

2 October 2008

KYRGYZSTAN: Restrictive proposed new Religion Law to parliament this month

By Felix Corley, Forum 18 (<https://www.forum18.org/>)

Kyrgyzstan's proposed new Religion Law – which ruling party deputies say will make it more difficult for religious communities to gain legal status and for people to share their faith – is set to reach the full Parliament in the second half of October, Kanybek Osmonaliev, Chair of the State Agency for Religious Affairs, told Forum 18 News Service. "There are many inadequacies in the current law," a parliamentary press officer told Forum 18. "Religious organisations function freely without any control. This law will bring control." Osmonaliev has expressed concern over the "abnormality" of a rising number of people changing faith, especially young ethnic Kyrgyz joining Christian churches. He complained of "illegal" activity by "various destructive, totalitarian groups and reactionary sects", among whom he included the Hare Krishna and Mormon communities. Fr Igor Dronov of the Russian Orthodox Church told Forum 18 of his support for the proposed new Law. "The earlier Law was too liberal and led to the spiritual destruction of the country. Thank God the state is starting to act."

Concerns are reviving among many of Kyrgyzstan's religious communities as a proposed revised Religion Law is set to reach the full Zhogorku Kenesh, the country's single-chamber Parliament, this month. "The draft is due to be considered sometime in October, probably in the second half of the month," Kanybek Osmonaliev, the Chair of the State Agency for Religious Affairs, told Forum 18 News Service on 30 September from the capital Bishkek. He rejected claims that the new law is designed to make it more difficult for religious communities to gain legal status and for people to share their religious belief with others. However, leading parliamentary deputies have insisted that this is the intention of the new Law.

The text of the draft Law to be presented to Parliament has still not been completed. Forum 18 was unable to speak on 30 September or 2 October to Rashid Tagaev, a parliamentary deputy of the ruling Ak Jol (Bright Path) party. Tagaev has been among several Ak Jol deputies pushing for the adoption of a restrictive new Law. Almaz Mamashov, an aide to Tagaev, told Forum 18 that he was busy with the holiday marking the end of the Muslim fasting month of Ramadan.

However, Mamashov reported that deputies from Ak Jol still have to discuss the text. "Deputies haven't seen it yet," he told Forum 18 from Bishkek on 30 September. He declined to explain what is likely to be in the draft when complete.

Osmonaliev told Forum 18 a new Law is urgently needed, claiming that deputies and society are in favour of tighter controls on religious activity. However, he stressed that the draft Law due for consideration in Parliament is an initiative of deputies, not the State Agency. Asked if his office backs the draft, he responded: "We have our own position but I won't tell you what it is."

Religious communities in Kyrgyzstan told Forum 18 in September that the parliamentary committee had asked the Organisation for Security and Co-operation in Europe (OSCE) to provide an expert review of the draft to assess whether it is in line with Kyrgyzstan's OSCE commitments.

Osmonaliev told Forum 18 that he was not aware that the OSCE review of the draft had arrived. He said he was familiar with the OSCE / Venice Commission Guidelines for Review of Legislation Pertaining to Religion or Belief (see <http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD%282004%29028-e>). He declined to say what the government would do with the OSCE review of the draft Law.

An official of the parliamentary press office told Forum 18 that the agenda for October is due to be drawn up by deputies at a session on 4 October. "There are many inadequacies in the current law," the official – who would not give his name – told Forum 18 on 30 September. "Religious organisations function freely without any control. This law will bring control."

The draft Law – prepared by three deputies, Zainidin Kurmanov, Turdukan Jurmabekova and Ibrahim Junusov – was presented to Parliament's Committee on Constitutional Law, State Structure, Legality and Human Rights earlier this year. The Committee approved the draft on 10 June. Kurmanov was quoted in the local media at the time as saying tighter control over registration of religious communities, foreign missionaries and religious education had to be introduced. The draft also banned the import or distribution of religious literature, audio and video materials which had not been censored.

In late September, a closed meeting of the Ak Jol party discussed the draft Law ahead of its presentation to Parliament. Kurmanov was again quoted in the local media as declaring that registration requirements had to be tightened.

Moves have long been underway to pass a more restrictive Religion Law. The Presidential Administration rejected a repressive Decree in February that would have restricted freedom of thought, conscience and belief. However, this did little to reduce concern among many of Kyrgyzstan's religious communities over plans for legal changes to restrict religious activity (see F18News 4 March 2008 http://www.forum18.org/Archive.php?article_id=1096).

In his written explanation of the "need" for a new Law – placed on the parliamentary website kenesh.kg before the draft went to the parliamentary committee in June – Osmonaliev of the State Agency expressed concern about what he described as the "abnormality" of a rising number of people changing faith, especially young ethnic Kyrgyz joining Christian churches. He complained of "illegal" activity by "various destructive, totalitarian groups and reactionary sects", among whom he included the Hare Krishna and the Church of Jesus Christ of Latter-day Saints (LDS Church, commonly known as the Mormons) communities. He also complained of "uncontrolled" building and opening of mosques, churches and other places of worship.

The text of the draft Law as presented to the parliamentary committee in June – the most recent text Forum 18 has seen – banned all unregistered religious activity, specified that leaders of unregistered religious activity should be punished, required 200 adult citizens to register a religious organisation, banned religious communities from seeking converts, designated religious communities subject to a foreign leadership (like the Russian Orthodox and Catholic Churches) as foreign missions which require registration but have no legal status, and limited the places where religious literature could be distributed.

Broadly supporting plans to tighten the Law is Fr Igor Dronov of the Russian Orthodox Church, who said he had seen the draft text several months ago. "The main thrust of the Law is positive," he told Forum 18 from Bishkek on 30 September. "The earlier Law was too liberal and led to the spiritual destruction of the country. Thank God the state is starting to act." He said his Church had presented its recommendations on the draft Law to the State Agency several months ago.

Asked how he believed the current Law is inadequate, Fr Dronov responded: "Destructive sects showing destructive tendencies are at work in Kyrgyzstan and the new Law will help to limit their activity." Asked which "destructive sects" he had in mind he named the Jehovah's Witnesses and the Protestant Church of Jesus Christ.

A senior member of the Muslim Board, who asked not to be named, told Forum 18 from Bishkek on 30 September that he had read earlier drafts of the Law. "There must be a new Law," he declared. "We are living now in a civilised state. Conditions were not stable when the Law was originally drawn up in 1991." However, he declined to comment on reports that registration will be made more difficult and that controls on religious education and sharing one's faith will be tightened.

More concerned are members of other religious communities. "The new Law is aimed at pressuring Protestant churches," one Bishkek-based Protestant told Forum 18. However, no members of other religious communities were prepared to voice their criticisms of the planned new Law on the record. "Please don't quote any local believers – just quote what officials are saying," a member of a religious minority told Forum 18. "The situation is very delicate and we don't want to make things worse."

Concerns among religious communities have been heightened by a parliamentary commission to investigate religious communities, set up in May under the chairmanship of Tagaev of the Ak Jol party. The 15-member commission - which included parliamentary deputies, representatives of ministries and Osmonaliev of the State Agency – began its visits to individual communities in early autumn, Tagaev's aide Mamashov told Forum 18.

Osmonaliev told Forum 18 that smaller groups from the commission visited about 80 percent of the country's religious communities. He said the aim was merely to gain a full picture of the religious situation.

"Visits typically lasted about 15 minutes, though sometimes longer," one Protestant, who preferred not to be identified, told Forum 18 on 30 September. "They had two main questions: how many ethnic Kyrgyz we have and what activities do we have with children. These are the things that most bothered them." Other communities echoed these experiences, though one said the commission had telephoned to arrange a visit but had failed to arrive.

Tagaev's aide Mamashov denied that there was anything sinister about the visits. Asked about the questions on ethnicity and religious education, he told Forum 18: "Commission members are empowered to ask any questions they like. People also have the right not to answer them."

Osmonaliev denied that any questions were put about the ethnic affiliation of members of religious communities. "This is false – we would not do this," he claimed. "We don't pay attention to this." He confirmed that questions about educational work were asked but insisted the questions were directed at checking that such institutions abide by the law, such as over fire regulations.

Osmonaliev said the main question was about whether a community was legally registered, insisting that under current law religious

communities must register before they can function. "We found some that were unregistered, so we asked them to register," he told Forum 18, but refused to identify which faith they were from.

Asked about the Council of Churches Baptists, who refuse on principle to register any of their several dozen congregations in Kyrgyzstan, he claimed that such groups could be persuaded to register. Told that they point to international human rights obligations that guarantee their right to worship freely without registration, Osmonaliev insisted that registration has to remain compulsory. "We have read the OSCE provisions and we will abide by them, but this is our national law."

Osmonaliev defended the rights of parliamentary deputies to visit and question religious communities. "This is their prerogative."

In the wake of the commission visits, Tagaev told the local press in September that the religious situation in the country is "dangerous". He warned that far from becoming weaker, "various religious tendencies" (which he did not name) are getting stronger.

Cautiously hopeful is Natalya Ablova of the Bishkek-based Bureau on Human Rights and Rule of Law. "Conditions for religious communities here in Kyrgyzstan are comparatively good – at least compared with other Central Asian states," she told Forum 18 on 30 September. "It is not Turkmenistan or Uzbekistan."

Ablova said that threats of a restrictive new Religion Law have repeatedly emerged in recent years. "Deputies have again and again prepared draft Laws seriously narrowing the field of religious activity. But there have always been groups in society able to stop the worst thing happening."

This year has seen growing problems over burial of deceased non-Muslims in Kyrgyzstan, especially in rural areas. After the death of a 14-year-old boy in Naryn Region in May, the head of the local administration, the police and a village mob prevented his burial in the village cemetery (see F18News 10 July 2008 http://www.forum18.org/Archive.php?article_id=1156).

In June the rector of Bishkek's Protestant United Theological Seminary, a New Zealander, was expelled from Kyrgyzstan for refusing to bow to demands from the National Security Service (NSS) secret police to show them confidential files on individual students. The NSS also complained that use of the buildings by two local Protestant congregations was "illegal" (see F18News 20 June 2008 http://www.forum18.org/Archive.php?article_id=1145). (END)

For background information see Forum 18's Kyrgyzstan religious freedom survey at http://www.forum18.org/Archive.php?article_id=222.

More 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>.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806, and of religious intolerance in Central Asia is at http://www.forum18.org/Archive.php?article_id=815.

A printer-friendly map of Kyrgyzstan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=kyrgyz>.

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY