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KYRGYZSTAN: President's signing of restrictive Religion Law condemned

By Felix Corley, Forum 18 News Service <<http://www.forum18.org>>

Kyrgyzstan's President, Kurmanbek Bakiev, has signed the restrictive new Religion Law, Forum 18 News Service has learnt. Tursunbek Akun, the country's Human Rights Ombudsperson, told Forum 18 that "this Law is not in accord with international human rights standards," as it "imposes a range of restrictions that will prevent small religious communities from developing." Human rights defender Aziza Abdirasulova, of the Kylym Shamy (Candle of the Century) Centre for Human Rights Protection agreed, stating that "the new Law contradicts international human rights standards - and it is not the only Law now being signed that does so," she told Forum 18. She complained that civil society and smaller religious communities had been "left on the sidelines" in the Law's drafting. Also condemning the new Law were religious communities including Seventh-day Adventists, Baptists, Baha'is and Hare Krishna devotees. Jens Eschenbaecher, Spokesperson for the OSCE Office for Democratic Institutions and Human Rights (ODIHR), told Forum 18 from Warsaw on 13 January that: "It appears that the law as signed by the President still contains many of the problematic features that were highlighted in the legal opinion which was prepared by the ODIHR and the Venice Commission."

Despite vigorous protests against it by local human rights defenders and many religious communities, President Kurmanbek Bakiev has signed the restrictive new Religion Law, the presidential website reported on 12 January. Tursunbek Akun, Kyrgyzstan's Human Rights Ombudsperson, condemned the move. "This Law is not in accord with international human rights standards," he told Forum 18 from the capital Bishkek on 13 January. "The Law imposes a range of restrictions that will prevent small religious communities from developing." Akun pledged to work to have the new Law amended and said his office is already preparing a letter to President Bakiev.

Human rights defender Aziza Abdirasulova, who heads the Kylym Shamy (Candle of the Century) Centre for Human Rights Protection, said her organisation had been among many which had appealed to President Bakiev not to sign the Law. "The new Law contradicts international human rights standards - and it is not the only Law now being signed that does so," she told Forum 18 from Bishkek on 13 January. She complained that civil society and smaller religious communities had been "left on the sidelines" as the Law was being prepared. "There was no common language between the Muftiate [the state-favoured Muslim spiritual leadership] and the Russian Orthodox Church - which backed the Law - on one side, and the other communities on the other."

Jens Eschenbaecher, Spokesperson for the OSCE Office for Democratic Institutions and Human Rights (ODIHR), told Forum 18 from Warsaw on 13 January that: "It appears that the law as signed by the President still contains many of the problematic features that were highlighted in the legal opinion which was prepared by the ODIHR and the [Council of Europe's] Venice Commission at the request of the Kyrgyz authorities and published in October 2008" (see F18News 16 October 2008 <http://www.forum18.org/Archive.php?article_id=1204>).

Eschenbaecher said that "the ODIHR stands ready to continue to work with the authorities in any further efforts to amend the Law and make it fully consistent with Kyrgyzstan's commitments as a participating State of the OSCE."

Also condemning the new Law were a range of religious communities, including Seventh-day Adventist, Baptist, Baha'i and Hare Krishna representatives.

Provisions that have caused concern to religious communities and human rights defenders include: a ban on children being involved in religious organisations; a ban on "aggressive action aimed at proselytism"; a ban on the distribution of religious literature, print, and audio-video religious materials; and de facto compulsory re-registration of all registered religious organisations (see F18News 5 November 2008 <http://www.forum18.org/Archive.php?article_id=1213>).

"Under this new Law, we won't have the right to function at all as we don't have the necessary 200 members," Synarkul Muralieva (Chandra Mukhi), head of Bishkek's small Hare Krishna community, told Forum 18 on 13 January. "We're not alone - all small religious communities will have to go underground." She said she believes it is "pointless" to write to the President to call for the new Law to be amended or abolished. "It would be stupid - the government machine has simply imposed this."

Muralieva points out that her community has already been denied state registration - "officials said our documents were weak". She reported that religious affairs officials and the secret police visited their temple in Bishkek in spring 2008 and banned them from worshipping without registration.

Kyrgyzstan's Adventist leader, Igor Vasilchenko, says that he is afraid many of their churches will lose legal status, despite government claims that the Law will not have retroactive force. "In many places we had big churches, but because many people have emigrated they have grown much smaller," he told Forum 18 from Bishkek on 13 January. "Many of these churches will be declared outside the Law."

Vasilchenko also objected to the new ban on spreading one's faith. "This is against the Constitution, which proclaims that we can follow any faith," he declared. "We must as Christians witness to our faith. There's now a contradiction between the Constitution and the Law."

Echoing his concern over the ban on spreading one's faith is a member of the Baha'i community, who asked not to be identified. "We're not sure how we will be treated if we speak to someone about our faith," the Baha'i told Forum 18 on 13 January. "Will this be regarded as illegal propaganda?" The Baha'i said every religious believer will have to be more careful now. "We won't be able to say what we want to say, and we won't be able to listen to what we want to listen to."

A member of the Council of Churches Baptists - who refuse to register on principle with the authorities - said they are also worried by this new Law. "The authorities are likely to try to take measures against us, especially as we will continue to refuse registration," the church member told Forum 18 on 13 January. "But we rely on the Lord and will remain faithful to him."

Aleksandr Shumilin heads the much larger Baptist Union, which has more than 300 registered congregations in the country. He told Forum 18 that the Union "unanimously" regards the new Law as unconstitutional and in violation of human rights. He insists the new Law will drive religious believers underground "as you can't ban people from believing". He said his Union intends to challenge the Law in the country's Constitutional Court.

The controversial Law - which replaces the 1991 Religion Law - was approved by parliament on 6 November 2008 after politicians ignored complaints by human rights groups and religious communities. The Organisation for Security and Co-operation in Europe also expressed its concerns, as did the European Union and members of the European Parliament who visited Bishkek (see F18News 6 November 2008 <http://www.forum18.org/Archive.php?article_id=1215>).

Pope Benedict XVI made an apparent reference to this Law and proposed harsh new Religion Laws in Kazakhstan (see F18News 9 January 2009 <http://www.forum18.org/Archive.php?article_id=1238>) and Tajikistan (see F18News 17 December 2008 <http://www.forum18.org/Archive.php?article_id=1230>) in his traditional annual address to the diplomatic corps accredited to the Holy See on 8 January.

"The Church, as has often been said, does not demand privileges, but the full application of the principle of religious freedom," the Pope was quoted by the official Vatican Information Service as declaring. "In this perspective, it is important that, in central Asia, legislation concerning religious communities guarantee the full exercise of this fundamental right, in respect for international norms."

The 12 January announcement on the presidential website trumpets the fact that 200 adult citizens permanently living in Kyrgyzstan will now be required before a religious community can apply for state registration, compared to 10 in the current Law. It says 10 registered religious organisations will be needed to form a "religious association".

The announcement stresses that "attracting children into religious organisations is not allowed, and insistent actions directed at turning believers of one faith to another (proselytism) are banned". It adds that "the distribution of literature, printed, audio and video materials of a religious character in public places (on streets and roads), and going round flats, children's institutions, schools and higher educational establishments is banned". It specifies that the Law "determines [official] control on the activity of religious organisations".

The announcement said the Law comes into force on its official publication. It said statutes of religious organisations must be brought into conformity with the new Law.

The announcement stresses that the "leading religious confessions of the country" - which it identifies as the Muftiate and the Russian Orthodox Church - had called on President Bakiev to sign the Law. "The majority of state bodies of the country likewise supported this Law."

The known provisions of the Law clearly breach the international human rights standards outlined in the Organisation for Security and Co-operation in Europe (OSCE) / Venice Commission 'Guidelines for Review of Legislation Pertaining to Religion or Belief' (see <http://www.osce.org/odihr/item_11_13600.html>). A joint Venice Commission / OSCE legal review of a July text of the Law

was also highly critical of it (see F18News 16 October 2008 <http://www.forum18.org/Archive.php?article_id=1204>).

The presidential announcement conceded that a "significant number" of appeals had been sent by religious believers to the President calling on him to send the Law back for further work "as in their view individual provisions of it harm their rights to freedom of religious confession". It acknowledged that "by means of the internet" the European Union had also expressed its concern.

It claimed that in the light of these concerns, state bodies conducted an analysis of the "most controversial provisions". Their analysis rejected concerns over the requirement for 200 members, claiming that this provision will only be used for new religious communities, and will not have retroactive force for communities that already have registration who will continue to be allowed to function even if they now have fewer than 200 members.

Likewise, concerns over the ban on spreading one's faith were brushed aside, claiming that premises belonging to religious organisations and places specially designated by local administrations where spreading one's faith is specifically allowed is enough. It claims that this "cannot be regarded as a limitation on the rights of religious organisations and believers". It goes on to claim that the current "conditions" in Kyrgyzstan with "tense inter-confessional relations" in the last seven years over burial of the dead and changing faith - "for example from Muslim to Baptist" - justify the ban on "proselytism". It added that the definitions in this provision need more precision.

The announcement claimed that given the "positive assessment" of the Law, the President decided to sign it. However, in the light of the appeals by individuals, it said President Bakiev had instructed the government and the "competent bodies" to create a joint commission with participants from unnamed religious communities to consider the points raised in appeals to him and "in case of need, to resolve them in the established way".

Forum 18 was unable to reach anyone immediately at the Muftiate or at the Russian Orthodox diocesan administration in Bishkek to comment on the signing of the Law.

The Baha'i representative speculated to Forum 18 that the new Law was not directed at "normal believers", but at genuine extremists. "However, in reality it will affect everyone." (END)

For background information see Forum 18's Kyrgyzstan religious freedom survey at <http://www.forum18.org/Archive.php?article_id=222>.

More reports on freedom of thought, conscience and belief in Kyrgyzstan can be found at <<http://www.forum18.org/Archive.php?query=&religion=all&country=30>>.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at <http://www.forum18.org/Archive.php?article_id=806>, and of religious intolerance in Central Asia is at <http://www.forum18.org/Archive.php?article_id=815>.

A printer-friendly map of Kyrgyzstan is available at <<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=kyrgyz>>.

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