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KYRGYZSTAN

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Introduction

1. ADF International is a faith-based legal advocacy organization that protects fundamental freedoms and promotes the inherent dignity of all people before national and international institutions. As well as having ECOSOC consultative status with the United Nations (registered name “Alliance Defending Freedom”), ADF International has accreditation with the European Commission and Parliament, the Organization for Security and Co-operation in Europe, and the Organization of American States, and is a participant in the FRA Fundamental Rights Platform.
2. This report explains why Kyrgyzstan must ensure that the right to freedom of religion is fully respected and protected within its borders, as well as prevent and end all forms of religious persecution by the State and by social groups, including the restrictions of religious association registration, the violence against religious minorities and the attacks on churches and places of worship.

(a) Freedom of religion or belief

3. Kyrgyzstan is a party to the ICCPR, and Article 32 of its Constitution guarantees freedom of conscience and belief, the right to choose and confess individually or jointly with other persons any religion or not to confess religion, and the right to refuse to express one’s religious views. Article 4 prohibits the establishment of religiously-based political parties and the pursuit of political goals by religious groups, and Article 7 establishes the separation of religion and state, and prohibits any involvement of religious associations and ministers of religion in the activity of state authorities.
4. Kyrgyzstan’s 2009 law “On Freedom of Conscience and Religious Organizations in the Kyrgyz Republic” (herein, “Religion Law”), which was amended in 2012, violates international standards of freedom of religion or belief by criminalizing unregistered religious activity and imposing burdensome registration requirements¹.
5. Under the Religion Law, there has been a restriction of religious association registration in the Kyrgyz Republic. Minority religious communities face great difficulty in receiving legal authorization to carry out their religious activities, as the process of obtaining state recognition involves gathering the signatures of 200 founding members, which in practice is almost impossible to achieve, since religious minorities, by default, tend to start with few members.²
6. According to the Religion Law, “central management bodies of religious organizations” may be requested by the state to provide theological expertise on religious material. To the extent that this amounts to imposing a duty on the central management bodies of religious organizations, it violates their autonomy and self-

¹ *Central Asia Forum*, “Freedom of Religion and Belief in Central Asia: Trends and Challenges”, 2015, p. 19, available at: <https://www.osce.org/odihr/187521?download=true>.

² *Aid to the Church in Need*, “Religious Freedom Report: Kyrgyzstan”, available at: https://religious-freedom-report.org/pdf_en/?pais=445.

determination³. According to international regulations, religious organizations should generally enjoy autonomy and self-determination, and state authorities should not unduly interfere with their activities⁴.

Social hostilities toward minority religious groups

7. Under the Religion Law, the Kyrgyz State Committee for Religious Affairs (KSCRA) has authority to censor religious materials identified with “ideas of religious extremism, separatism and religious fundamentalism”. This overly broad terminology is particularly problematic, since these concepts do not feature a precise legal definition, and therefore open the door for arbitrary application of the law and unjustified bans on religious material⁵. The import, production and distribution of religious material forms an essential part of the “freedom to manifest [...] religion or belief in worship, observance, practice and teaching”, which is protected by Article 18 of the ICCPR.
8. Members of minority religious groups, especially converts from Islam to Christianity face social hostilities that range from being forced to shut down their businesses⁶ and expulsion from their home villages⁷ to violent physical aggressions⁸. The authorities do not adequately investigate incidents⁹, and the victims often do not want to complain to the authorities as they are afraid of reprisals against themselves and other local people. This provides an environment of impunity and deep social instability.
9. Members of a wide variety of religious communities of different faiths have reported continuing attacks because of their beliefs. In October 2018, a young Protestant was

³ OSCE/ODIHR Comments on Amendments and Additions to the Law of the Kyrgyz Republic “On Freedom of Religion and Religious Organizations in the Kyrgyz Republic”, para. 16, available at: file:///C:/Users/FELIPE/Downloads/203_FOR_KGZ_22%20Mar%202012_en.pdf.

⁴ 2004 OSCE ODIHR Guidelines for Review of Legislation Pertaining to Religion or Belief, page 15.

⁵ OSCE/ODIHR Comments on Amendments and Additions to the Law of the Kyrgyz Republic “On Freedom of Religion and Religious Organizations in the Kyrgyz Republic”, para. 19.

⁶ *Open Doors*, “MBB PASTOR IN KYRGYZSTAN FACES DIFFICULT DILEMMA”, available at: <https://www.opendoorsusa.org/take-action/pray/mbb-pastor-kyrgyzstan-faces-difficult-dilemma/>.

⁷ *Open Doors*, “MOTHER AND DAUGHTER FROM KYRGYZSTAN TARGETED AS BELIEVERS”, available at: <https://www.opendoorsusa.org/take-action/pray/mother-and-daughter-from-kyrgyzstan-targeted-as-believers/>

⁸ *Forum 18*, “KYRGYZSTAN: Fighting against violent extremism?”, available at: http://www.forum18.org/archive.php?article_id=2460.

⁹ *International Christian Concern*, “Christians in Kyrgyzstan Suffer Under Government Indifference”, available at: <https://www.persecution.org/2019/03/11/christians-kyrgyzstan-suffer-government-indifference/>.

attacked in the village of Tamchi, leaving him unable to speak or move his jaws¹⁰. The attackers punched and kicked him after he declared to be a Christian¹¹.

10. In July 2017, in the community of the village of Balykchi, attackers came to the gate of a Christian family's house and threatened Sister Ainagul and her daughter to leave Christianity, otherwise they would be forced out of the village. The threats became unbearable, and some neighbors decided to take the family out from the village, fearing further attacks and death¹².
11. Strong opposition from local residents and Muslim clerics has caused the denial of burials of members of religious minorities in municipal cemeteries. In October 2016, the body of a Christian woman named Kanygul Satybaldiyeva was twice exhumed by a crowd who objected to her interment in Jalal-Abad cemeteries¹³. In the same month, the residents of Teploklyuchenka Village in Issyk-Kul region didn't allow the burial of 60-year-old Christian Baptist Sydykbekova. A land plot on the village's edge, separate from the local cemetery, was allocated for the burial of the "betrayal of Islam"¹⁴.

Attacks on churches and places of worship

12. In November 2017, an imam, accompanied by a "mob" of young men and officials, blocked a Christian's burial in the state-owned cemetery in Barskoon in Issyk-Kul region and threatened local people that unless they stopped talking they would be beaten up¹⁵. Local Protestants have reported the authorities' complicity in such violations.¹⁶

¹⁰ *Forum 18*, KYRGYZSTAN: "The attackers are in freedom", available at: http://www.forum18.org/archive.php?article_id=2430.

¹¹ *Barnabas Fund*, "Kyrgyzstan: "We are going to lock you in prison and you are going to beg me for your life", available at: <https://barnabasfund.org/en/news/kyrgyzstan-we-are-going-to-lock-you-in-prison-and-you-are-going-to-beg-me-for-your-life>; *International Christian Concern*, "Kyrgyzstan Christians Have Little Faith in Law Enforcement", available at: <https://www.persecution.org/2018/01/26/kyrgyzstan-christians-have-little-faith-in-law-enforcement/>.

¹² *Open Doors*, "MOTHER AND DAUGHTER FROM KYRGYZSTAN TARGETED AS BELIEVERS", available at: <https://www.opendoorsusa.org/take-action/pray/mother-and-daughter-from-kyrgyzstan-targeted-as-believers/>

¹³ *The Diplomat*, "The Kyrgyz Baptists: A Case Study in Religious Persecution in Central Asia", available at: <https://thediplomat.com/2017/02/the-kyrgyz-baptists-a-case-study-in-religious-persecution-in-central-asia>; *Aid to the Church in Need*, Religious Freedom Report: Kyrgyzstan, available at: <https://religious-freedom-report.org/report/?report=445>; *International Christian Concern*, "In Kyrgyzstan, Muslims Harass Religious Minorities Who are Burying Their Dead", available at: <https://www.persecution.org/2018/02/02/in-kyrgyzstan-muslims-harass-religious-minorities-who-are-burying-their-dead/>.

¹⁴ *Ibid.*

¹⁵ *Forum 18*, "KYRGYZSTAN: Burial blocked with violence "resolved peacefully"?", available at: http://www.forum18.org/archive.php?article_id=2349.

¹⁶ *Ibid.*

13. Places of worship have been damaged in several attacks. In January 2018, attackers set fire to a Baptist church in Kajisay city¹⁷. Church members were told by police that the attack was ‘organized by those who don’t like your church and Christianity in the midst of a Muslim country’¹⁸.
14. In July 2017, in Tokmak city another church was broken into. The attackers stole items, smashed furniture and daubed the walls with graffiti, including ‘We will kill you’ and ‘Don’t teach our children’¹⁹.

(b) Recommendations

15. In light of the aforementioned, ADF International suggests the following recommendations be made to Kyrgyzstan:
 - a. Ensure the freedom of religion or belief in Kyrgyzstan, both in law and in practice, for adherents of all religions and none, and root out all cases of religious persecution and the exploitation of laws against members of religious minorities;
 - b. Prosecute and punish all cases of religiously-motivated violence against individuals and vandalism and destruction of places of worship, and work to eliminate the occurrence of such atrocities;
 - c. Remove burdensome registration requirements to religious organizations and rescind intrusive governmental practices upon religious activities;
 - d. Rescind the provisions that enable censorship over religious material by unduly intruding into the autonomy of religious organizations and employing vague terminology to restrict the exercise of the fundamental right to manifest religious freedom through the production and distribution of religious material.
 - e. Ensure that Kyrgyz residents have the right to bury their dead in the state-owned cemeteries, free of discrimination and harassment from religious groups and state authorities.
 - f. Foster an environment of mutual tolerance and respect between believers of different communities as well as between believers and non-believers;

¹⁷ *Open Doors*, “KYRGYZSTAN: BELIEVERS STAND STRONG DESPITE ARSON ATTACK”, available at: <https://www.opendoorsuk.org/news/stories/kyrgyzstan-180307/>; *Forum 18*, “KYRGYZSTAN: Church arson follows long-standing government failures”, available at: http://www.forum18.org/archive.php?article_id=2346.

¹⁸ *Open Doors*, “KYRGYZSTAN: BELIEVERS STAND STRONG DESPITE ARSON ATTACK”, available at: <https://www.opendoorsuk.org/news/stories/kyrgyzstan-180307/>.

¹⁹ *Open Doors*, “CHURCH ROBBED IN KYRGYZSTAN”, available at: <https://www.opendoorsusa.org/take-action/pray/church-robbed-kyrgyzstan/>.



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