



stan

Religion

Population

Area

- Muslims : **86%**
- Agnostics : **6.4%**
- Christians : **5.2%**
- Atheists : **1.3%**
- Others : **1.1%**

6,034,000

199,900 Km²

Legal framework on freedom of religion and actual application

The Kyrgyz constitution provides the right to freedom of conscience and belief.^[1] However, the law on religion, which came into force in January 2009,^[2] provides a much more stringent regulatory framework for the various religious communities: state registration is mandatory, religious groups can request it by submitting a list of at least 200 founding members; various limitations are envisaged for missionary activity, religious education, and the dissemination of religious material; proselytising is forbidden. The right to conscientious objection is recognised.

Some worrying amendments to the already restrictive 2009 law on religion, prepared by the State Commission for Religious Affairs (SCRA) and approved by the government on 11th April 2017, have come before Parliament. According to the new proposals, the minimum number of members necessary for the registration of a religious group would be raised from 200 to 500, a system of censorship which would cover all religious literature is envisaged, and sharing religious ideas in public would be prohibited.^[3]

The Constitutional Chamber of the Supreme Court declared Article 10-2 of the existing law on religion unconstitutional, which requires religious groups to conduct activities only at their registered address and for local councils to approve the list of the names of the 200 founders. However, the article in question is still in force since Parliament has not yet implemented the court ruling. This was evinced by another Supreme Court decision rejecting an appeal by Jehovah's Witnesses against the SCRA's refusal to register four of its communities.^[4]

In May 2016, the Kyrgyz Parliament adopted amendments to the law on fighting extremism, broadening the range of punishable activities to include activities such as clicking 'like' on certain online contents.^[5] In April 2016, the Kyrgyz president signed into law a bill that would keep convicted terrorists separate from other prisoners, in order to prevent the spread of extremist ideas in the country's prisons.^[6]

Kyrgyzstan has introduced criminal liability in the case of marriage with minors celebrated in accordance with Islamic tradition, with three to five years in prison for the celebrant, the adult spouse, and the family members of the underage spouse.^[7]

In December 2016, a referendum approved constitutional changes which strengthened the authority of the Prime Minister and Parliament at the expense of the presidency also removed the section that required Kyrgyzstan to take measures in cases where human rights bodies confirmed that human rights violations had occurred in the country.^[8]

Incidents

The greatest difficulty for religious communities, especially for small ones and those seen as non traditional, is obtaining state recognition, and therefore legal authorisation to carry out their religious activities. The main obstacle in this process is getting the signatures of 200 founding members, especially since these groups tend to have few members to start with. Then there is their fear that providing personal information might bring them to the attention of the authorities and law enforcement agencies. Another major source of difficulty for members of small communities, especially if they are converts from Islam, is the strong social opposition they face. They have endured many acts of reprisal including losing jobs, administrative penalties,^[9] threats of divorce and expulsion from their villages.^[10] A number of places of worship have been damaged in attacks; for example, in Kaji-Sai, a village in the northern part of the country, a Baptist church was almost destroyed by arson. Its members, about 40 ethnic Russians and Kyrgyz, have had to endure threats and persecution.^[11] In the city of Tokmak another Christian church was vandalised in July 2017 – the attackers daubed graffiti such as: "We will kill you", "Don't teach our children", and "Allah".^[12]

Interring the bodies of members of minority groups remains an unresolved problem as a result of strong opposition from local residents and Muslim clerics. Several cases have been reported in the last two years.^[13] The most notable one concerns Kanygul Satybaldieva, a convert to Christianity who died on 13th October 2016 in the district of Ala-Buka, southern Kyrgyzstan. Her family were forced to bury her three times after her body was repeatedly disinterred.^[14] Local government and Islamic authorities did not allow her burial in the village cemetery, next to her dead parents. The family assented to lay her to rest in a nearby cemetery, but a group of 30 local residents dug the body up, and – with the police, local government officials, and Muslim clerics present – put it out with the rubbish as a show of contempt and warning against those who reject Islam. The same thing happened when her family tried to bury the body a second time. Finally, Satybaldieva's body was buried in the mountains, in a place known only to the family and to local authorities. Only five of the 70 people involved in the case were subject to criminal proceedings, resulting in four convictions with suspended sentences and one acquittal.^[15] The controversies surrounding interment have led the SCRA to come up with a plan to divide the country's cemeteries into different sections according to religion.^[16]

As in other Central Asian nations, the attitude of the Kyrgyz state towards Islam is a difficult balancing act between support and control. If, on the one hand, the growth of religious feelings and commitment in the population is seen as a positive factor in boosting national identity; on the other, it raises fears of possible radicalisation and consequent spread of Islamic extremism.^[17] The fight against extremism has taken various paths in Kyrgyzstan. The state, together with the Spiritual Administration of Kyrgyz Muslims (Muftiat), has sought to promote moderate schools of Islam. At the same time, imams must send monthly reports to the local Muftiat, detailing the content of their sermons, and provide information about their congregations.^[18] Recently, various imams have been tested to certify their level of preparation. Some madrassas have been closed in the past year because they lacked the requisites to obtain a licence to carry out educational activities.^[19] Kyrgyz President Atambayev also reiterated the importance of the educational system in the

strategy to counter religious fanaticism.^[20]

Members of Yaqyn Inkar, an Islamic movement declared extremist in June 2017 and consequently banned, were arrested in June 2016 and October 2017.^[21] Last year, the Kyrgyz Parliament approved a list of 20 terrorist organisations published by the State National Security Committee of Kyrgyzstan.^[22]

Prospects for freedom of religion

On 15th October 2017, Kyrgyzstan held its first peaceful transfer of presidential powers.

Backed by outgoing President Almazbek Atambayev, former Prime Minister Sooronbay Jeenbekov won the presidential election outright^[23] campaigning on a platform of continuity with the previous administration.

The climate that has developed over the past year – with many of Atambayev’s political opponents and critics tried and convicted^[24] and increasing government and court pressure on independent media^[25] – has raised growing concerns among international observers about the fate of Kyrgyzstan’s young democracy. According to the Nations in Transit 2017 report by Freedom House,^[26] Kyrgyzstan is ranked as a “consolidated authoritarian regime”, a categorisation in which it was last placed in 2011.

At present, however, the tense political climate does not appear to have directly affected religious freedom. Yet, mistrust and social aversion towards members of minority religions remain strong, especially if their members are former Muslims.

Endnotes / Sources

[1] Cf. Article 32, Kyrgyzstan’s Constitution of 2010, Subsequently Amended, [constituteproject.org](https://www.constituteproject.org/constitution/Kyrgyz_Republic_010.pdf?lang=en), https://www.constituteproject.org/constitution/Kyrgyz_Republic_010.pdf?lang=en, (accessed 13th January 2018).

[2] Felix Corley, ‘Religious censorship, sharing faiths ban?’, Forum 18 News Service, 31st May 2017, http://www.forum18.org/archive.php?article_id=2283, (accessed 16 January 2018).

[3] Ibid.

[4] Mushfig Bayram, ‘Impunity for officials, mob and torturers ignoring law’, Forum 18 News Service, 3 March 2016 http://www.forum18.org/archive.php?article_id=2155, (accessed 16th January 2018).

[5] Freedom on The Net 2017, Freedom House, <https://freedomhouse.org/report/freedom-net/2017/kyrgyzstan>, (accessed 19th January 2018).

[6] ‘Kyrgyzstan To Keep Convicted Terrorists Separated From Other Inmates’, Radio Free Europe/Radio Liberty, 18th April 2016, <https://www.rferl.org/a/kyrgyzstan-terrorists-inmates-separated/27681717.html>, (accessed 18th January 2018).

[7] ‘Kyrgyzstan bans religious marriages with minors’, Interfax, 21st November 2016, <http://www.interfax-religion.com/?act=news&div=13428>, (accessed 22nd January 2018). Since, under Kyrgyzstan’s Family Code, minors are not allowed to marry, the law applies only to Islamic religious marriages.

[8] Bruce Pannier, ‘What Did Kyrgyz Referendum Change?’, Radio Free Europe/Radio Liberty, 1st January 2017, <https://www.rferl.org/a/majlis-podcast-kyrgyzstan-constitutional-referendum/28208330.html>, (accessed 18th January 2018). The approval of this amendment is due, in terms of timing and legal precedent, to the case of Azimjan Askarov, an Uzbek national who was sentenced to life in prison in 2010 for his alleged participation in mass violence. Many human rights groups have publicly defended him. The Kyrgyz Supreme Court squashed his conviction in July 2016 and sent the case back to a lower court for retrial. The latter however confirmed the original verdict of life in prison in January 2017.

[9] ‘MBB Pastor in Kyrgyzstan faces difficult dilemma’, Open Doors, 6th October 2017, <https://www.opendoor->

susa.org/take-action/pray/mbb-pastor-kyrgyzstan-faces-difficult-dilemma/, (accessed 15th January 2018).

[10] 'Mother and daughter from Kyrgyzstan targeted as believers', Open Doors, 8th August 2016, <https://www.opendoorsusa.org/take-action/pray/mother-and-daughter-from-kyrgyzstan-targeted-as-believers/>, (accessed 15th January 2018).

[11] 'Kyrgyz Police Probe Fire At Baptist Church Amid Hate Crime Fears', Radio Free Europe/Radio Liberty, 4 January 2018, <https://www.rferl.org/a/kyrgyzstan-baptist-church-fire-hate-crime-police-investigation/28955135.html>, (accessed 18th January 2018)

[12] 'Church Burned Late at Night in Kyrgyzstan', Open Doors, 12th January 2018, <https://www.opendoors.org.hk/en/2018/01/18973/>, (accessed 15th January 2018).

[13] Cf Mushfig Bayram, 'No effective punishment for body snatching', Forum 18 News Service, 20th January 2017, http://www.forum18.org/archive.php?article_id=2248; Ibid, 'Freedom of religion or belief without state permission = murder?', Forum 18 News Service, 18th February 2016, http://www.forum18.org/archive.php?article_id=2150, (accessed 16th January 2018); 'Kyrgyz Police Probe Fire At Baptist Church Amid Hate Crime Fears', Radio Free Europe/Radio Liberty, 4th January 2018, <https://www.rferl.org/a/kyrgyzstan-baptist-church-fire-hate-crime-police-investigation/28955135.html>, (accessed 18th January 2018).

[14] Uran Botobekov, 'The Kyrgyz Baptists: A Case Study in Religious Persecution in Central Asia', The Diplomat, 6th February 2017, <https://thediplomat.com/2017/02/the-kyrgyz-baptists-a-case-study-in-religious-persecution-in-central-asia/>, (accessed 17th January 2018).

[15] Mushfig Bayram, 'Impunity for body snatching officials', Forum 18 News Service, 22nd March 2017, http://www.forum18.org/archive.php?article_id=2266, (accessed 16th January 2018).

[16] 'Kyrgyz cemeteries to be divided into sectors for various religions groups', Interfax, 13th March 2017, <http://www.interfax-religion.com/?act=news&div=13632>, (accessed 16th January 2018).

[17] Anastasia Mokrenko, 'Terrorism and extremism remain most urgent threats for Kyrgyzstan', 24.kg News Agency, 5th December 2017, https://24.kg/english/70050_Terrorism_and_extremism_remain_most_urgent_threats_for_Kyrgyzstan/, (accessed 15th January 2018).

[18] Timur Toktonaliev, 'Kyrgyz Imams Tasked With Battling Extremism', Institute for War & Peace Reporting, 9th December 2016, <https://iwpr.net/global-voices/kyrgyz-imams-tasked-battling-extremism>, (accessed 15th January 2018).

[19] Darya Podolskaya, 'Six madrasahs closed in southern Kyrgyzstan', 24.kg News Agency, 9th January 2018, https://24.kg/english/72798_Six_madrasahs_closed_in_southern_Kyrgyzstan/ and 'Four madrasahs closed in Kyrgyzstan as illegal', 24.kg News Agency, 12th April 2017, https://24.kg/english/49304_Four_madrasahs_closed_in_Kyrgyzstan_as_illegal/, (accessed 15th January 2018).

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[22] Tatyana Kudryavtseva, 'List of terrorist and extremist organizations banned in Kyrgyzstan', 24.kg News Agency, 5th April 2017, https://24.kg/english/48835_List_of_terrorist_and_extremist_organizations_banned_in_Kyrgyzstan/,

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[24] Cf. for example, the eight-year sentence imposed on Omurbek Telebaev, leader of Ata Meken opposition party, see 'Kyrgyz Opposition Leader Tekebaev Handed Eight-Year Prison Sentence', Radio Free Europe/Radio Liberty, 16th August 2017, <https://www.rferl.org/a/kyrgyzstan-tekebaev-8-year-sentence-/28680250.html>, (accessed 15 January 2018); or various opponents convicted on charges of corruption or planned coups, see 'Supporters Of Kyrgyz Opposition Politicians Protest Convictions, Prison Terms', Radio Free Europe/Radio Liberty, 18th April 2017, <https://www.rferl.org/a/kyrgyzstan-opposition-politicians-kaybekov-kadyrov-asanov-protest-convictions/28436562.html>, (accessed 15 January 2018).

[25] Cf. for example, the case of independent news website Zanoza.org, whose reporters and writers were ordered in June 2017 to pay fines of C27 million (about US\$ 390,000), see 'Kyrgyzstan: Officials Shackle Journalists with Giant Libel Damages', Eurasianet, 3rd August 2017, <https://eurasianet.org/s/kyrgyzstan-officials-shackle-journalists-with-giant-libel-damages> (accessed 14th January 2018).

[26] Nations in Transit 2017, Freedom House, <https://freedomhouse.org/report/nations-transit/2017/kyrgyzstan>, (accessed 28th February 2018).