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**KYRGYZSTAN**

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## Introduction

1. ADF International is a faith-based legal advocacy organization that protects fundamental freedoms and promotes the inherent dignity of all people.
2. This report addresses the situation of freedom of religion or belief and freedom of expression, and the rights of persons belonging to religious minorities in Kyrgyzstan. In particular, it addresses concerns with the Law on Freedom of Religion and Religious Associations and related legislation, as well as cases of rights violations perpetrated by both state and non-state actors.

### (a) Freedom of Religion or Belief

#### *Background*

3. Kyrgyzstan has a population of just over 7 million.<sup>1</sup> According to a 2020 estimate, the Kyrgyz population is 87% Muslim, mostly Sunni, 4% Christian, mostly Russian Orthodox, 9% non-religious and other.<sup>2</sup>
4. In the previous cycle of the UPR, Kyrgyzstan received numerous recommendations to guarantee freedom of religion or belief, combat religious discrimination, and specifically facilitate the registration of religious organizations and communities.<sup>3</sup> The government supported all of these.<sup>4</sup> Regrettably, recent legislative changes have only exacerbated these concerns, while ongoing cases of violations reflect a lack of adequate action by the government to protect the rights of members of religious communities.

#### *Constitutional Framework*

5. Article 9 of the Constitution of Kyrgyzstan establishes the separation of church and state, as well as prohibiting the interference of religious associations and clergymen in the activities of public authorities.<sup>5</sup>
6. Article 24 prohibits discrimination based on religion.<sup>6</sup> Article 34 guarantees freedom of conscience and religion, including the right to profess any or no religion, individually or in association with others, the right to freely choose and enjoy religious or other beliefs, and the right not to be compelled to express or deny religious or other beliefs.<sup>7</sup>
7. Article 32 guarantees the right to freedom of thought and opinion, freedom of expression and speech, while prohibiting “propaganda of national, racial or religious

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<sup>1</sup> National Statistical Committee of the Kyrgyz Republic ‘Population’ (January 2024) <https://stat.gov.kg/en/statistics/naselenie/>.

<sup>2</sup> Association of Religion Data Archives ‘National/Regional Profiles: Kyrgyzstan’ <https://www.thearda.com/world-religion/national-profiles?u=126c>.

<sup>3</sup> HRC ‘Report of the Working Group on the Universal Periodic Review: Kyrgyzstan’ (19 March 2020) UN Doc A/HRC/44/4, 140.44, .51, .80, .83, .96, .215, .217.

<sup>4</sup> HRC ‘Report of the Working Group on the Universal Periodic Review: Kyrgyzstan, Addendum’ (27 August 2020) UN Docs A/HRC/44/4/Add.1.

<sup>5</sup> Constitution of the Kyrgyz Republic (May 2021) <https://constsof.kg/wp-content/uploads/2022/06/constitution-of-the-kyrgyz-republic.pdf>, art. 9.

<sup>6</sup> Id., art. 24.

<sup>7</sup> Id., art. 34.

hatred, gender and other social superiority, calling for discrimination, hostility or violence”.<sup>8</sup> Article 33 further guarantees the “right to freely seek, receive, store, use and disseminate information orally, in writing, or by other means.”<sup>9</sup>

### *Law on Freedom of Religion and Religious Organizations*

8. The 2008 Law on Freedom of Religion and Religious Organizations (hereafter “the Law on Religion”) regulates the activities of religious communities and actors. It was last amended in May 2021.<sup>10</sup>
9. Article 4 of the Law on Religion prohibits “incitement to enmity and hatred”, as well as “deliberate insult of citizens’ feelings in connection with their attitude to religion” and the desecration of objects of worship. It also prohibits the involvement of children in the activities of religious organizations.<sup>11</sup>
10. Article 5 mandates the state to “promote the establishment of relations of mutual tolerance and respect” between religious communities and guarantees non-interference in the affairs of religious organizations, but only insofar as they adhere to legislation and do not engage in financing or activities of “propaganda of atheism”.<sup>12</sup>
11. The same article also requires the government to prohibit “religious radicalism and extremism, actions aimed at opposing and aggravating relations, incitement of religious hatred”. It further prohibits “persistent actions aimed at converting believers of one confession to another (proselytism), as well as any illegal missionary activity”.<sup>13</sup>
12. Article 8 regulates the activities of religious organizations and prohibits all activities of unregistered organizations. Registration of religious organizations requires at least two hundred adult citizens residing in the country. “Missions”, which are defined as foreign religious organizations, cannot operate in Kyrgyzstan without registration.<sup>14</sup>
13. According to Article 9, registration of a religious organization requires the submission of, inter alia, a detailed list of members, including names, place of residence, and passport information, as well as information on funding sources and core doctrines.<sup>15</sup> Article 10 requires that registration of religious organizations and missions be carried out within thirty days from the date the application is submitted unless extended.<sup>16</sup>
14. Article 11 requires registering missions to provide information on its goals, location and territorial boundaries of activities, financing sources, information on employees, including employment and educational background, and a list of citizen initiators. The mission can be suspended by the government if, based on the conclusions of a

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<sup>8</sup> Id., art. 32.

<sup>9</sup> Id., art. 33.

<sup>10</sup> Law on Freedom of Religion and Religious Associations (2008, last amended May 2021) <https://cbd.minijust.gov.kg/202498/edition/1061634/ru>.

<sup>11</sup> Id., art. 4.

<sup>12</sup> Id., art. 5.

<sup>13</sup> Id., art. 5.

<sup>14</sup> Id., art. 8.

<sup>15</sup> Id., art. 9.

<sup>16</sup> Id., art. 10.

religious expert group, it poses a threat to, inter alia, “interethnic and interfaith harmony”.<sup>17</sup>

15. Article 12 establishes that foreign missionaries are only permitted if they are affiliated with a registered religious organization, stay in Kyrgyzstan no longer than three years, and are registered with the state body for religious affairs.<sup>18</sup>
16. Article 18 prohibits charitable activities aimed at “contributing to the dissemination of beliefs or religious beliefs.”<sup>19</sup>
17. Article 22 prohibits the import, production or distribution of religious literature that “contains calls for... religious intolerance”. The state body for religious affairs has the right to require a “religious expert examination of religious literature”.<sup>20</sup>
18. The Code of Offenses in Article 142 prohibits violations of the Law on Religion. It further bans and imposes a fine for unregistered religious activities, as well as the distribution of religious printed, audio or visual materials in public places.<sup>21</sup>
19. Furthermore, Article 200 of the Penal Code prohibits the “organization of an illegal religious group” and criminalizes organizations that conduct religious activities that induce citizens to renounce civil duties or that involve children in religious activities. Such conduct is penalized with up to 5 years in prison.<sup>22</sup> Article 330 further prohibits “incitement of racial, ethnic, national, religious or interregional enmity” with up to 5 years imprisonment.<sup>23</sup>
20. In August 2024, the Kyrgyz government has proposed new draft legislation replacing the current Law on Religion. This novel draft law would continue the existing restrictions on religious practices, while significantly expanding the capacity of the government to monitor and interfere with the activities of religious associations. As of September 2024, the law is still under public consultation.<sup>24</sup>

#### *Cases of Violations of Freedom of Religion of Belief*

21. Pursuant to the abovementioned laws, there are numerous reports of undue government restrictions on freedom of religion or belief and related rights, as well as impunity for acts of violence and hostility.
22. Several religious minority groups, including Ahmadi Muslims, Jehovah's Witnesses, and Falun Gong, are de facto banned from operating in the country.<sup>25</sup>

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<sup>17</sup> Id., art. 11.

<sup>18</sup> Id., art. 12.

<sup>19</sup> Id., art. 18.

<sup>20</sup> Id., art. 22.

<sup>21</sup> Code of Offenses (2021, last amended July 2024) <https://cbd.minjust.gov.kg/112306/edition/13963/ru>, art. 142.

<sup>22</sup> Penal Code (2021, last amended August 2024) <https://cbd.minjust.gov.kg/112309/edition/14072/ru>, art. 200.

<sup>23</sup> Id., art. 330.

<sup>24</sup> F. Corley, M. Bayram 'Kyrgyzstan: Public discussion of the latest repressive draft Religion Law' (5 September 2024) *Article 18*, [https://www.forum18.org/archive.php?article\\_id=2931](https://www.forum18.org/archive.php?article_id=2931).

<sup>25</sup> M. Bayram, J. Kinahan 'KYRGYZSTAN: Religious freedom survey, January 2022' (13 January 2022) *Forum 18*, [https://www.forum18.org/archive.php?article\\_id=2711](https://www.forum18.org/archive.php?article_id=2711).

23. In May 2023, a Christian pastor was sentenced to six months imprisonment for social media posts in which he shared his faith and expressed criticism of the government's religious policy. The charge followed an initial fine in June 2022 after a government "expert analysis" deemed three of his posts on Facebook to constitute "extremism" and "discredited the honor of Muslims and spread a negative attitude to the public about Islam in general", as well as damaging the reputation of government officials. Following this incident, in May 2023 the pastor was subjected to a house search and interrogation over his criticism of government religious policies as well as his alleged conducting of "religious propaganda". He was ultimately charged with "inciting religious enmity" under Article 330 of the Penal Code.<sup>26</sup>
24. Between August and December 2023, Kyrgyz security forces raided and closed down a large number of Muslim mosques and schools in the Osh Region, with justifications ranging from lack of registration to violation of sanitary norms. Protesting religious leaders faced arrests. In the same period, Christian churches were also sealed for allegedly lacking proper documentation or failing to meet safety and sanitary requirements.<sup>27</sup>
25. Over the past several years, Christians and other persons belonging to religious minorities in the capital of Bishkek have faced multiple instances of mob violence and attempts at forced conversion. In one instance, a mob threatened to drive a Christian family out of their home if they refused to convert to Islam. Police have largely failed to ensure justice for victims, which has only further encouraged such actions by radical actors. For instance, perpetrators of a 2018 arson attack were never prosecuted despite their identities being known to the police.<sup>28</sup>
26. Converts also face violence within their own households. In February 2023, a convert to Christianity and her son were both subject to a severe beating by her husband after he discovered that they had attended a church in secret, resulting in a week-long hospital stay. The husband had been incited to do so by members of the local community, who threatened otherwise to consider him an infidel as well. Several other cases of women converts facing violence and expulsion from their families and communities were reported in 2023.<sup>29</sup>

#### *Freedom of Religion or Belief and Freedom of Expression under International Law*

27. Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which Kyrgyzstan ratified without reservations in 1994, guarantees the right to freedom of thought, conscience, and religion for everyone. This includes "freedom, either

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<sup>26</sup> M. Bayram 'KYRGYZSTAN: Six-month jail term for questioning official religious policy' (26 October 2023) Forum 18, [https://www.forum18.org/archive.php?article\\_id=2870](https://www.forum18.org/archive.php?article_id=2870).

<sup>27</sup> M. Bayram 'KYRGYZSTAN: Raids, closures of mosques, madrassahs, Muslim critics arrested' (15 December 2023) Forum 18, [https://www.forum18.org/archive.php?article\\_id=2879](https://www.forum18.org/archive.php?article_id=2879).

<sup>28</sup> M. Bayram 'KYRGYZSTAN: Violent attacks continue in 2022 and into 2023' (23 January 2023) Forum 18, [https://www.forum18.org/archive.php?article\\_id=2804](https://www.forum18.org/archive.php?article_id=2804).

<sup>29</sup> Open Doors International 'Kyrgyzstan: Full Country Dossier 2024' (March 2024) <https://www.opendoors.org/research-reports/country-dossiers/WWL-2024-Kyrgyzstan-Full-Country-Dossier.pdf>, p. 6.

individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching”.<sup>30</sup>

28. Furthermore, Article 26 of the ICCPR imposes an obligation upon States to “prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination”, including on the basis of religion.<sup>31</sup> Article 27 of the ICCPR further guarantees that “[i]n those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group... to profess and practise their own religion”.<sup>32</sup>
29. Article 18(3) establishes that the freedom to manifest one’s religion or belief can be limited only for the sake of public safety, order, health, or morals or the fundamental rights and freedoms of others.<sup>33</sup> Similarly, Article 21 establishes the right to peaceful assembly, which may only be restricted on similar grounds insofar as they “are necessary in a democratic society”.<sup>34</sup>
30. Kyrgyzstan’s Law on Religion and related restrictions exceed these criteria by placing almost any aspects of religious practice under state scrutiny. In particular, the blanket ban on unregistered religious activities is incompatible with the States’ obligations under relevant international human rights treaties.
31. Likewise, the prohibition on children’s participation in religious activities undermines their right to freedom of religion of belief, as well as parents’ rights and duties to provide direction to the child in the exercise of this right.<sup>35</sup>
32. Kyrgyzstan is also falling short of its obligations to respect and protect the right to freedom of expression of every person, as outlined in Article 19 of the ICCPR.<sup>36</sup> Under the Covenant, limitations on the exercise of this right are only permitted where necessary “for the respect of the rights and reputations of others” or “for the protection of national security, public order or public health or morals” insofar as they do not constitute “advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility, or violence”.<sup>3738</sup>
33. In its General Comment No. 34, the Human Rights Committee has advocated for restrictions on the right to freedom of expression not to go “beyond what is permitted in paragraph 3 [of Article 19] or required under article 20”, and that relevant laws “must provide sufficient guidance to those charged with their execution to enable them to ascertain what sorts of expression are properly restricted and what sorts are not”.<sup>39</sup>

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<sup>30</sup> International Convention on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR), art. 18.

<sup>31</sup> *Id.*, Art. 26.

<sup>32</sup> *Id.*, Art. 27.

<sup>33</sup> *Id.*, Art. 18(3).

<sup>34</sup> *Id.*, Art. 21.

<sup>35</sup> Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (CRC), art. 14.

<sup>36</sup> *Id.*, Art. 19.

<sup>37</sup> *Id.*, Art. 19(3)(a).

<sup>38</sup> *Id.*, Art. 20(2).

<sup>39</sup> UN Human Rights Committee, General Comment No. 34 (2011) CCPR/C/GC/34/Rev.1/Art. 19, 49.

34. The overbroad prohibition of expression deemed by the government to constitute a threat to “interethnic or interreligious harmony” or “incitement to religious enmity” does not meet this threshold. Moreover, the blanket prohibition on peaceful proselytism fundamentally contradicts international law. In addition to their direct impact on accused individuals, these measures have an inevitable chilling effect on freedom of expression.

**(b) Recommendations**

35. In light of the aforementioned, ADF International suggests the following recommendation be made to Kyrgyzstan:

- a. Amend the Law on Freedom of Religion and Religious Associations to remove the prohibition on unregistered religious activities, the participation of children therein, as well as undue restrictions on peaceful proselytism and the production, import, and distribution of religious materials;
- b. Remove criminal prohibitions on the operation of religion or belief communities on an unregistered basis, and rescind the national ban on Jehovah’s Witnesses and other religious minority groups;
- c. Remove burdensome and oppressive registration requirements and rescind intrusive governmental practices, including monitoring, which infringe upon the right to freedom of religion or belief;
- d. Repeal all criminal and other legal provisions that unduly restrict freedom of religion and expression; and
- e. Ensure the effective protection of persons belonging to religious minorities, including converts, from all forms of violence and harassment, including by investigating human rights violations directed against them and holding perpetrators accountable.



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