

KYRGYZ REPUBLIC 2020 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. The Jehovah’s Witnesses, adherents of Tengrism, and the Ahmadiyya Muslim Community continued to face difficulties registering as official religious groups. By year’s end, parliament did not take up amendments proposed to the religion law in 2019 by the State Commission on Religious Affairs (SCRA), which include a ban on door-to-door proselytizing. The SCRA continued to refuse to register local Jehovah’s Witnesses congregations in the south of the country, despite a UN Human Rights Committee finding in 2019 that the law’s requirement that religious groups register with local councils in order to establish new places of worship was in violation of the International Covenant on Civil and Political Rights (ICCPR) and the constitution and despite an earlier Supreme Court decision finding the practice unconstitutional. The government did not always provide religious materials to prisoners convicted of affiliation with banned religious groups, according to nongovernmental organizations (NGOs).

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 would have burial space, remained pending as of year’s end. There continued to be reports of threats of violence and other harassment of Christian minorities, including threats against family members in the case of Eldos Sattar uulu, who was attacked by his neighbors because of his Protestant beliefs.

Due to COVID-19 restrictions, the Ambassador and other U.S. embassy officers held mostly virtual meetings with government officials to discuss restrictions on minority religious groups, proposed revisions to the religion law, and violence against religious minorities. Embassy officers regularly met virtually with religious leaders, including representatives of the Grand Muftiate, and with representatives of NGOs 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 2020 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. There is also a small Ahmadi Muslim community not reflected in government figures and estimated by an international organization at 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, an indigenous religion, estimate there are 50,000 followers in the country.

According to the National Statistics Committee, in 2019 (most recent data available) ethnic Kyrgyz make up approximately 73 percent of the population, ethnic Uzbeks approximately 15 percent, and ethnic Russians approximately 6 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 “insistent attempts to convert 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, which 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 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. The law also requires that religious groups register with local councils to establish new places of worship, despite a 2016 Supreme Court decision that nullified this section of the law.

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 500 som (\$6).

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 so it may 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. If a religious group engages in a commercial activity, it is required to pay taxes. By law, religious groups are designated as NGOs exempt from taxes on their religious activities.

The law gives the SCRA authority to ban a religious group in cases where 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 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 stripping 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 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 that law enforcement officials to demonstrate an intent to distribute extremist materials to arrest 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 (\$220) 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 (\$300). If males are unable to serve due to family circumstances and have not paid by the age limit, they must pay 18,000 som (\$220). 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 its 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.

During the year, the government continued to arrest members of the pan-Islamic organization Hizb ut-Tahrir on extremism charges. According to local press, the

government arrested 13 alleged members of Hizb ut-Tahrir during the first six months of the year. In most cases, the arrestees were detained in the State Committee for National Security's (GKNB) pretrial detention center that housed violent extremists.

According to human rights NGOs, religious extremism arrests dropped significantly after the change to extremism laws in 2019 that removed provisions allowing the arrest of individuals for possessing materials deemed extremist. Official government statistics to corroborate this were not available. According to a human rights NGO that tracks these cases, in eight of 12 confirmed arrests on extremism charges during the year, charges were dropped after courts found there was insufficient evidence under the revised law. Extremist incidents were defined 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. Despite the change in the extremism laws, NGOs reported that the government arrested social media users who shared or liked digital content that the government considered extremist, especially religious literature connected to banned groups, in a shift away from arrests for possessing physical media. The NGOs noted that arrests were centered on ethnic Uzbek communities in the south.

Leadership of the Jehovah's Witnesses stated that on September 3, the leadership of the SCRA hosted a local television program with members of the Russian Orthodox Church and a local Muslim cleric in which the SCRA participant repeatedly said that the Jehovah's Witnesses were extremists.

Ethnic Uzbeks said that police continued to target and harass them, usually in connection with the possession of banned religious literature or support of banned organizations, which they said was based on false testimony or planted evidence. Unlike in 2019, there were no reports of government officials visiting Christian churches to demand to see their financial records.

There were reports that police and prosecutors continued to threaten members of Eldos Sattar uulu's family with violence or arrest. Sattar uulu, a Protestant, returned to the country during the year after fleeing in 2018 due to being threatened because of his faith.

Parliament continued to consider draft amendments to the religion law submitted by the SCRA in 2019 but did not take action before year's end. The amendments would ban on door-to-door proselytizing, require notification to the government

prior to undertaking religious education abroad, and maintain the 200-member minimum for registration as a religious organization, which would restrict registered organizations from creating smaller filial branches across the country.

As of September, Jehovah's Witnesses reported that the SCRA continued to refuse to register local houses of worship, 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 stated that the SCRA and other government organizations continued to use spurious applications of the law to prevent them from establishing new congregations. On January 20, the Jehovah's Witnesses community reapplied for registration of their local houses of worship. Their 2019 request had been denied by the SCRA. The SCRA rejected the January application, "in order to avoid a threat to social stability, interfaith harmony, and public order." On May 28, the Jehovah's Witnesses filed a lawsuit with the Bishkek administrative court, citing the SCRA's insistence on using a provision of the law that had been deemed unconstitutional. On June 24, the court returned the claim without consideration, accepting the SCRA's argument that the Jehovah's Witnesses had not exhausted the administrative appeal process. On July 14, the community filed an appeal of the initial decision with the SCRA. The SCRA rejected this appeal, stating that it was not submitted in a timely manner. On July 24, the Jehovah's Witnesses filed a second suit against the SCRA in the Bishkek administrative court, after which the SCRA announced that it was suspending consideration of the registration of the Jehovah's Witnesses' congregations due to the lawsuit. On November 12, the Supreme Court upheld the Bishkek court ruling, accepting the SCRA argument that the Jehovah's Witnesses had not exhausted the administrative process and thus could not appeal the SCRA decision in court. With the court's ruling, the SCRA's rejection of the Jehovah's Witnesses application became final.

Religious groups continued to report the SCRA registration process was cumbersome, taking anywhere from one month to several years to complete, even when successful. One group reported that the SCRA had not registered it after five years of attempts. 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. 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 madrassas, and 77 registered Islamic foundations in the country.

Although the government continued not to list the Ahmadi Muslim Community as a banned organization, a representative of the group again stated it still had not obtained registration. The community initially registered in 2002, but the SCRA declined to approve its reregistration every year since 2012, including again in 2020. The SCRA has also refused to register Tengrism as a religion since 2013, declaring that government theologians said Tengrism is a philosophical movement and not a religion.

While the law does not require examination of all religious literature and materials, religious groups, including the Jehovah's Witnesses, stated the SCRA required that 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 wished 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 working in prison reform and countering violent extremism continued to report that laws mandating separate facilities for prisoners convicted of terrorism and extremism were often poorly implemented. NGOs reported that violent extremists were not separated from inmates who were incarcerated for lesser crimes, including simple possession of extremist materials, which they said could lead to radicalization of other populations in the prisons. The government announced that it would review old convictions for possession of such materials, but there were no reports it had actually done so. NGOs reported that prison authorities required religious literature other than the Quran or hadith (the record

of the traditions or sayings of the Prophet Muhammed) to 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. A government policy announced in 2017 to address this problem by dividing public cemeteries by religion so that all faith groups would have burial space had not been implemented as of year's end. According to the SCRA, the draft policy was approved by relevant government agencies and was undergoing revisions before implementation.

The SCRA held an interfaith dialogue forum in January, but COVID-19 restrictions prevented subsequent forums during the year. The event included Muslim, Russian Orthodox, Catholic, Protestant, and Baha'i participants as well as civil society representatives, local authorities, and officials from the Ministry of Interior and the GKNB. As in previous years, the forum focused on religious tolerance, cooperation, and mutual understanding among representatives of religious communities as well as between the state and religious organizations, including a specific focus on religious communities outside of the capital.

Section III. Status of Societal Respect for Religious Freedom

According to civil society activists, incidents of harassment of minority religious groups continued to occur in small towns and villages with majority Kyrgyz populations. In January, Eldos Sattar uulu, who fled to Ukraine in 2018 because of attacks against his Protestant faith, returned to the country, but not to his village of Tamchi, out of fear of reprisal from community members due to his decision to go to the media after the attacks against him. Sattar uulu returned after a reported settlement between his attackers and his family in which he agreed to not prosecute his attackers in exchange for his family's safety. According to observers from the area, the settlement was likely due to continuing threats against Sattar uulu's parents.

On March 18, the Muftiate suspended Friday prayers and Islamic proselytization (*dawah*) due to COVID-19. The Grand Mufti, Maksat Azi Toktomushev,

encouraged Muslims to pray at home and maintain social distancing. On August 26, the Muftiate lifted those restrictions as long as mosques followed anti-COVID-19 protocols.

Section IV. U.S. Government Policy and Engagement

Before pandemic restrictions were imposed, the Ambassador and other embassy officers met with government officials, including the SCRA deputy chief and high-ranking officials in the Grand Muftiate, to discuss restrictions on minority religious groups, proposed revisions to the religion law, and violence against religious minorities. In November, an embassy officer met with SCRA officials to discuss plans for legislation in 2021, including proposed amendments to the Law on Religion, as well as how the new government planned to approach longstanding issues, including religious intolerance.

Embassy officers 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. Throughout the year, these interactions were significantly reduced due to the pandemic, although embassy staff continued to interact with contacts virtually. The Ambassador also met virtually with members of religious communities, including representatives of the Jehovah's Witnesses, and the Baptist and Evangelical Unions of Kyrgyzstan, and discussed religious registration, interreligious relations, and religious extremism.