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Open Letter of Protest from Kyrgyz Churches

Kyrgyz Churches

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EVANGELICAL-CHRISTIAN CHURCHES OF THE KYRGYZ REPUBLIC

Evangelical-Lutheran Church
Union of Churches of Evangelical Christians-Baptists
Local Church of Jesus Christ
Religious association "Kuday Khamaaty"
Southern Conference of the Church of Christian-Adventists of the Seventh Day
Union of Churches of Christians of Evangelical Faith
Alliance of Kyrgyz Evangelical Churches
Union of Evangelical Churches

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Addressed to:

Supreme Commissariat of the United Nations on the Observance of Human Rights
Representation of the European Union in the Kyrgyz Republic
The State Duma of Russia, Moscow
European Union, Brussels
OSCE Office for Democratic Institutions and Human Rights, Warsaw
The OSCE Ambassador in Bishkek
United Nations Development Program (UNDP) in Kyrgyzstan
Embassies of Russia, Germany and the USA in the Kyrgyz Republic

A copy goes to the President of the Kyrgyz Republic, the Honourable Kurmanbek Bakiyev.

To all concerned parties!

Regarding the law of the Kyrgyz Republic entitled:
"On the Freedom of Worship and Religious Organisations"

We are addressing you regarding the difficulties stemming from the new law which took effect on 16 January 2009.

Before the law in question was passed, we repeatedly presented to government bodies suggestions and proposals which were then completely ignored in the new law as passed.

We are unfortunately therefore compelled to conclude that the new law infringes upon our religious feelings and civil rights and contain a number of contradictions.

The position stated here reflects in its entirety the views of the undersigned regarding the relationship between the religious community and government bodies within the Kyrgyz Republic.

We request that you pay attention to a number of problematic clauses in the law which is now in force:

Article 1

2. The present Law defines the rights and duties of local government, which through the creation of public committees on religion on its own territory and together with the national

religions affairs department secures the protection of public order, spiritual safety, territorial integrity and the constitutional constrictions on religious extremism.

The term “spiritual safety” is too indistinct, has purely subjective relevance and can as such lead to excesses on the part of local government. We believe the term should be dropped completely or at least defined more clearly.

Article 3

Sect – a religious movement (community) which has separated itself from a confession for reasons of dogma and is not in agreement with it. A sect expresses indifference and contradicts the interests of society.

The term "sect" is unacceptable in the law of a secular state, meaning the law “On the Freedom of Worship. . .” in particular. The secular state takes upon itself hereby the role of defining “fundamental” and “secondary” dogma. On the basis of the Constitution of the Kyrgyz Republic, preference cannot be allotted to any particular religion. “Sect” is a confession-internal designation and in the opinion of most religious scientists should be excluded from the legal terminology of all secular states.

Article 4

5. The involvement of children in religious organisations is not permitted.

Precisely on the basis of such a clause, the children of believing parents were forbidden to attend church services during Soviet times. This clause contradicts Article 14 of the UNHCR’s “Convention on the Rights of the Child” from 20 November 1989: “*States Parties shall respect the right of the child to freedom of thought, conscience and religion.*”

With the introduction of this legislation, Christian believers in Kyrgyzstan lose their cause for residing in the Kyrgyz Republic, for these laws forbid them to bring up their children according to their own beliefs. We, along with all other parents, have the clear goal of transferring to the coming generation the values which are connected to our faith – to live on the basis of the principle of love to God and to others.

Article 5

4. Persistent activities directed at the conversion of believers from other faiths (proselytism) and any illegal missionary activity are forbidden. Persons guilty of transgressing against this rule will bear the consequences established by the legislation of the Kyrgyz Republic.

The position expressed by this legislation contradicts fundamental provisions of the Constitution of the Kirghiz Republic, which states:

- The Kyrgyz Republic is a secular state. (Chapter 1, Article 1, Item 1)
- In the Kyrgyz Republic, no religion may be regarded as a state religion or as obligatory. (Chapter 1 Article 8 of Item 1)

The position stated contradicts the “Universal Declaration of Human Rights” passed by the General Assembly of the United Nations on 10 December 1948. It reads:

- Everyone has the right to freedom of thought, conscience and religion; this right includes **freedom to change his religion or belief**, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. (Article 18)
- Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. (Article 19)
- No one should be subject to coercion limiting the freedom to have or accept a religion or conviction of his own choice.

The given position contradicts the “Declaration on the Elimination of all Forms of Intolerance and of Discrimination Based on Religion or Belief” passed by the General Assembly of the United Nations on 25 November 1981, which reads:

- Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

Article 8

3. A religious organisation is created under the initiative of not less than 200 citizens of the Kyrgyz Republic who are adult in age and reside constantly within the territory of the Kyrgyz Republic.

This means that practically each person on the list of those initiating a religious organisation **will be compelled** to define his relationship to religion in an official document. But Article 4 of the new law states: *“It will not be assumed that a citizen’s listing in official documents will indicate that person’s relationship to religion. Any kind of coercion of citizens regarding their relationship to religion, their involvement or non-involvement and their participation or non-participation in religious services, religious practices, ceremonies or in the teaching of religion, is forbidden.”*

In the past, the 10 persons required to sign for the registration of an organisation and thereby forced to make their personal creed public, needed to reckon with difficulties. The new demand to list 200 persons for registration is in fact government **coercion** limiting freedom of conscience and therefore an infringement of international law.

We believe the new law will very soon make it impossible for a large number of religious organisations to obtain legal status. We also cannot rule out that a number of religious organisations unwilling to force their believers into a conflict of conscience will refuse to attempt registration. But Article 14 of the Kyrgyz Republic’s Constitution states: *“No one can be forced to express their opinion or conviction.”*

The position of Article 12 of the Constitution of the Kyrgyz Republic is therefore in conflict with the aforementioned Article 18 of the “Universal Declaration of Human Rights”: *“Everyone has the right to freedom of thought, conscience and religion, . . . either alone or in community with*

others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

Article 8 Item 4

4. The confessions in question may create unified central organs of governance for coordinating and directing the activities of religious organisations – for spiritual direction, unions, conferences and others (also for directing the central organ of governance itself).

The central organ of governance is created by the constituent assembly (regional, conference-wise, etc.) of those various registered confessions active in no less than nine regions of the Kyrgyz Republic (district, city of Bishkek, Osh). .

These stipulations rob many religious denominations of the possibility of having a central organ of governance. They thereby contradict Article 21 of the Constitution of the KR: *"1. Citizens of the Kyrgyz Republic enjoy the right of assembly."*

Article 12

The missionary has the right to be on the territory of the Kyrgyz Republic for no more than three years.

We wish to point out in this context that the foreign missionary must already re-register annually with the State Agency. It is not clear why his stay needs to be limited to three years if his activity is not in conflict with the laws of the Kyrgyz Republic and consequently does not harm the government in any way. We believe this stipulation contradicts common sense and entails flagrant interference in the internal personnel policies of religious organisations.

Article 22

6. <...>

The distribution of literature, other printed materials and audio-video data of religious character is forbidden in public places (on streets, boulevards), at entrances to apartments, in children's establishments, schools and institutions of higher learning.

7. Citizens and religious organisations have the right to obtain and use religious literature in any language of choice as well as other items and materials of religious nature only in places of worship and in special shops.

This stipulation essentially keeps believers from having the option to retain and use literature at home and contradicts Article 14 of the KR Constitution: *"Everyone has the right to freely collect, store and use information and distribute it orally, in writing or in other form."*

We believe this legislation in its present form:

- Contradicts the Constitution of the Kyrgyz Republic, which allows every citizen and inhabitant of the Kyrgyz Republic to profess any religion or their lack thereof.
- Will cause tension and conflict in local situations.
- Will not be in keeping with the practice of mutual relations between the government and religious organisations in developed democratic countries.

- Will lead to the closing of many already-registered religious organisations and will not permit the registering of new religious organisations.

We are hoping for constructive and fruitful cooperation

Signatures

Translation: Dr. William Yoder, Moscow