

KYRGYZ REPUBLIC

Executive Summary

The constitution provides for religious freedom; however, other laws and policies restrict religious freedom, and in practice, the government enforced these restrictions. The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom. The government continued to restrict the registration of some religious organizations and the activities of Muslim groups it considered threats to security.

There were some reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Throughout the year, tensions continued between Muslims and converts from Islam to other religions. There were isolated incidents in which newspapers published anti-Semitic articles and commentary.

During the year, the U.S. embassy maintained contact with government officials, leaders of religious groups, and nongovernmental organizations (NGOs) regarding religious affairs, including religious freedom.

Section I. Religious Demography

Islam is the predominant religion, accounting for approximately 75 percent of the population. Except for approximately 1,000 Shia, all are Sunni. As of 2009 there were 1,706 mosques and seven institutes for higher Islamic teaching. Approximately 7 percent of the population is Russian Orthodox, and there were 44 Russian Orthodox churches, one convent, and one parochial school.

Of the remaining population, Protestant Christians are the largest group with approximately 11,000 members, of whom 40 percent are ethnic Kyrgyz. Protestant denominations include 48 registered Baptist, 21 Lutheran, 49 Pentecostal, 35 Presbyterian, 43 “Charismatic,” and 30 Seventh-day Adventist communities. Jehovah’s Witnesses number around 4,800. There are three Roman Catholic churches. The Jewish community with approximately 1,500 adherents has one synagogue. The Buddhist community includes approximately 1,000 members and is served by one temple. There are 12 registered Baha’i houses of worship that serve approximately 300 members.

Islam is practiced throughout the country in both urban and rural areas. Russian Orthodox communities and other religious groups are concentrated in cities. Ethnic Kyrgyz and Uzbeks are primarily Muslims, while ethnic Russians most often belong to the Russian Orthodox Church or one of the several Protestant denominations.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution provides for religious freedom; however, some laws and policies restrict religious freedom.

The constitution defines the country as a sovereign, unitary, democratic social state based on the rule of law with separation of religion and the state. It also provides for freedom of religion and prohibits discrimination based on religion or religious beliefs. The constitution prohibits the establishment of religious political parties and the pursuit of political goals by religious organizations. It also prohibits the establishment of any religion as a state or mandatory religion. Furthermore, religious organizations and clergy are prohibited from interfering in the activities of state bodies.

The 2008 Religion Law includes provisions that restrict religious freedom. During the October 2010 Universal Periodic Review conducted by the UN High Commissioner for Human Rights, the government agreed to review the law to ensure that it did not infringe on the freedom of religion. As of the end of the year, however, the government had not addressed this issue. While the 2008 law affirms that all religions and religious organizations are equal, it introduced some significant restrictions. It prohibits the involvement of minors in religious organizations, “insistent attempts to convert followers of one religion to another (proselytism),” and “illegal missionary activity,” which is not specifically defined.

While the law provides for the right of religious organizations to produce, import, export, and distribute religious literature and materials, in accordance with established procedures, all religious literature and materials are subject to examination by state “experts.” There is no specific procedure for hiring or evaluating these experts, and they are typically employees of the State Commission for Religious Affairs (SCRA) or religious scholars contracted by that agency. The law prohibits the distribution of religious literature and materials in public locations, or by visiting individual households, schools, and other institutions.

The 2008 Religion Law also requires the registration of all religious organizations, including schools, with the SCRA. The SCRA is responsible for promoting religious tolerance, protecting freedom of conscience, and overseeing laws on religion. The SCRA can deny or postpone the certification of a particular religious group if it believes the proposed activities of that group are not religious in character. Unregistered religious organizations are prohibited from actions such as renting space and holding religious services, although many held regular services without government interference.

Organizations applying for registration must have at least 200 adult citizen members, a significant increase from the 10 members required prior to the passage of the 2008 Religion Law, and must submit an application form, organizational charter, minutes of an institutional meeting, and a list of founding members to the SCRA for review. The SCRA recommends rejection when a religious organization does not comply with the law or is considered a threat to national security, social stability, interethnic and interdenominational harmony, public order, health, or morality. Applicants whose registration is denied may reapply and may appeal to the courts. The registration process with the SCRA is often cumbersome, taking anywhere from a month to several years for completion. Each congregation must register separately. During the year, some Protestant churches continued to refuse to register in protest of the restrictions in the 2008 Religion Law.

If approved, a religious organization may choose to complete the registration process with the Ministry of Justice to obtain status as a legal entity, which is necessary to own property, open bank accounts, and otherwise engage in contractual activities. If a religious organization engages in commercial activity, it is required to pay taxes.

In February 2009 the then minister of education signed a decree that officially bans students from wearing religious clothing, particularly the hijab (traditional Islamic headscarf worn by women) in public schools. In March 2009, after local NGOs and parents gathered signatures in protest of the decree, it was changed from an official ban to a recommendation. During the year, several Islamic organizations including Mutakallim, Dil Murok, and Sumaia protested some schools' use of this recommendation as a basis to refuse admission to girls wearing headscarves. As a result, the new education minister, Kanatbek Sydykov, presented the protesting organizations with a semi-official letter specifically stating that "headscarves are not prohibited" in schools. The organizations then distributed the letter to the schools, and the issue appeared to be resolved. Nonetheless, the decree "recommending that hijabs not be worn to school" was not reversed.

Missionaries of various religious groups may operate with restrictions and are required to register annually. Since 1996 the SCRA has registered more than 1,326 foreign citizens as religious missionaries, 56 of whom were registered during the year. The SCRA reported that it refused to register one missionary during the year, although it did not disclose the specific reason. Any religious entity founded by a foreigner must reregister each year with the SCRA, although the process is much less cumbersome than the initial registration. The SCRA reported registering 75 new religious organizations (mosques and churches) during the year.

The 2009 Law on the Universal Duty of Citizens of the Kyrgyz Republic on Military and Alternative Service requires individuals in alternative service as conscientious objectors based on religious grounds to make monetary contributions to a special account belonging to the Ministry of Defense (MOD). Some religious groups such as the Jehovah's Witnesses, however, objected to this requirement, stating that giving funds to the MOD violated their religious principles. As of the end of the year, the government continued to prosecute conscientious objectors who refused military service and who would not pay the MOD.

The government expressed concern publicly about groups it viewed as having "extremist agendas." The government was particularly concerned about politically motivated Muslim groups, whose followers it labeled "Wahhabists." In 2003 the Supreme Court sustained a ban on four political organizations, citing extremism and alleged ties to international terrorist organizations: Hizb ut-Tahrir (HT), the Islamic Party of Turkestan, the Organization for Freeing Eastern Turkestan, and the Eastern Turkestan Islamic Party. In 2008 the Pervomaisky District Court of Bishkek identified one additional religious group, Jamaat al-Jihad al-Islamias, as a terrorist organization. There were no reliable estimates of membership in extremist Islamic groups.

The 2008 Religion Law allows for the teaching in public schools of religious courses that the state deemed mainstream if the lessons did not conflict with the country's laws.

The government observes the following religious holidays as national holidays: Kurman Ait (Eid al-Adha), Orozo Ait (Eid al-Fitr), and Orthodox Christmas. The government traditionally sends greetings to Muslims and Orthodox adherents on their major holy days, which are printed in the mass media.

Government Practices

There were reports of abuses of religious freedom. The government generally enforced restrictions on religious freedom vigorously. Members of law enforcement and security services committed abuses while investigating alleged religious extremism. The government continued the policy of restricting the activities of Muslim groups it considered to be “extremist” and threats to security. Jehovah’s Witnesses continued to experience harassment and discrimination. In one instance, security service officers accused two Jehovah’s Witnesses of belonging to a Muslim “extremist” group and they were criminally prosecuted. The government prosecuted conscientious objectors to military service. Despite their willingness to make a monetary contribution in place of military service, Jehovah’s Witnesses continued to be prosecuted as conscientious objectors due to their objection to contribute funds to the MOD, as required by law. The government enforced strict registration requirements for religious groups.

During the year, authorities re-arrested two of 32 convicts who had been released in 2010 under a special amnesty granted by the then provisional government. In May 2008, the defendants participated in clashes with authorities after the Nookat administration unexpectedly rejected a request by local Muslims to celebrate Orozo Ait (Eid al-Fitr) in the town square. Local officials charged that the defendants were supporters of or affiliated with HT. The original 32 defendants were charged, convicted, and sentenced to between five and 17 years in prison for inciting mass disorder, attempting to disrupt the constitutional order, and attempting to spread ethnic and religious hatred, among other crimes. During the year, one of the re-arrested individuals was tried, convicted, and imprisoned again as a member of HT. The other defendant also was retried for participating in the 2008 incident and imprisoned again.

On January 29, police and antiterrorist units raided the apartment of two members of the Jehovah’s Witnesses in Kadamjay village in Batken oblast. The two men were arrested and charged with possession of extremist literature. The police claimed that they found two DVDs of the outlawed extremist group HT in the men’s apartment. The Kadamjay local court convicted the men and sentenced them to seven-year prison terms. Upon appeal in May, the Batken regional court ruled that the only evidence, the DVDs, was planted by law enforcement, and therefore not admissible. The court did not exonerate the men. Rather, it sent the case back to the local prosecutor to determine whether to reinvestigate the case or drop the charges. The prosecutor appealed the ruling that disallowed the evidence to the Supreme Court, seeking to have the evidence reinstated. On September 13, after several delays at the Supreme Court, the prosecutor dropped the appeal and

the case went back to Kadamjay. On November 2, after nine months in detention, the two members of the Jehovah's Witnesses were released on bail. On December 14, the prosecutor terminated the case, concluding that there was no basis for the criminal charges.

After multiple requests by the Jehovah's Witnesses, police opened a criminal investigation into a 2010 attack against members of the Jehovah's Witnesses in Toktogul. By the end of the year, however, no one had been charged or put on trial for the attack. In the May 2010 attack, a group of Toktogul residents had looted the Jehovah's Witnesses meeting house and its members' private houses. Local authorities did not intervene at the time of the attack.

In March 2010 Bishkek's Pervomaiskiy District Social Fund conducted an inspection of the Religious Center of the Jehovah's Witnesses and ordered it to pay KGS 11,500,000 (\$250,000) in social insurance payments and fines for material aid it provided to religious volunteers. Two prior assessments by state authorities found that the Religious Center was in full compliance with the law and determined that religious volunteers receiving material assistance were not subject to employment regulations. In March 2010 the State Financial Police opened a criminal tax evasion case against the Religious Center. The Religious Center appealed the March 2010 tax assessment, and in December 2010 the Bishkek Inter-district Court ruled in favor of the Religious Center and declared the tax assessment unlawful. The Social Fund appealed the ruling to the Bishkek City Court, and on February 17 the court upheld the previous ruling that invalidated the tax assessment. On December 19, following another appeal by the Social Fund, the Supreme Court invalidated the decisions of the two lower courts on procedural grounds. At year's end, the center awaited a new trial in Bishkek Inter-district court.

The government continued to restrict the activities of Muslim groups it considered threats to security. For example, HT was banned and classified as "extremist" although its philosophy professes nonviolence and no terrorist acts have been attributed to it. Membership in HT was illegal, as was any activity on behalf of the group. Authorities used their powers broadly to enforce the ban. On April 29, Keneshbek Dushebayev, then director of the State Committee on National Security (GKNB), stated that there were 1,900 members of HT in the country. During the first four months of the year, 40 HT members were detained, of which 23 were sentenced to prison terms. Raids by law enforcement netted 719 electronic texts, 1,202 pieces of "extremist" literature and more than 2,000 leaflets.

Several religious groups had difficulties registering. The Church of Jesus Christ of Latter-day Saints (Mormons), which initially applied for registration with the SCRA in 2004, was not registered by year's end. In 2010 leaders of the Hare Krishna temple in Bishkek, after attempting unsuccessfully to register several times in the previous three years, planned to resubmit the application for registration once a legal dispute over ownership of their temple location was resolved. The issue, however, was not resolved, and the Hare Krishna temple remained unregistered at the end of the year. Religious leaders attributed the registration delays to erroneous or insufficient applications.

According to the Open Viewpoint Foundation, some religious communities complained that authorities used discrepancies in existing legislation as an excuse to avoid registering them or to force them to reregister, which was a lengthy process. As a result, some communities gave up on registering altogether. During the year, the SCRA refused to register Jehovah's Witnesses in Naryn, Osh, and Jalalabad. Although a Bishkek inter-district court ordered the SCRA to allow registration, the ruling was overturned by the Bishkek City Court upon appeal by the SCRA. During the year, some Protestant churches continued their ongoing refusal to register in protest of the restrictions in the 2008 Religion Law. According to an Open Viewpoint Foundation and Freedom House joint religious situation survey conducted during the year, the SCRA frequently refused to inform religious organizations why their registration or re-registration was denied.

Many religious groups that submitted paperwork to register remained unable to do so due to the lack of the required 200 members. Some groups stated that it was difficult to gather members when they were not allowed to meet. Some religious groups have succeeded in registering in one city, only to be told that their registration was not valid in another city.

In 2010 Christian groups reported delays in receiving visas for their missionaries who attempted to visit the country or refusals of new visas for missionaries who had resided in the country for several years. During the year, the SCRA reported that it delayed but ultimately granted a visa for one Baptist missionary and that a Lutheran missionary was granted only a limited three-month visa.

As in the past, the SCRA regularly monitored religious services, taking photographs and asking questions. An SCRA official stated that personnel from the agency would attend religious services regularly to monitor and analyze them.

Although the Prosecutor General's office was empowered to investigate and prosecute publications and individuals for the dissemination of materials that "incite ethnic hatred," it did not take action in cases dealing with anti-Semitism.

Section III. Status of Societal Respect for Religious Freedom

During the year, a few of the country's newspapers published articles, commentary, or quotes that were anti-Semitic. Such rhetoric typically appeared in smaller, nationalistic fringe publications. On August 9, however, two anti-Semitic articles appeared in the mainstream newspaper *Fabula*. One article referred to a group associated with a prominent foreigner investing in one of the country's aluminum businesses and had the subheading, "Will a Jew Run the Aluminum Mine?" It also referred to two separate unpopular business deals associated with Jewish businessmen. The second article quoted the deposed chief of Bishkek's traffic police criticizing his replacement for "being disloyal to the Kyrgyz Republic since he is Jewish and not ethnic Kyrgyz." On April 27, the Kyrgyz-language newspaper *Aykin Sayasat* published an editorial entitled "Will the Jews Leave Us with Nothing?" The article used a derogatory term for Jews ("zhydy") and accused them, among other things, of planning to humiliate the "Kyrgyz people" and turn the country into a swamp.

Established in 1993, the muftiate (Spiritual Administration of Muslims of Kyrgyzstan), a nongovernmental entity, is the highest Islamic managing body in the country. The muftiate oversees all Islamic entities, including institutes and madrassahs, mosques, and Islamic organizations. The mufti is the official head of the muftiate and is elected by the Council of Ulama, which consists of 30 Islamic clerics and scholars. A muftiate-established commission reviews and standardizes Islamic educational literature printed and distributed in the country and reviews new books on Islamic themes prior to their publication. A 2004 government decree authorizes the muftiate to ban Islamic publications it deems as not meeting established standards. Nonetheless, as a religious entity, the muftiate does not have the authority to weigh in on affairs of state.

The Islamic University, which is affiliated with the muftiate, oversaw the work of all Islamic schools, including madrassahs, to develop a standardized curriculum and curb the spread of extremist religious teaching. This program continued during the year.

Continuing a trend from previous years, volunteers called “Davatchi,” under the auspices of the muftiate, visited villages throughout the country to teach traditional Islamic values.

The Open Viewpoint Foundation reported several complaints that persons who were neither Muslim nor Christian were refused burial rights by Christian and Muslim cemeteries. Existing legislation provides no solution for this situation.

Section IV. U.S. Government Policy

U.S. embassy representatives met with the SCRA, leaders of religious communities, including minority groups, and with NGOs monitoring religious freedom. Embassy representatives also monitored judicial proceedings against religious minorities. The U.S. Agency for International Development (USAID) continued to fund human rights organizations that monitored problems related to freedom of religion, including draft legislation regarding religious beliefs. These USAID-funded NGOs provided free legal advice to members of marginalized religious communities.