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KYRGYZSTAN: New Law to introduce sweeping controls on religious education?

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The draft text of a proposed new Law on Religious Education and Educational Institutions seen by Forum 18 News Service would impose sweeping controls on who can open religious educational institutions, would ban all but approved and licensed institutions and ban individuals from seeking religious education abroad without state approval. Yet Kanybek Osmonaliev, Head of the State Agency for Religious Affairs, and his deputy, Kanatbek Murzakhilov, adamantly denied that if adopted it would restrict religious education. "The Law will not be restrictive but promote orderliness in the sphere of religious education," Osmonaliev told Forum 18. Two Muslim leaders declined to comment on the draft, or on Osmonaliev's claims that there are "too many" Islamic schools in Kyrgyzstan and the number needs to be reduced. Baptists, Lutherans, Ahmadiyya Muslims and Baha'is expressed concerns over the draft Law's provisions.

Kyrgyzstan's State Agency for Religious Affairs (SARA) is developing a new Law on Religious Education and Educational Institutions which, if adopted in its current form, would impose further restrictions on the activities of religious organisations and educational institutions, Forum 18 News Service has learned. The draft seen by Forum 18 would impose sweeping controls on who can open religious educational institutions, would ban all but approved and licensed institutions and ban individuals from seeking religious education abroad without state approval.

Despite this, Kanybek Osmonaliev, Head of the State Agency, and his deputy, Kanatbek Murzakhilov, adamantly denied to Forum 18 that the Law would further restrict religious organisations. "The Law will not be restrictive but promote orderliness in the sphere of religious education," Osmonaliev told Forum 18 from the capital Bishkek on 1 September.

Osmonaliev said that the SARA has presented the draft Law to religious organisations for comments, as well as to the Bishkek office of the Organisation for Security and Co-operation in Europe (OSCE). The OSCE confirmed to Forum 18 that it had received the draft Law and is working on an Opinion to be submitted to the government.

Asked when the proposed law will go to Parliament, Osmonaliev responded: "The law is being discussed in the public and religious organisations. After the discussions are over we will take comments from all the interested parties, and introduce the law with the comments to the Parliament." He would not give any deadlines.

Murzakhilov told Forum 18 on 3 September that the licensing of religious educational institutions until now has been done on the basis of a provisional statute ratified by Presidential decree No. 319 signed on 14 November 1996.

Kyrgyzstan has been steadily tightening controls on religious activity in recent years. A new, highly restrictive Religion Law came into force in January 2009. Since then, officials of the Prosecutor's Office, Police, National Security Service secret police, local Executive Authorities and the SARA have checked up on many religious communities. Unregistered religious communities of Protestant Christians, Hare Krishna devotees and Ahmadiyya Muslims in many parts of Kyrgyzstan have been told to halt worship. New difficulties are emerging for religious communities seeking registration (see F18News 21 August 2009 http://www.forum18.org/Archive.php?article_id=1338).

Why is a Religious Education Law needed?

Explaining what he sees as the need for such a Religious Education Law, Osmonaliev complained that "too many Islamic religious educational institutions with no licence exist" in the country and their number needs to be reduced, the AKIpress news agency reported on 20 August. Osmonaliev pointed to Uzbekistan, "where there are only eight medreses (Islamic secondary religious schools)", and said that the existing sixty or so medreses in Kyrgyzstan is "too many".

Osmonaliev also pointed to what he said was the need to adapt the curriculum of Islamic higher education institutions "by strictly observing the ratio between the theological and secular subjects". He insisted such examples exist in Kazakhstan, Russia and Western countries – "the whole world has experienced it," AKIpress quoted him as saying.

Asked why such a law was needed, Osmonaliev told Forum 18 to read the text of the draft law, and "everything would become clear". Asked why he says the number of medreses in Kyrgyzstan should be reduced, he told Forum 18 that "indeed the number of the medreses is too many", but refused to explain why he believes this. Asked whether it will be obligatory for religious education institutions which have been licensed to renew their licences, he was categorical. "As far as I know, no religious education institution in Kyrgyzstan has a licence."

However, the interdenominational Protestant United Bible Seminary and Protestant Silk Road Bible Institute were quick to respond to the claim, each telling Forum 18 on 3 September that they have been registered by the SARA and licensed by the Education Ministry.

Murzakhalilov said that when the new Law is adopted, licensed religious educational institutions will have to renew their licences "in cases where parts of their existing charters do not correspond to the requirements of the new Law".

Proposed new restrictions in draft Law

The draft Law presented by the SARA to some religious organisations, a copy of which Forum 18 has seen, declares in the preamble in Article 1 that the Law is aimed at "the preservation of the religious and spiritual culture of the people of the Kyrgyzstan Republic". It is unclear what this means: whether or not the doctrines and teachings of faiths such as State-controlled Islam and the Russian Orthodox Church would be protected and whether others would be closely scrutinised and restricted.

Article 11 would oblige all religious education institutions to register with the SARA and be licensed and accredited by the Education Ministry. Article 6.5 would entitle the "authorised appropriate state bodies in the spheres of education and religion to carry out oversight of compliance with the Law on Religious Education and Educational Institutions."

Asked what will be the procedure for the authorised state bodies to check up on the activity of the educational institutions, Murzakhalilov told Forum 18: "This will depend on the regulations to come after this Law is adopted. It may be once a year or once a semester for instance, or if any violations are reported to us."

Article 7 would require religious educational programmes also to include general secular subjects. The Article would entitle the authorised state bodies for education and religion to check up on religious education institutions' activity, order the elimination of exposed "violations", and order institutions to suspend their activity if they do not teach exactly what was in their educational programmes and conditions of education established while registering.

Told of the discontent of the religious organisations over the enforced inclusion of secular subjects into their educational programmes, Murzakhalilov responded: "The Education Ministry's recommendation is that thirty percent of the subjects taught should be secular. We will consider the comments from religious organisations as the draft Law develops."

Article 8 would allow registered religious organisations to be founders of a religious educational institution, subject to compliance with state educational programmes and having appropriate approval to open and maintain an educational institution. In the draft seen by Forum 18, this Article also says that foreign citizens may not be founders of a religious educational institution, though Murzakhalilov claimed that this clause has been removed. The draft Law does not, however, specify who else might be founders.

Article 10 declares that religious education may only be in the form of full-time tuition, no other forms are provided for: "Religious education at home as well as organisation of religious training courses outside facilities for religious purpose is not allowed." Asked whether this means that individuals or religious communities will be punished for religious education classes – whether formal or informal, large or small – at places of worship or in private homes, Murzakhalilov responded: "It must be done in an official way." He declined to say what would happen to those who conduct such education without state approval.

The Silk Road Bible Institute and others told Forum 18 that this could create problems for students who have to travel all the way to the capital Bishkek for studies. Murzakhalilov dismissed such concerns. "What kind of religious education can one receive from distance?" he told Forum 18. "It would not be real. You have to participate in person to understand religious teachings."

Article 10 also tries to determine the number of students in the secondary and higher religious education institutions. This number "is defined according to Kyrgyzstan's Law on Education and the Law on Licensing".

Aleksandr Shumilin of Kyrgyzstan's Baptist Union complained that by putting a threshold on the number of students the authorities are trying to "limit us so we could not raise" future leaders for churches. "What if we have only ten students, does that mean now that we cannot operate a Bible institute, which could raise and license preachers and pastors?" he told Forum 18 on 3 September from Bishkek.

Murzakhalilov said he is "not sure" whether the Education Law sets a minimum required number for students.

Article 12.5 would require adult Kyrgyz citizens leaving the country to receive religious education abroad to obtain agreement from the authorised state bodies for religious affairs and education. Underage citizens would not be allowed to study religion abroad.

Article 12.6 would require those teaching religious subjects to have higher or secondary religious education. This could be a problem for many religious educational institutions as they do not have many teachers with such qualifications, several institutions and communities told Forum 18.

Murzakhalilov also touched on educational institutions such as courses teaching the Koran or the Bible. "Those will not need licensing from the Education Ministry but a notification to SARA would do," he told Forum 18, but did not explain how this would not conflict with the ban on such activity that would be imposed under Article 10 or with his earlier comments that all religious education would need a licence.

Murzakhalilov declined to further comment further on the draft Law, insisting it is "too early" to discuss specific provisions since it is still being shaped.

Will medreses be closed down?

Despite his assertion that there are "too many medreses", Osmonaliev, the head of SARA, refused to say whether the authorities will close down any of them - or any other religious education institutions. "I do not have time for a discussion over the phone, and I am having a meeting," he told Forum 18.

"We will not close down any medreses but we just want to bring some order to them," Murzakhalilov told Forum 18. "Most of the existing medreses do not correspond to the standards of architecture, sanitary-epidemiological rules. Some of them do not even have chairs, and the students sit on the floor during classes. Some of them can evolve into real educational institutions, and some can become simple courses of the Koran."

Lugmar Aji Guahunov, Deputy Head of Kyrgyzstan's state-sponsored Muslim Board, said he has not heard of any official intentions to close down medreses. "I have not heard such official statements," he responded to Forum 18 on 3 September when told of Osmonaliev's opinion on the number of medreses. "Of course if they [SARA] give us any instruction on medreses we will make the necessary changes but I don't think the authorities will close down any medrese."

Religious communities' concerns over state interference in religious education

Asked his opinion of the draft Law, Lugmar Aji of the Muslim Board said he could not comment at the moment since it is "still being developed". Ravshanbek Akymbayulu, Vice Rector of Kyrgyzstan's Islamic University in Bishkek, told Forum 18 on 2 September that he had not seen the draft Law, and the Islamic University has "not had any discussion of it yet".

However, Shumilin of the Baptist Union complained of State interference in what is considered by them as an "internal matter" of religious communities. "How can the state bodies license us and examine our curriculum if they do not even have any experts on Christianity?" he asked Forum 18. The government wants to make religious education an "alternative to the secular" one by including secular subjects in the curriculums, he said. "Our students already have secular secondary or higher education, and they do not need to take secular subjects once again," Shumilin insisted.

Alexandr Shants of Kyrgyzstan's Lutheran Church pointed out that this proposed Law, combined with the new Religion Law, would create problems for raising new, especially Kyrgyz-speaking leaders for Protestant Churches in the country. "Lutheran Churches lack leaders as many Russian-speaking leaders are emigrating from Kyrgyzstan," he told Forum 18. "We are trying to fill this void by teaching local Kyrgyz leaders, but with these laws the authorities are trying seriously to restrict us from doing so."

Kyrgyzstan's Ahmadiyya Muslim Community said that they do not have formal education programmes for their believers in Kyrgyzstan but "send local believers to study abroad if need be." Receiving official approval for this could be "difficult" if the draft Law was adopted in its current version, an Ahmadiyya Muslim told Forum 18 on 2 September.

Aida Ibrayeva of Kyrgyzstan's only Baha'i community, said that their "only" concern with the proposed Law would be if the authorities interpreted teaching or explaining the Baha'i faith to members of their community as giving religious education. "We do not have a religious education institution, do not give our believers an official or formal education, do not give out certificates of education, and neither are we planning to do so," she told Forum 18 on 3 September from Bishkek.

Akymbayulu of the Islamic University said they that they are working on getting an official license for the university at the moment. "Four years ago we were told by the Ministry that we could function without a licence," he told Forum 18. "Now, we have to obtain one." He declined to comment on whether or not it was difficult to obtain the licence.

Is the draft law being discussed?

No public discussions of the law or round tables have yet taken place, Murzakhililov said, but insisted this would start soon. "It could be very soon if some international donors helped us with the arrangements," he told Forum 18.

Many Protestant church leaders are "even afraid" to give comments to SARA about the Law "especially" after what happened when the new Religion Law was adopted, Shumilin said. He said SARA took these comments but did not use them. "It seems to us that SARA collects our comments to find out our vulnerable points."

Both Shumilin and Shants lamented that despite promises earlier this year from SARA, representatives of neither the Baptist Union nor the Lutheran Church were invited to participate in a working group for the new Law. Ibrayeva of the Baha'is told Forum 18 she hopes that her community will also be invited when official round tables and discussions of the Law take place. (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>.

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