The “Promoting Religious Freedom through Government and Civil Society Collaboration in the Kyrgyz Republic” project has been implemented in the Kyrgyz Republic by Search for Common Ground (Search) Kyrgyzstan since May 2015 and ended in June 2017. The project was funded by the United States Department of State Bureau of Democracy, Human Rights, and Labor. This project aimed at promoting religious freedom in the Kyrgyz Republic through working with executive, legislative, and judicial government institutions, as well as civil society stakeholders. Search employed the inclusive participation of all relevant stakeholders in the Kyrgyz Republic, by facilitating the process of finding commonalities and working collaboratively on shared interests and through intensive interagency collaboration.

The project contributed to the improvement of relations between state bodies and civil society through the Common Ground Approach, where all stakeholders focused on a task-oriented collaboration. The project promoted religious freedom in the country on a technical level by improving the legal and policy basis, building the capacity of judges, and engaging with civil society organizations. In total the project engaged 624 participants through the working group sessions, small expert working group meetings, public hearings, trainings and workshops and other events.

Improved legal framework

The project significantly contributed to the improvement of the legal and policy framework on the religious freedom. There is increased communication between government and non-governmental stakeholders about the status and legal framework regarding religious freedom. Diverse religious groups and CSOs participate at a greater frequency in the formulation of new policies and laws on religious rights.

**Practical Commentary to the Law of the Kyrgyz Republic “On Freedom of Religion and Religious Organizations in the Kyrgyz Republic”** or the doctrine commentary was developed to avoid misinterpretation of the Law. The doctrine thoroughly examines each article of the current Law and explained its provisions in accordance with the Constitution and other normative legal acts of the Kyrgyz Republic. The commentary provided judges, state officials, lawyers, students, postgraduates, researchers, and teachers of higher education institutions a resource to enhance their understanding of religious freedom. As a result of this work, the project team was approached by TOKTOM to list the doctrine on their website for public use. TOKTOM is the first and largest nongovernmental archive of a wide range of legislative documents which is used by lawyers, auditors, accountants, banking and finance specialists, as well as state and civil society representatives.

**The Legal Analysis of the Regulatory Environment of Burials of Religious People in Kyrgyzstan**, including the Evaluation of the Draft Law on Burial issues was conducted by the project. The analysis shows that problems with cemeteries should be resolved in the near future to prevent serious inter-religious conflicts in the country and prevent the radicalization of religious minorities. The publication of “**Human Rights for Dignified Burial**” and the development of the Instructions on Provision of Land for Burials, which is in the process of approval by the government, plays a great role in...
contributing to cease the tension among religious groups because it fills the void of instructions or regulations on religious differences and burials.

The religious studies and comprehensive forensic psycho-linguistic expert examination methodology is the first-ever regulation and methodology developed by the project working group for conducting such expertise in the country. As a result, the Ministry of Justice initiated amendments to the law “On forensic expertise” which now includes religious psycho-linguistic expertise as a part of forensic expertise. This sets high standards for the quality of expertise and experts’ professionalism; ensures the independent and objective investigation of materials, and increases the responsibility of experts for perjury.

The concept on reforming religious and religious studies education was developed in cooperation with State Commission on Religious Affairs and the Ministry of Education and Science. The concept formulates the common vision of the development of the religious studies and religious education in the country, designates its place and role in the system of education, develops classification system of educational programs and identifies the main aspects and stages of reforming the process of delivering the religious education. The goals of this are to foster tolerance, open-mindedness, and to give an opportunity for students to acquire knowledge on secular subjects in religious institutions.

Increased knowledge of local judges

The project contributed to increased knowledge of local judges on both national and international legislation in the area of religious freedom. As part of the activities, the project worked with legal experts to develop a curriculum delivered through workshops and an accompanying a guidebook on religious freedom in the Kyrgyz Republic for judges. The guidebook aimed at serving as a key resource for local judges to support the protection of religious rights.

In total, 78 participants took part in the two workshops delivered by the project to the judges. Participants learned about the basics of the religious situation in the Kyrgyz Republic, freedom of conscience and religion and its constitutional basis, the practices of the European Court of Human Rights and the Human Rights Committee of the UN. The presentation and discussion of the case studies from the perspective of international and national norms was useful and relevant for the judges.

Judges who participated in the project now have greater knowledge of the religious framework surrounding religious freedom as enshrined in the 2010 Constitution. For example, a project participant expressed that they now better understand wrongful sentencing. Another participant recognized the importance of thinking about the rights of people that they judge before making decisions.

Increase public oversight of cases of religious freedom

The project worked with civil society representatives from the northern and southern parts of the country to monitor and document cases where religious groups’ rights to freedom of religion were violated. The Kyrgyz state now has increased knowledge of the gap between the formulation and implementation of laws, policies, and regulation. Kyrgyz civil society’s capacity to provide in-depth, balanced and well analyzed judicial implementation of laws is increased.

The monitoring process was based on internationally accepted trial monitoring practice to assess compliance with fair trial standards. It aimed to assess the way in which certain proceedings, phases, or issues are handled by the authorities. It was an in-depth research exercise aimed at providing critical information to religious freedom cases. The guidebook for observers on monitoring of religious freedom rights was developed and published in 2016.
The subject of the monitoring cases related to the enjoyment of religious rights, including the registration of religious organizations, wearing religious attributes, burial of believers, possessing religious literature (possessing extremist materials), and violations during missionary activities (davaat).

As a result of the ongoing monitoring of cases (2016 – 2017), 28 cases were identified across the country and went through detailed monitoring process. The monitored cases were analyzed and main conclusions were provided in the analytical report of the on-going monitoring the religious freedom status (2017), supported with recommendations to improve the litigation process.

The results of the monitoring laid the ground for the development of recommendations for strengthening the legal framework and enforcement practices which can further promote the enhancement of religious and human rights in the Kyrgyz Republic.

Please find all of our publications on freedom of religion and belief in Kyrgyzstan at https://www.sfcg.org/kyrgyzstan-publications-freedom-religion-belief-forb-20162017/.

Contact Us:
www.sfcg.org/kyrgyzstan

Keneshbek Sainazarov, Country Director ksainazarov@sfcg.org