

27 May 2009

KYRGYZSTAN: Will restrictive provisions of new Religion Law be removed?

By Mushfig Bayram, Forum 18

Officials have claimed to Forum 18 News Service that they have formed a Commission of government and religious representatives to resolve three controversial provisions of the restrictive new Religion Law signed by President Kurmanbek Bakiev in January 2009. Kanatbek Murzakhhalilov of the State Agency for Religious Affairs identified the three provisions as restrictions on sharing faith and distributing religious literature, and the high threshold of members required before religious communities can register and thus function legally. However, he refused to give a timetable for any decisions or to say if these restrictive provisions will be removed. He said only afterwards would regulations enacting the Law be prepared. Kyrgyzstan's Lutherans, Seventh-day Adventists, Baptists, Pentecostals and other Protestants are expected to lodge a joint challenge to the new Law in Kyrgyzstan's Constitutional Court on 4 June. Aleksandr Shumilin, Chair of Kyrgyzstan's Baptist Union, told Forum 18 this is because the Law is "very anti-democratic".

Although Kyrgyzstan's restrictive new Religion Law came into force in mid-January, the authorities claim to be still working to reconcile controversial provisions of it, Forum 18 News Service has found. Shailibek Orkunbaev, Secretary of the State Agency for Religious Affairs in the capital Bishkek, told Forum 18 on 20 May that Justice Ministry experts are working on the regulations to enact the Law. However, Kanatbek Murzakhhalilov, Deputy Head of the State Agency told Forum 18 on 21 May that a high-level Commission has been set up to resolve three major controversial issues in the new Law first, before the regulations are prepared. He would not say if the Commission would remove restrictions on sharing faith and distributing religious literature, or reduce the high threshold of members required before religious communities can register and thus function legally.

Religious communities have complained to Forum 18 that the New Law is highly restrictive and has already substantially limited their religious freedoms. In defiance of Kyrgyzstan's international human rights commitments, the new Law outlaws all unregistered religious activity, imposes severe restrictions on the sharing of faith, restricts the distribution of religious literature and bans the involvement of children in religious activity even with their parents' permission.

Aleksandr Shumilin, Chair of Kyrgyzstan's Baptist Union, told Forum 18 from Bishkek on 27 May that "all Protestant Churches" have met this week and drawn up a complaint to the Constitutional Court to repeal the New Law as it is "very anti-democratic". He said that they intend to file the complaint – which the Lutherans, Seventh-day Adventists, Baptists, Pentecostals and other Protestants are expected to sign - on 4 June.

Despite widespread protests by religious communities and human rights defenders, the controversial Law was adopted by the Kyrgyz Parliament on 6 November 2008 and signed by President Kurmanbek Bakiev on 31 December (see F18News 13 January 2009 http://www.forum18.org/Archive.php?article_id=1240). It entered into force on its official publication on 16 January in the official newspaper "Erkin Too" (Free Mountains).

Despite the fact that Regulations to implement the new Law are not yet in place, Forum 18 has learned that many Protestant churches across the country have faced check-ups since late February, while in two regions the Prosecutor's Office and a Justice Department sent written warnings to religious communities to bring order to their activity in light of the new Law and bring their founding documents into line with it. Police have raided the homes of Jehovah's Witnesses to confiscate religious literature, and warned them not to be involved in missionary activity. Also a foreign missionary was stripped of a residence permit and forced to leave Kyrgyzstan in early May (see F18News 28 May 2009 http://www.forum18.org/Archive.php?article_id=1302).

The Commission working on the Law's controversial points

The three major controversial issues the Commission is working on are the ban on proselytism, the ban on distribution of religious literature in public places and the requirement to have 200 founding members to register a religious organisation, Murzakhhalilov of the State Agency for Religious Affairs told Forum 18. He did not know when the Commission would complete its work but said that once it draws up "a consensus of opinion on those issues," either the Justice Ministry or the Cabinet of Ministers will sign the regulations enacting the new Law. He did not say if these controversial provisions would be removed.

Murzakhilov claimed that the Commission includes experts from the Cabinet of Ministers, Justice Ministry and State Agency for Religious Affairs, as well as representatives of major religious confessions, including the Spiritual Board of Muslims, Russian Orthodox Church, Jewish community and the Baptist Union.

Fr Igor Dronov, the Diocesan Secretary of the Russian Orthodox Church in Kyrgyzstan, and Shumilin of the Baptist Union denied the claim to Forum 18, saying that they have not been invited to work with such a Commission. "Maybe they will still invite us to the work of the Commission, but we have not yet participated in it," Fr Dronov told Forum 18 from Bishkek on 22 May. However, Haji Lugmar Guahunov, Deputy Head of Kyrgyzstan's Muslim Board, confirmed to Forum 18 on 26 May his participation in the work of the Commission.

Asked whether the Muslim Board approves of the new Law, Haji Guahunov told Forum 18: "It is too late to ask such a question since the Law has already passed." He said he did not know when the Commission will complete its work. He would not say who else is participating in the work of the Commission. "Please, ask the state officials about this."

The ban on sharing faith

Article 5.4 of the New Law bans "persistent actions aimed at converting followers of one faith to another (proselytism)". Proselytism is defined in Article 3 as "striving to convert to one's religion followers of other faiths."

Shumilin said officials of the Prosecutor's Office, Police, National Security Service (NSS) secret police and local Executive Authorities as well as from the State Agency for Religious Affairs have checked on many Protestant churches in the wake of the new Law. Officials "gave a lecture" each time that they should not be involved in sharing their faith. "The officials warned that they will strip the registration of the organisations if they find instances of proselytism," he pointed out.

Asked what should be understood by the phrases "persistent actions" meant, Orkunbaev said, "it could be, e.g., be when religious organisations use financial means or charity work to encourage others to join their ranks." He said charity was not banned but using charity for propagation purposes was.

Brother Damian Wojciechowski of the Catholic parish of Blessed Mother Teresa in Jalal-Abad in southern Kyrgyzstan told Forum 18 on 22 May he is not sure how the new Law will work, but the ban on sharing of faith could substantially limit the spread of religion. "My personal opinion is that it may effectively stop our charity work," he pointed out.

"I guess, we will have to be low-key and only tell our close friends and relatives about our faith," Aida Ibraeva of Bishkek's Baha'i community said when asked whether the ban on sharing of faith worried them.

Asked what would happen if an individual from one faith who received charity decided to accept the charity-giver's faith, Orkunbaev told Forum 18: "All that will be made clear in the regulations to come. The Justice Ministry is at the moment working on the regulations." He added that the "courts would ultimately decide" whether or not an individual had been forced to convert to a religion.

The ban on literature distribution

Article 22.6 of the new Law bans distribution of religious literature and audio-video materials in public places, including on the street, house-to-house, and in children's institutions, schools and higher education institutions. The first part of the article allows such distribution only within the confines of a religious organisation's legally owned property or in places allocated by local administrations for this purpose.

Vladimir Gavrillovsky, Chairman of Bishkek's Jehovah's Witness community, told Forum 18 on 21 May that the new law "significantly limits them" in sharing their faith with others. Jehovah's Witnesses are known for their methods of propagating their religion by passing out leaflets on the streets and going from house to house.

Jehovah's Witnesses have already been affected by the new Law's ban on distribution of literature. Police in the town of Maili-Suu in south-western Kyrgyzstan raided three homes of their members on 19 April and confiscated all their religious literature, Mikhail Kokhanovsky, a Bishkek-based Jehovah's Witnesses lawyer, told Forum 18 (see F18News 28 May 2009 http://www.forum18.org/Archive.php?article_id=1302).

Asked by Forum 18 whether the ban on distribution did not constitute a limitation of religious freedom, Murzakhilov of the State Agency for Religious Affairs responded: "Would you like it when someone forces their books or religious literature on you? Religion is so sacred, that it should not be spread like that. It represents intimate, inner feelings and beliefs." Murzakhilov said he was not against spreading of religious beliefs, but they "should be spread within the confines of religious communities". He did not agree that by doing so the Law dictates to religious communities how they can and cannot spread their beliefs.

The Law's requirement for 200 founding members to register organisations

Article 8.3 of the new Law declares that establishment of a religious organisation shall be initiated by no fewer than 200 adult citizens of Kyrgyzstan permanently residing in the country.

Brother Wojciechowski of the Catholic parish in Jalal-Abad is concerned about the high number of founders required to register new communities. "This will make it difficult to register our new communities," he said.

Gavrilovsky of the Jehovah's Witnesses complained that it will now be impossible to gather 200 signatures to register their congregations in Naryn, Jalal-Abad and Osh regions.

Synarkul Muraliyeva (Chandra Mukkhi) of Bishkek's unregistered Hare Krishna community said the number of their devotees at the moment barely reaches 70. "I guess this means that we have no rights to exist as a community until we reach 200 members," she complained to Forum 18.

Asked whether the requirement of 200 founding members did not constitute a limitation of religious freedom, Orkunbaev told Forum 18: "They will have to comply with what the law requires. The law was adopted by the Parliament of Kyrgyzstan, whose deputies know much more about the Law than do you and I."

The Law asks for personal details of founding members

Article 4.2 and Article 10.2 of the Law contradict each other, as the former bans indicating on official documents a citizen's attitude to religion while the latter requires founding members of a religious organisation to supply personal data. Under Article 10.2, founding members must present a notarised list of their names also confirmed by local keneshes (self-governments), which will include their names, date of birth, place of residence, citizenship and other passport details.

No church wants to reveal personal data of 200 members, who must sign under the charter to receive State registration, Protestants have told Forum 18. "Many churches are discussing whether to give full details of all their members – we remember the Soviet times and the problems for people that resulted," one Protestant pastor told Forum 18.

Fr Dronov said it should be no problem to gather 200 people to register new Russian Orthodox churches, but he feared that "the personal information of people can be stolen from official files and misused in the future."

Aleksandr Kim, pastor of Bishkek's Word of Life Protestant Church, said requiring people to sign and give their information "contradicts the Constitution and even an article of the new law. I understand if people won't sign."

Orkunbaev of the State Agency for Religious Affairs dismissed religious communities' fears over having to give the names and personal data of their 200 founding members in order to gain registration. "What is so secret about those personal details?" he asked.

Other concerns about the Law

Beyond the three major issues of concern in the Law, religious communities have also complained to Forum 18 of other restrictive provisions:

Article 8.2 bans the activity of religious organisations which are not registered with the State Agency for Religious Affairs

Article 4.5 bans the involvement of children in religious organisations. Both Shumilin of the Baptist Union and the Catholic Brother Wojciechowski warn that this will put unnecessary obstacles to parents teaching their faith to their children.

Article 11.7 declares that missions or representations of foreign religious organisations shall be issued a certificate of registration valid for no more than one year. When this expires they must re-register with the State Agency for Religious Affairs.

Article 12.3 allows foreign missionaries to function in Kyrgyzstan for no more than three years. Brother Wojciechowski said the new Law substantially limits the duration of stay in the country of foreign missionaries. Most Catholic priests in Kyrgyzstan are foreign citizens.

Article 26.4 obliges religious organisations to present information to the State Statistics and Tax Agencies, State Agency for Religious Affairs and Prosecution bodies, on their activity, leading personnel as well as documents on expenditure of cash funds and usage of other property, including that received from international organisations and foreign citizens.

Article 26.7 declares that any religious organisation not regularly submitting the specified information within the required time constitutes the basis for an appeal by the Prosecution bodies to the State Agency for Religious Affairs for the organisation to be liquidated. (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