



H.E. Almazbek Atambaev
President
Kyrgyz Republic
Bishkek

Oslo, March 15, 2012

Re: Human rights concerns on amendments to the Law on Freedom of Conscience and Religious Organisation

Mr. President,

The Norwegian Helsinki Committee (NHC) wants to pay its respect to you and your difficult task of improving economic conditions and strengthening respect for human rights, democratic values and rule of law in the Kyrgyz Republic. The NHC has been following developments in your country for a long time, supporting civil society organisations and also cooperating with authorities in some instances. The NHC are also part of efforts to support reconciliation based on a fact-oriented approach to the events in Osh and other places in the Southern part of your country in 2010.

However, in this letter we want to express our concerns directly to you regarding the adoption in the Kyrgyz Parliament *Zhogorku Kenesh* on 2 March 2012 of amendments to the 2009 Law on Freedom of Conscience and Religious Organisations. Freedom of religion is a *non-derogable* human right, and respect for this right is in our view essential for every state pursuing the goals of pluralist democracy and rule of law.

Unfortunately, in contrast to promises made after the overthrow of the regime of previous President Kurmanbek Bakiyev, the amendments are of a restrictive character and will not put the law more in line with international human rights. In our view, the amendments may lead to a *de facto* system of strengthened censorship of religious literature in your country.

The law on Freedom of Conscience and Religious Organizations is a remnant of the Bakiyev era. It violates several international human rights provisions on freedom of religion, freedom of assembly and freedom of expression that are binding upon the Kyrgyz Republic. The Venice Commission and the OSCE/ODIHR Advisory Council on Freedom of Religion or Belief issued a Joint Opinion in October 2008, where they stated that “numerous provisions of the Draft Law inappropriately restrict Freedom of expression and the rights to disseminate religious and other materials.”¹

On this background, we argue that the Parliament of the Kyrgyz Republic should make amendments of the law that ease restrictions rather than to make the law *more* restrictive.

State examination and approval of religious literature is a violation of freedom of expression and of the autonomy of religious groups. However, in addition we are concerned that the NSS secret police will now cooperate with the Orthodox Church and the Spiritual Board of Moslems in Kyrgyzstan on the examination of religious texts of other faiths. According to the Kyrgyz Constitution, all religions

¹ Venice Commission, Draft law on Freedom of Conscience and Religious Organisation, Opinion no. 496/2008, Strasbourg 10 October 2008. [http://www.venice.coe.int/docs/2008/CDL\(2008\)117-e.pdf](http://www.venice.coe.int/docs/2008/CDL(2008)117-e.pdf)

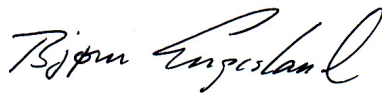
are equal before the Law. Establishing a system where two religious groups are involved in the examination of the texts of other religious groups, leads to imbalance and discrimination.

The NHC is therefore concerned that the amendment sends a signal to the other religious groups that the Orthodox Church and the Moslems have a privileged position, especially taking into consideration the recent statements from these religious leaders against so-called sects. In our view, and based on international human rights, the state as a principle should not examine religious literature, and certainly not invite specific religious groups to be part of examining religious texts of other groups. Of course, the state could invite religious groups to meet and discuss their texts and viewpoints on an equal footing. However, the state should remain neutral in religious matters, not interfering in the realm of faith.

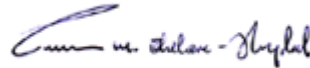
On this background, we urge you to return the draft amendments to the Parliament based on this principled approach, and invite for a thorough discussion of a new law fully respecting freedom of religion or belief.

Mr President. We think that the way a state treats religious groups is crucial for its democratic development. States benefit a lot if they remain neutral and do not restrict certain faiths or philosophies, even if they are non-traditional.

Sincerely yours,



Bjørn Engesland,
Secretary General



Gunnar M. Ekeløve-Slydal
Deputy Secretary General