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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**DRAFT LAW <sup>1</sup>**

**ON FREEDOM OF CONSCIENCE,  
AND RELIGIOUS ORGANISATION**

**IN THE REPUBLIC OF KYRGYZSTAN**

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<sup>1</sup> ***Unofficial translation from Russia***

**DRAFT**

## **LAW OF THE KYRGYZ REPUBLIC**

### ***On Freedom of Conscience and Religious Organizations in the Kyrgyz Republic***

#### **Chapter I. General Provisions**

##### **Clause 1. Subject of the Present Law Regulation**

1. The present Law, in conformity with the Constitution of the Kyrgyz Republic, regulates rights of a person and a citizen to freedom of conscience, religious and atheistic activities, as well as determines legal status of religious organizations, missions of foreign religious organizations in the Kyrgyz Republic and foreign citizens arriving to the Kyrgyz Republic with the aim of religious activity (missionaries). The Law guarantees rights of a person and a citizen to determine and express his/her attitude to religion and the corresponding beliefs, to the unhampered denomination of faith and performance of religious *rites*, protection of rights and interests of citizens, irrespective of their religion, regulates relations with regard to activity of religious organizations, missions and missionaries.
2. Freedom of religious or *atheistic beliefs* and their implementation are subjected only to restrictions required for securing rights and freedoms of other persons, social and *spiritual security*, order, territorial integrity and protection of the constitutional order.

##### **Clause 2. Legislation Guaranteeing Freedom of Conscience and Activity of Religious Organizations in the Kyrgyz Republic**

1. Legislation on freedom of conscience and religious organizations in the Kyrgyz Republic is based on the Constitution of the Kyrgyz Republic and consists of this Law and other *normative legal acts* adopted in conformity with it. Issuing of normative acts, which contradict this Law, by local government bodies or institutions is prohibited.
2. Nothing in the legislation on freedom of conscience and religious organizations must be interpreted in the sense of denial or impairment of rights of a person and a citizen to freedom of conscience, as guaranteed by the Constitution of the Kyrgyz Republic or arising from the international agreements, *which have legally entered into force and which the Kyrgyz Republic is the Party of*.

##### **Clause 3. Basic Terms and Concepts Used in this Law**

This Law uses the following main terms and concepts:

**Divine Worship** – an aggregate of religious ceremonies and actions performed by clergymen in accordance with the elaborated ritual and requirements of doctrine;

**Creed** – the elaborated doctrine belonging to a religion having traditional worship;

**Denomination** – a religious movement;

**Worship** – one of the compulsory elements of any religion expressed in specific spiritual rites and actions of clergymen and the faithful and aimed at exerting the desired impact on the spiritual forces;

**Ceremonial Property** – things and other material objects (buildings, mosque and church plates, etc.) required for performing religious rites, rituals and ceremonies;

**Mission** – representatives of a state sent to another country with a certain mission or an organization engaged in propagation of a religion;

**Missionary Work** – activity directed to propagation of one's religion among people of other beliefs; it has been mostly developed in Christianity, however, takes place also in Buddhism, Judaism, Islam, etc.

**Pilgrimage** – visiting of the historically significant places by the faithful to worship sacred objects of the religion;

**Proselytism** – the persistent intent to convert the faithful of other religions into one's religion;

**Religion** – vision and attitude, as well as the corresponding behaviour and specific actions (worship), based on a spiritual belief;

**Religious Activity** – the activity directed to satisfaction of religious needs of the faithful, propagation of religions, the religious education, performance of divine worship, prayerful meetings, preaching, training of theological specialists and clergymen, missionary work, as well as other activities directed to organizational and material provision of the worship of a religious organization (issuing and distribution of religious literature, manufacturing and distribution of ceremonial objects, manufacturing of clothes for clergymen and clerical employees and other activities);

**Religious Worship** – the main type of religious activity, which means the specific behaviour and specific actions expressing spiritual religious worship;

**Religious Rites** – an aggregate of actions established by the doctrine that embody the religious ideas;

**Religious Rituals and Ceremonies** – the procedure of performing the ritual actions established by the doctrine;

**Freedom of Conscience** – the right of a person to choose, have, change, express and propagate religious beliefs, to act in conformity with these, to participate in performing religious worship, rites and rituals, which are not prohibited by law;

**Clergyman** – a person authorized by the corresponding religious organization (association) to perform the ecclesiastical, imam, vicarial or predicant service;

**Cult** – 1. A religious movement (community), which has separated from the main denomination and does not agree with it, and which demonstrates indifference and opposition to interests of the society; 2. A religious cult – (from Latin Secta – a way of thinking, a doctrine, a trend) one of the types of religious associations distinguished by a number of features (a religious group having the characteristics, which distinguish it both from the Church and from the denomination);

**Icon** – a sign, an established material symbol for members of a certain social group, etc.

#### **Clause 4. Right to Freedom of Conscience**

Every citizen in the Kyrgyz Republic is guaranteed the freedom of conscience or atheistic belief.

Citizens of the Kyrgyz Republic are equal to the Law in all fields of civil, political, economical, social and cultural life, irrespective of their attitude to religion and religious or atheistic beliefs. Indication of a citizen's attitude to religion in the official documents is not allowed.

Any compulsion in determining a citizen's attitude to religion, practicing or not practicing a religion, participation or non-participation in divine services, religious rites and ceremonies, religious training is prohibited.

Restriction of rights or establishing any advantages for citizens, depending on their attitude to religion, as well as incitation of hostility or hatred, or the purposeful insult of feelings of citizens, due to their attitude to religion, desecration of any worshipped objects of cult entail liability in accordance with legislation of the Kyrgyz Republic.

Involvement of minors into religious organizations is not allowed.

Foreign citizens and people having no citizenship, who are legally staying in the Kyrgyz Republic, are entitled to freedom of conscience, similarly to the citizens, and bear the responsibility established by the Law for violation of legislation on freedom of conscience and religious organizations.

The right of a person and a citizen to freedom of conscience can be restricted by the law only to such an extent, as it might be required to protect the basis of the constitutional order, morality, health, rights and legal interests of a person and a citizen, to provide defence of the country and security of the state.

*Activity of religious organizations and other organizations contributing to **extremism, terrorism, separatism**, illegal turnover of drugs and other crimes, as well as propagandising these, entail liability in accordance with legislation of the Kyrgyz Republic.*

None is entitled to evade civil liabilities established by Law, due to his/her religious beliefs. Replacement of one liability by another, caused by religious beliefs, is allowed only in cases anticipated by legislation of the Kyrgyz Republic.

#### **Clause 5. State and Religion**

Policy of the state in the field of freedom of conscience is based on the following principles:

The Kyrgyz Republic is a **secular** state.

No religion can be established as a state or compulsory one. No doctrine of religious organizations can be established as a compulsory one for the citizens.

All religions and religious associations are equal in the eyes of the Law.

Relations between the state and religious organizations are regulated by law with account of their influence on formation of spiritual, cultural, state and national traditions and mentality of the Kyrgyz Republic people.

The state contributes to establishment of relations of mutual tolerance and respect between the citizens practicing a religion and the ones not practicing it, between religious organizations of different creeds, as well as between their followers, does not allow *religious fanaticism* and extremism, actions directed to opposition and aggravation of relations, rousing of religious hatred between different religious organizations.

The state supports ecumenical peace and harmony.

Actions directed to proselytising of the faithful from one denomination to another (proselytism), as well as any other illegal missionary work, are prohibited. The persons, who are guilty of violating this regulation, bear responsibility established by legislation of the Kyrgyz Republic.

The state does not interfere into activity of religious organizations, if such activity does not contradict to the legislation, does not allow establishing any advantages or restrictions of one religion or creed over others, and does not finance activity of religious organizations or of the atheism propaganda.

*Any attempts to exert pressure on governmental bodies, officials, as well as the religious activity violating norms of valid legislation of the Kyrgyz Republic, are prosecuted by legislation of the Kyrgyz Republic.*

When ministers of religion *start working at the state or municipal institutions*, their activity as ecclesiastic persons, is suspended for the corresponding term.

Arrangement of meetings, pre-election campaigns and other events of political nature is not allowed at the divine service places.

#### **Clause 6. State Body on Religious Affairs**

The state body on religious affairs is established by the Decree of the President of the Kyrgyz Republic.

Coordination of mutual relations between state bodies and religious organizations and control over observing legislation on freedom of conscience and religious organizations in the Kyrgyz Republic are imposed on the state body on religious affairs, and its legal status is determined by the Regulations approved by Government of the Kyrgyz Republic.

#### **Clause 7. Education and Religion**

The state system of education in the Kyrgyz Republic has a secular nature.

Access to different types and levels of education is provided to citizens irrespective of their attitude to religion.

Arrangement of religious organizations is not allowed at educational establishments, except for the religious educational establishments.

To provide religious education of children and adults, religious organizations registered in the order established by the legislation have the right, in accordance with their Articles of Association, to establish and support religious educational establishments, which are financed from their own funds, on the denominational basis and using their own premises for it.

Religious organizations have the right to establish religious educational establishments for training of clergymen and the needed religious staff, in the order established by legislation of the Kyrgyz Republic (via the licensing system).

The citizens are accepted for training at the higher and secondary religious educational establishments after receiving the compulsory general secondary education, in conformity with the Law On Education of the Kyrgyz Republic.

The persons teaching religious disciplines at religious educational establishments must have a specialized religious education and perform their activities on coordination with the corresponding administration body of the religious organization they are part of.

Religious training performed privately is prohibited at all levels of education.

Teaching of the religious disciplines (history of world religions, religion in the system of culture, etc.), which have the general education character, can be included into curricula of the state educational establishments, if it does not contradict to legislation of the Kyrgyz Republic.

Educational institutions established by religious organizations have all rights and liabilities of the educational establishments operating in the Kyrgyz Republic.

#### **Clause 8. Interrelation between the Armed Forces of the Kyrgyz Republic and Religious Organizations**

The state and its bodies do not hinder the military personnel needs subsequent upon their religious beliefs.

Command of military regiments does not prevent the military personnel from participating in divine worships, the officially celebrated religious holidays and other religious rites and ceremonies.

Religious symbols, literature and articles of cult are objects of individual usage of the military personnel.

The military personnel must not use their official authority for propaganda of this or other attitude to religion.

Clergymen and ecclesiastic persons registered in conformity with the established order at a religious organization, whose doctrine does not allow carrying a weapon and serving in the Armed Forces, are entitled to substitute the military service with an alternative one, in conformity with the Law On Alternative Military Service of the Kyrgyz Republic.

### **Chapter II. Establishment of Religious Organizations and Missions of Foreign Religious Organizations in the Kyrgyz Republic**

#### **Clause 9. Religious Organizations**

1. Religious organizations in the Kyrgyz Republic are acknowledged to be voluntary associations of citizens of the Kyrgyz Republic formed with the aim of joint denomination of faith, practicing divine worship, rites and rituals (religious unions, centres, educational establishments, mosques, churches, synagogues, house of prayer, monasteries, etc.), registered in the order established by legislation of the Kyrgyz Republic and having the features corresponding to this aim:

- Creed;
- Practicing divine worships, other religious rites and ceremonies;
- Religious education and training of their followers.

Religious organizations are entitled to perform their religious activity from the moment of being registered at the state body on religious affairs.

In conformity with this Law, activity and operation of religious organizations without being registered at the state body on religious affairs is prohibited.

A person performing activities on behalf of an unregistered religious organization bears responsibility in conformity with legislation of the Kyrgyz Republic.

A religious organization is established at the initiative of at least 200 (two hundred) citizens of the Kyrgyz Republic, who have reached the age of maturity and who permanently live in the Kyrgyz Republic.

2. To coordinate and direct the activity of religious organizations of the corresponding denominations, their unified central administrative bodies, ecclesiastical bodies, unions, conferences, etc. (hereinafter – the central administrative bodies) can be established.

The central administrative body is established by the constitutive meeting (a conference, etc.) of the registered religious organizations of the corresponding denominations acting in at least nine regions of the Kyrgyz Republic (a district, cities of Bishkek, Osh).

The religious organizations, whose administrative centres are located beyond the Kyrgyz Republic, can be guided in their activities by Articles of Association of these centres only when these do not contradict to legislation of the Kyrgyz Republic.

Religious associations are formed, when there are at least ten religious communities of a common denomination, of which at least one has been operating in the Kyrgyz Republic for no less than fifteen years.

3. Mission of a foreign religious organization is an organization, having administrative centres located beyond the Kyrgyz Republic or having foreign citizens in its administrative body.

Operation of the missions in the Kyrgyz Republic, without being registered in the established order, is not allowed.

The missions, in accordance with their structure, select, appoint and substitute their personnel in conformity with their Articles of Association (Regulations).

#### **Clause 10. Articles of Association of a Religious Organization and Status of Missions**

A religious organization or a mission is operating in conformity with its Articles of Association (Regulations) and must meet requirements of the efficient legislation of the Kyrgyz Republic and this Law.

The Articles of Association (Regulations) of religious organizations or missions, having central administrative bodies, must be approved by the higher administrative body.

The Articles of Association (Regulations) of religious organizations or missions must contain:

- Title, location, type of the religious organization or mission and the territory, where it performs its activity;

- Denomination, subject and goals, tasks and basic forms of activity;
- Rights and duties of the organization and its members;
- Order of starting and terminating its operation;
- Structure of the organization, its administrative bodies, order of their formation, competence and authority terms of its administrative bodies;
- Order of amending or supplementing the Articles of Association of the religious organization;
- Sources of financing and other property of the organization;
- Order of the property disposal in case of terminating the activity.

The Articles of Association (Regulations) of a religious organization or a mission cannot contain norms contradicting to Constitution of the Kyrgyz Republic and its efficient legislation.

#### **Clause 11. Registration of Religious Organizations**

1. Registration of religious organizations operating in the Kyrgyz Republic is performed by the state body on religious affairs in the order established by this Law.

A religious organization receives the right for performing religious activity since the moment a certificate of registration (re-registration) is issued by the state body on religious affairs.

2. For registration of a religious organization, its constitutors present statutory documents (in the state and official languages):

- Application on registration;
- The notary attested list of initiators, who have established the religious organization, indicating their names, patronymics, surnames, dates of birth, citizenship, place of residence, passport number and series, issued where and by whom;
- Articles of Association of the religious organization compiled in the state and official languages, in four copies;
- Minutes of the constitutive meeting (conferences, congresses, etc.), signed by Chairman and Secretary of the meeting;
- Data on basics of the doctrine and its corresponding practice, including the history of the religion, its forms and operation methods, its attitude to family and marriage, to education, specifics of attitude to healthcare of the religion followers, restrictions for members and ministers of the organization with regards to civil rights and liabilities;
- Information on the full title of the religious organization to be established;
- Document confirming location (legal address) of the religious organization to be established at the territory (a sales-purchase agreement for the own premise, a lease agreement, an agreement on providing a premise free of charge, an official letter etc.).

3. The registration of religious organizations, as well as a mission, can be made within 30 days since the day of submitting the application, attaching the required documents, and verifying them for conformity to the efficient legislation of the Kyrgyz Republic.

The state body on religious affairs is authorized to request additional data and to receive statements of the corresponding bodies, as well as to forward statutory documents of the applicant to the theological expertise. In this case, the term for considering the application will be extended for another month:

Supplements and amendments to the Articles of Association of the religious organization are subjected to the registration in the same procedure and terms, as that of the religious organization.

Evasion of religious organizations from the registration at the state body on religious affairs entails liability in conformity with legislation of the Kyrgyz Republic.



4. According to results of the registration, the applicant is issued a standard certificate and the religious organization receives the right for performing religious activity since the moment the registration certificate is issued.
5. State registration (re-registration) of religious organizations is performed by institutions of justice in the order determined by legislation of the Kyrgyz Republic.

**Clause 12. Registration of Missions (Representative Offices) of Foreign Religious Organizations in the Kyrgyz Republic**

1. In order to register a mission, a person authorized by a foreign religious organization submits an application to the state body on religious affairs.

The statutory documents on the mission registration are attached to the application in four copies (in the state and official languages):

- a) Regulations of the mission must contain the following data:
    - Main goals and tasks of the mission;
    - Location and the anticipated territorial borders of its activity;
    - Structure of administration and authority terms of the management;
    - Sources of financing and property relations;
    - Order of closing the mission;
  - b) Data on the mission workers (name, patronymic, surname, date of birth, citizenship, permanent address, and place of residence in the Kyrgyz Republic, education and the previous place of work);
  - c) A copy of the Articles of Association of the foreign centre, with the notary attested translation into the state or official language;
  - d) An excerpt from the Register or another document confirming that the religious centre is a legal entity in conformity with legislation of its country, with the notary attested translation into the state or official language;
  - e) A document confirming location of the mission of the foreign religious organization;
  - f) The notary attested Power of Attorney to the representative (attorney) of the mission.
2. Heads of missions of religious organizations appointed by foreign religious centres acting in the Kyrgyz Republic must present an assignment from the higher organization, with the indicated term of stay in the Kyrgyz Republic, with the notary attested translation into the state or official language.

Norms of the mission Regulations must be in conformity with the Articles of Association of the foreign religious organization, must not contradict to legislation of the Kyrgyz Republic, and must be confirmed by the signature and seal of the higher foreign religious organization.

The Regulations must provide that, in case of reorganization or liquidation of the mission, the property, which has the architectural, cultural and historical value, must stay in the Kyrgyz Republic.

3. The state body on religious affairs considers the application on the registration and statutory documents of the mission within a month and then takes the corresponding decision.

The state body on religious affairs is authorized to check authenticity of the data provided in the presented documents and to request additional data via the corresponding state bodies or non-governmental organizations, *as well as to forward statutory documents of the applicant to the theological expertise. In this case, the term for considering the application will be extended for another month.*

4. If the application on the registration and the attached documents are submitted with violation of requirements of this Law, the state body on religious affairs returns them to the applicant without consideration. However, this does not prevent from addressing the same issue repeatedly, by observing all the necessary requirements.
5. A mission can be refused from registration, if its activity has a threat to the state and social security, the interethnic and ecumenical concord, health and morality of the population.

When a decision to refuse registration is taken, the applicant is notified about it in writing, with indication of the reason for refusal. This decision can be appealed against in the Court.

6. When a positive decision is taken, the standard certificate of record registration is issued.

The mission receives the right for performing religious activity since the date the certificate of record registration is issued.

7. The certificate of record registration is issued for the term not exceeding one year. Upon expiry of this term, the mission re-registers at the state body on religious affairs in the order established by this Law. The mission must annually inform the state body on religious affairs on changes in the data indicated in clause 1 of this Law.
8. The state body on religious affairs is authorized to take decision on suspending activity of the mission, if, as a result of its activity, there is a threat to the state and social security, the interethnic and ecumenical concord, health and morality of the population, or in case of repeated violations of the norms of legislation of the Kyrgyz Republic.
9. In case the authorized persons of the mission violate legislation of the Kyrgyz Republic, they bear responsibility in conformity with legislation of the Kyrgyz Republic.
10. The mission can be refused registration (re-registration), in case:
  - Aims and activity of the higher foreign religious organization, which solicits for opening a mission in the Kyrgyz Republic, contradicts to norms of the Constitution of the Kyrgyz Republic and other legal acts of the Kyrgyz Republic;
  - The presented documents are not in conformity with requirements of legislation of the Kyrgyz Republic or this Law or contain inadequate information;
  - Its activity presents a threat to the state and social security, the interethnic and ecumenical concord, health and morality of the population, or in other cases anticipated by legislation.
11. Decisions of the state body on religious affairs on refusing registration or suspension of the mission operation can be appealed against in the Court.
12. Mission is not a legal entity.

**Clause 13. Registration of Foreign Citizens (Missionaries) Arriving to the Kyrgyz Republic for Religious Activity**

1. A foreign citizen arriving to the Kyrgyz Republic in order to perform religious activities (hereinafter – the missionary) registers at the state body on religious affairs, in conformity with legislation of the Kyrgyz Republic.

The missionary is prohibited to perform religious activities in the Kyrgyz Republic without being registered at the state body on religious affairs.

2. The missionary activity in the Kyrgyz Republic can be performed by the missionary, who represents the registered religious organization, has an invitation and the corresponding assignment.

The missionary is entitled to stay in the Kyrgyz Republic for the period not exceeding three years.

3. In order to complete registration in the governmental authority of ecclesiastical affairs, a missionary shall submit an application.

The following shall be attached to the application:

- a) form
  - b) passport copy with entry and exit visas
  - c) directive of the superior organization with indication of terms of stay of the missionary in the territory of the Kyrgyz Republic with a translation into the state language or into the official language certified by a notary.
4. The governmental authority of ecclesiastical affairs considers the foreign citizen (missionary) registration application within one month's time, and makes a corresponding decision.

The governmental authority of ecclesiastical affairs is entitled to examine the validity of information stated in submitted documents, request for additional information through corresponding state institutions and non-governmental organizations, as well as submit constituent documents of the applicant to an examination by a religious expert. In this case, the application consideration term is prolonged for one month.

5. In accordance with registration results, a missionary is issued a registration certificate of standard form, for a time period not exceeding one year. Upon expiration of this term, the missionary shall go through re-registration by the governmental authority of ecclesiastical affairs in the procedure defined by this Law.

6. Registration can be denied to a missionary if this may endanger the public safety, social order, interethnic and ecumenical consensus, social health and morality. In case a registration denial decision is made, the applicant shall be informed in writing, including indications regarding justification of refusal. The decision can be appealed against in court.

7. Upon issue of a certificate, missionaries are informed about the procedure of staying in the Kyrgyz Republic, including the registration procedure, as well as warned as regards to responsibility for violation of the procedure of stay in the Kyrgyz Republic in relation to visa prolongation issues in accordance with requirements of legislation of the Kyrgyz Republic.

8. Issue of visas to missionaries is performed in the procedure defined by the Ministry of Exterior of the Kyrgyz Republic and the Ministry of Interior of the Kyrgyz Republic in coordination with the governmental authority of ecclesiastical affairs.

9. Missionaries are forbidden to perform labour or individual entrepreneurial activities without permission issued by a corresponding state institution.

#### **Article 14. R egistration of a religious educational institutions**

1. Registration of religious educational institutions (universities, institutes, medrese, seminaries, parochial schools, child orphanages, etc.) within the governmental authority of ecclesiastical affairs is mandatory.

Religious education in the territory of the Kyrgyz Republic without going through the procedure if registration in the defined procedure is forbidden.

2. For registration of a religious educational institution its founder(s) shall submit:
  - Articles of Association of the educational institution approved by the founder(s), which shall be elaborated in the state language and in the official language in four copies;
  - foundation meeting minutes, decision or decree regarding the foundation of the religious institution (foundation agreement);
  - notarized copy of the Articles of Association, certificates of state registration of the founder(s) as a religious organization;
  - educational program, quantitative indicator of the teaching staff, approved by the founder(s);
  - certificate-statement of corresponding agencies (sanitary-epidemiological, fire services), a permission issued by the local municipality institution to the religious educational institution allowing to carry out its activities;
  - confirmation of existence of financial resources;
  - qualitative composition of the teaching staff.

#### **Article 15. Liquidation of a religious organization, mission, religious educational institution, and activity prohibition in case of legal violations.**

1. Religious organizations can be liquidated:
  - according to decision of its founders or a body authorized for such actions by the Articles of Association of a religious organization;
  - according to a court decision in case of repeated violations of Constitution standards of the Kyrgyz Republic, this Law, and other laws, as well as in case of systematic realization of activities contradicting to charter purposes of the religious organization.
2. Grounds for liquidation of a religious organization, prohibition of activities of a religious organization or mission in a judicial procedure are as follows:
  - violation of public safety and social order, disruption of state safety;
  - actions aimed at forced change of the constitutional order and violation of integrity of the Kyrgyz Republic;
  - creation of armed formations;
  - war propaganda, fomentation of social, racial, national, or religious discord, persecution;
  - coercion to family fragmentation leading to family disruption;
  - violating the dignity, rights and freedoms of citizens;

- impairment of morals and health of citizens as defined by law, including use of narcotic or psychotropic substances or hypnosis in relation to its religious activities, commitment of lecherous or other unlawful actions;
  - coercion to suicide or refusal to provide medical support to persons, whose life or health are in danger, due to religious motives;
  - obstruction of obtaining obligatory education;
  - coercion of members and followers of the religious organization and other persons to alienation of their property in favour of the religious organization;
  - preventing citizens from leaving the religious organization by threatening life, health, or property of these persons, if there is a real danger of threat fulfilment, as well as by taking forcible actions or other unlawful measures;
  - coercion of citizens to refusal to perform their obligations as defined by law and to performance of other unlawful actions.
3. The governmental authority of ecclesiastical affairs, performing registration of religious organizations, and prosecution institutions of the Kyrgyz Republic are entitled to apply to court regarding liquidation of a religious institution or prohibition of activities of a religious institution.
4. Legal capacity of a liquidated religious institution as a juridical person is terminated, and property of the identified religious organization is distributed in accordance with its Articles of Association and the civil legislation of the Kyrgyz Republic.
5. Justification and procedure of liquidation of religious organizations as according to court decision are also applied in respect to prohibition of activities of missions and religious educational institutions.

### **Chapter III. Property status of religious organizations, missions, and religious educational institutions.**

#### **Article 16. Property of religious organizations, missions, and religious educational institutions**

Religious organizations, missions, and religious educational institutions are allowed to own only buildings, constructions, ceremonial objects, objects of production, social, and charity functions, monetary funds, and other property necessary for provision of their activities.

Religious organizations, missions, and religious educational institutions have proprietary rights to property purchased or created by them at their own expense, donated (signed over) by citizens, social organizations, as well as purchased based on other grounds as provided by law. Religious organizations, missions, and religious educational institutions are entitled to appeal for voluntary financial donations and collect them.

#### **Article 17. Use of property owned by physical and juridical persons**

- 1 . Religious organizations, missions, and religious educational institutions are entitled to use for own purposes buildings and property provided to them by physical and juridical persons, on contractual basis, in the procedure set by legislation of the Kyrgyz Republic.

All disputes regarding ownership and use of ceremonial buildings and property shall be settled in a judicial procedure, unless stipulated otherwise by the legislation of the Kyrgyz Republic.

3. Recognition of regulations of use of confessional cemeteries and regulations of cemetery exactions shall be governed by regulations of local municipalities.

**Article 18. Production and commercial operations of religious organizations, missions, and religious educational institutions**

1. Religious organizations are entitled to create economic subjects as well as philanthropic institutions (orphanages, boarding schools, hospitals) and other enterprises in accordance with the legislation of the Kyrgyz Republic.
2. Religious organizations are entitled to carry out economic activities, including production operations, in order to achieve their own chartered purposes.
3. Profits from production operations and other income of religious organizations are taxable in accordance with the legislation of the Kyrgyz Republic.
4. Recording of incoming financial funds, donations, humanitarian supplies, and other property in accounting documents of religious organization or mission is obligatory.
5. Financial and accounting reporting of religious organizations and missions shall be carried out in accordance with the legislation of the Kyrgyz Republic.
6. Control over financial and economic activities of religious organizations, missions, and religious educational institutions shall be carried out in accordance with the legislation of the Kyrgyz Republic.

**Article 19. Charitable and cultural-educational activities of religious organizations, missions.**

1. Charitable activities of religious organizations and missions shall be aimed at provision of material support to people in severe living and social conditions, care of old, weak, and incapacitated ones, etc.
2. Charitable activities shall not facilitate dissemination of doctrine or religious beliefs.
3. The state may facilitate and provide support to charitable activities of religious organizations and missions, as well as to realization of their socially significant cultural and educational programs and events.

**Article 20. Administration of property of religious organizations and missions that have ceased their activities**

After cessation of activities of a religious organization or a mission, all property provided to them by juridical and physical persons shall be returned to the former owner or a successor. After cessation of activities of a religious organization or a mission, all property owned by the organization shall be realized in accordance with its statute (regulations) and the legislation of the Kyrgyz Republic.

Ceremonial property owned by a religious organization or a mission cannot be subjected to seizure in order to satisfy a claim of a creditor.

In case there are no successors, the property passes into ownership of the state.

#### **Chapter IV. Rights and conditions for activities religious organizations, missions, and religious educational institutions**

##### **Article 21. Legal basis for activities of religious organizations**

1. Religious organizations, missions, and religious educational institutions shall base activities on their Articles of Association and shall observe the Constitution of the Kyrgyz Republic, this Law, and other standard legal acts of Kyrgyz Republic.
2. The state respects internal constitutions of religious organizations, if these constitutions do not contradict the legislation of the Kyrgyz Republic.

##### **Article 22. Religious exercises, rituals, and ceremonies**

1. Worship services, religious exercises, rituals, and ceremonies can be performed without hindrance in ceremonial buildings, constructions, and in related territories, in pilgrimage locations, and on cemeteries. Religious organizations are entitled to maintain places appropriate for carrying out religious meeting and prayers, as well as take care of and use pilgrimage locations considered holy by a certain religion.
2. Religious exercises, rituals, and ceremonies in homes for the elderly and the disabled, correctional facilities and places of preliminary detention are performed on demand of residents in premises provided by administration specifically for this purpose. Residents of these establishments are entitled to possess, receive, purchase, and use unrestricted religious literature and ceremonial objects, if this does not inflict damage to their health, and does not prejudice the rights and interests of other persons. Administration of these establishments shall provide assistance in invitation of ecclesiastics in concurrence with the governmental authority of ecclesiastical affairs, participate in defining time and other conditions of performing religious exercises, rituals, and ceremonies.
3. Worship services, religious exercises, rituals, and ceremonies, as well as other public events, carried out in places that were not designed specifically for these purposes, can be performed in the procedure stipulated by the legislation of Kyrgyz Republic.
4. Religious organizations are not entitled to carry out collection of obligatory donations and any impositions in respect to adherents, as well as take measures derogating the honour and dignity of a person.
5. It is allowed to perform the ancient ceremonial acts of the Muslims – circumcision and marriage consecration in accordance with Islamic custom in a mosque, in family for Muslims, as well as baptism, wedding in church for Christians in case of conclusion of a marriage along with civil registration.

##### **Article 23. Religious literature and objects of religious orientation**

1. Religious organizations are entitled to produce, purchase, export from the Kyrgyz Republic, import into the Kyrgyz Republic, and distribute religious literature, other printed, audio, and video materials, as well as other objects of religious orientation in the procedure defined by law. Religious organizations and missions can import religious literature and other printed, audio, and video materials into the Kyrgyz Republic only after passing examination by a state religious expert .
2. An examination by a state religious expert can be carried out in relation to distribution of religious literature and other printed, audio, and video materials, in accordance with decision of the governmental authority of ecclesiastical affairs.

3. In case of receipt of literature in the library funds, passing an examination by a state religious expert is obligatory. Commercial organizations publishing religious literature and manufacturing ceremonial objects can be established only by religious organizations. When performing their activities, religious organizations are obliged to indicate their full name and confessional belonging.
4. Distribution of religious literature and other printed, audio, video, and other materials of religious content can be performed by religious organizations in beneficially owned properties, as well as in places allocated for these purposes in the standard procedure by local governmental institutions. Distribution of religious literature and other printed, audio, and video materials of religious content in public places (in streets, in squares), as well as visits to private apartments, children's institutions, schools, and higher education institutions is forbidden.
5. Citizens and religious organizations are entitled to purchase and use religious literature in the language of own choice, as well as other objects and materials of religious orientation, only in worship service places and in specialized shops. Production, storage, and distribution of printed materials, filmic, photographic, audio, video production, and other materials, containing ideas of religious extremism, separatism, and fundamentalism entail liability in accordance with the legislation of the Kyrgyz Republic.

**Article 24. International relationships of religious organizations, missions**

1. In accordance with the legislation of the Kyrgyz Republic, religious organizations, missions are entitled to establish and maintain international relationships and contacts for the purposes of pilgrimage or participation in other religious events for receiving education, as well as to invite foreign citizens for these purposes.
2. In concurrence with the governmental authority of ecclesiastical affairs, organizations, missions are entitled to invite foreign citizens for performing professional, including preaching, religious activities in these organizations in accordance with the legislation of the Kyrgyz Republic.

**Article 25. Labour legal relationships in religious organizations and missions**

Citizens working in religious organizations and missions based on a work contract, as well as enterprises, establishments, and charitable institutions created by these organizations are subjected to labour legislation of the Kyrgyz Republic.

Income of citizens, including clerics, received from work in religious organizations and missions is taxable on the common basis in accordance with the legislation of the Kyrgyz Republic.

**Article 26. Social guarantees and social insurance of citizens working in religious organizations and missions**

Religious organizations, their enterprises and establishments shall make state social insurance payments in the procedure and amounts stipulated by the legislation of the Kyrgyz Republic.

All citizens working in religious organizations and missions are subjected to pensions on the common basis in accordance with the legislation of the Kyrgyz Republic.



## **Chapter V. Enforceability of execution of standards of the Law**

### **Article 27. Realization of control and supervision**

1. Supervision of execution of legislation of the Kyrgyz Republic regarding the freedom of religion and religious organizations shall be performed by the public prosecution institutions of the Kyrgyz Republic.
2. The governmental authority of ecclesiastical affairs shall perform the control over execution of legislation of the Kyrgyz Republic regarding the freedom of religion and religious organizations, consider and settle issues arising in the sphere of relationships between the state and religious organizations.

### **Article 28. Written warning**

In case of violation of legislation of the Kyrgyz Republic by a religious organizations or a mission, or execution of activities contradicting to Articles of Association of a religious organization or mission, the governmental authority of ecclesiastical affairs shall issue a written warning directed to the administrating body of the religious organization or mission in three days' time.

If violations indicated in the first part of this article are not eliminated in three months' time or were made repeatedly in the course of a year, the governmental authority of ecclesiastical affairs is entitled to apply to the court with an application regarding liquidation of the religious organization. At that, the governmental authority of ecclesiastical affairs is entitled to make a decision regarding suspension of operations of the religious organization until awarding of the court judgment.

### **Article 29. Consequences of suspension of operations of religious organizations**

In case of suspension of operations, a religious organization cannot perform religious and other activities, act as a founder of mass media organizations and other juridical persons, transfer monetary funds from its banking (operating) accounts to other persons, except for payments to the state budget, non-budgetary state funds, and other mandatory payments, settlement of previously concluded civil and labour agreements, compensation for damage inflicted by actions of the religious organization or mission.

### **Article 30. Liability for violation of the legislation related to freedom of religion and religious organizations**

1. Violation of the legislation of the Kyrgyz Republic related to freedom of religion and religious organizations entails criminal, administrative, and other liability in accordance with legislation of the Kyrgyz Republic.
2. Officials and citizens of the Kyrgyz Republic, as well as other persons guilty of violation of the legislation related to freedom of religion and religious organizations shall be held liable in accordance with the legislation of the Kyrgyz Republic.

### **Article 31. International negotiations**

If there exist other conditions defined within international agreements signed by the Kyrgyz Republic, different from those stated in the legislation of the Kyrgyz Republic related to freedom of religion and religious organizations, then the conditions of the international agreements shall prevail.

## **Chapter VI. Final conditions**

### **Article 32. Final conditions**

1. This Law of the Kyrgyz Republic comes in force on the day of its promulgation.
2. The government of the Kyrgyz Republic shall enact standard legal acts necessary for realization of this Law of the Kyrgyz Republic.
3. Articles of Association and other founding documents of religious organizations, missions, until bringing to conformity with this Law of the Kyrgyz Republic, are valid only to the degree that does not contradict to this Law.
4. Recognize as inoperative:
  - The Law of the Kyrgyz Republic On Freedom of Relation and Religious Organizations;
  - Paragraph II of Article 1 of the Law of the Kyrgyz Republic On Introduction of Amendments and Alterations in Some Legislative Acts of the Kyrgyz Republic;
  - Decree of the Supreme Soviet of the Republic of Kyrgyzstan of the 16<sup>th</sup> of December, 1991, Nr. 657-XII On Enactment of Law of the Kyrgyz Republic On Freedom of Relation and Religious Organizations.