



Forum 18

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Kyrgyzstan UPR submission, October 2024

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Forum 18, established in 2003, provides truthful, original, detailed, and accurate monitoring and analysis of violations of freedom of thought, conscience and belief in Central Asia, Russia, Russian-occupied Ukraine, government-held Ukraine, Belarus, and the South Caucasus.

1. Freedom of religion and belief (FoRB) and related human rights issues in Kyrgyzstan include but are not limited to: a climate of fear around publicly discussing FoRB violations; failures to bring the perpetrators of violent attacks to justice; regime control of the majority religious community Islam, and the closure of mosques and schools; a continuing ban on exercising FoRB with others without state permission; continued refusals to grant registration to communities seeking state permission to exist; and raids on registered religious communities.

2. Along with interlinked human rights¹ such as freedom of expression, FoRB violations have increased in recent years. This UPR submission outlines some - but not all - FoRB issues documented by Forum 18.

3. It is illegal to exercise FoRB in association with others without state permission. This is against Kyrgyzstan's legally-binding international human rights law obligations, as paragraph 10 of the OSCE / Council of Europe Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities notes: "State permission may not be made a condition for the exercise of the freedom of religion or belief"².

4. The regime-controlled Muslim Board (Muftiate) controls all public expressions of Islam. Such controls on Muslims exercising FoRB can be highly repressive. In August 2023 the National Security Committee (NSC) secret police closed 39 mosques and 21 religious schools in Osh Region for allegedly not having official registration. After the raids and closures, on 18 October police arrested three members of Al-Sarakhsi Mosque community who protested, transferring them to Osh's Investigation Prison. A Justice Ministry "expert analysis" claimed the men "discredited the authorities' actions by saying that the 'law-enforcement agencies interfered in mosque matters and acted against Muslims.'" On 26 February 2024, Kara-Suu District Court jailed prisoners of conscience Asadullo Madraimov and Mamirzhan Tashmatov for three years and two years respectively for protesting against the regime's closure of Al-Sarakhsi Mosque (the sentences were halved on appeal). Some mosques and madrassahs, though not Al-Sarakhsi Mosque, are still closed.

- Violence and regime collusion, jailing regime critics

5. Violent attacks against non-Muslims in regions outside the capital Bishkek have continued, local Protestants told Forum 18. Officials refused to explain why perpetrators are not prosecuted and punished, and what is being done to stop such attacks. When such attacks happen, Protestants stated, "local believers are afraid to complain to the authorities" as "they are afraid of reprisals from the authorities and local mobs for complaining".

6. Zamir Tursunbekov of the Presidential Administration, who is responsible for religious affairs, and Kanatbek Midin uuly, Deputy Director of the State Commission for Religious Affairs (SCRA) from December 2022, both refused to explain to Forum 18 why the regime is neither punishing the perpetrators of violent attacks on non-Muslims, nor taking proactive steps to eradicate such violence and to protect freedom of religion or belief for all. "These are only isolated cases," Midin uuly

More background on FoRB is in Forum 18's country survey https://www.forum18.org/archive.php?article_id=2711
Individual cases of documented FoRB violations are at <https://www.forum18.org/archive.php?country=30>



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claimed in December 2022, “and they cannot cast a shadow on the generally positive situation for religious freedom.”

7. Smaller vulnerable communities often experience problems in carrying out burials in their own way, and in accordance with the wishes of relatives and the deceased. Relatives and friends who want to bury their dead with non-Muslim rites are frequently afraid to publicly discuss such problems, for fear of reprisals and mob violence aided by regime officials' lack of willingness to defend people's human rights.

8. In stark contrast to the treatment of the perpetrators of violent attacks on people and communities exercising their freedom of religion and belief, the regime in August 2022 quickly imposed a fine equivalent to eight months' average wages on a Protestant who on social media commented on religious topics and on the President. In July 2023, a court jailed Aytbek Tynaliyev for six months for “inciting religious enmity” for social media posts sharing his faith and questioning the regime’s religious policy.

9. “I was critical of the 2022 Presidential Decree where slaughtering of many cows and lambs during funerals or other religious ceremonies was not recommended,” Tynaliyev told Forum 18. “And therefore knowing that in Islam they pray for the dead from the Koran, and wondering why those who come to the funeral can pray for the dead person but the authorities think that it is not normal to eat a good meal at the funeral, I asked the question. Why must the authorities regulate our faith, our traditions?” Neither Prosecutor Kaliya Rysbek kyzy, nor the two Justice Ministry religious “experts”, who supported the prosecution case in court, would explain to Forum 18 why the prosecution was brought.

- Repressive new Religion Law ignores Special Rapporteurs and Human Rights Committee

10. The State Commission for Religious Affairs (SCRA), the National Security Committee (NSC) secret police and the Interior Ministry have prepared a repressive draft Religion Law. If it is adopted by Parliament in its current form and signed by the President, it is intended to come into force on 1 February 2025. The latest August 2024 draft would among other things:

- continue to require all religious communities to gain state registration before they are allowed to exist or exercise freedom of religion or belief;
- continue to make illegal and punishable any exercise of freedom of religion or belief by religious communities without state registration;
- impose compulsory re-registration of religious communities every five years;
- impose multiple burdensome registration requirements, increasing the high thresholds for the numbers of founders required for a religious community;
- impose obstacles to founding religious communities, such as requiring a founding meeting to unanimously vote to establish a community;
- give the SCRA multiple arbitrary powers to reject registration applications;
- allow the National Security Committee (NSC) secret police and Interior Ministry to veto a religious community being founded on grounds of alleged “possible involvement in terrorist and extremist organisations and terrorist activities”;
- ban Muslims from founding any religious communities which are not controlled by the regime-controlled Muslim Board;
- give the SCRA extensive powers to “control” registered religious organisations and religious

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education establishments, as well as registered places of worship;

- give the SCRA extensive powers to ban religious communities;
- require registered religious organisations and religious education establishments to provide the SCRA with annual intrusive reports on their activities;
- require all places of worship to gain state registration from the SCRA;
- require SCRA permission before an individual can conduct “preaching activity”;
- require registered religious organisations and educational establishments to gain SCRA permission for any religious rituals or other mass events they plan away from their registered premises;
- continue SCRA censorship of all religious texts and material;
- continue the ban on distributing religious literature or materials “in public places, as well as by going round residential properties, state and municipal organisations, and in pre-school and general educational establishments, with the exception of religious educational establishments”;
- ban religious education (whether of children or adults) without SCRA permission, including allowing the SCRA to control the curriculum;
- require SCRA permission for individuals to travel to study in a religious educational establishment abroad;
- continue to ban teaching religion individually outside a religious educational establishment;
- require SCRA registration for those sent by foreign religious organisations “to conduct religious activity in Kyrgyzstan,” with only registered religious organisations being able to apply for such registration;
- and ban elected members of local councils and the national Parliament from conducting “religious activity.” It is unclear if this means that elected members could not be leaders or members of registered religious organisations, or even be banned from attending any meetings for worship.³

11. The Violations Code allows the police and the SCRA to issue summary fines for violating Article 142 (“Violating the Religion Law”). A new Amending Law would increase the scope of the exercise of freedom of religion or belief that would be punishable under this Article, and sharply increase fines.

12. A Foreign Agents Law signed into law in April 2024 does not ostensibly apply to religious organisations, but members of some religious communities expressed their fears. “The government can twist any law to use against us arbitrarily,” one told Forum 18. “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,” Gulshayir Abdirasulova of Kylym Shamy told Forum 18

13. On 18 December 2023, four United Nations Special Rapporteurs – including the Special Rapporteur on freedom of religion or belief – wrote to the regime (KGZ 6/2023)⁴ expressing concern about provisions in the previous November 2023 draft Religion Law. Many of these provisions are in the current August 2024 draft. The Special Rapporteurs asked the regime 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 10 October 2024, the regime had not replied to the Special Rapporteurs.

14. In December 2022, the UN Human Rights Committee's Concluding Observations on Kyrgyzstan (CCPR/C/KGZ/CO/3)⁵ stated – as have previous Concluding Observations - among other things that Kyrgyzstan should: “Expedite the adoption of the legislative amendments to the



Freedom of Religion and Religious Organizations Act and ensure that all limitations that are incompatible with article 18 [“Freedom of thought, conscience and religion”] of the Covenant [the ICCPR] are removed ...”

15. Kyrgyzstan ratified both the International Covenant on Civil and Political Rights (ICCPR) and its Optional Protocol (OP1) (under which individual complaints are made) on 7 October 1994. By voluntarily doing this, Kyrgyzstan took on both the binding international human rights law obligations of the ICCPR, and the obligation to correct any violations of its obligations – such as violations found by the UN Human Rights Committee.

16. Examples of such individual complaints include those concerning Jehovah's Witness communities, some of which have been among religious communities repeatedly denied state registration. They took their cases to the UN Human Rights Committee, which in two decisions so far have found that Kyrgyzstan violated the rights of Jehovah's Witnesses by arbitrarily refusing their communities in Naryn, Osh, and Jalal-Abad regions state registration.⁶

17. SCRA officials have claimed – wrongly – that Human Rights Committee views “are for consideration but not for implementation.” Both the SCRA and court officials refused to explain to Forum 18 in July 2023 why the SCRA rejected registration applications (including after the Human Rights Committee decisions), ignored repeated Human Rights Committee decisions, and claimed that Kyrgyzstan's legally binding international human rights law obligations are not legally binding.⁷

Arbitrary registration denials, targeting of registered communities

18. Religious communities are still struggling to gain state registration, or are afraid of regime reprisals if they seek registration. Protestant leaders, who asked to remain anonymous for fear of state reprisals, told Forum 18 that many smaller churches have not sought state registration as they are “afraid of state reprisals for themselves as communities as well as their members”. They fear that if regime agencies are given – as is required – the personal details of 200 founders this will lead to state surveillance of their private lives, and possible later targeting by regime agencies. As noted above, from 2010 onwards some Jehovah's Witness communities have repeatedly been denied state registration, despite UN Human Rights Committee decisions.

19. Unregistered religious communities particularly are “in danger of being punished for their religious activity at any given moment”, Jehovah's Witnesses observed to Forum 18. Denials of state registration make Jehovah's Witness communities illegal, and have “a chilling effect”, leaving them “vulnerable to police harassment”, and “landlords are unwilling to rent property where they could hold peaceful religious meetings”, Jehovah's Witnesses said. Another religious community told Forum 18 on 2 October that they face the same problems in renting property to meet for worship, with “landlords asking us to leave with various excuses”.

20. The Hare Krishna community in Bishkek has been trying for years to gain state registration, however, “many members are afraid to give their signatures, names and other details to state agencies as they fear state reprisals”, a human rights defender told Forum 18. “This puts the community in a very awkward situation, outside the law and vulnerable to punishment by the state at any time and in any circumstances.” The community has been trying to encourage its members to



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collect the necessary signatures, yet in October 2024 “we do not have enough members who will agree to give their signatures as founders”. They pointed out that as they cannot gain registration they cannot use their own temple. The State Commission for Religious Affairs (SCRA) has warned them that they must “only worship as individuals in your own homes, otherwise you will be punished as you do not have official registration”.

21. On 11 June 2023, officials of the Interior Ministry, police “Department for the Struggle against Extremism and Illegal Migration”, and the SCRA raided the wedding rehearsal of a Hare Krishna couple. This was taking place in the flat of another Hare Krishna devotee. The devotee was fined just over two weeks' average wages, and Indian students present had their student visas cancelled.

22. Communities seeking registration have long found that decisions are arbitrary. An association of the Falun Gong spiritual movement was registered in July 2004, but - under Chinese pressure - was liquidated as “extremist” in February 2005. On 26 January 2018 the Chui-Bishkek Justice Department in the capital Bishkek registered a Falun Gong association. However, on 20 March 2018, less than eight weeks later, the Justice Department issued a decree cancelling the registration, according to the Justice Ministry register of legal entities. In a similar arbitrary decision, Ahmadi Muslims were banned as allegedly “extremist” and have not been able to publicly meet for worship since July 2011 after the NSC secret police told the SCRA that Ahmadi Muslims are a “dangerous movement and against traditional Islam”.

23. However, state registration does not remove many obstacles to exercising freedom of religion and belief. Members of a variety of communities throughout the country, all of whom wished to remain anonymous for fear of state reprisals, pointed out to Forum 18 that among the problems they face “communities cannot have public meetings outside their registered addresses unless they receive prior permission for each event from the authorities, and our experience is that the authorities do not normally give permission,” and “the authorities have punished people for sharing their beliefs in public places with adults”.

24. On 26 March 2023, the State Commission for Religious Affairs (SCRA), the National Security Committee (NSC) secret police, and Talas police “Department for the Struggle against Extremism and Illegal Migration” raided St Nicholas Catholic Church in Talas, in the north-western Talas Region, after a Sunday evening Mass. Officers, some of them carrying weapons, forced those leaving the state-registered Church back into the Church.

25. The armed officers forced people to remain in St Nicholas Church for about one and a half hours until two Slovak nuns, Sister Daniela Cincilova and Sister Eva Eliasova, signed a statement that they were “guilty” of alleged “illegal missionary activities” and “spreading their ideology”. The nuns’ “crime” was to read passages from the Bible aloud in the Church during Mass. The SCRA then fined the nuns the maximum fine under Violations Code Article 142, Part 4 (“Carrying out religious activity without registration at the executive state body for religious affairs”) of just over two weeks' average wages. The Catholic Church appealed against the fines.

26. Two foreign Protestants at a registered Protestant church were fined for “illegal missionary activity” after a raid by regime officials, a local Protestant who wished to remain anonymous for fear of state reprisals told Forum 18. The raid and fines also took place around the time St Nicholas Church in Talas was raided, and included officials from the police “Department for the Struggle



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against Extremism and Illegal Migration”.

27. Three days after the raid on St Nicholas Church, on 29 March 2023, the SCRA wrote to the Catholic Apostolic Administration in Bishkek (which leads the Church in the country) threatening that if more “violations” occur, the SCRA will “take action against the Apostolic Administration in Kyrgyzstan for its liquidation”.

28. SCRA Deputy Director Kanatbek Midin uuly refused to explain to Forum 18 why his fellow-Deputy Director Zamir Kozhombierdiev threatened the Catholic Church in writing with possible liquidation.

29. The Interior Ministry and police “Departments for the Struggle against Extremism and Illegal Migration,” the SCRA, and the NSC secret police all refused to explain to Forum 18 why the regime violates its legally-binding international human rights obligations. (END)

¹ See the reports of other human rights violations provided by eg. Kylym Shamy <https://www.ksh.kg/>, and Human Rights Watch <https://www.hrw.org/europe/central-asia/kyrgyzstan>

² OSCE / Council of Europe Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities <https://www.osce.org/files/f/documents/9/9/139046.pdf>

³ https://www.forum18.org/archive.php?article_id=2931

⁴ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28670>

⁵ <https://undocs.org/CCPR/C/KGZ/CO/3>

⁶ https://www.forum18.org/archive.php?article_id=2703

⁷ https://www.forum18.org/archive.php?article_id=2850