister were named in the Presidential Decree as Deputy Chairs. Other members include Mira Karybaeva, Head of the Presidential Administration's Ethnic, Religious Policy, and Cooperation with Civil Society Department, as well as six deputy ministers and the deputy head of the National Security Committee (NSC) secret police.

SCRA Head Moldaliyev also complained about what he saw as the influx of "pseudo-Christian, pseudo-Orthodox religious ideas" after the country's independence - without explaining what exactly he meant. He expressed backing for the Hanafi school of Islam and the Russian Orthodox Church.

The Human Rights Committee commented on 25 March 2014, in Concluding Observations (CCPR/C/KGZ/CO/2) to its consideration of Kyrgyzstan's record under the ICCPR (which Kyrgyzstan acceded to in 1994), on both the current Religion Law and the plans to amend it. It noted that "the Committee is concerned about the restrictions incompatible with provisions of the Covenant [ICCPR] contained in the current law, including with respect to missionary activities, registration procedure and dissemination of religious literature". It stressed that planned amendments to the Religion Law should "remove all restrictions incompatible with article 18 of the Covenant, by providing for a transparent, open and fair registration process of religious organizations and eliminating distinctions among religions that may lead to discrimination".

SCRA lawyer Zhanibek Botoyev, asked if the UN Human Rights Council's recommendations mean anything for Kyrgyzstan - for example in relation to the ban on Ahmadi Muslims - replied on 30 October: "Go and bring some order to your own countries and Norway. We are a sovereign country here, and you cannot command us what to do or what not to do". When Forum 18 pointed out that it was only asking a concrete question about UN Human Rights Committee recommendations, Botoyev put the phone down.

Despite the government's claims to the Human Rights Committee, on 9 October draft changes to both the Religion Law and the Administrative Code were announced at no notice in a roundtable arranged by the SCRA with the United Nations Development Programme (UNDP) in Bishkek. Representatives of the SCRA-led Working Group which drew up the changes, the UNDP, local human rights defenders, and clergy from the state-backed Muslim Board, the Russian Orthodox Church and several Protestant churches participated in the meeting. One participant told Forum 18 that the SCRA was reluctant to include religious organisations in the roundtable until approached by the UNDP.

Under the draft changes more power would be given to the State Commission for Religious Affairs (SCRA). It is also proposed that existing punishments in the Administrative Code for exercising freedom of religion or belief be increased from a maximum of 50 Monthly Financial Indicators (MFIs) to 700 MFIs. Seven hundred MFIs are equivalent to 70,000 Soms (about 8,210 Norwegian Kroner, 990 Euros, or 1,250 or US Dollars), which is roughly equivalent to 14 months' average salary across the country.

The other proposals that have so far caused most concern to religious communities and human rights defenders are:

- a proposal that the SCRA should formulate and execute state policy on anything affecting freedom of religion or belief;
- plans to increase the number of founders required for registered religious organisations to be allowed to exist from 200 to 500, and for all such organisations to be re-registered by 31 December 2015;
- a proposal that all people working in any capacity in any religious organisation be licensed every year by the SCRA;
- a proposal that every institution offering religious education must be licensed by the SCRA.

The proposals go directly against the UN Human Rights Committee's March recommendation (see above) that planned changes to the Religion Law should "remove all restrictions incompatible with article 18 of the Covenant [on Civil and Political Rights]". The draft proposals also include restrictions on - among other things - where religious literature and materials can be distributed and on foreign religious workers.

Galina Kolodzinskaya of Kyrgyzstan's Interfaith Council told Forum 18 on 17 October that she thinks the authorities intend the legal changes to be passed and signed into law in the first quarter of 2015. However, she said that she is "not sure precisely when or if, or in what form they will reach Parliament, considering the government's record of postponing the adoption of various proposed laws"

(see below).

Re-registration after 2009 Religion Law

The 2009 Religion Law required already-registered groups to re-register by 1 January 2010, but SCRA officials contradicted themselves over whether re-registration was necessary. There is also a lack of clarity over how religious communities can gain re-registration. Lack of re-registration has prevented communities from exercising their full rights, including establishing local communities or inviting foreign religious workers. The uncertainty makes it very difficult for religious communities to abide by the law - and Kyrgyzstan's international human rights obligations make it impermissible for the authorities to demand that groups of people be registered in order to exercise their freedom of religion or belief together.

Fear of expressing views the government dislikes

Fear of publicly expressing views the government may dislike is found among many religious communities. This Norwegian Helsinki Committee has been told by religious communities that they are also reluctant to publicly associate with coalitions of associations and advocacy groups publicly expressing views the government may dislike - even though the religious communities may agree with those views.

Forum 18 has been told by religious communities that this fear is fuelled by incidents such as recent raids on some religious communities and warnings from the NSC secret police that they should reduce their distribution of literature. For example, the Russian Orthodox cathedral in Bishkek was raided by from the NSC secret police, Interior Ministry, Sanitary Epidemiological Inspectorate as well as the Financial Police during a meeting for worship on 4 March. The SCRA also forced two Russian Orthodox leaders to leave the country - a catechist and Russian Orthodox Bishop Feodosy who led the Church in Kyrgyzstan until 25 July (see below). The Cathedral raid appears to have been part of a series of raids and inspections on religious communities between January and April. Nearly 700 mosques nationwide were identified as carrying out "illegal" activity because they are unregistered.

"The authorities are using these inspections to try to bring religious affairs under greater control," a Russian Orthodox Church member told Forum 18. "Alleged violations by religious communities may also serve as a foundation to adopt new laws to bring the relationship between the religious communities and the state to the position the government desires."

The NSC has also been particularly interested since political upheavals in Ukraine in early 2014 in Protestants who have visited that country, and has questioned some about whether they have had contacts with political activists and their views of recent events.

Previous attempts

President Atambayev's government has so far made one set of changes to the Religion Law - to tighten censorship in December 2012 (see below). The government has attempted but failed to change the Law on other occasions.

With the exception of censorship changes, the government has a record of preparing legal changes that would further restrict freedom of religion or belief - but which then fail to be adopted. On 30 October 2012 draft amendments to the Religion Law, prepared by the SCRA, reached the Zhogorku Kenesh. These changes would have banned sending students for foreign religious education without state permission, required religious communities to have 200 founders in one locality, and ban all foreigners exercising freedom of religion or belief without a state license. The next day the draft was assigned to the parliamentary Education, Science, Culture and Sport Committee, which was behind the censorship changes. It appears that no further action has been taken.

In another example, on 20 June 2013 the NSC secret police published for "public discussion" amendments which would have increased penalties in the Code of Administrative Offences for sharing one's beliefs with others, participating or leading unregistered exercise of freedom of religion or belief. The amendments received the backing of the SCRA and other state bodies. On 24 September the government approved them and sent them to the Zhogorku Kenesh and rejected widespread concerns expressed by local religious communities. However, the Zhogorku Kenesh did not even consider the proposed amendments, which were blocked by its Human Rights Committee.

Earlier government attempts to change the Administrative Code to introduce new punishments and "offences" for exercising freedom of religion or belief were abandoned by the Justice Ministry in April 2013. Those amendments too had been prepared by the NSC secret police.

Registration implementation

After the Religion Law came into force in 2009, many religious communities remained unsure if their previous registration remained valid. Many have failed to gain registration, including all non-Muslim and non-Russian Orthodox communities. In November 2011 the SCRA announced that permission to exist without applying for registration had been given to 122 mosques, 23 Muslim religious education institutions, and three Russian Orthodox organisations. It is unclear why these exceptions were made. The SCRA also claimed at the time that 2,200 religious organisations and associations are officially registered, including 77 Islamic organisations,

1,764 mosques, 62 madrassahs (Islamic religious schools), and 140 Christian communities, including Baptist, Catholic, Pentecostal and Russian Orthodox churches.

In late 2013, the SCRA published on its website lists of both Muslim and non-Muslim registered organisations. The published lists reveal that only 11 Muslim communities and 2 non-Muslim communities (both Russian Orthodox parishes) have been able to gain registration since the entry into force of the Religion Law.

Many communities who have tried to register have found this very difficult. A major obstacle is Article 10.2 of the Religion Law. This demands that those wishing to found a religious organisation - which Article 8.3 demands should have at least 200 adult permanent resident citizens as founders - must among other documents: "present notarised lists of citizens endorsed by the local keneshes [councils] as founders, who are the initiators of establishment of the religious organisation or mission, and who are responsible before the Law within the frame of the organisation's charter". All 200 founders must provide their full name, date of birth, citizenship, place of residence, with their passport number, date of issue and issuing authority.

Members of the Baha'i and other religious communities have voiced concerns that many people are afraid to identify themselves to the authorities as founders. Others including Hare Krishna devotees, Jehovah's Witnesses and Catholics have pointed out that many smaller communities do not have 200 members, and so have no possibility of legally existing. As noted above, statements from the authorities have also been contradictory over whether groups registered before the Religion Law entered into force needed to re-register, and also over how groups can register.

Even if religious communities have 200 adult citizen permanent residents who are willing to openly identify themselves to local keneshes, many keneshes have claimed that they cannot notarise lists of founders because the SCRA has still not issued Regulations to implement the Law. But this has not stopped some keneshes from notarising the founders' lists of state-backed Muslim organisations, and Russian Orthodox churches.

The authorities have indicated to some that Regulations to implement the Religion Law are not necessary and will not be issued. Contradictory signals by the authorities' of their intentions contributes to the uncertainty and insecurity experienced by religious communities.

One community - Ahmadi Muslims - has been banned as allegedly "extremist" (see below). The Law allows many reasons why activity can be banned, registration may be refused, or the activity of an organisation suspended. These include organisations engaging in activity which are thought to be "religious fanaticism and extremism, actions directed to opposition and aggravation of relations, rousing of religious hatred between different religious organisations"; engaging in "coercion to family fragmentation leading to family disruption"; "endangering state security"; encouraging "persecution"; and "refusal to provide medical support to persons whose life or health are in danger." The unclear formulations and reasons given break Kyrgyzstan's international human rights commitments; under the International Covenant on Civil and Political Rights (ICCPR) for example, "national security" is not a permissible reason to limit freedom of religion or belief.

In September 2014, the Constitutional Chamber of the Supreme Court ruled that a religious organisation is not limited to carrying out its activity only in the place where it has its legal address. Jehovah's Witnesses who brought the case think this will, if implemented, help stop the harassment that Jehovah's Witnesses have faced from law enforcement officials in the southern part of the country (see below). State registration of a religious or belief community may help persuade officials and others that it should be allowed to exercise freedom of religion or belief in peace.

The Constitutional Chamber also found that it is unconstitutional for local keneshes to approve the list of 200 founding members of a religious organisation required for a legal status application. If implemented, this ruling will remove one major obstacle to legal status applications.

SCRA lawyer Botoyev, asked by Forum 18 whether the SCRA would refuse Jehovah's Witnesses registration in these southern regions after the Constitutional Chamber ruling, claimed on 30 October that "Jehovah's Witnesses are not correctly interpreting the Constitutional Chamber's ruling. It does not mean that they do not need new registration in other localities".

When told by Forum 18 that the decision very clearly states what Botoyev claimed it did not mean, as well as stating that agencies such as the SCRA are bound by the decisions, he evaded the question. "These questions are not clear yet", he claimed. "They are being discussed by the authorities, and we will give clear answers to this in the new Religion Law".

The Constitutional Chamber's decisions have been broadly welcomed by communities, but there are doubts whether they will be implemented. An Ahmadi Muslim told Forum 18 on 30 October that "it does not mean anything for us, as we are banned" (see below). A Protestant leader, who wished to remain anonymous for fear of state reprisals, commented to Forum 18 on 30 October that "laws mostly do not work in our country. Who knows how this will be interpreted by the authorities, and whether it will be applied favourably?"

Some communities think they and their followers have been targeted by the authorities after applying to register. Jehovah's

Witnesses think criminal charges lodged against a mother and daughter - Oksana Koryakina and Nadezhda Sergienko - in Osh in March 2013, and their being placed under house arrest, were aimed at punishing the community for lodging a fresh registration application. The two women were accused of allegedly conjuring live snakes from eggs and then swindling two old women of their life savings, which charges they and their fellow believers strongly deny. The two were arrested in March 2013 and initially given two months' house arrest. This has continually been extended. On 7 October 2014 a court in Osh acquitted the two women and ordered their release from house arrest - but they are still under house arrest as the Prosecutor has appealed against the acquittal.

During multiple raids police and NSC secret police officers warned meeting participants that Jehovah's Witness meetings were illegal as local communities had no state registration. These warnings were repeated in two written 1 April 2013 warnings from the SCRA. "It is absurd that this is taking place considering the many attempts by Jehovah's Witnesses to obtain registration," Jehovah's Witnesses complained to Forum 18.

After exhausting all legal avenues in Kyrgyzstan, Jehovah's Witnesses have lodged two complaints to the United Nations Human Rights Committee over registration denials in four locations.

Ahmadi Muslims banned

One religious community - the Ahmadi Muslim community - had its registration stripped from it. Because of the re-registration denial, the Ahmadi community has not been able to meet for worship since July 2011, when the SCRA refused to grant re-registration to the Ahmadis in Bishkek and three other locations. Attempts to challenge re-registration denials in court have failed.

The SCRA's registration denials followed the NSS secret police having told the SCRA that Ahmadi Muslims are a "dangerous movement and against traditional Islam". The General Prosecutor's Office sought in 2012 to have the community included on a list of banned organisations as "extremist". Justifying this, SCRA lawyer Botoyev told Forum 18 on 4 July 2012 that Ahmadis have worked for a decade in Kyrgyzstan with no problem, "but now they have become cheeky and think that they are the best". He said the Ahmadi community had complained to the President and higher authorities about the Muslim Board, "which oversees millions of Kyrgyzstan's Muslims". "We classify this as inter-religious enmity," he stated. "We have the opinions from various religious experts and Muftis that the Community is not even Muslim. They need to decide who they are, whether or not they are Muslim."

Aygul Matiyeva, who defended the Ahmadi Community during the initial attempt to ban them, told Forum 18 on 4 July 2013 that "the Court established that the General Prosecutor's Office did not establish any facts of extremism in the activity of Ahmadi Muslim Community, and applied to the Court in violation of legal procedures." "If we met for worship or carried out any religious activity, the registration we do still have with the Justice Ministry would be finally liquidated," a community member who asked not to be identified told Forum 18 in 2013. "Everything we did would then become illegal". The Ahmadis' 2014 appeal to the Supreme Court came after Judge Zhyrgalbek Nurunbetov of Bishkek's Inter-District Court on 30 January 2013 and Judge Antonina Rybalkina of Bishkek City Court on 15 May rejected the Community's appeal against the SCRA's 2011 refusal of registration.

On 10 July 2014 the Supreme Court rejected an appeal against two lower courts' support of the SCRA's refusal to give state registration to the Ahmadi Muslim community. Asel Bayastanova, the Ahmadis' defence lawyer, told Forum 18 that "it means that Ahmadi Muslims cannot act like Ahmadi Muslims and organise meetings for worship or any other activity together". An Ahmadi Muslim, who asked to remain unnamed for fear of state reprisals, told Forum 18 that "this is equal to banning us .. If we are found by the NSS secret police, the ordinary police, or any other state agency to be carrying out 'illegal' religious activity, we will be given harsh punishments - maybe even imprisonment."

The lawyer Bayastanova told Forum 18 that she demonstrated to the Supreme Court that "both the City and Inter-District Courts violated legal procedures by not questioning the 'religious experts' the SCRA used". She stated that these "experts" made "nonsensical and false claims in their opinions, branding a peaceful community as a dangerous sect". She also questioned the content of the SCRA's judgement and noted that the authorities have not been able identify any "dangerous" or "extremist" actions by Ahmadis. However, Bayastanova said that the Supreme Court "ignored our arguments, said nothing new during the hearing, accepted the previous court decisions as lawful, and rejected our appeal".

The SCRA's lawyer, Zhanibek Botoyev, claimed to Forum 18 that "we are not going to send them to prisons". He also stated that "they can individually pray or read their books in their homes but they must not worship together. Otherwise they will be punished." He refused to say exactly what punishments will be imposed.

On 22 September Ahmadi Muslims received a copy of the Supreme Court decision. They told Forum 18 on 29 October that it is now considering what its next steps will be.

A non-Ahmadi Muslim religious leader in Kyrgyzstan, who asked not to be named for fear of state reprisals, told Forum 18 on 29 October that the ban on the Ahmadis is "a political decision". The leader suggested that the government imposed the ban "to do a service for the [state-backed] Muslim Board and foreign Muslim investors, who dislike Ahmadis".

Asked why this decision was taken, despite the UN Human Rights Committee's March recommendation on the Religion Law that

"all restrictions incompatible with article 18 of the Covenant [on Civil and Political Rights]" should be removed, Supreme Court hearing chair Judge Aynash Tokbayeva on 30 October claimed to Forum 18: "I am sorry, I cannot answer, I am busy hearing a case". She then put the phone down. Subsequent calls to her went unanswered.

Supreme Court Deputy Chairperson Baktygul Amanaliyeva, asked the same question, replied on 30 October: "Don't you know what the Ahmadis were charged with?" Informed that Forum 18 had seen the decision and had not seen any evidence to back the SCRA's claims of "extremism", she claimed that "I cannot do anything about the decision, and it is final."

Conscientious objection

No Central Asian state apart from Kyrgyzstan allows any form of conscientious objection. Yet conscientious objection to military service is restricted to young men who are "members of registered religious organisations whose beliefs do not allow the use of weapons or service in the Armed Forces". Article 32 of the current Law on General Obligations of Citizens, on Military and Alternative Service imposes a financial penalty (described as "alternative service") on young men who do not perform the one-year military service between the ages of 18 and 27 without a valid exemption (such as family or medical circumstances or membership of a registered religious community which opposes military service).

The penalty is currently 18,000 Soms, which is equivalent to between one or two months' average salary. This is specified as payable to the Defence Ministry via Military Conscription Offices, to be "used for support of and provisions for troops, for conducting training assemblies, upgrading educational facilities, and increasing social security for military personnel". Article 32, Part 7 obliges those who have paid the financial penalty in place of military service to be included in the military reserves at the completion of the designated "alternative service" period.

Jehovah's Witness young men have objected to both provisions, and have been convicted under Criminal Code Article 351, Part 2 for "evading" the "alternative service". Thirteen have been sentenced to pay the maximum fine of 20,000 Soms, or do the maximum penalty of 240 hours community service.

Proposed amendments to the Law would have transferred the recipient of the "alternative service" payment from the Defence Ministry to "the state body which handles social issues". Although the draft amendments were assigned to the Defence Committee for consideration, they were also sent to the Education Committee. On 26 March the Education Committee unanimously rejected the draft, claiming it "contradicts Kyrgyzstan's Constitution and that many religious movements of the like of the Jehovah's Witnesses could use this draft law to fill up their ranks". It also claimed the draft would "lead to the destruction of Kyrgyzstan's security". The statement was signed by Committee Chair Kanybek Osmonaliev, a former head of the State Agency for Religious Affairs (the SCRA's predecessor) under the Bakiev regime.

The legal amendments were ordered in a November 2013 decision of the Supreme Court's Constitutional Chamber, which declared unconstitutional three provisions of the current Law on General Obligations of Citizens, on Military and Alternative Service, effectively annulling them: that the "alternative service" fee goes to the military; that conscientious objectors during this period are under military supervision; and that when completed individuals are assigned to the military reserve. It said these deficiencies of the Law needed to be remedied. Following this decision, the 13 Jehovah's Witness conscientious objectors had their criminal convictions and fines overturned.

Deputy Defence Minister Zamir Suerkulov insisted to Forum 18 that the Defence Ministry "in principle supports this draft". He said the Education Committee's conclusion is "important", but said the Defence Committee will next consider the draft, at which he too would represent the Ministry. "It will be difficult to get it through, but this is normal," he insisted.

The draft text maintains the restriction of the right to members of religious organisations which are both state-registered and have declared themselves pacifist. Human rights defender Dmitry Kabak of Open Viewpoint pointed out that objections to military service "are not always connected with a religious belief". He also noted that the limitation to members of "registered religious organisations" could cause problems as decisions to opt not to serve in the armed forces "are not connected to state registration [of religious organisations]".

The UN Human Rights Committee in its 25 March Concluding Observations repeated its concerns going back to 2000 over Kyrgyzstan's "limiting conscientious objection to military service only to members of registered religious organizations whose teaching prohibits the use of arms and stipulating a shorter period of military and alternative service for persons with higher education".

In its 2014 concluding observations the Human Rights Committee noted Kyrgyzstan's intentions to amend the Law on General Obligations of Citizens, on Military and Alternative Service. It again insisted that Kyrgyzstan "should ensure" that any amendments "provide for conscientious objections in a manner consistent with articles 18 and 26 of the Covenant [ICCPR], bearing in mind that article 18 also protects freedom of conscience of non-believers, and stipulating periods of military and alternative service on a non-discriminatory basis".

Deputy Defence Minister Suerkulov on 1 April defended restricting the right to conscientious objection to members of registered pacifist religious organisations. Asked what would happen to non-religious conscientious objectors or members of unregistered religious communities if the proposed changes to the Law (see below) are adopted, he told Forum 18: "They would have to serve [in the army]". He was unable to explain to Forum 18 why conscientious objection is not allowed for everyone who cannot in conscience do compulsory military service.

Temir Kasymov, assistant to Deputy Mairamkul Tlenchiyeva who co-drafted proposed changes to the Law, on 25 February stated that Muslim or Russian Orthodox conscientious objectors, and atheists, would be able to opt out of military service. But asked what would happen if Muslim or Orthodox leaders were asked if their faiths allowed individuals to perform military service, Kasymov appeared unsure. "There haven't been cases when Muslims refused to serve," he told Forum 18. Kasymov pointed out that the proposed amendments are still in draft form, and asked for help in framing them to meet concerns over who will be allowed to be a conscientious objector.

Harassment

The UN Human Rights Committee on 25 March also condemned "reports of religious intolerance with respect to converts from the majority religion, including incidents of hate speech". It said Kyrgyzstan should publicly condemn "any act of religious intolerance and hatred" and "investigate all cases of violence based on religion, prosecute perpetrators and compensate victims".

Law-enforcement and other state agencies have repeatedly failed to stop violent attacks on people exercising freedom of religion or belief, or even appear sympathetic to such attacks. Forum 18 is aware of violent attacks against members of smaller religious communities, but the victims of such attacks normally do not wish to discuss them for fear of further attacks.

A typical example of an attack took place in 2012 in the south-western Jalal-Abad Region. A Jehovah's Witness Kingdom Hall was first destroyed in 2010 by a mob which also attacked community members. No action was taken by the authorities, despite the complaints of victims and the community. In early 2012 groups of young men began repeatedly throwing stones at community members rebuilding the Kingdom Hall. Community members also received threats, but law-enforcement authorities took no action despite complaints. On 18 May the mob burned down the Kingdom Hall again.

Police arrested and then released the same day four young men on suspicion of committing the arson. When some of the victims went to Toktogul Police, each time "minutes after we arrived at the Police Station, a mob gathered in front". Among the mob were representatives of a local mosque, and a woman who works for the local municipality. Ayilchi Myrzamamytov, Deputy Chief of Toktogul Police "invited the mob" into the police station. He then put the Jehovah's Witnesses face-to-face with the mob "to settle our differences". When the mob screamed that "we must withdraw our complaint otherwise they will abduct our co-believers and burn down their homes", officials did not react.

Police have themselves have raided Jehovah's Witnesses and other communities in Jalal-Abad and other regions. The SCRA has also obstructed the registration of Jehovah's Witness and other communities throughout Kyrgyzstan.

Deputy Prosecutor-General Lyudmila Usmanova told Forum 18 on 13 June 2012 that she cannot comment on attacks such as those on the Jehovah's Witnesses since she does not know the details. When Forum 18 asked how this can be, and that Forum 18 has seen a copy of the complaint Jehovah's Witnesses sent to the Prosecutor-General, she replied: "We are busy, there are so many complaints, and various officials are considering various complaints."

Deputy Police Chief Myrzamamytov and Deputy Prosecutor Jyldyzbek Zairov both denied responsibility for prosecuting the perpetrators and protecting the victims. Zairov claimed when asked by Forum 18 about threats eyewitnesses state he personally witnessed that "no one threatened the Jehovah's Witnesses, they just asked them nicely to withdraw their complaint".

Asked what the SCRA is doing about these problems, then-SCRA Head Abdilatif Zhumabayev told Forum 18 on 13 June 2012 that Jehovah's Witnesses are "peacefully existing in other regions but in Jalal-Abad they are destabilising the situation". Asked how Jehovah's Witnesses were "destabilising the situation", he replied that "local people do not want them in their region". He then stated that "a year ago people of [the south-western] Batken Region stated that they do not want Jehovah's Witnesses in their region, so the authorities cancelled their registration for that region."

Asked whether minorities cannot enjoy human rights in Kyrgyzstan, and whether in Jalal-Abad the mobs decide who should believe in what, Zhumabayev replied: "I do not give a damn about who believes in what, and we cannot always protect minority rights at the cost of the majority. We need to protect the rights of the majority."

Failure to ensure people may bury their dead in the way they would wish

The government is still continuing its long-standing failure to ensure that people may exercise their right to bury their dead with the religious ceremonies and in the cemeteries they would wish. Protestants, Baha'is, Jehovah's Witnesses and Hare Krishna devotees have all long complained that the authorities have not resolved this problem, which causes great distress to the families and friends

of the dead. This lack of political will is reinforced by the Religion Law, which in a small but crucial sentence increased the difficulty of non-Muslims being buried according to their own wishes. Article 16, Part 3 states: "Recognition of regulations of use of confessional cemeteries and regulations of cemetery exactions shall be governed by regulations of local municipalities."

Local people and Muslim leaders, with the connivance of local authorities, have long obstructed or denied burials according to their own rites to deceased Protestants, Baha'is, Jehovah's Witnesses and Hare Krishna devotees - especially those of ethnic Kyrgyz or ethnic Uzbek background - in village graveyards which they insist are only for Muslims. The authorities appear content to allow local imams to control who is buried in state-owned cemeteries not owned by religious communities. Police often back obstructions of burials, in some cases actively participating in burial denials. The authorities failure to ensure people may bury their dead in the way they would wish causes deep distress to the family and friends of the dead and their communities.

Such cases continue, even close to Bishkek. The most recent publicly documentable failures by the authorities to ensure people may exercise their rights concern Protestants. In January 2014 in the villages of Oktyabr and Zherge-Tal, in Suzak District of the north-western Jalal-Abad Region, local imams interfered in the conduct of funerals. In Oktabyr the imam barred the burial of a Protestant woman in the village cemetery, and in Zherge-Tal the imam stopped a Protestant pastor from participating in the funeral of his Muslim brother. In Kyrgyz culture it is extremely important that a brother take a central part in the funeral of a sibling.

Later in 2014, in another region of Kyrgyzstan which relatives do not wish to be named for fear of reprisals, the authorities failed to intervene when a local imam refused for three days to allow the burial of a deceased Protestant woman in a village cemetery. The imam permitted the burial to go ahead only after the woman's Protestant husband was forced to publicly renounce his Christian faith and declare that he is a Muslim, a family member and local Protestants who attended the funeral told Forum 18. At no point did the authorities attempt either to ensure that the family could exercise their rights to bury their dead, or to protect the distressed husband of the woman against being forced to change his faith to bury his wife.

Relatives and friends are frequently afraid to raise this problem, for fear of reprisals and mob violence aided by the lack of willingness by state officials to defend people's human rights. In a typical comment, complaining to local authorities about the violations was described as "useless" by Pastor Kapar Yusup uuly. He himself was stopped from participating in his brother's funeral in early 2014.

A 30 April draft of the Concept on State Policy in the Religious Sphere 2014-20 acknowledges that a problem with burials exists, but not that the authorities fail to ensure that citizens are protected from violence and coercion and allowed to exercise their rights on a basis of equality. The draft Concept states that "prophylactic work must be conducted with village Imams explaining to them that all citizens of Kyrgyzstan have the right to be buried properly and with respect", that "village municipalities must learn how to cooperate with religious communities", and that municipalities "will be asked to allocate land plots for the burial of local non-Muslims in case of demand".

But the chief expert of the Presidential Administration's Ethnic and Religious Policy and Public Affairs Division, Kubanych Abakirov, who has been involved in preparing the Concept, admitted to Forum 18 on 2 June that "even these possible solutions in the Concept may not resolve all future burial problems". In contrast to Abakirov, head of the SCRA Moldaliyev claimed that the problem of burials was "resolved", further claiming: "Cases like those are simply not possible in Kyrgyzstan." When Forum 18 told him that it talked to the victims and the local authorities who confirmed the violations, and gave the details of the cases, he claimed: "We did not hear about these cases. No one complained to us."

Galina Kolodzinskaya of Bishkek's Interfaith Council points out that the specialists drafting the Concept did not include in its first Draft possible solutions for the burial problems non-Muslims face. "Even if the Concept finally includes such solutions, it will still be a document, not a law on the basis of which actions and measures are taken," she told Forum 18 on 30 May. She insists that solving this long-standing problem requires both political will "on the higher level", as well as laws. "Until then the problem will not be solved, and similar violations will take place," she warned. "At the moment I don't see such political will on the higher level."

Foreign influences fuelling violations?

One observer in Kyrgyzstan has noted that from freedom of religion or belief violations linked to burials of the dead from 1996 onwards appear to be linked to Kyrgyz Imams educated in Saudi Arabia, Qatar or Egypt. The observer suggested that such violations started with the return to Kyrgyzstan of foreign-educated imams, who taught local people that so-called "infidels" should not be buried in the same cemeteries as Muslims.

The observer noted that such teachings are also found in madrassahs (Islamic religious schools) and mosques funded from countries such as Saudi Arabia, where teaching a certain curriculum is linked to generous financial assistance. This leads to incidents such as the 2013 beating up of a young Muslim in Osh Region, who did not perform the namaz (Islamic prayers) five times a day. One person from the mosque concerned stated that attendees were "taught in such a spirit that they decided to punish the man because he refused to do namaz". (The Hanbali school of Islamic law common in Saudi Arabia sees such people as unbelievers.) In contrast, mosques and madrassahs taking different approaches to Islam receive little financial support.

In a 2014 discussion with the observer over the ability of foreign-backed mosques and madrassahs to operate without the state permission to exist enforced on groups such as the Jehovah's Witnesses, the Chief Imam of one region stated that "this is normal, because we are the majority religion and we need to be privileged."

Censorship increased under Religion Law

President Atambayev's government has so far made one set of changes to the Religion Law. In December 2012 censorship changes to the Law increased state control over religious literature and other materials. A new Article 22, Part 9 states: "Control on the import, production, acquisition, transportation, transfer, storage and distribution of printed materials, film, photo, audio and video productions, as well as other materials containing ideas of religious extremism, separatism and fundamentalism is conducted by the plenipotentiary state organs for religious affairs, national security and internal affairs."

An addition to Article 22, Part 3 states that registered religious organisations, at the request of national and local government agencies, "have the right to give an explanation of the presence of elements of religious extremism" in such printed and digital materials.

Asked by Forum 18 to explain what "ideas of religious extremism, separatism and fundamentalism" were, SCRA lawyer Kanybek Mamataliyev blustered, responding: "Don't you have people with higher education? Don't you know what 'extremism', 'separatism' and 'fundamentalism' mean?" But he himself was unable when asked for specific examples to provide any examples of what these wide-ranging terms might mean. When Forum 18 then put specific examples of types of literature to him, which might be banned under such unexplained provisions, he refused to respond.

Deputy Tursunbay Bakir uulu, one of the initiators of the changes, would not explain in June 2012 why religious literature and material should be censored, and why - if there is a problem which can be defined - Kyrgyzstan is not using alternatives to censorship.

The Religion Law did not prior to the 2012 changes impose prior compulsory censorship of all religious literature. But it already allowed state examination of any religious literature and requires state examination of all religious materials placed in a library. It also bans all distribution of religious literature, print, audio-video religious materials in public places, on the streets, parks, and distribution to homes, children's institutions, schools and higher education institutions. Such distribution is permitted only within the confines of a religious organisation's legally owned property, or in places allocated by local authorities. If religious literature is found to be "extremist", the religious organisations the literature is associated with can also be declared "extremist" and banned.

"Chaotic, selective and arbitrary" censorship

A lawyer from one religious community, who did not wish to be named for fear of state reprisals, told Forum 18 in June 2012 that permission is required from the SCRA before Customs will release literature. The lawyer was not certain whether any legal basis exists for Customs and other state agencies to allow the SCRA to make this decision. "It may be just an agreement between the state organs."

Khamit Iskakov, a Jehovah's Witness representative, told Forum 18 that some books were not approved by the SCRA as some had quotations from the Koran to better explain some Jehovah's Witness teachings to Kyrgyz people. SCRA officials did not like this. They also did not like the pictures in some other books.

Aleksandr Shumilin, a Baptist pastor who chairs the Association of Evangelical Churches, told Forum 18 in June 2012 that Baptists are not importing much literature at present. He added that Protestant Churches are not publishing much inside Kyrgyzstan. This is because printing firms and publishing companies often refuse to do work for Protestants because they were told by officials not to print religious materials. He declined to give details of specific cases for fear of state reprisals.

Political analyst Igor Kamenko of Egalitee told Forum 18 that "implementation is likely to be chaotic, selective and arbitrary". He added: "No one will check Muslim Board or Russian Orthodox literature, but faiths deemed 'non-traditional' could face problems." He thought that Protestant Christians and Muslims outside the framework of the state-backed Muslim Board are most likely to face problems. "They are already described as 'non-traditional' and regarded with suspicion by many," he told Forum 18. Many religious communities, some of whom did not wish to be named for fear of state reprisals, told Forum 18 in June that total censorship is already applied to all imported religious literature and materials.

Kamenko of Egalitee pointed out that the 2009 Religion Law already grants the authorities extensive censorship powers, while religious literature can also be scrutinised under the 2005 Anti-Extremism Law. "The Interior Ministry and the NSC secret police already had these powers, so the new amendments simply add the SCRA," he told Forum 18. "But the SCRA is not a professional organisation, and without help from the other two won't be able to do anything."

Kamenko stated that the government "wants to control all religious books and materials", but thought that in practice that it will struggle to do so. "The SCRA doesn't have the resources to check all books," he told Forum 18. "So use of the new powers will be

selective." He also noted that no standards have been set out for those who conduct "expert analyses", nor how they should go about the analyses. "An SCRA analysis doesn't need to justify its findings."

Since the censorship amendments were passed into the Religion Law, religious communities have not experienced new major problems with increased censorship.

Film censorship

The most high profile freedom of religion or belief censorship case has involved the film "I am gay and Muslim". This was scheduled to be shown in September 2012 at the Bishkek Bir Duino (One World) human rights film festival. The film, by Dutch filmmaker Chris Belloni, follows the life of several gay Moroccans who reflect on their orientation and Islam.

After a protest about the film to the NSC from acting Chief Mufti Rakhmatullo Haji Egemberdiyev, the NSC's Investigative Directorate wrote to the SCRA on 27 September asking it to conduct an "expert analysis" of the film. The NSC asked specifically if the film is "religious extremist", whether it is associated with a "religious extremist organisation", if it calls for Kyrgyzstan's Constitution to be changed and whether it incites "ethnic, racial or religious hatred".

That same day, SCRA "experts" Denis Pyshkin and Asylbek Mambetov viewed a 58-minute disc of the film provided by the NSC secret police, as well as two accompanying brochures, reached their conclusions and typed up the three page "analysis". This states that the film "shows Islam in distorted and offensive tones and completely contradicts the canons of Islamic doctrine" and "it is clear that the aim of the film is to incite religious intolerance and provocative actions on the part of the Muslim population". The analysis concluded that the film was therefore "extremist" under the terms of Article 1, Part 1 of the 2005 Anti-Extremism Law.

Neither Mamataliyev of the SCRA nor any other official there was prepared to discuss Pyshkin and Mambetov's "expert analysis" with Forum 18.

Later that day the NSC secret police confiscated the film before it could be shown, and four NSC officers gave film festival organiser Tolekan Ismailova an official warning, seen by Forum 18. It stated that if she showed the film she faced possible prosecution under Criminal Code Article 299 ("Incitement of national, racial, or religious hatred"). General Prosecutor Aida Salyanova also telephoned Ismailova, warning her not to show the film as it insults the feelings of Muslims.

The next day Judge Almaz Kalybayev of Bishkek's Pervomaisky District Court upheld a suit from the General Prosecutor's Office banning the film throughout Kyrgyzstan as "extremist". The General Prosecutor's Office then ordered the State Communications Agency to take "urgent measures" to block access to the film on the internet. Attempts to challenge the ban on the film and the warning issued to Ismailova have failed.

Ban on sharing beliefs, restrictions on religious literature

The Law states that all "actions directed to proselytising of the faithful from one denomination to another (proselytism), as well as any other illegal missionary work, are prohibited". Typically, the Law does not define what constitutes "illegal missionary work". As a joint Council of Europe Venice Commission / Organisation for Security and Co-operation in Europe (OSCE) Advisory Council on Freedom of Religion or Belief legal review - made public in October 2008 - noted, "numerous provisions of the Draft Law inappropriately restrict freedom of expression and rights to disseminate religious and other materials".

Religious education and the religious activity of minors

All religious educational establishments - universities, institutes, madrassahs, seminaries, Sunday schools and orphanages - must have state registration. These establishments can only be founded by registered organisations, and must - among numerous other requirements - have local authority permission to exist. All children are also banned from being active in religious organisations, and no religious organisations are permitted in any educational institute - apart from in religious education institutions. This prevents even secondary school and university students from organising religious groups in their place of education.

Hostility to international contacts

If a community has "administrative centres located beyond Kyrgyzstan or having foreign citizens in its administrative body" it is classified as a "mission". This must re-register every year and does not have legal status. It can be refused registration if it poses "a threat to the state and social security, the interethnic and ecumenical concord, health and morality of the population, or in other cases anticipated by legislation". Similarly, foreign religious workers must register with the State Agency before they can engage in religious activities. This can be denied "if this may endanger public safety, social order, interethnic and ecumenical consensus, social health and morality." The authorities have, in several cases known to Forum 18, compelled foreign missionaries to leave the country or have denied them permission to extend visas.

The SCRA banned Russian Orthodox Bishop Feodosy (who led the Church in Kyrgyzstan until 25 July) by refusing him registration

as a missionary, preventing him under the Religion Law from being a religious worker. Bishop Feodosy had to leave Kyrgyzstan in early June as his missionary visa and permit expired on 10 June. The Church received the official refusal letter on 14 July - more than a month after the Bishop left the country. The SCRA claimed that the Bishop was denied registration as he "threatens the public security of Kyrgyzstan and sows religious discord among the population". Orthodox believers totally denied these claims to Forum 18.

The SCRA also claimed that registration was refused as the Interior Ministry's Anti-terrorism Department was investigating the Bishop. This Department, however, told Forum 18 that it has "nothing against the Church or the Bishop". On 25 July Feodosy was replaced by the Moscow Patriarchate as leader of the Church in Kyrgyzstan by Bishop Daniil (secular name Semyon Kuznetsov).

The SCRA also warned Vakhtang Fyodorov, Catechist in Bishkek of the Russian Orthodox Church that he is violating the Religion Law by carrying out missionary work without permission from SCRA and is still threatening him with deportation. He told Forum 18 on 15 April 2014 that "So many times we have tried to explain to the SCRA that I am only teaching Church members within the Church. I am not involved in converting others from other confessions or non-Orthodox people into Orthodoxy". Like Bishop Feodosy, Fyodorov was also investigated by the Interior Ministry's Anti-terrorism Department, being summoned to see them in June after a written request from the SCRA to the Ministry deport him. "Ministry officials verified that I had a residence permit in Kyrgyzstan and on their request I wrote a statement that I am not involved in missionary activity". He told Forum 18 that Ministry officials told him that they will write to the SCRA stating that there are no grounds to deport him. However, on 13 October he had to leave Kyrgyzstan as his residence permit was cancelled. Unless the problem is resolved his wife, a Kyrgyz citizen, will also have to leave the country.

Asked why Fyodorov was forced to leave Kyrgyzstan, SCRA lawyer Botoyev told Forum 18 on 28 October that Fyodorov "worked as a missionary for a very long time, but did not even make any attempts to renew his license with us". He did not explain on what legal basis the SCRA arranged for Fyodorov and Bishop Feodosy to be interviewed by the Anti-terrorism Department of the Interior Ministry.

Botoyev claimed that Fyodorov might be able to work as a missionary in Kyrgyzstan "if he promises us that he will respect the sovereign country of Kyrgyzstan and its laws, and if we see that he obeys our laws".

As Russian citizens, both Bishop Feodosy and Fyodorov were able to live in Kyrgyzstan without visas. Under Kyrgyzstan's international human rights obligations everyone resident in a country has the right to freedom of religion or belief, including sharing their beliefs with others. However, the Religion Law contradicts this.

Use of property

The Law states that organisations can "own only buildings, constructions, ceremonial objects, objects of production, social, and charity functions, monetary funds, and other property necessary for provision of their activities." However, the Law does not define what is meant by "necessary" or who decides on necessity. Religious events outside a community's own premises can, under the Law, "be performed in the procedure stipulated by the legislation of Kyrgyz Republic." However, no such procedure is specified in the Religion Law.

Religious communities can also face other threats to their property. The State Property Fund is seeking to confiscate the building of the Protestant Church of Jesus Christ in Bishkek. The case originated in May 2009 when the General Prosecutor's Office sent a proposal to the Government's State Property Ministry. By law court actions on such claims must start within three years - by May 2012 - but hearings began in the Economic Court in November 2013, the fourth and final hearing being on 24 January 2014.

That day the court - following a suit brought by the Fund with the SCRA as an interested party - annulled a 1999 sales contract between the Church and the Fund for the former Culture House of the old Bishkek Machine-Building Plant. It claimed the sale violated the law. The Church appealed against the decision and separately to have the whole case thrown out, and Bishkek City Court granted this on 18 April 2014.

However, the State Property Fund is still seeking - this time through the Supreme Court - to confiscate the Church's building. On 21 October the Supreme Court referred the case brought by the SCRA and the State Property Fund back to Bishkek's Economic Court. Church members told Forum 18 that it may be "a month to several months" before the case reaches the Economic Court again.

Church members, and members of other Protestant churches in Bishkek, suggested to Forum 18 that the authorities' legal moves to seize the building may be motivated by their dislike of the Church's activity and its members spreading their faith, or by the possibility of selling the property - which is in a sought-after location in Bishkek. One construction company told Forum 18 it already has plans for the site. Asked about these comments, Aysulu Orozbekova of the State Property Fund refused to answer.

Orozbekova also told Forum 18 that the Fund is also looking at property ownership affecting other religious communities, but refused to identify them. Such comments, and situations like that which faced the Church of Jesus Christ, add to the uncertainty which surrounds the question of religious communities' property.

Religious communities also face inspections by a range of state agencies, as has happened to mosques and churches in Bishkek since early 2014.

Among those visited several times was Bishkek's Hope Baptist Church, most recently on 7 April. Officials inspected the documents of its building. The Church's Pastor Eduard Pak told Forum 18 on 7 April that the Mayor's Office has already "ordered us to vacate the land since we are only renting it". However, no further action appears in late 2014 to have been taken on this threat.

Human rights standards

The Religion Law claims that: "If there exist other conditions defined within international agreements signed by the Kyrgyz Republic, different from those stated in the legislation of the Kyrgyz Republic related to freedom of religion and religious organisations, then the conditions of the international agreements shall prevail." So many provisions of the Law contravene international human rights standards - as a joint Council of Europe Venice Commission / OSCE legal review noted - that it is difficult to accept that this claim was meant to have any force.

Similarly, Article 16 of the Constitution states: "Rights and freedoms are inalienable and belong to everyone from birth. Human rights and freedoms are the supreme value. They directly determine the intent and actions of the legislative, executive and local authorities .. No one can be discriminated against on grounds of gender, race, language, disability, ethnicity, religion, age, political or other beliefs, education, origin, property or other status, and other circumstances."

Despite these apparent guarantees, people exercising freedom of religion or belief often experience official actions as arbitrary or an obstruction to the exercise of this freedom which Kyrgyzstan has international obligations to protect. Official actions and legal proposals to impose greater obstacles to the exercise of this freedom suggest that a strong motivation is the wish to control society. This is self-defeating for, as the Bakiev-era and its legacy demonstrates, obstructing the exercise of human rights is both wrong in principle and has the effect of promoting intolerance of freedoms and violent instability. (END)

Reports on freedom of thought, conscience and belief in Kyrgyzstan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=30>.

Previous Forum 18 Kyrgyzstan religious freedom surveys can be found at <http://www.forum18.org/Analyses.php?region=30>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

A printer-friendly map of Kyrgyzstan is available at <http://education.nationalgeographic.com/education/mapping/outline-map/?map=Kyrgyzstan>.

All Forum 18 News Service material may be referred to, quoted from, or republished in full, if Forum 18 www.forum18.org is credited as the source.

© Forum 18 News Service. All rights reserved. ISSN 1504-2855.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY