

# KYRGYZ REPUBLIC 2021 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 detained nine members of one group for distributing banned religious material. On March 25, officials from the State Committee for National Security (GKNB) raided the offices of the Jehovah’s Witnesses in Bishkek, saying that the group had been involved in extremist activities and had been “hypnotizing” individuals against their will. The government also seized religious literature and computer equipment. Since March, the Jehovah’s Witnesses have said that the criminal case against them remained open, although there was no other contact with law enforcement and the seized property was returned. Nongovernmental organizations (NGOs) reported that the government continued to arrest social media users who shared or liked digital content that the government considered extremist, especially religious literature connected to banned groups. On November 23, the Prosecutor General’s Office (PGO) filed a claim in civil court requesting that the court declare some Jehovah’s Witnesses’ texts “extremist.” The court dismissed the case on procedural grounds, but Jehovah’s Witnesses representatives said they anticipated additional efforts by the government to disrupt their activities. The State Commission on Religious Affairs (SCRA) continued to refuse to register Jehovah’s Witnesses congregations in the south of the country, based on a provision of law requiring religious groups to register also with local councils. This was despite a finding by the UN Human Rights Committee in 2019 that the requirement violated the International Covenant on Civil and Political Rights (ICCPR) and the constitution, and a Supreme Court ruling in 2016 that the requirement was unconstitutional. In a July 14 publication, the UN Human Rights Committee concluded that the country violated the Jehovah’s Witnesses’ fundamental right to practice their religion by refusing requests to register Jehovah’s Witnesses Centers in the Osh, Naryn, and Jalal-Abad regions. In May, the government introduced an amendment to the religion law that would end the requirement for local governments to approve applications of religious organizations with the SCRA, but the government had not acted on that amendment by year’s end. The government did not always separate those

considered violent extremists from inmates incarcerated for lesser crimes, according to NGOs, particularly in women's prisons. NGOs also said the government did not always provide religious materials to prisoners convicted of affiliation with banned religious groups. According to Christian activists, non-Muslim religious minorities continued to face difficulties arranging for burial of their dead in public cemeteries. The SCRA-proposed solution, which would divide public cemeteries by religion so that all faith groups have burial space, was not implemented at all local levels, according to Christian activists.

There were two reports of threats of violence and other harassment of Christian minorities, including the beating of a nine-year-old Orthodox boy by Muslim youths, and ongoing legal efforts to seize the property of a Christian summer camp by nearby residents concerned about the possible conversion of local Muslim youths.

In March, following the raid on the offices of the Jehovah's Witnesses, the Ambassador and other embassy officers met government officials from various agencies to raise concerns about the raid and to urge the government to respect religious freedom. Immediately following the embassy intervention, the GKNB returned the computer equipment and religious material seized during the raid. The Charge d'Affaires and officials from other foreign missions also raised concerns with top officials regarding the PGO's November filing in civil court that claimed some Jehovah's Witnesses texts were "extremist materials." An embassy officer reinforced U.S. concerns about this case with SCRA officials in December. In September, an embassy officer met with SCRA officials to discuss proposed revisions to the religion law. Embassy officers also met throughout the year with religious leaders, including representatives of the Grand Muftiate and minority religious groups, and with representatives of NGOs and civil society groups to discuss tolerance and respect for religious groups, the law on terrorism and extremism, the ability of independent religious groups to register, and the rights of religious minorities.

## **Section I. Religious Demography**

The U.S. government estimates the total population at 6.0 million (midyear 2021). 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. There is also a small Ahmadiyya Muslim community not reflected in government figures and last estimated by an international organization in 2020 to include 1,000 individuals.

According to government estimates, approximately 7 percent of the population is Christian, of which an estimated 40 percent is Russian Orthodox. Jews, Buddhists, Baha'is, and unaffiliated groups together constitute approximately 3 percent of the population. Adherents of Tengrism, a folk religion which has taken on a nationalist character in the country since 2013, estimate there are 50,000 followers in the country.

According to the National Statistics Committee, as of January, ethnic Kyrgyz make up approximately 74 percent of the population, ethnic Uzbeks approximately 15 percent, and ethnic Russians approximately 5 percent. Both ethnic Kyrgyz and ethnic Uzbeks are primarily Muslim. 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 provides for 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 prohibits 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 "persistent actions aimed at converting followers of one religion to another" and "illegal missionary activity," defined as missionary activity of groups not registered with the SCRA, a government organization composed of presidential appointees that is responsible for overseeing the implementation of the law's provisions on religion. The law also prohibits the involvement of minors in organized, proselytizing religious groups unless a parent grants written consent. The law prohibits the distribution of religious literature, including printed, audio, and video materials, in public places, including streets, apartments, children's institutions, and schools.

The law requires all religious groups and religiously affiliated schools to register with the SCRA. 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. Although a 2016 Supreme Court decision nullified the requirement that religious groups register with local councils to establish new places of worship, in practice, the SCRA still maintains this requirement.

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 registration 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 7,500 som (\$88) for individuals and 23,000 som (\$270) for legal entities.

After the SCRA has approved a group's registration as a religious entity, the group must register with the Ministry of Justice to obtain status as a legal entity in order to own property, open bank accounts, and otherwise engage in contractual activities. The organization must submit an application to the ministry that includes a group charter with an administrative structure and a list of board and founding members. By law, religious groups are designated as NGOs exempt from taxes on their religious activities. If a religious group engages in a commercial activity, it is required to pay taxes.

The law gives the SCRA authority to ban a religious group in cases in which courts concur that a religious organization has undermined the security of the state; undertaken actions aimed at forcibly changing the foundations of the constitutional system; created armed forces or propaganda advocating war or terrorism; engaged in the encroachment on the rights of citizens or obstruction of compulsory education of children; coerced members to remit their property to the religious group; or encouraged citizens to refuse to fulfil their civil obligations and break the law. The affected religious 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 prison 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.” The law also allows for revoking the citizenship of any Kyrgyz national found to have trained to acquire skills to commit terrorist or extremist crimes outside the country. 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 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 foreign religious 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 of 1,000 som (\$12), and deportation in the case of foreign missionaries.

The law provides for the right of registered religious groups to produce, import, export, and distribute religious literature and materials in accordance with established procedures, which may 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 state 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 requires law enforcement officials to demonstrate an intent to distribute extremist materials before arresting a suspect.

The law allows public 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 som (\$210) 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 108 hours of community service or pay a fine of 25,000 som (\$290). If males are unable to serve due to family circumstances and have not paid by the age limit, they must pay 18,000 som (\$210). 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. It is obligatory to serve in the military for 12 months, although the law provides for alternative forms of community service. Religious groups are not exempt from this law, and members must pay to opt out of military service.

The country is a party to the ICCPR.

### **Government Practices**

The government maintained 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, Union of Islamic Jihad, Islamic Party of Turkistan, Family Federation for World Peace and Unification (Unification 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, Jamaat al-Tawhid wal-Jihad, and Yakyn Incar. Authorities also continued to ban all materials or activities connected to the Chechen Islamist militant leader A.A. Tihomirov (aka Said Buryatsky), whose activities and materials the Bishkek District Court deemed to be extremist in 2014.

The government continued to arrest members of the pan-Islamic organization Hizb ut-Tahrir on extremism charges. According to local press, the government arrested nine individuals it said were members of Hizb ut-Tahrir during the year. The nine were detained under suspicion of distributing banned religious materials, either through in-person meetings or via social media networks. In most cases those arrested were held in the GKNB’s pretrial detention center that housed individuals characterized by the government as violent extremists.

The government also arrested Gulzat Aaliyeva, a Tengrinism researcher and adherent of Kyrgyz traditional beliefs, for inciting religious hatred through her social media posts critical of some Islamic practitioners, including those who engaged in underage marriage. Aaliyeva was released after 48 hours, but her case remained open at year's end. Aaliyeva explained that if found guilty she could face five years in prison and stated that her close family was being threatened and penalized for her statements.

NGOs reported that the government continued to arrest social media users who shared or liked digital content that the government considered extremist, especially religious literature connected to banned groups. The government defined extremist activity as membership in a banned “religiously oriented” organization, distribution of literature associated with a banned organization, and proselytizing on behalf of or financing a banned organization. According to the latest statistics available, in 2020, 467 cases were initiated under charges of “preparing or distributing extremist material,” including the distribution of material over the internet. NGOs also noted, as in past years, that the number of arrests was higher among ethnic Uzbek communities in the south, and that police continued to target and harass them, usually in connection with the possession of banned religious literature or support of banned organizations. NGOs said there were some cases where such harassment and arrests were based on false testimony or planted evidence.

On March 25, security services raided the offices of the Jehovah's Witnesses in Bishkek, serving a search warrant stating the Jehovah's Witnesses were involved in extremist activities and had been “hypnotizing” people against their will. The GKNB seized religious literature, multiple computers, and a server. Jehovah's Witnesses' leadership reported that the GKNB made photocopies of identification documents of all the workers on compound. The computers and religious material were later returned to the Jehovah's Witnesses. According to Jehovah's Witnesses, the criminal case against them remained open at year's end.

On November 23, the PGO filed a claim in civil court requesting that 13 Jehovah's Witnesses' texts be declared “extremist materials.” The texts included books and brochures printed by the Jehovah's Witnesses in both Kyrgyz and English, including *What Does the Bible Really Teach?* and *Draw Close to Jehovah*. The claim included the opinions of religious experts who said the texts were “aimed at inciting religious hatred and hostility towards people who are not members of the [Jehovah's Witnesses].” On December 2, a judge dismissed the case on procedural

grounds. Jehovah's Witnesses members expressed concern that the government was using the same legal tactics that led to the religious organization's ban in Russia, and said they were concerned about possible future legal actions against them.

Jehovah's Witnesses reported that the SCRA continued to refuse to register local houses of worship in the south of the country, based on a provision of law requiring religious groups to register with local councils to establish new places of worship. The requirement remained in effect despite a finding by the UN Human Rights Committee in 2019 that it was in violation of Article 18 of the ICCPR and the constitution, and a Supreme Court ruling in 2016 that the requirement was unconstitutional. Jehovah's Witnesses' representatives also stated that the SCRA and other government organizations continued to use spurious applications of the law to prevent them from registering new congregations. For example, local governments refused to approve the registration of new congregations on the grounds that the local community objected to their activities. Following unsuccessful attempts in 2019 and 2020, Jehovah's Witnesses' representatives stated that they did not file any new registration applications in 2021 and were reluctant to take any more action while the GKNB criminal case against them remained open. In a publication on July 14, the UN Human Rights Committee concluded that the country violated the Jehovah's Witnesses' fundamental right to practice their religion by refusing requests to register Jehovah's Witnesses Centers in the Osh, Naryn, and Jalal-Abad regions.

Christian religious groups continued to report the SCRA registration process was cumbersome, in particular the requirement to collect 200 signatures from citizens who identify as adherents. According to the Baptist Union, adherents were sometimes pressured not to provide their signatures by those in their community who opposed the establishment of Christian groups. Christian activists also said that obtaining the formal approval of local governments remained an obstacle to registration, as local governments often rejected Christian organizations by claiming that area residents opposed the spread of Christianity to their communities.

In May, the government introduced amendments to the law governing freedom of religion and religious organizations, although religious experts reported in September that the government had postponed discussion of the amendments. The amendments would formally abolish the requirement that religious organizations be approved by the relevant local government in addition to registering with the SCRA. The amendments would also require that individuals notify the

government prior to undertaking religious education abroad and would abolish the 200-member minimum for registration as a religious organization in any given geographic location, which would make it easier for registered organizations to create smaller filial branches across the country.

In 2020 (the most recent information available), the SCRA reported it registered 112 mosques, 11 Christian churches (no information provided on denominations), 38 religious schools, and 28 religious organizations through October. The SCRA also reported that there were 2,662 registered mosques, two registered Islamic universities, 141 registered madrassahs, and 77 registered Islamic foundations in the country.

Unlike in previous years, the Tengrinists did not apply to register as a religious group. Tengrinists last applied for registration in 2018. In September 2021, an SCRA official explained that the SCRA continues to view Tengrinism as a collection of traditional beliefs, rather than a religion.

While the law does not require examination of all religious literature and materials, religious groups, including Jehovah's Witnesses, again stated that the SCRA required they submit 100 percent of their imported religious material for review. According to Jehovah's Witness representatives, the SCRA continued its practice of having individuals designated by the SCRA as experts examine imported religious materials submitted for review by religious organizations, although the law did not mandate such a review. There continued to be no specific procedure for hiring or evaluating the experts who examined the religious literature that groups intended to distribute within their places of worship. According to religious studies academics, the SCRA continued to choose its own employees or religious scholars 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. The State Forensic Service, with support from SCRA on religious matters, screened the content of websites, printed material, and other forms of media for extremist content.

NGOs continued to report that prisoners considered to be violent extremists were not always separated from inmates incarcerated for activities linked to religion, such as simple possession of materials from one of the 21 banned "religiously oriented" organizations the government considered extremist. NGOs said this could lead to broader radicalization of the prison population. NGOs again reported that prison authorities required religious literature other than the Quran or hadith

(sayings or customs of Muhammad and his companions) be approved by the Muftiate.

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 remained a prerequisite for employment in the government and with many private employers.

According to Christian activists, non-Muslim religious minorities continued to face difficulties arranging for burial of their dead in public cemeteries. Although the SCRA stated a government policy was in place to ensure that all faith groups would have burial space in public cemeteries, religious scholars said the policy was not implemented in all local jurisdictions.

In October, President Sadyr Japarov approved the State Concept on Religious Affairs for 2021-2026. According to the government, the State Concept would help ensure the principle of secularism and the freedom of conscience and religion in the country by revising all existing laws related to religion. The concept would also introduce a streamlined system of registration for religious groups and support policies to reduce religious intolerance, discrimination, and violence. The government took no further action on the State Concept by year's end.

The SCRA held an interfaith bike race in October with the stated goal of promoting mutual understanding among religious communities and the government by engaging in a healthy nonconfrontational group activity.

### **Section III. Status of Societal Respect for Religious Freedom**

According to Christian activists, incidents of harassment of minority religious groups continued to occur in small towns and villages with majority Kyrgyz populations. In June, Muslim youth reportedly harassed and beat a nine-year-old Orthodox boy for being the only Christian at a judo summer camp near Lake Issyk-Kul. While the case was widely reported in the media, officials from the SCRA said that it was an isolated incident and not part of a wider trend. The Baptist Union reported that on multiple occasions during the year, a Kyrgyz man threw rocks at the office of a Christian organization in Karakol and invited others to join in. The Baptist Union also reported that a 2020 court case related to an attempt to seize the property of a Christian camp near Lake Issyk-Kul continued. The Baptist Union said that local residents feared that Christian children at the camp would convert Muslim children in the area.

## **Section IV. U.S. Government Policy and Engagement**

In March, following the raid on the offices of the Jehovah's Witnesses, the Ambassador and other embassy officers met with officials from the GKNB, the foreign ministry, and the office of the President to raise concerns about the raid and to urge the government to respect religious freedom. Immediately following the embassy intervention, the GKNB returned computer equipment and religious material seized during the raid to the Jehovah's Witnesses.

The Jehovah's Witnesses requested the embassy to intervene with the government following the PGO's November 23 attempt to declare some Jehovah's Witnesses texts "extremist." The Charge d'Affaires raised U.S. concerns about the case with senior government officials, and the embassy coordinated with other foreign missions that raised similar concerns with the government. On December 3, an embassy officer followed up with the SCRA to reinforce U.S. religious freedom concerns stemming from the Jehovah's Witnesses texts case.

On September 15, an embassy officer met with SCRA officials to discuss plans for legislation in 2022, including the proposed amendments to the Law on Religion, as well as how the new government planned to approach longstanding issues, including combating religious intolerance.

In July, an embassy-financed, eight-month-long project on unity in diversity concluded. The project encouraged youth and young adults from around the country to engage in interfaith dialogue. The participants, representing a wide variety of religious backgrounds, visited Protestant, Orthodox, and Muslim faith leaders to learn more about religious diversity and to study conflict mitigation. The participants developed projects to promote peace and encourage intercultural and interreligious dialogue.

Throughout the year, embassy officers continued to engage with representatives of the Muftiate, leaders of minority religious groups, 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.