

KYRGYZ REPUBLIC 2016 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. The president signed into law measures regarding the incarceration and the revocation of citizenship of those convicted of terrorism and extremism. The authorities maintained bans on approximately 20 “religiously oriented” groups they considered to be “extremist” and arrested hundreds of individuals they accused of participating in “extremist” incidents. One suspect in the attempted murder of the director of a religious center in 2015 was sentenced to 20 years imprisonment. Three prisoners previously jailed for religious extremism and terrorism, and who had been involved in a 2015 prison break, were sentenced to life in prison for their criminal actions while attempting to escape. The authorities opened a criminal case against one of the police officers accused of attacking participants in a 2015 Jehovah’s Witnesses gathering; they also unsuccessfully appealed the acquittal of the leader of the Jehovah’s Witness service for illegal religious activity. The Jehovah’s Witnesses and the Ahmadiyya Muslim Community continued to face difficulties in registering as official religious groups, but some unregistered minority religious groups said they were able to hold religious services without government interference.

There were reports non-Muslim religious minorities continued to face difficulties arranging for burial of their dead in public cemeteries, including one case in which villagers and imams twice exhumed the body of a deceased Protestant woman without any intervention by local authorities. Public debate over the spread of fundamentalism in the country followed the appearance of billboards in Bishkek in July depicting women in a variety of traditional and “foreign-influenced” religious dress. A prominent Islamic scholar called the billboards a “provocation.” President Almazbek Atambaev stated his support for the billboards, saying fundamentalist religious dress common in the Middle East was “alien” to the country’s traditional culture.

The U.S. Ambassador and embassy officers met with government officials to discuss approaches to counter violent religious extremism and restrictions on

certain minority religious groups. The embassy regularly met with religious leaders, including 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 5.7 million (July 2016 estimate). According to Kyrgyz government estimates, approximately 85 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 estimated at 1000 individuals. According to NGO estimates, 5 percent of the population is Russian Orthodox and approximately 10 percent is unaffiliated or adheres to other religious groups, including Baptists, Lutherans, Pentecostals, Presbyterians, charismatics, Seventh-day Adventists, Jehovah's Witnesses, Roman Catholics, Jews, Buddhists, and Bahais.

According to the National Statistics Committee, ethnic Kyrgyz make up approximately 73 percent of the country's population, while ethnic Uzbeks comprise approximately 14.5 percent. Ethnic Uzbeks are most numerous in the South, making up almost 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 mostly belong to the Russian Orthodox Church or one of the 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 the involvement of minors in organized, proselytizing religious groups, “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 State Commission on Religious Affairs (SCRA).

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 an institutional meeting, and a list of founding members to the SCRA for review. Each congregation of a religious group must register separately and must have at least 200 founding resident citizens. Foreign religious organizations are required to renew their registration 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 or may appeal to the courts.

Unregistered religious groups are prohibited 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, which 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 it is not in compliance with the law. The group may appeal the decision in the courts.

The law 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. Murder committed on the grounds of religious hatred is punishable by life imprisonment.

In April President Atambaev signed into law a measure mandating separate prison facilities for prisoners convicted of “terrorism” and “extremism.” In August he signed into law a measure stripping the citizenship of any Kyrgyz national convicted of terrorism or extremism.

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 1000 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 include examination by state “experts.” The law does not define the criteria for religious expert. 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 which 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 will require the person to perform 240 hours of community service or a fine of up to 20,000 soms (\$289). 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.

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

Government Practices

The authorities maintained bans on approximately 20 “religiously oriented” groups they considered to be extremist and arrested hundreds of individuals they accused of participating in “extremist” incidents. One suspect in the attempted murder of the director of a religious center had his sentence reduced on appeal from life to 20 years imprisonment. Three individuals previously convicted of religious extremism were sentenced to life imprisonment following criminal acts during a highly publicized prison break which occurred in 2015. The authorities opened a criminal case against one of the police officers accused of attacking participants in a 2015 Jehovah’s Witnesses gathering, while they unsuccessfully appealed the acquittal of the leader of the Jehovah’s Witness service for illegal religious activity. Minority religious groups, such as the Jehovah’s Witnesses and the Ahmadiyya Muslim Community, continued to face difficulties in registering, but some unregistered groups said they continued to be able to hold religious services without government interference. The defeat of a bill in parliament to amend the labor code by extending Friday lunch breaks to accommodate Muslim prayers was followed by public statements by the ex- grand mufti, criticizing government officials for opposing the bill, and statements by government officials saying the actions of the ex-grand mufti violated the secular nature of the state.

The government continued to maintain bans on approximately 20 “religiously oriented” groups it considered to be extremist, including al-Qaida, the Taliban, the Islamic Movement of Eastern Turkistan, the Kurdish Peoples’ Congress, the Organization for the Release of Eastern Turkistan, Hizb ut- Tahrir (HT), the Union of Islamic Jihad, the Islamic Party of Turkistan, the Family Federation for World Peace and Unification (Unification Church; 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.

Law enforcement authorities stated they had recorded 441 extremist incidents for the year. They opened criminal cases for 180 of these events and arrested 418 people. In comparison, there were 360 extremist incidents recorded in 2015, for which 132 people were convicted of extremism and terrorism and 278 people were arrested. The Vice-Chairman of the Kyrgyz State Penitentiary Service stated as of March there were approximately 200 individuals accused of affiliation with extremist or terrorist organizations who continued to serve prison sentences.

In June a Bishkek court sentenced Tilek Uulu Alibek to life in prison for attempted murder in the November 2015 attack on Kadyr Malikov, Director of the Religion, Law, and Politics Analytical Center. In August an appeals court reduced Tilek Uulu's sentence to 20 years, the maximum under the law for attempted murder. Tilek Uulu had left the country shortly after the attack, reaching Turkey at the end of November 2015. Turkey extradited him in March. His suspected accomplice, Yryskul Beishenaliyev remained in Turkey, continuing to fight extradition.

In June three Muslims previously convicted of extremism were sentenced to life imprisonment following their escape in a highly publicized prison break and manhunt in October 2015, which had resulted in the deaths of several prison guards. A man and woman convicted of providing shelter to the escapees were sentenced to four years' imprisonment and a four-year suspended sentence, respectively.

In July the Prosecutor General's Office opened a criminal case against one of the police officers accused of attacking participants in an August 2015 Jehovah's Witness gathering in Osh following an appeal from the Jehovah's Witnesses to do so. The Prosecutor General's Office referred the case to the Osh city prosecutor, who had declined to initiate criminal proceedings immediately after the attack, citing a "lack of facts and circumstances" to support a case against the officers. Subsequent to the opening of the case in July, lawyers for the Jehovah's Witnesses asked the Prosecutor General's Office to recuse the Osh city prosecutor's office and to have the criminal case handled in the capital city of Bishkek. In August the Prosecutor General's office informed the lawyers the case had been transferred to the Osh Regional Prosecutor for investigation, but as of the end of the year there was no report of further developments.

In March the Supreme Court rejected efforts by the Osh Prosecutor to re-open a case against Nurlan Usupbaev, the leader of the 2015 Jehovah's Witness gathering in Osh. Police had charged Usupbaev with "illegal religious activity" and had reportedly beaten him. The Supreme Court's decision upheld Usupbaev's previous acquittal of the charge of "illegal religious activity." The Supreme Court stated the prosecutor had failed to adhere to the procedural deadline for contesting the lower court's decision acquitting Usupbaev.

In April the Supreme Court revised its February ruling granting an appeal filed by the Osh City prosecutor contesting the acquittal of two Jehovah's Witnesses, a mother and daughter, of alleged criminal activities while sharing their faith with others in 2013. A new trial had been scheduled for April 25, but lawyers for the two women successfully argued the three year statute of limitations had passed and the court agreed their acquittal should stand. According to the NGO Forum¹⁸, 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.

As of June, the most recent date for which statistics were available, authorities had "registered" 4,154 people as "adherents of extremist views." In 2015, authorities registered 1,866 "adherents of extremist views" in the country and of these they classified 1,361 as adherents of HT. The Ministry of Interior reported there were approximately 200 adherents of HT in Bishkek. Registration meant the police picked up potential suspects for questioning in advance of a possible decision to arrest them. Police continued to register people as extremists without a subsequent arrest, and to keep their names in police files.

MOI data continued to show 62 percent of adherents of extremist views were residents of the south, where most of the religiously active members of the ethnic Uzbek community resided, and 74 percent of crimes of an extremist nature occurred in the south. HT adherents reportedly continued to be mostly active in the south, where 70 percent of the arrests of HT adherents occurred. The authorities also observed continued HT activity in Talas and Chui Provinces. Of the total number of registered adherents of designated religious extremist organizations, the government continued to estimate approximately 23 percent were women.

In February the Supreme Court rejected an appeal by the Jehovah's Witnesses to overturn the SCRA's refusal to register communities in Osh, Naryn, Jalal-abad, and Batken. 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 Witness leaders reported authorities continued to deny registration to groups if they did not have 200 founding resident citizens in each region. The church leaders continued to assert 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, the Ahmadiyya Community in the U.S. reported the SCRA continued to deny it re-registration. A U.S. representative of the Ahmadiyya Muslim Community confirmed the Community still had not obtained registration. The Ahmadiyya community initially had registered in 2002, but the SCRA had declined to renew its re-registration since 2012.

Religious groups continued to report the SCRA registration process was cumbersome, taking anywhere from a month to several years to complete. Unregistered groups continued to report they were able to hold regular religious services without government interference, especially if they had been registered in the past and their annual application for re-registration was pending. According to Forum 18, Protestant pastors stated there were many new churches in the country which would like to register, but did not have the 200 founders required for registration.

As of the end of the year, the registered religious groups and organizations reported by the authorities included 2,743 mosques; 10 Islamic higher educational institutions; 89 madrassas; 74 Muslim foundations, centers and unions; 380 Christian organizations and unions; 51 Russian Orthodox churches; four Catholic communities; 50 Baptist communities; 31 Seventh-day Adventist churches; 56 Pentecost communities; 20 Lutheran communities; 38 Presbyterian communities; 43 Charismatic communities; 26 foreign Protestant organizations; 18 non-denominational Protestant organizations; one Jewish community; one Buddhist community; and 12 Bahai Faith communities.

In June the parliament considered a bill amending the labor code to extend Friday lunch breaks for up to two hours to accommodate Muslim prayer rituals.

Proponents of the bill included the country's Islamic leaders, including ex-Grand Mufti Chubak Ajy Jalilov. When parliament declined to pass the draft bill on the grounds it was unnecessary because the labor code did not prohibit employers from offering an accommodation of a longer lunch hour for those who requested it, Jalilov posted a video message on his Facebook page criticizing members of parliament who opposed the adoption of the bill. Then-director of the State Committee on Religious Affairs, Orozbek Moldaliev, then told the media Jalilov had breached the constitution by calling those who did not pass the law "kafirs" (unbelievers). Moldaliev said Jalilov had "violated the secular system." On June 9, the State Committee on National Security issued an official warning to Jalilov about the unacceptability of extremist statements. The following day, President Atambayev met with opponents of the draft bill, stating publicly "religious activists should never be allowed to interfere in politics. They attempt to violate the constitutional principle of the secular system of the state."

The government did not provide religious materials to prisoners charged with affiliation with banned religious groups, according to NGOs, but the government allowed them to practice their religion and conduct prayers in prison. There continued to be no specific procedure for hiring or evaluating the experts performing the examination of religious literature which groups wanted to distribute. According to religious studies academics, SCRA employees or religious scholars with whom the agency contracted continued to be chosen 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.

In March the Bishkek Interdistrict Court rejected a suit filed by the Jehovah's Witnesses after permission to import the November 2015 issue of its journal *Awake!* was denied by the SCRA. The court stated it was not competent to overrule the evaluation done by the SCRA.

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.

Section III. Status of Societal Respect for Religious Freedom

According to the NGO Forum 18, non-Muslim religious minorities continued to face difficulties arranging for burial of their dead in public cemeteries. In one case in October, local villagers and imams in the Jalal-Abad region twice exhumed the body of a deceased Protestant woman to remove it from public cemeteries while local officials, police officers, and National Security Committee officers reportedly looked on but did not interfere. Regional officials reportedly stated they then buried the woman in a third, undisclosed location. There were contradictory reports whether the authorities were taking any action against the perpetrators of the exhumations. On October 27, the Ministry of Interior announced it had filed a criminal case under the provision of the criminal code prohibiting desecration of the dead and their burial site over the illegal exhumation of the body. According to Forum 18, on December 29, the authorities put three local residents on trial for their involvement in the incident. The authorities reportedly did not charge the imams who had incited the exhumations or the officials who had not prevented the exhumations.

In July giant billboards featuring three groups of women side-by-side in a variety of traditional and religious dress appeared in the capital city, Bishkek, sparking public debate. The billboard portrayed one group of women in traditional Kyrgyz costume, next to women in white hijabs, and finally, women in black *niqabs* covering their entire bodies. A caption under the photos read, “Oh poor nation, where are we headed?” The arrangement of pictures appeared to some observers as a commentary on the spread of foreign, fundamentalist Muslim customs in the country. A prominent Islamic scholar called the billboards a “provocation” and said the authorities should investigate the billboards for signs of incitement of religious hatred. In response to the controversy, President Atambaev expressed his support for the billboards, saying fundamentalist religious dress common in the Middle East was “alien” to Kyrgyz culture. The muftiate stated the billboards would divide the people of the country while the Bishkek Mayor’s Office stated the billboards did not incite hatred or violence. Many news reports cited social media reaction in support of the billboards, while other reports called the billboards a “provocation” against Muslim practitioners.

The highest Islamic administrative body in the country, the Spiritual Administration of Muslims of the Kyrgyz Republic, known as the “muftiate,” continued to oversee all Islamic entities, including institutes, madrassahs, and mosques. Although an independent entity per the constitution, NGOs reported the government continued to exert influence over the office, including the mufti selection process.

The Hazreti Umar Islamic University, an affiliate of the muftiate, remained responsible for overseeing the work of all Islamic schools, including madrassahs and secondary schools. The university continued its work, projected to take years to complete, to develop a standardized curriculum with the stated goal of curbing the spread of religious teaching deemed extremist by either the muftiate or the SCRA.

The SCRA and the Ministry of Education Science and Culture held a teacher training course in August as part of a pilot program introducing a new, secular course on the “History of Religious Culture” for ninth grade students at 10 Bishkek and Osh area schools.

Section IV. U.S. Government Policy

The Ambassador and embassy officers continued to meet regularly with government officials, including the SCRA, to discuss programs to counter violent extremism, improve the qualifications of religious teachers and the quality of education at religious institutions, and to urge greater religious tolerance.

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

The embassy sponsored a conference, led by a visiting Muslim cleric from the U.S., which addressed, among other issues, civic engagement on the part of students and young professionals to promote interfaith dialogue and religious tolerance. 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. The embassy continued to fund NGOs whose programs fostered religious tolerance.