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KYRGYZSTAN: Greater financial controls on religious organisations?

By Mushfig Bayram, Forum 18 (<https://www.forum18.org>)

Despite Parliament's rejection on 6 June of a Religion Law amendment that would have imposed tighter financial reporting by registered religious organisations, work on a similar amendment continues. Deputy Ulan Primov – who is promoting such tighter controls – has not answered Forum 18's question on why he believes they are needed. "Financial control measures for non-commercial organisations in general were incorporated into the Law in 2022," says Gulshayir Abdirasulova of human rights organisation Kylym Shamy. "Now the authorities want to adopt such measures for religious organisations."

On 6 June Parliament, the Jogorku Kenesh, rejected an amendment to the Religion Law that would have imposed tighter financial reporting by registered religious organisations. Despite this, a separate amendment to achieve the same aim is now being prepared. "The Budget and Constitutional Issues Committee will prepare the draft," the Assistant to Deputy Ulan Primov – who is promoting such tighter controls - told Forum 18.

The rejected amendment would have required registered religious organisations to submit reports to the tax authorities by 1 April each year "about the sources of funds, the directions of their expenditure, as well as information about property they have acquired, use or have disposed of". Amendments also covered political parties, cooperatives and trade unions (see below).

Members of two religious communities complained to Forum 18 that they have not been informed or consulted about these proposed new financial reporting requirements (see below).

Forum 18 asked Deputy Primov:

- Why he believes such a draft Law on financial control of religious communities is needed;
- Whether such a new Law would not create an open door for the authorities' arbitrary punishment of religious communities, particularly if they receive financial assistance from abroad;
- Whether such a new Law would not potentially jeopardise the safety of members of non-Muslim communities if their contact details are published;
- Whether the authorities and the Jogorku Kenesh will allow members of religious communities actively to participate in discussion of the draft Law.

Forum 18 has received no response (see below).

Kanatbek Midin uuly, Press Secretary of the State Commission for Religious Affairs in Bishkek, told Forum 18 he is not aware of any such proposals since the Jogorku Kenesh rejected the amendments on 6 June. Asked whether this means there will be no new Law in the near future to increase religious communities' financial reporting requirements, he said: "I cannot guarantee that" (see below).

"Religious organisations are already under the strict control of the State Commission for Religious Affairs, law-enforcement agencies such as the Interior Ministry, National Security Committee (NSC) secret police, and the Justice Ministry," a human rights defender who asked not to be identified told Forum 18. "If any new Law is adopted, they will also be subjected to the control of the Finance Ministry" (see below).

Gulshayir Abdirasulova of the human rights organisation Kylym Shamy warned religious communities to watch out for new financial reporting requirements. "Financial control measures for non-commercial organisations in general were incorporated into the Law in 2022," she told Forum 18. "Now the authorities want to adopt such measures for religious organisations" (see below).

Abdirasulova pointed out that information on the financial sources of non-commercial organisations, as well as their individual members' names and addresses, is already published on the website of the tax authority. She warned that if religious organisations have to do likewise, members - particularly of non-Muslim religious communities – would be at risk "for them to be persecuted by radically-minded individuals". The problem of unpunished violent attacks against non-Muslims in regions outside Bishkek is long-standing (see below).

Although the controversial Foreign Agents Law signed into law in April does not ostensibly apply to religious organisations, members of some religious communities expressed their fears. "The government can twist any law to use against us arbitrarily," one told Forum 18 (see below).

"I would not be surprised if the authorities in the near future also propose measures to control the international ties of religious communities, since such measures were adopted for non-commercial organisations in general in April," Abdirasulova told Forum 18 (see below).

Midin uuly of the State Commission for Religious Affairs told Forum 18 that work is continuing on a draft new Religion Law. When the text was published in November 2023, human rights defenders and religious communities criticised the many violations of international human rights law. Four United Nations Special Rapporteurs wrote to the government with concerns about the draft. No reply from the government has been published (see below).

On 13 May, Osh Regional Court halved on appeal the jail terms handed to Asadullo Madraimov and Mamirzhan Tashmatov. The two Muslims had been arrested in October 2023 after protesting against the regime's closure of their mosque in Kara-Suu. Tashmatov was freed in the court room on 13 May. Madraimov will remain in prison in Osh until 25 August, his lawyer told Forum 18 (see below).

A Bishkek Protestant church whose place of worship is under threat of confiscation is pinning hopes on Ombudsperson Jamilya Jamanbayeva, who has promised to help them (see below).

Parliament rejects tighter financial reporting - for now

The Jogorku Kenesh (Parliament) on 6 June considered in the first reading an amendment to the 2008 Religion Law to impose tighter financial reporting by registered religious organisations. The proposal came in a draft Law on Amendments to the Law on Financial Reporting by Certain Non-Commercial Organisations. The Amendments also covered political parties, cooperatives and trade unions.

The amendment would have required registered religious organisations to submit reports to the tax authorities by 1 April each year "about the sources of funds, the directions of their expenditure, as well as information about property they have acquired, use or have disposed of".

Akylbek Japarov, Chair of the Cabinet of Ministers, submitted the proposal to Parliament on 3 March.

Members of several religious communities, which did not want Forum 18 to identify them for fear of state reprisals, expressed concern about the proposed new Law. "We already give financial reports to the government, which are openly published on the internet," one community member told Forum 18. "What any new Law will bring we need to see. We were not asked for our opinion on the draft Law recently discussed in Parliament."

"The authorities did not seek our opinion in the past when they adopted the Religion Law or other Laws concerning religious organisations," a leader of another community lamented to Forum 18. "Nor did they ask us about this proposed new Law. We always hear the news of these Laws from third sources like you."

However, on 6 June the Jogorku Kenesh rejected the draft Law on Amendments to the Law on Financial Reporting by Certain Non-Commercial Organisations, the Jogorku Kenesh website noted the same day.

Deputy Ulan Primov, a member of the Ata Jurt Kyrgyzstan (Fatherland Kyrgyzstan) faction who sits on the Jogorku Kenesh International Relations, Defence, Security and Migration Committee, spoke in the debate to support tighter financial reporting requirements for registered religious organisations.

Greater financial controls expected?

Jazgul Nazirbayeva, Deputy Ulan Primov's Assistant, said that a separate draft Law to increase financial controls on registered religious organisations is being prepared. "It is not the Ata Jurt faction's proposal but the personal proposal of Deputy Primov," she told Forum 18 from Bishkek on 11 June. "The [Jogorku Kenesh] Budget and Constitutional Issues Committee will prepare the draft."

Nazirbayeva could not answer Forum 18's questions on the proposed new Law or put it through to Primov. She claimed that he is on a business trip abroad. She asked Forum 18 to send its questions in writing.

Forum 18 asked Deputy Primov on 11 June in writing:

- Why he believes such a draft Law on financial control of religious communities is needed;
- Whether such a new Law would not create an open door for the authorities' arbitrary punishment of religious communities, particularly if they receive financial assistance from abroad;
- Whether such a new Law would not potentially jeopardise the safety of members of non-Muslim communities if their contact details are published;
- Whether the authorities and the Jogorku Kenesh will allow members of religious communities actively to participate in discussion of the draft Law.

Forum 18 had received no response by the end of the working day in Bishkek of 13 June.

Kanatbek Midin uuly, Press Secretary of the State Commission for Religious Affairs in Bishkek, adamantly denied that a new proposal was made to prepare a separate draft Law to increase religious communities' financial reporting requirements. "I participated in that session of the Parliament, and no one made such a new proposal," he told Forum 18 on 11 June.

Told that a parliamentary official has confirmed to Forum 18 that a separate new Law is being drafted, Midin uuly responded: "I do not know, I do not remember that." Asked whether this means there will be no new Law in the near future to increase religious communities' financial reporting requirements, he said: "I cannot guarantee that."

Asked why religious communities are not made aware of new Laws concerning them and have not been invited to participate in the discussions of a potential new Law on religious communities' financial reporting requirements, Midin uuly responded: "Well, the draft proposed in March was rejected by Parliament at the first reading anyway, and if it went through to the second reading we would at that stage have asked religious communities for their opinions."

Religious communities urged to participate in discussion of proposed Law

Gulshayir Abdirasulova of the Bishkek-based human rights organisation Kylym Shamy warned religious communities to watch out for new financial reporting requirements. "Financial control measures for non-commercial organisations in general were incorporated into the Law in 2022," she told Forum 18. "Now the authorities want to adopt such measures for religious organisations."

(A 22 March 2022 Cabinet of Ministers Decree implementing provisions of the Non-Commercial Organisations Law specified detailed information such organisations must file on themselves and their donors.)

"I strongly urge religious communities to pay attention to any new draft Law on financial reporting," Abdirasulova added, "and actively participate in the discussions and submit proposals to the authorities to reduce the possible future negative effects of it on their activity."

Abdirasulova pointed out that information on the financial sources of non-commercial organisations, as well as their individual members' names and addresses, is already published on the website of the tax authority.

"Everyone has access to this information without needing to register on the website," Abdirasulova pointed out. "It is therefore important for each religious community to take part in the discussions of any proposed new draft Law and help develop an acceptable form for the authorities to collect and retain such information."

Abdirasulova pointed out that after the adoption of requirements on financial reporting of non-commercial organisations in 2022 and their financial information and addresses were openly published, some of their employees were subjected to public ostracism and blackmail in the government-sponsored news and social media. "The media portrayed them as working for the United States and Western European grants and promoting Western values, including LGBTQ."

"If in future names and addresses of individual religious community members - particularly of non-Muslim religious communities - are published in an open public domain, it will also make it possible for them to be persecuted by radically-minded individuals," Abdirasulova warned.

The problem of unpunished violent attacks against non-Muslims in regions outside Bishkek is long-standing. Mobs have attacked individuals and places of worship (https://www.forum18.org/archive.php?article_id=2804). Such attacks have taken place with the

complicity of the authorities, and include refusals to allow the family and friends of the dead to conduct funeral ceremonies in the way the dead would wish. Some non-Muslims have been forced to convert to Islam to bury their dead.

"Authorities' intention is total control of civil society and religious communities, including their finances"

Another human rights defender, who asked not to be identified for fear of state reprisals, described proposals to increase religious communities' reporting requirements as "very bad".

"In a few years time, we will perhaps have no civil society and no independent religious communities left in Kyrgyzstan," the human rights defender complained to Forum 18 on 6 June. "Everything will follow the Russian scenario."

Elaborating on a possible new Law's effects on religious communities and their members, the human rights defender told Forum 18: "Religious organisations are already under the strict control of the State Commission for Religious Affairs, law-enforcement agencies such as the Interior Ministry, National Security Committee (NSC) secret police, and the Justice Ministry. If any new Law is adopted, they will also be subjected to the control of the Finance Ministry."

"Religious communities, especially those which have international ties and receive financial aid from abroad, will be particularly targeted, I am afraid," the human rights defender noted.

Future greater controls on religious communities' international ties?

On 2 April, President Sadyr Japarov signed into law controversial amendments to the Non-Commercial Organisations Law (<https://www.hrw.org/news/2024/03/15/kyrgyzstan-veto-law-curb-civil-society>). The amendments were widely dubbed the Foreign Agents Law and were similar to legal provisions adopted in Russia in 2012.

The new amendments require non-commercial organisations that receive foreign funding and engage in what it defines as political activities to register as "foreign representatives". Such organisations must also submit to costly financial reporting requirements and extensive state oversight.

Gulshayir Abdirasulova of human rights organisation Kylym Shamy told Forum 18 that the Foreign Agents Law does not specifically apply to religious organisations.

Elaborating on the 2022 financial reporting requirements for non-commercial organisations as well as the new proposals for religious communities, the human rights defender who did not want to be identified complained that "Without a doubt, members of civil society and religious communities can be critical of the state authorities' activity. The authoritarian rulers do not like such members of society, thanks to whom their formula of 'carrot and stick' is failing."

The human rights defender added: "It has become very difficult for the authoritarian rulers of Kyrgyzstan to manipulate public opinion in the age of information technologies. Therefore, the authorities' intention is the total control of civil society and religious communities, including their finances."

Although the Foreign Agents Law does not ostensibly apply to religious organisations, members of some religious communities expressed their fears to Forum 18. "The government can twist any law to use against us arbitrarily," one told Forum 18. "They can tell us that we are also a non-commercial organisation and that this Law applies to us as well."

Controlling religious communities' international ties?

Gulshayir Abdirasulova of human rights organisation Kylym Shamy believes the government's controls on religious communities will go further than the current plans to tighten controls over their finances. She points to the adoption of the Foreign Agents Law in April.

"I would not be surprised if the authorities in the near future also propose measures to control the international ties of religious communities, since such measures were adopted for non-commercial organisations in general in April," Abdirasulova told Forum 18.

When will proposed new Religion Law return?

On 10 November 2023, the government's draft legislation website posted the texts of two proposed new laws (https://www.forum18.org/archive.php?article_id=2875) which would have continued to restrict freedom of religion or belief. Both drafts were prepared by the State Commission for Religious Affairs.

A proposed new Religion Law would have replaced the 2008 Religion Law and subsequent amendments. An associated proposed new Amending Law in the Area of Religion would have introduced amendments to the 2021 Violations Code, as well as the laws on

political parties, on elections to and deputies of local keneshes (administrations), and on parliamentary deputies.

The proposed new Religion Law (https://www.forum18.org/archive.php?article_id=2875) would, among other provisions, have: continued to require all religious communities to gain state registration before they are allowed to exist or exercise freedom of religion or belief; continued to make illegal and punishable any exercise of freedom of religion or belief by religious communities without state registration; imposed compulsory re-registration of religious communities every five years; imposed multiple burdensome registration requirements, including high thresholds for the numbers of founders required for a religious community.

A number of individuals submitted comments on the draft legislation website. Gulshayir Abdirasulova of human rights organisation Kylym Shamy submitted a 10-page analysis of the proposed new Law via the draft legislation website on 9 December 2023. She called for numerous provisions which violate international human rights commitments to be deleted.

A representative of the Baha'i community criticised the high proposed number of adult citizens needed to register a religious community: 100 for a local, 500 for a regional and 3,000 for a national community. "From the wording it follows that 99 believers at the local level do not have the right to register their organisation and practice their religion," the representative wrote. They suggested a local community should need 10 founders.

On 18 December 2023, four United Nations Special Rapporteurs – including Nazila Ghanea, Special Rapporteur on freedom of religion or belief – wrote to the authorities (KGZ 6/2023 (<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28670>)) expressing concern about provisions in the draft new Religion Law. They asked the authorities to explain how the contentions provisions "are compatible with international human rights standards regarding the right to freedom of religion or belief, and the rights to freedom of peaceful assembly and freedom of association".

The Special Rapporteurs asked the government to inform them of measures it had taken or was planning to take to ensure the proposed Law's compliance with the country's obligations under international human rights law. As of 13 June 2024, the United Nations website does not list any response from the Kyrgyz government to their letter.

Kanatbek Midin uuly, Press Secretary of the State Commission for Religious Affairs, told Forum 18 that the State Commission in December 2023 withdrew the proposed new Religion Law from the draft legislation website. "It did not even reach the Parliament," he told Forum 18 on 12 June 2024.

Abdirasulova welcomed the State Commission decision in December 2023 to withdraw the proposed Law "because we submitted very many negative observations", she told Forum 18 on 12 June 2024.

However, Midin uuly indicated that officials still intend to draw up a new version of the Religion Law. "We are at the moment working on a new draft taking into account the comments we received from the public," he told Forum 18.

A member of one religious community told Forum 18 in mid-May 2024 that it remains concerned about the proposed new Religion Law. "It was discussed in November 2023 but, after the protest of many religious organisations (including our own), it was submitted for correction."

Jailed for protesting against closure of their mosque

Police in Kara-Suu in Osh Region arrested Asadullo Madraimov, Mamirzhan Tashmatov and another man on 18 October 2023 for protesting against the regime's closure of their mosque (https://www.forum18.org/archive.php?article_id=2879), Kara-Suu District's Al-Sarakhsi Mosque, and placed them in detention. The third was fined and freed in January 2024.

On 26 February, Judge Syrgak Zhumadylov of Kara-Suu District Court jailed prisoners of conscience Madraimov and Tashmatov (https://www.forum18.org/archive.php?article_id=2899) for three years and two years respectively.

The Court convicted the men under Criminal Code Article 330, Part 1 (https://www.forum18.org/archive.php?article_id=2711) ("Incitement of racial, ethnic, national, religious or inter-regional enmity (discord), as well as propaganda of the exclusivity, superiority or inferiority of citizens on the basis of their attitude to religion, nationality or race, committed publicly or with the use of the mass media as well as the internet"),

The Court dropped the Prosecutor's charges under Criminal Code Article 278, Part 3 ("Calling for active disobedience of the lawful demands of state officials and for riots").

Madraimov and Tashmatov appealed against their conviction and jail terms (https://www.forum18.org/archive.php?article_id=2899).

Osh court upheld convictions, but reduced jail terms

On 13 May, Osh Regional Court heard Asadullo Madraimov and Mamirzhan Tashmatov's appeal against their convictions and jail terms. Appeal Board Judges Mirlan Borombayev, who is also Chair of the Court, and Azizbek Dosmambetov reduced the men's prison terms by half, their lawyer Khusanbai Saliyev told Forum 18 on 10 June.

Court Chair Borombayev's phones were not answered on 11 June. Judge Dosmambetov refused to talk to Forum 18 about the case on 11 June. "We will not discuss with you our decisions," he told Forum 18 and declined to talk further.

"Because every day in pre-trial detention prison is counted as two days of the actual sentence, Tashmatov was freed in the court room on 13 May, since he had served in full the sentence given to him," Saliyev explained. "Madraimov will be in prison until 25 August taking into account the remainder of his sentence after it was reduced."

Kanatbek Midin uuly, Press Secretary of the State Commission for Religious Affairs, declined to discuss the two men's case with Forum 18.

It is not clear whether the authorities will transfer Madraimov to a prison because of the shortness of the remainder of the prison term, Saliyev noted. "Madraimov all this time has been in the same detention prison. The chances are that he will remain in the same place."

Madraimov is being held in Investigation Prison No. 5 (Prison No. 25) in Osh. The address is:

Osh oblusu

Osh shaari

Bayalinov kochosu 20

Prison No. 25

Too afraid to appeal further now?

Asadullo Madraimov and Mamirzhan Tashmatov's lawyer, Khusanbai Saliyev, insists that the two men are innocent. "They need to be cleared from their criminal record," he told Forum 18.

"Relatives have asked me not to make a cassation appeal against the court decisions since the Prosecutor's Office has the right to challenge the Court's reduction of the sentence," Saliyev told Forum 18. "Relatives are afraid that if I make the appeal now the Prosecutor can act and punish them for this."

However, Saliyev told Forum 18 he will, with the agreement of Madraimov and his relatives, make the appeal after Madraimov has completed his jail term and is out of prison.

Will Ombudsperson help threatened Bishkek church?

Forum 18 is aware that the authorities want to confiscate the building of a Protestant Church in Bishkek. Church members did not wish to discuss the issue at present since the Ombudsperson Jamilya Jamanbayeva has promised to help them. (END)

More reports on freedom of thought, conscience and belief in Kyrgyzstan
(<https://www.forum18.org/archive.php?query=&country=30>)

For more background, see Forum 18's Kyrgyzstan religious freedom survey (https://www.forum18.org/archive.php?article_id=2711)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments
(https://www.forum18.org/archive.php?article_id=1351)

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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY