

KYRGYZ REPUBLIC 2017 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution guarantees freedom of conscience and religion and bans religious groups from undertaking actions inciting religious hatred. It establishes the separation of religion and state and prohibits pursuit of political goals by religious groups. The law requires all religious groups to register with the government and prohibits activity by unregistered religious groups. Authorities maintained bans on 21 “religiously oriented” groups they considered “extremist” and, similar to the past year, arrested hundreds of individuals they accused of participating in “extremist” incidents. Authorities pursued a criminal case against one of the police officers accused of attacking participants in a 2015 Jehovah’s Witnesses gathering. A parliamentary committee approved draft amendments to the 2009 religion law that would impose additional restrictions on religious freedom, such as an expansive ban on proselytizing and an increased number of members required to register as a religious organization. The Jehovah’s Witnesses and the Ahmadiyya Muslim Community continued to face difficulties in registering as official religious groups, and there were cases of government interference with Jehovah’s Witnesses meetings. Some unregistered minority religious groups said they were able to hold religious services without government interference. A Bishkek city court overturned the four-year prison term of a journalist convicted of “inciting interreligious strife” for authoring a book that examined the pre-Islamic traditions of the Kyrgyz people, and instead released him with a two-year suspended sentence. The State Commission on Religious Affairs (SCRA) announced a policy to divide public cemeteries by religion. This came in response to reports that non-Muslim religious minorities continued to face difficulties arranging for burial of their dead in public cemeteries, including one case in 2016 in which villagers and imams twice exhumed the body of a deceased Protestant woman without any intervention by local authorities. Although a district court convicted four of the suspects involved in the exhumations and gave them suspended sentences, authorities failed to prosecute others.

The Kara-Su District Court sentenced 10 individuals convicted of the 2015 murder and attempted murder of Ahmadi Muslims in Osh Oblast. A Bishkek court sentenced a second suspect in the attempted killing of the director of a religious center in 2015 to 18 years’ imprisonment. Unknown individuals vandalized a Christian church in Tokmak. The government granted the Islamic University a

state license, making it the first Islamic educational institute in the country to receive licensing.

The U.S. Ambassador and other embassy officers met with government officials to discuss approaches to countering violent extremism, restrictions on minority religious groups, and proposed revisions to the religion law. The embassy regularly met with religious leaders, including the deputy to the grand mufti, and with representatives of nongovernmental organizations (NGOs) to discuss tolerance and respect for religious groups. Embassy outreach programs, especially for local youth, emphasized religious tolerance and dialogue.

Section I. Religious Demography

The U.S. government estimates the total population at 5.8 million (July 2017 estimate). According to government estimates, approximately 90 percent of the population is Muslim, the vast majority of whom are Sunni. The government estimates Shia make up less than 1 percent of the Muslim population. According to an international organization, there is also a small Ahmadiyya Muslim Community not reflected in government figures and estimated at 1,000 individuals. According to government estimates, approximately 7 percent of the population is Christian, including an estimated 3 percent Russian Orthodox. Jews, Buddhists, Bahais, and unaffiliated groups together constitute approximately 3 percent of the population.

According to the National Statistics Committee, ethnic Kyrgyz make up approximately 73 percent of the population, while ethnic Uzbeks make up an estimated 15 percent. Ethnic Uzbeks are most numerous in the south, constituting approximately half the population of the southern city of Osh, for example. Both ethnic Kyrgyz and ethnic Uzbeks are primarily Muslim, making Islam the main religion in both urban and rural areas. Ethnic Russians are primarily adherents of the Russian Orthodox Church or one of several Protestant denominations. Members of the Russian Orthodox Church and other non-Muslim religious groups live mainly in major cities.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution guarantees freedom of conscience and religion, the right to practice or not practice a religion, individually or jointly with other persons, and

the right to refuse to express one's religious views. It bans actions inciting religious hatred.

The constitution establishes the separation of religion and state. It prohibits the establishment of religiously based political parties and the pursuit of political goals by religious groups. The constitution prohibits the establishment of any religion as a state or mandatory religion.

The law states all religions and religious groups are equal. It prohibits "insistent attempts to convert followers of one religion to another (proselytism)" and "illegal missionary activity," defined as missionary activity of groups not registered with the SCRA. The law also prohibits the involvement of minors in organized, proselytizing religious groups, unless a parent grants written consent.

The law requires all religious groups, and religiously affiliated schools, to register with the SCRA, which is responsible for overseeing the implementation of the law's provisions on religion. The law prohibits activity by unregistered religious groups. Groups applying for registration must submit an application form, organizational charter, minutes of the organizing meeting, and a list of founding members. Each congregation of a religious group must register separately and must have at least 200 resident founding citizens. Foreign religious organizations are required to renew their registrations with the SCRA annually.

The SCRA is legally authorized to deny the registration of a religious group if it 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. The SCRA may also deny or postpone the certification of a particular religious group if it deems the proposed activities of the group are not religious in character. Denied applicants may reapply at any time or may appeal to the courts. The law prohibits unregistered religious groups from actions such as renting space and holding religious services. Violations may result in an administrative fine of 500 soms (\$7).

After the SCRA has approved a group's registration as a religious entity, the group must register with the Ministry of Justice (MOJ) to obtain status as a legal entity so it may own property, open bank accounts, and otherwise engage in contractual activities. The organization must submit an application to the MOJ that includes a group charter with an administrative structure and a list of board and founding members. If a religious group engages in a commercial activity, it is required to

pay taxes. By law, religious groups are designated as nonprofit organizations exempt from taxes on their religious activities.

The law gives the SCRA authority to ban a religious group as long as the SCRA delivers written notice to the group stating the group does not comply with the law. The group may appeal the decision in the courts.

The constitution prohibits religious groups from “involvement in organizational activities aimed at inciting ethnic, racial, or religious hatred.” A conviction for inciting ethnic, racial, or religious hatred may lead to a prison term of three to eight years, while a conviction for creating an organization aimed at inciting ethnic, racial, or religious hatred may lead to a term of five to 10 years. Conviction for murder committed on the grounds of religious hatred is punishable by life imprisonment.

The law mandates separate prison facilities for prisoners convicted of terrorism and extremism, and it strips the citizenship of any Kyrgyz national convicted of those offenses. The law defines “extremist activity” as including the violent overthrow of the constitutional order; undermining the security of the country; violence or inciting violence on racial, national, or religious grounds; propagating the symbols or paraphernalia of an extremist organization; carrying out mass riots or vandalism based on ideological, political, racial, national, or religious hatred or enmity; and hate speech or hostility toward any social group.

According to the law, only individuals representing registered religious organizations may conduct missionary activity. If a foreign missionary represents an organization approved by the SCRA, the individual foreign missionary must apply for a visa with the Ministry of Foreign Affairs. Visas are valid for up to one year, and a missionary is allowed to work three consecutive years in the country. All religious foreign entities, including missionaries, must operate within these restrictions and must reregister annually. Representatives of religious groups acting inconsistently with the law may be fined or deported. Violations of the law may result in fines in the amount of 1,000 soms (\$14), and deportation in the case of foreign missionaries.

The law provides for the right of religious groups to produce, import, export, and distribute religious literature and materials in accordance with established procedures, which could include examination by state experts. The law does not require government examination of religious materials (such as literature and other printed or audio or video materials), and it does not define the criteria for religious

experts. The law prohibits the distribution of religious literature and materials in public locations or in visits to individual households, schools, and other institutions. The law specifies fines based on the nature of the violations.

The law allows public secular schools an option to offer religion courses that discuss the history and character of religions, as long as the subject of such teaching is not religious doctrine and does not promote any particular religion. Private religious schools need to register with SCRA to operate as such.

According to the law, religion is grounds for conscientious objection to and exemption from military service. Conscientious objectors must pay a fee of 18,000 soms (\$260) to opt out of military service. Draft-eligible males must pay the fee before turning 27 years of age. Failure to pay by the age limit requires the person to perform 240 hours of community service or pay a fine of up to 20,000 soms (\$290). Draft-eligible men who evade military service and do not fall under an exemption are subject to a fine or imprisonment of up to two years. There is no option to perform alternative service; community service is imposed only in cases of a conscientious objector failing to pay the 18,000 soms (\$260) fee.

The country is a party to the International Covenant on Civil and Political Rights.

Government Practices

Summary Paragraph: Authorities maintained bans on 21 “religiously oriented” groups they considered “extremist” and arrested hundreds of individuals they accused of participating in “extremist” incidents. Authorities pursued a criminal case against one of the police officers accused of attacking participants at a 2015 Jehovah’s Witnesses gathering. A parliamentary committee approved draft amendments to the 2009 religion law that would impose additional restrictions on religious freedom, such as an expansive ban on proselytizing and an increased number of members required to register as a religious organization. Minority religious groups, such as the Jehovah’s Witnesses and Ahmadiyya Muslim Community, continued to face difficulties in registering, and there were cases of government interference in Jehovah’s Witnesses meetings. Some unregistered groups said they continued to be able to hold religious services without government interference. The SCRA announced a policy to divide public cemeteries by religion. This came in response to reports that non-Muslim religious minorities continued to face difficulties arranging for burial of their dead in public cemeteries, including one case in 2016 in which villagers and imams twice exhumed the body of a deceased Protestant woman without any intervention by

local authorities. In September a Bishkek city court overturned the four-year prison term of journalist Zulpukar Sapanov and instead released him with a two-year suspended sentence. Several weeks earlier Sapanov had been convicted on charges of inciting interreligious conflict for authoring a book that examined the pre-Islamic beliefs of the Kyrgyz people. Twice during the year, President Almazbek Atambaev expressed concern about foreign cultures, including from the Middle East, influencing the practice of Islam in the country.

The government continued to maintain bans on 21 “religiously oriented” groups it considered to be “extremist,” including al-Qaida, the Taliban, Islamic Movement of Eastern Turkistan, Kurdish Peoples’ Congress, Organization for the Release of Eastern Turkistan, Hizb ut-Tahrir (HT), Union of Islamic Jihad, Islamic Party of Turkistan, Unification (Mun San Men) Church, Takfir Jihadist, Jaysh al-Mahdi, Jund al-Khilafah, Ansarullah, At-Takfir Val Hidjra, Akromiya, ISIS, Djabhat An Nusra, Katibat al-Imam al-Buhari, Jannat Oshiqdari, and the Jamaat al-Tawhid wal-Jihad. Authorities also continued the ban on all materials or activities connected to A.A. Tihomirov aka Said Buryatsky. On June 15, a Bishkek district court ruled Yakyn Incar, a splinter group of Tablighi Jamaat, to be an extremist organization.

The media reported that on October 20, Authorities arrested the leader of Yakyn Incar for possessing extremist materials. A district court ordered his detention for two months, and a criminal case was pending at year’s end.

Law enforcement authorities stated they had recorded 597 “extremist” incidents for the year. They opened criminal cases in 229 instances. Extremist incidents included membership in a banned “religiously oriented” organization, possession of literature associated with a banned organization, and proselytizing on behalf of or financing a banned organization. In comparison, the authorities recorded 441 extremist incidents in 2016, for which they opened 180 criminal cases. According to September 8 press reports, the vice-chairman of the Kyrgyz State Penitentiary Service stated at a public forum there were more than 185 individuals convicted of extremism and terrorism housed in separate prisons in order to prevent the spread of extremist religious ideology among the prison population. There were no reports of citizens being stripped of citizenship for terrorism or extremism. According to NGOs, in the course of conducting counterterrorism measures against extremists, authorities arrested dozens of citizens for possession of vaguely defined “extremist” materials. In addition, ethnic Uzbeks claimed to have been arrested and imprisoned on extremism-related charges, usually tied to possession of banned literature or support of banned organizations, based on false testimony or planted evidence.

The government did not enforce the provision of the law that prohibits the involvement of minors in organized, proselytizing religious groups.

On June 1, the Prosecutor General's Office requested the Osh regional prosecutor to consider filing criminal charges concerning the 2015 police assault on Jehovah's Witnesses at a gathering in Osh. In July 2016, the Prosecutor General's Office opened a criminal case against one of the police officers accused of participating in the attack, after the Osh city prosecutor declined to initiate criminal proceedings against the officer.

On May 30, the Supreme Court upheld the acquittal of two Jehovah's Witnesses, a mother and daughter, on charges of defrauding local residents while engaged in religious activities. A new trial had been scheduled for April 2016, after the Supreme Court granted an appeal filed by the Osh city prosecutor contesting the acquittal of the defendants, but lawyers for the women successfully argued the three-year statute of limitations had passed. The Osh city prosecutor then appealed the April 2016 ruling. According to the NGO Forum 18, in 2014 the original trial court, in acquitting the two women, stated they had been targeted by the Osh Department of Internal Affairs and Osh City Prosecutor's office solely because of their religion.

On January 22, authorities raided a Jehovah's Witnesses meeting in Kemin. After the meeting officials summoned three elders to court and charged them with administrative violations. On May 19, a court dismissed the case against the elders, but a representative from the SCRA reportedly told local Jehovah's Witnesses that they would monitor all Jehovah's Witnesses meetings in the country. On January 24, in Osh, SCRA officials accompanied by local police entered a Jehovah's Witnesses meeting and charged one of the elders with engaging in religious activity without local registration.

On May 29, the Parliamentary Committee on Social Issues, Education, Science, Culture, and Health approved draft amendments to the 2009 religion law. The amendments, which remain pending in parliament, included an expansive ban on proselytizing (particularly door-to-door proselytism), stricter censorship of religious literature, an increased number of members required to register as a religious organization (from 200 to 500 members), and a requirement to notify the government prior to undertaking religious education abroad. If adopted, the amendments would also grant the SCRA additional oversight and enforcement powers over religious organizations. According to Forum 18, the only religious

community that submitted comments on the bill was the Spiritual Administration of Muslims, known as the “muftiate,” which supported the proposed restrictions; one committee member acknowledged that other religious communities were likely afraid to comment publicly on the bill. In meetings with government officials, Jehovah’s Witnesses noted concerns with the draft amendments to the religion law, stating that elements of the law would have a negative impact on their ability to share their faith with others, register local congregations, and import religious literature.

On January 27, the Jehovah’s Witnesses filed a complaint with the UN Human Rights Committee regarding the SCRA’s refusal to register communities in Osh, Naryn, Jalal-abad and Batken. In February 2016, the Supreme Court rejected an appeal by the Jehovah’s Witnesses to overturn the SCRA’s continuing refusal to register these communities. Representatives of the Jehovah’s Witnesses stated the refusal to register them was in contravention to a 2014 Supreme Court Constitutional Chamber decision declaring unconstitutional the section of the religion law regarding registration requirements. Jehovah’s Witnesses leaders reported authorities continued to deny registration to groups if they did not have 200 resident founding citizens in each region. Church leaders asserted the SCRA’s policy continued to create difficulties for them because without the required minimum number of members, groups could not register, and without registration, they could not meet and recruit members to fulfill the minimum registration requirement. The lawyer representing the Church stated the SCRA had refused the application, “by arguing that although Article 10(2) of the Religion Law had been declared unconstitutional by the Constitutional Chamber, Parliament had not yet amended the Law.”

Although the government continued not to list the Ahmadiyya Muslim Community as a banned organization, a representative of the group confirmed it still had not obtained registration. The community initially registered in 2002, but the SCRA has declined to approve its reregistration since 2012.

Religious groups continued to report the SCRA registration process was cumbersome, taking anywhere from one month to several years to complete. Some unregistered groups continued to report they were able to hold regular religious services without government interference, especially foreign religious organizations that had been registered in the past and had an annual application for reregistration pending. According to Forum 18, Protestant pastors stated there were many new churches in the country that would like to register, but did not have the 200 founders required for registration, or were afraid to give the names of

their members to the police. The SCRA reported it registered one Jehovah's Witnesses, four Catholic, and four Protestant organizations during the year.

According to Forum 18, non-Muslim religious minorities continued to face difficulties arranging for burial of their dead in public cemeteries. On March 13, the SCRA announced a policy to divide the country's cemeteries into separate sectors by religion. On January 12 and February 27, the Ala-Buka district court sentenced four persons involved in the October 2016 exhumations of a Protestant woman from two public cemeteries, while imams, local officials, police officers, and National Security Committee officers reportedly looked on but did not interfere. The defendants received three-year suspended sentences. The authorities reportedly did not charge the imams who had incited the exhumations, the officials who had not prevented the exhumations, or members of the mobs that carried out the exhumations. Regional officials reportedly stated they then buried the woman in a third, undisclosed location.

On September 28-29, President Atambaev hosted an international conference on "Islam in a Modern Secular State." At the conference, international religious experts and academics discussed ways of countering religious radicalization to violence and effective government practices in the religious sphere. At the end of the event, participants adopted the "Bishkek Declaration," which expressed a desire to "find a balance between observance of human rights and freedoms, including freedom of conscience and religion, and ensuring security."

On November 29-30, the SCRA held a forum on interfaith dialogue that included Muslim, Russian Orthodox, Catholic, Protestant, and Bahai participants, as well as civil society representatives. Topics discussed included "Islam and tolerance," "the role of tolerance in a multifaith society," and "questions in multifaith relations."

The government did not provide religious materials to prisoners charged with affiliation with banned religious groups, according to NGOs, but the government continued to allow them to practice their religion and conduct prayers in prison.

The SCRA reported that, while the law did not mandate expert review of religious literature, its practice was to examine imported religious materials submitted for review by religious organizations. There continued to be no specific procedure for hiring or evaluating the experts performing the examination of religious literature that groups wished to distribute within their places of worship. According to religious studies academics, the SCRA continued to choose its own employees or

religious scholars with whom the agency contracted to serve as the experts. Attorneys for religious groups continued to say the experts chosen by the SCRA were biased in favor of prosecutors and were not formal experts under the criminal procedure code. Under current law the SCRA is allowed, but not required, to review religious materials. According to the SCRA, its practice is to examine imported religious materials provided by religious organizations.

On September 19, an attorney for the Jehovah's Witnesses stated he would file a complaint with the UN Human Rights Committee contesting a February 6 Supreme Court ruling which upheld a lower court decision to bar the importation of the November 2015 issue of the Jehovah's Witnesses publication *Awake!*. In March 2016, the Bishkek Interdistrict Court rejected a suit filed by the Jehovah's Witnesses after the SCRA denied permission to import the publication. The lower court stated it was not competent to overrule the evaluation conducted by the SCRA.

On September 29, a Bishkek city court overturned the four-year prison term of journalist Zulpukar Sapanov and instead released him with a two-year suspended sentence. On September 12, a Bishkek district court convicted Sapanov of "inciting interreligious conflict" and sentenced him to four years' imprisonment for statements in his book *Kydyr Sanjyyrasi (Kydr's Namesake)*, which examined the pre-Islamic beliefs of the Kyrgyz people and questioned the role of clerics in imposing Islam. Local newspapers published excerpts of his book, which prompted religious leaders to call on the government to investigate Sapanov. The ombudsman, who called the original verdict "a return to the Inquisition," requested the court to reconsider its decision and attended the appellate trial.

On July 21, at the opening of a center for nomadic civilization near Lake Issyk-Kul, President Atambaev called for the separation of foreign culture from religion. With respect to the increasing number of Kyrgyz women wearing hijabs, the president noted traditionally Kyrgyz women never had the custom of covering their faces, as practiced in other Islamic countries. On August 29, during a visit to Yntymak, President Atambaev urged his audience not to confuse Islam and foreign culture, including the wearing of long beards.

According to representatives of religious groups, refusal either to serve or to pay a fee to opt out of military service continued to subject a conscientious objector to hardship, because military service continued to be a prerequisite for employment in the government and with many private employers.

The muftiate, the highest Islamic administrative body in the country, continued to oversee all Islamic entities, including institutes, madrassahs, and mosques. Although an independent entity per the constitution, NGOs stated the government continued to exert influence over the office, including the mufti selection process.

The SCRA and the Ministry of Education, Science, and Culture held a teacher-training course in August as part of an expanded 56-school pilot program to teach a secular course on the “History of Religious Culture” for ninth grade students in secondary schools in six regions across the country. In June 2016, the SCRA, the muftiate, and the ministry established a working group to implement a concept plan for religious education reform in line with state educational standards.

Section III. Status of Societal Respect for Religious Freedom

According to an NGO, on May 19, the Kara-Su District Court sentenced 10 men to between 14 years and life imprisonment for their roles in the September 2015 attempted killing of an Ahmadi Muslim and the December 2015 killing of another Ahmadi Muslim in Kashgar Kyshtak village, Osh Oblast. The men stated they acted on the instructions of a radical former resident of Kashgar Kyshtak who had left the country but called via social media for the killing of Ahmadis.

On June 22, a Bishkek court sentenced Yryskul Beishenaliyev to 18 years’ imprisonment for attempted murder in connection with the November 2015 attempted killing of Kadyr Malikov, a theologian and Director of the Religion, Law, and Politics Analytical Center, a Bishkek think tank and research center. Turkey extradited Beishenaliyev on March 3. In June 2016, a Bishkek court sentenced Beishenaliyev’s suspected accomplice, Tilek Uulu, to life in prison for attempted murder, a sentence that later was reduced to 20 years’ imprisonment.

According to an August 2 report from the NGO World Watch Monitor, unknown persons vandalized a church in the northern city of Tokmak. Sources said “local Islamic radicals” broke into the church building, damaged furniture, and wrote in Russian, “We will kill you,” “Don’t teach our children,” and “Allah” across walls and a window of the church. There were no arrests in connection with the incident. According to civil society activists, incidents of harassment of minority religious groups typically occurred in small towns and villages with majority Kyrgyz populations.

In July the Ministry of Education, Science, and Culture licensed the Hazreti Umar Islamic University as a degree-granting institution, making it the first Islamic

educational institute in the country to receive state licensing. The university, an affiliate of the muftiate, remained responsible for overseeing the work of all Islamic schools, including madrassahs and secondary schools. The licensing allowed the university to grant state diplomas, expanding occupational and educational opportunities for its graduates.

Section IV. U.S. Government Policy and Engagement

The Ambassador and other embassy officers met regularly with government officials, including the SCRA chief and deputy, the grand mufti, and the deputy to the grand mufti. They met to discuss proposed revisions to the religion law, registration of independent religious groups, efforts to promote religious tolerance through exchange visits, and programs to improve the qualifications of religious teachers and the quality of education at religious institutions.

Embassy officers also continued to engage with representatives of the muftiate, leaders of minority religions, NGOs, and civil society representatives to discuss the law on terrorism and extremism, the ability of independent religious groups to register, and the rights of religious minorities.

The embassy sponsored a group of prominent religious leaders on a U.S. government program to exchange views on the role of religion in U.S. and Kyrgyz societies. In September the embassy hosted a visiting Muslim cleric from the United States to participate in an international conference sponsored by the Kyrgyz president on the role of Islam in a secular society state. The embassy continued its sponsorship of English language classes and vocational training at local madrassas to enable students in remote areas to obtain better access to information on religious tolerance.