

Alternative Report from the Open Viewpoint Public Foundation on the Kyrgyz Republic's Implementation of Provisions of the International Covenant on Civil and Political Rights Related to Freedom of Thought, Conscience, and Religion.

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Summary

This report has been prepared by the **Open Viewpoint Public Foundation**. Individuals involved in preparation of the report include: **Dmitry Kabak**, president of the *Open Viewpoint* and member of the *OSCE ODIHR Advisory Council on Freedom of Religion or Belief*; **Giulshaiyr Abdirasulova** of *Open Viewpoint*, and **Galina Kolodzinskaja**, executive director of the *Interfaith Council Public Association*. Preparation of this report was made possible by support of the *Interfaith Council* and the *Norwegian Helsinki Committee*. Materials used in the report were drawn from Open Viewpoint documents collected in studies conducted in 2009¹, 2011² and 2013³ with the support of the *OSCE Center in Bishkek*. The *Kylym Shamy Public Foundation* provided information for this report.

This report covers issues of the provision of civil and political rights according to religious or professed beliefs. The source of violations of KR law are drawn from “On Freedom of Religion and Religious Organizations in the Kyrgyz Republic” passed in 2008, which prevents full the exercise of freedom of religion and freedoms for religious organizations in the Kyrgyz republic. This law has not been brought into compliance with the constitution of the Kyrgyz Republic which was passed by referendum on 27 June, 2010.

Key Findings: the expression of freedom of thought, conscience, and religion has become complicated for both individuals and groups in the Kyrgyz Republic. The private worship or personal choice of religion is characterized negatively. Basic problems in the exercise of religious rights and freedoms relate to the procedures of registration with state authorities, the lack of a principle of equality, and cases of discrimination on religious grounds. From 2006 to the present a number of legal initiatives have worsened the guarantees of freedom of religion and the activities of religious organizations.

The current Kyrgyz Republic law “On Freedom of Religion and Religious Organizations in the KR” prevents the full realization of freedom of religion and the activities of religious organizations in the KR and should be brought into accordance with the constitution of the KR and the KR’s international obligations as laid out in the International Covenant on Civil and Political Rights (ICCPR). These obligations are also associated to the Convention on the Rights of the Child (CRC) and the International Covenant on Economic, social, and Cultural Rights (ICESCR).

¹ Victims of Torture in Kyrgyzstan: Monitoring materials of human rights violations from alleged involvement in extremism, 2010, http://prava.kloop.kg/files/2010/11/2010_03_20-Victims-of-turture-human-rights-monitoring-on-accusations-of-extremism_ru.pdf
The English version of the “Monitoring of compliance with human rights related to the events in Nookat on October 1, 2008” is available in [archive](#). The project was supported by the Open Society Foundations Human Rights and Governance Grants Program.

² See Freedom of Religion and Belief in the Kyrgyz Republic: Overview of the Legislation and Practice, Open Viewpoint Public Foundation, 2011, <http://www.osce.org/bishkek/93786>.

³ See Freedom of Religion or Belief in the Kyrgyz Republic: an overview, Open Viewpoint Public Foundation, 2013, <http://www.osce.org/odihr/105764>.

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1. Freedom of Thought, Conscience and Religion (Article 18)

1.1. This report examines guarantees provided by article 18 of the ICCPR which in part recognizes the right to **freedom of thought, conscience and religion** for every person (as well as the **principle of non-discrimination**, regardless of different circumstances, including **age, nationality, membership in a group** –religious organizations, professing certain beliefs), **the freedom to have or adopt a religion or belief** (limiting free choice, restricting missionary activities, and prohibiting proselytizing), the failure to guarantee the freedom practice **alone** or **with others**, (both without registration or the formation of an official legal entity), in **a public or private capacity** (literature, performing *religious rites*, and determination of specific locations) in **worship** (church services), completing **religious** (matrimony, baptism) and **ritual ceremonies** (circumcision, funerals) and **instruction** (religious education and spiritual upbringing). The contents of the obligations of the ICCPR are considered in light of the obligations listed in several articles in the Covenant.

2. Overview of Religious Organizations in the Kyrgyz Republic

2.1. Almost immediately after the Kyrgyz Republic declared independence in 1991, the country passed the first law “On Freedom of Religion and Religious Organizations”, as a result of which religious organizations were able to openly declare their existence, obtain legal status, and legalize their activities. Since 1993, the majority of religious organizations have been legally registered with the Ministry of Justice. On 4 March, 1996, order № 45 by the President of the KR “On the Structure and Composition of the Government of the Kyrgyz Republic” created the State Commission on Religious Affairs⁴, which took on responsibility for the registration of religious organizations and associations. In 1997, all previously registered organizations were re-registered with the state authority of religious affairs. Thus, registration of religious organizations occurs in two stages: registration with the SCRA, which then becomes a condition for registration as a legal entity with judicial bodies of the Kyrgyz Republic.

2.2. The question of reviewing legislation relating to religion was raised in 2002 when a bill was proposed to significantly tighten the procedure of registering with the state body for religious affairs of the KR. However, the bill was not passed. In 2007 the chairman of the State Agency for Religious Affairs, Kanybek Osmonaliev (currently a deputy in Jogorku Kenesh Parliament), again proposed a tightening of the law “On Freedom of Religion and Religious Organizations in the KR”. In 2008, a new edition of this law was passed, many provisions of which contradict the KR’s international obligations, creating direct and indirect obstacles to the establishment and activity of religious organizations as well as the practice of freedom of religion for every person on the territory of the Kyrgyz republic. Despite a negative assessment of the bill by international and local experts (see the Opinion of the Venice commission and the OSCE ODIHR Advisory Council in particular)⁵ as well as numerous complaints by religious organizations, the bill was signed into law by the president of the KR on 31 December 2008.

2.3. Prior to the adoption of the law “On Freedom of Religion and Religious organizations in the KR” in 2008, the total number of registered religious organizations was 2252 (Note: in fact, registration data include both

⁴ Throughout its history as a government body, the Commission on Religious Affairs has changed its name several times (commission/agency) as well as the department it is ultimately responsible to (the president or to the government). Currently it is under the president of the KR.

⁵See the Joint Opinion on Freedom of Conscience and Religious Organizations in Kyrgyz Republic by The Commission for Democracy through Law (Venice Commission) and OSCE/ODIHR Advisory Council on Freedom of Religion or Belief Adopted by the Venice Commission at its 76th Plenary Session, (Venice, 17-18 October 2008) CDL-AD(2008)032, <http://legislationline.org/documents/id/15360>.

the legal entities and buildings belonging to religious communities). Of these, 1870 were Islamic, 46 were Russian Orthodox parishes, 316 were Protestant communities, 4 were Catholic churches, 1 was a Jewish community, 12 registered Baha'i communities, and 2 associated with new religious movements (NRM). Since the law was passed in 2008 up until 2011, only 135 Sunni/Hanafi mosques and 3 Russian Orthodox parishes have been able to register. According to information announced at parliamentary hearings on 5 March 2013, the total number of religious organizations and sites of religious importance throughout the country is 2393. However, organizations and sites remain that have been unable to complete registration or have not been able to begin registration at all.

2.4. Corruption and the bureaucratization of legal norms seriously interfere with the observance of freedom of religion and the activities of religious organizations in the Kyrgyz Republic. Law-abiding religious organizations created and acting in accordance with the law face difficulties from authorities' on-going "fight against extremism and terrorism."

3. Measures to Ensure Compliance with the ICCPR and Consequences related with Membership or Participation by the KR in Other Regional Treaties or Organizations

3.1. Due to worldwide campaigns to fight terrorism and extremism and the Kyrgyz Republic's participation in them, religious organizations and religious individuals are suffering though they are not pursuing illegal objectives while in the territory of that country State party.

3.2. Making decisions in the SCO and CSTO framework implies acceptance of regulations and programs within the Kyrgyz Republic directed against terrorism and extremism, as well as special operations including those connected to physical harm of individuals as part of the fight against extremism and terrorism.

3.3. Decisions by regional interstate organizations such as the SCO and CSTO in recognizing extremist organizations automatically ban the activities of those organizations. For example, based on the SCO and CSTO list of terrorist organizations, on 24 October 2012 number organizations were all recognized as terrorist organizations within the Kyrgyz Republic⁶. It is necessary to highlight the contradicting perception regarding the *Tablighi Jamaat*.

4. Chronology of Legislative Initiatives Related to Freedom of Religion in the KR

4.1. As previously noted, the first law "On Freedom of Religion and Religious Organizations" was adopted in 1991 and provided freedom for religious organizations. On 14 November 1996 a presidential order "On Measures for Realizing Rights of Citizens of the Kyrgyz Republic for Freedom of Conscience and Religion" was passed in which the state guaranteed opportunities for religious organizations.

4.2. In 2002, attempts were made to strengthen legislation regulation of the religious sphere but these measures found no support and were rejected. Despite the presence of 32 different religious movements in the Kyrgyz Republic, on 6 May 2006 the State Policy Concept was adopted by government decree which emphasized the role of two religions - *Hanafi Mazkhab Islam* and *Russian Orthodox Church (ROC)*. In addition, the concept was approved by the Spiritual Administration of Muslims of Kyrgyzstan (SAMK) and the Russian

⁶ Information from the Kylym Shamy Public Fund and The International Federation for Human Rights (FIDH), "Shanghai Organization Cooperation: Fertile Ground For Human Rights Violations" 2012, <http://www.fidh.org/IMG/pdf/scoantiterro583ru.pdf>, and the Informational Bulletin of the CSTO 18.12.2013, http://www.odkb-csto.org/obzor-pressy/detail.php?ELEMENT_ID=3140.

Orthodox Church along with law enforcement agencies. Chapter 4 of the State Policy Concept emphasizes the special importance and role of the above-mentioned organizations in state-religious relations, which does not correspond with the actual history of the registration of all religious organizations in the Kyrgyz republic in accordance with the laws enacted since independence. All of the above constitutes a violation of the obligations of the Kyrgyz Republic under the International Covenant on Civil and Political Rights (ICCPR), specifically part 1 of article 2, and article 26.

4.3. From 2007-2008, The State Agency for Religious Affairs, headed by *Kanybek Osmonaliev*, initiated a bill “On Freedom of Religion and Religious Organizations in the Kyrgyz Republic” which imposed several restrictions: restrictions on missionary activity and proselytism; the creation of obstructions for the registration of religious organizations, the establishment of a requirement for 200 founding members in each new religious organization, a prohibition of religious activity without proper registration; despite a unitary state structure, imposed restrictions on religious organizations by administrative-territorial units; a limit to the period of time for which missionaries would be allowed on KR territory—not more than 3 years; prohibition of the involvement of children in religious organizations without specifying the special status of parents and legal representatives in relation to the child; and prohibition of the distribution of religious literature outside of designated areas (stores and buildings of religious communities), which further jeopardizes the use of religious literature in private. Despite numerous comments about this law from international experts and religious organizations, on 31 December 2008 KR President *Kurmanbek Bakiev* signed the bill into law.

4.4. The law “On Freedom of Religion and Religious Organizations in the Kyrgyz Republic” directly or indirectly violates the following: The right to recognition everywhere as a person before the law (art. 16 of the ICCPR), the right to freedom of thought, conscience, and religion (part 1 of art. 18); the right to hold opinions without interference and the right to freedom of expression (parts 1 and 2, art.19); the principle of equality before the law and entitlement to equal protection before the law; the prohibition of discrimination by law (art. 26); the right of religious minorities to enjoy all rights and freedoms along with other members of the community (art. 27 ICCPR); and the recognition of the rights and freedoms of all people including foreigners and stateless persons.

4.5. The constitution of the Kyrgyz Republic, passed by referendum on 27 June 2010, presented a full list of human rights and freedoms and defined them, guaranteeing rights to all individuals located within the jurisdiction of the Kyrgyz Republic. Paragraph 3 of article 6 states that “...provisions of international agreements on human rights are directly applicable and take precedence over provisions of other international agreements” as well as stating that “...norms of international law are a fundamental part of the legal system of the Kyrgyz Republic.”

4.6. During discussion of the draft of the 2010 KR constitution at the constitutional conference that year, attempts were made to remove the section of the 2010 KR constitution that defined the country as a “secular state” but this initiative was not supported, although the secularist margin was very little.

4.7. In an effort to bring legislation in accordance with the constitution from 30 August 2010, with the support of the UN Development Programme and the Regional Directorate of the OHCHR in the Kyrgyz Republic and the participation of experts from the KR Ministry of Justice Working Group, local experts, and members of the Advisory Council of the OSCE ODIHR on International Religious Freedom, a law was drafted entitled “On Freedom of Religion and Religious Organizations.” In May of 2011 the bill was referred to the KR Ministry of Justice, which in turn referred it to the government, however the bill was not delivered to the Jogorku Kenesh (Parliament) for review. Currently in effect is that law which was passed in 2008 which is not in accordance with the 2010 KR Constitution and international agreements on human rights which have been ratified by the Kyrgyz Republic.

4.8. In March of 2012, Jogorku Kenesh deputy *Tursunbai Bakir Uulu* proposed amendments to the law “On Freedom of Religion and Religious Organizations in the KR” dating from 2008. These amendments proposed to invest in the SCRA the authority to conduct investigations into religious literature for the presence of extremist, fundamentalist, or separatist ideas from religious organizations—the SAMK and the ROC. In other words, even in the presence of religious diversity there was an attempt to shift powers of the state body to the two so-called “traditional” religions. However, SCRA director *Abdilatif Zhumabaev* and a variety of religious organizations opposed the initiative, and on May 31 2012 returned amendments to be re-worked by the consensus panel. This panel made adjustments, according to which authority for conducting investigations lies with the SCRA, State Committee for National Security, and Internal Affairs Ministry. Amendments were approved by the president on 7 December 2012, though no religious organizations were invited to discuss the changes.

4.9. In the autumn of 2012, the SCRA proposed amendments to the 2008 KR law “On Freedom of Religion and Religious Organizations in the Kyrgyz Republic” which significantly expanded the authority of the state body in religious affairs of the KR and especially emphasized the role of the SAMK and ROC in state-religion relations that violated both the neutrality of the state as well as the principle of separation of state and religion⁷. The proposed SCRA amendments were rejected by the parliament of the Kyrgyz Republic.

4.10. In the spring of 2013, parliamentary deputy *Kanybek Osmanaliev* and parliament speaker *Asilbek Zheenbekov* proposed a bill entitled “On Religious Education and Religious Educational Institutions in the KR”. This bill contains provisions under which the state will set standards for religious education for religious organizations. This is an interference in the faith and internal affairs of religious communities, which violates the secular character of the state. An attempt to pass the bill was first made by *Kanybek Osmanaliev* in 2009 when he was chairman of the State Agency for Religious Affairs. The bill underwent examination by the OSCE ODIHR and was evaluated as not in accordance with the Kyrgyz Republic’s human rights obligations. Currently the bill is under review in the Jogorku Kenesh and in February 2014 will have its second reading.

4.11. From 2012-2013 the KR Ministry of Justice, and then the Government of the KR twice attempted to amend the Code on Administrative Offences (CoAO). These amendments included provisions imposing administrative sanctions in the form of heavy fines for conducting missionary activity, independent choice of religious affiliation (proselytism), carrying out religious activities without registration with the SCRA, and involving children in religious communities. Thus, the amendments actually banned a number of activities related to the realization of religious freedom and established responsibility (articles 395, 395-1, 395-2 of the Administrative Code of the Kyrgyz Republic⁸). Despite the fact that these amendments were rejected twice before, the danger exists that they may be initiated at any time since their development and promotion comes from the State Committee on National Security, which has no right to legislative initiatives.

4.12. On 20 December 2012, the SCRA director signed order №116 “On the Form and Terms of Religious Organizations Reporting on Their Activities”. This order was only published on 19 March 2013, despite the fact that according to provisions of the order the deadline for religious organizations to report fell on 1 March. According to the requirements of order №116, each organization must report on all of its activities carried out within the territory of the Kyrgyz Republic, the appointment of officers including their passport information, on the agenda of each meeting of each religious community, on foreign trips conducted by religious leaders,

⁷ The draft law was earlier available at <http://www.gov.kg/?p=11937>, there is another document presented at the moment.

⁸ The bill was approved by order № 527 of the Government of the Kyrgyz Republic. In the document the Government indicates that the developer of the bill was the Ministry of Justice of the KR.

on financial transactions including donations, on visiting foreign missionaries, and on publication or import of religious literature and materials.⁹

4.13. Religious leaders of Islamic, Orthodox, Protestant, Jewish, and Buddhist faiths sent a joint appeal to the director of the SCRA to request a cancellation of this order, as a number of provisions contained therein constitute interference in the internal affairs of religious organizations. However, order №116 was not repealed and all religious organizations that did not report appropriately received their first warning from the SCRA. According to article 27 of the law “On Freedom of Religion and Religious Organizations in the Kyrgyz Republic” from 2008, after the second warning the activities of a religious organization may be suspended by the courts. Order №116 expands the powers of the SCRA which are provided by law in terms of religious organizations reporting to the state and creates a risk of elimination of a number of religious organizations following 1 March 2014.

5. The Principle of Non-discrimination (article 2)

5.1. The discriminatory approach by authorities can be found in the provisions of the 2008 law “On Freedom of Religion and Religious Organizations in the Kyrgyz Republic”. For example, article 3 of the law uses the term “sect”, which is not legal and is negatively perceived in society. Previously shown on the official website of the SCRA was a list of so-called “totalitarian and destructive organizations” which included: The Unification Church of Sun Myung Moon, The International Society for Krishna Consciousness, The Church of Jesus Christ of Latter-Day Saints (Mormons), Sri Chinmoy Dolnara Hannong, Gong Aurobindo Ghosh, the White Brotherhood, and Satanists.¹⁰ These actions by the SCRA violated the presumption of innocence, and the assignment of organizations as totalitarian and destructive does not ensure due investigation and judgment.

5.2. Another example of violation of the neutrality of and equal treatment by the state is support by the SCRA and the KR Ministry of Education and Science of the textbook “Non-Traditional Religions and Their Possible Perspectives of Development in the Kyrgyz Republic”¹¹ (authors: *Nina Galkina* and *Vladimir Shkolnyi*), issued by the Unity public fund to support entrepreneurship of small and medium business which is headed by *Oleg Sernetskii*. The text is replete with discrimination and value judgments when addressing certain religious communities, calling them “sects” and describing them as “totalitarian and destructive”. These evaluations are not based off of judicial decisions which would prove illegal acts or crimes had been committed. These labels are assigned to religious minorities and supported by the authorities responsible for ensuring that the provisions of the constitution of the KR and the rights of believers are upheld.

5.3. The terms “traditional” and “non-traditional” religions are widely used by government authorities and referred to in the text of official documents. For example, in chapters 4 and 5 of the Concept for State Policy in the Religious Sphere the state recognizes “traditional” religious only as Hanafi Islam and Orthodox Christianity; all others are considered “non-traditional” and partially limited in their rights. For example, conducting missionary activities in prison facilities is only allowed for members of “traditional” faiths. In addition, missionary activities of different faiths are evaluated differently by state authorities. “Da’waat”, conducted by muslim missionaries, is regarded as a positive phenomenon, whereas the conduct of missionary

⁹ See individual communications to the Special Rapporteur on the Freedom of Religion or Belief, sent in 2013 from the Interfaith Council and Open Viewpoint Public Foundation.

¹⁰ From the response of the State Commission for Religious Affairs to Open Viewpoint №02-16/604 as of 2 August 2011.

¹¹ The second was published in 2013, the first published in 2006. It is possible that this edition was the source of the list presenting so called “totalitarian and destructive sects” which is used by the State Commission on Religious Affairs.

activity by any other religious organization in the Kyrgyz Republic is regarded negatively and will face obstacles at the local level of government.

5.4. A striking example of violation of the neutrality of and equal treatment by the state are rulings № 8 and №9 dating from 2 April 2013 by the Bishkek City Council, which were passed in accordance with the law “On Freedom of Religion and Religious Organizations in the Kyrgyz Republic”. In that case, the council agreed to a list of Russian Orthodox Church civic leaders but rejected lists of Protestant, Catholic, and Jewish religious group leaders, which then prevented them from receiving the proper document required for re-registration.

5.5. One of the provisions of SCRA order №116 “On the Form and Terms of Religious Organizations Reporting on Their Activities” requires religious organizations to provide information on the religious leaders of their communities. In this way, the state does not allow for diversity in different forms of religious organizations such as the *Baha’i faith*, which, according to their belief, has no religious leader and therefore cannot fulfill the requirements of the order, and may eventually serve as a pretext for the group’s elimination.

5.6. Some politicians such as parliamentary deputy *Tursunbai Bakir Uulu*, have on behalf of their parties publicly used discriminatory rhetoric against so-called “non-traditional” religious organizations and openly called for religious intolerance and the closure of small religious communities, labeling them as “sects”.¹² In this type of situation, authorities fail to take any measures in response to that type of statement, although the clear presence of hate speech requires an assessment of the presence of religious intolerance, punishment for which is provided under article 299 of the KR Criminal Code.

5.7. After the change in power of April 2010, an organized crime group (OCG) began to operate in the Chui Oblast which robbed protestant and orthodox parishes. In one series of robberies a security guard from one protestant parish was killed, who was also a member of a group of Christian Seventh Day Adventists. Despite numerous appeals by Christian organizations over several months, authorities failed to take effective measures to find or apprehend the perpetrators. Following the publication of articles about the robberies in the Bishkek Newspaper “Vechirniy Bishkek”, which has a national following, the case was brought under the control of the President of the Kyrgyz Republic and the criminals were caught within 3 days. As it turned out, the criminal group had used the stolen funds to purchase a Lexus automobile with a value of \$40,000. Despite the fact that police would have been able to recover all stolen funds to the robbed religious organizations, only Orthodox, and not Protestant parishes were reimbursed.

5.8. The lack of effective measures to prevent discrimination in the Kyrgyz Republic was also noted in the alternative report to the Committee on the Elimination of All Forms of Racial Discrimination, as well as in the concluding observations of the Committee in 2013 from 1 March 2013 (Code CERD/C/KGZ/CO/5-7). The constitution of the Kyrgyz Republic, adopted by referendum on 27 June, 2010, declares the prohibition of discrimination on any grounds, however these provisions are not provided for in the corresponding provisions of the law.

6. Taking Necessary Protective Measures (article 2)

6.1. Vested in the state and its agencies is the obligation to protect from violence and investigate wrongdoing, as well as provide for the possibility of peaceful coexistence between different religious organizations. On 11 April 2012 in the village of Akkiya of the Naryn oblast, an event was scheduled to present students with gifts from the “Zhakshylyk” charity fund. The school director invited representatives of the charity to conduct this event in the school. The local imam, upon finding out about the charity event, brought Islamic missionaries (Dawatists) native from other areas (Osh Oblast) and these people then attacked

¹² See meeting of T. Bakir Uulu with journalists on 13 February 2012, <http://www.knews.kg/society/10848>.

representatives of the charity. The imam publicly called on the school director to accept Islam and threatened charity volunteers M. Kasymalieva and N. Sydykova with violence if they would not renounce Christianity. In the presence of children, a crowd destroyed the car which had brought the gifts and the Dawatists threw stones at the car and volunteers, preventing the event to take place. Law enforcement authorities and the prosecutor's office did not conduct an effective investigation and guilty parties suffered only minor punishment; ultimately victims who suffered damage to themselves or property have not been compensated.¹³

6.2. Forced reburial in the village of Tyup, Issyk Kul Oblast. In April of 2011, residents of the Bostery Aiyl Okmotu (local municipality), together with a local imam, began pressuring and threatening to exhume and remove the body of a follower of Yisa Mashayak (Kyrgyz Protestants). As a result, the body was reburied, although the person had lived within the Bostery municipality. The head of the Bostery Aiyl Okmotu did not take any measures to designate space in the cemetery for the burial of adherents to other faiths. Petitions by Yisa Mashayak followers for land for burial in the Issyk Kul Oblast have not been answered.¹⁴

6.3. Forced reburial in the village of Kulanak, Naryn Oblast. On 18 May, 2008 in the village of Kulanak in the Naryn oblast, the 14 year old son of Alymbek Isakov, a member of the church of Evangelical Christian-Baptists, died. On 19 May 2008, during burial in an area specially designated by the village administration, representatives of the local mosque, together with the imam shouted threats forbidding the burial. Alymbek Isakov and other members of the Church of Evangelical Christian-Baptists addressed the authorities to resolve the situation. On 21 May, 2007, the head of the district administration Ishenbek Medetov, prosecutor Kanibek Kalbaev, and as police chief Makhabat Zhumaev arrived in the village and stated that before the body could be buried at Akkyra pass, Alymbek Isakov must renounce Christianity and accept Islam. On the night of 21 May 2008, a police patrol armed with batons drove Alymbek Isakov's family from their home, along with other believers, broke down the door of the room where the body of the deceased lay, and took it away to an unknown location. On 22 May 2013, Isakov and other believers located the body of his deceased son buried in a hole 70 centimeters deep at Akkyra pass in the form it was taken that night by the police. Alymbek Isakov was then forced to re-dig a grave for his son's burial according to tradition.¹⁵

6.4. Coercion of a Resident of Uzgen by a Group of Individuals to Pray Under Threat of Violence. On 3 June, 2013, a group of people beat 44 year old Zhanybek Tashtankulov, a resident of the Myrza Aki village in the Uzgen raion of the Osh Oblast. The reason for the beating were Tashtankulov's atheist views. The beating took place in the street outside his house and continued into the mosque located in front of his home. Tashtankulov's mother Meerbuu Tashtankulova and sister Aisuluu Tashtankulova tried to intervene and were also beaten. Mosque-goers did not like that Zhanybek did not attend mosque and did not perform daily prayers. The attackers had tried repeatedly to persuade Tashtankulov, becoming increasingly aggressive. They increasingly threatened him to "Either do the daily prayers, or sell your house and don't live here with your family." The day following the incident, 4 June 2013, Zh. Tashtankulov and his mother underwent medical treatment for several days. On 7 August 2014, attorney Asel Akmatbekova announced that the

¹³ Information from an interview with Zholdoshkul Abdrazakov and Sagynbek Ryskeldiev of the Church of Evangelical Christians, city of Naryn.

¹⁴ Information from written statement of Kh.B. Baimbetov, response of the prosecutor of the Issyk-Atinsk Raion, Defense and Law Enforcement Department of the oblast administration.

¹⁵ According to information from Sagynbek Ryskeldiev, elder in the Church of Evangelical Christian-Baptists of the city of Naryn, and Alymbek Isakov and Sakin Tumenbaeva (parents of the deceased Aman Alymbek Uulu), <http://www.propovednik.com/kg.html>.

assistant to the prosecutor of the Uzgen Raion Nurlan Abdyrazakov had threatened her, and that the prosecutor's office was not interested in charging all of the attackers in the beating.¹⁶

7. Torture and Mistreatment in the City of Nookat (article 7)

- 7.1. Beating in the city of Nookat on 1 October 2008, extortion during the investigation and trial proceedings. 1 October 2008 was a holiday in the Kyrgyz Republic because of the religious celebration for Orozo Ait (Eid al Fitr). In the south of the country gala lunches are usually held by residents with the support of local authorities. In that year, a local akim of the rayon refused to hold a celebration, then allowed the celebration to be held at the stadium, which was closed and surrounded by police units. Residents went to the akimiat for clarification. The Akim demanded that all residents disperse within 30 minutes or force would be used. Participants demanded a celebration for a holiday that is observed nationwide. After 30 minutes, the police and special forces (SWAT) began to forcibly clear the area in front of the akimat using tear gas and stun grenades. Residents responded, the situation deteriorated into a riot, and the akimat building was damaged.
- 7.2. The police started beating detainees in the Nookat police department, and further beatings continued during the transfer of people to a temporary detainment facility in the city of Osh. Especially brutal torture was applied in the detainment facility of the State Committee for National Security of the city of Osh (this department is responsible for the investigation into the overthrow of constitutional order and incitement of religious and ethnic hatred or discord). As a result of torture, one detainee was paralyzed.
- 7.3. Authorities blamed the clash between police and citizens on the Hizb Ut-Tahrir party, a group recognized to be prohibited in the Kyrgyz Republic. Many individuals located on the square in front of the akimat, as well as other individuals, fell under the investigation of law enforcement, and ultimately suffered mistreatment or torture. Fair trial standards were ignored by police (charged with maintaining public order), national security who investigating the alleged involvement of Hizb ut-Tahrir, and the prosecutor's office (charged with supervising the investigation), and were not provided by the judiciary. Evidence linking detainees to Hizb ut-Tahrir were not presented to the court, and the court ignored allegations of torture and mistreatment.
- 7.4. This incident in the city of Nookat in the Osh oblast on 1 October 2008 coincided with the Bishkek summit of the Shanghai Cooperation Organization (SCO). As a result, 32 people were charged with committing up to 6 crimes and, despite torture, mistreatment, and violations of due process, all found guilty in court. The court issued verdicts of imprisonment for terms exceeding 20 years.
- 7.5. This incident came to light after it was reported on by the International Memorial Center (Russia), after which human rights defenders in the Kyrgyz Republic initiated the creation of a commission for monitoring under the Ombudsman (Akyiktchi) of the state. The commission issued a report in February of 2008 that documented many instances of violations, including those based on grounds of religious intolerance.
- 7.6. Local governments provided national security agencies and internal affairs agencies lists of family members of those which they had determined (without any judicial process) to be involved with Hizb Ut-Tahrir. These individuals and family members of those convicted suffered discrimination by being suspected of being associated with a religious organization. Children were deprived of social benefits, and family members were persecuted and sometimes fired from their jobs.
- 7.7. The religiosity of Nookat residents differed, and detainees included believers and non-believers alike. However, believers were singled out for specific degrading treatment. For example, Rakhmonberdi Zhuraev,

¹⁶Information from ANPO "Advocacy Center for Human Rights", City of Osh, http://www.advocacy.kg/news/2012/10_8_12_5.htm.

born in 1961, had vodka poured forcibly into his mouth. Akhmadillo Ergashev, born in 1991, was hit in the genitals “so that no more Hizbutarirists” would be born.

7.8. Women – Zaripa Abdikarimova, born in 1973, and Labarkhan Saidoripova, born in 1971, were both subjected to specific forms of violence and humiliation. Both were shaved bald twice, Zaripa was forced to dance with another detainee—Kholmakhamat Ergashev, born in 1973—as well as have sexual relations with him. Zaripa was also forced to hold in her hands a wire coat hanger with a concrete base; if she were to drop it her fingers would be struck and she would be placed in a cold and dark cell filled with water and bleach. As a result of this torture, on 12 November 2008 Zaripa suffered a miscarriage. However, she was not provided with care nor treatment, but again placed in solitary confinement.

7.9. Akhmadillo Ergashev, born in 1991 and a minor at that time, was detained because his father and uncle were on the Hizb ut-Tahrir list. Ergashev was beaten in order to reveal his father and uncle’s whereabouts, although his father had long lived separately from the family. The boy was placed in a barrel of water into which was placed a live electrical wire.

7.10. All detainees suffered harsh torture. At sentencing in court, many detainees were in serious condition, but the judge did not address this. For example, Muzaffar Teshebaev, born in 1981, was brought into the courtroom on his hands for sentencing. Allegations of cruel and degrading treatment were ignored by the courts in the first and second hearings, as well as during supervisory review by the supreme court of the Kyrgyz Republic (between 14-19 May, 2009), despite overwhelming evidence.

7.11. Additional information on the case of the 1 October 2008 incident in Nookat as well as the proceedings can be found in the materials sent to the Special Rapporteur on Torture and Mistreatment, as well as other mandates from 2009 (Case of Nookat).¹⁷ The Open Viewpoint fund provided lawyers for the defense of those on trial and their families in the Supreme Court in 2009. In 2010, the Kyrgyz Republic saw a change of government and the provisional government released the convicted under amnesty. Research into violations during the crackdown and infliction of torture during the investigation was not conducted.

7.12. Violation of the right to defense. State-provided legal counsel to the 32 detainees from the Nookat incident (including 2 women) did not properly perform their obligated duties.

7.13. For example, state-provided attorney Kanybek Sarpashov represented 18 people at once and his signature appeared on all materials of the criminal case, even after independent lawyers had been brought by relatives of the detainees. Another attorney, Erkebaev, participated only during sentencing of 6 suspects, and continued no further, which suggests that his participation was a mere formality. Not one of the provided attorneys made a statement against torture suffered by the detainees.

7.14. With the participation of the KR Ombudsman in February of 2009, a commission was established to monitor the observance of human rights in the 1 October 2008 Nookat case. The Commission’s report was submitted to the General Prosecutor’s Office, the Supreme Court, the Security Council, the Ministry of Internal Affairs, and two parliamentary committees (Security and Human Rights). Despite cited acts of torture and cruel and degrading treatment by law enforcement agencies and other violations, no public authority ever conducted a proper investigation nor pressed criminal charges.

7.15. In May of 2010, those convicted in the Nookat events were granted amnesty. The Kyrgyz Republic has not reviewed the question of instance of torture, has not conducted an investigation, and none of the individuals responsible for the torture and mistreatment have been brought to justice. Amnesty is intended to

¹⁷ See the report entitled “Harsh Torture in Kyrgyzstan: Monitoring Materials of Violations of Human Rights during Accusations of Extremism”, 2009, <http://prava.kloop.kg/?p=543> (Russian). The report of the Commission to Conduct Monitoring of the Nookat events under the Ombudsman of the KR is also [available](#) (in English).

pardon convicted persons, and as it considers them ultimately guilty it makes the situation increasingly difficult to remedy.

8. Freedom of Movement (article 12)

8.1. In 2013, deputies of the Jogorku Kenesh passed a law forbidding women under 22 years old from crossing the borders of the Kyrgyz Republic without parental agreement, which violates the freedom of movement and encroaches upon the legal capacity based on gender.

8.2. Additionally, since 2013 the Jogorku Kenesh has been review a draft Law *On Religious Education and Religious Educational Institutions* to require permission from the SCRA to travel abroad with the aim of obtaining religious education.

9. Equality before the Court and Fair Due Process (article 14)

9.1. Denial of registration for religious organizations is not subject to judicial review, as the State Commission makes its decisions unilaterally, which shifts the burden of proof of innocence onto the organization seeking registration. This violates the presumption of innocence and fails to ensure accountability of authorities to prove the fault or violation that served as the basis for punitive action. As a rule, when registrations are denied justification or references to violated provisions of law are not provided.

9.2. In 2011, the SCRA refused to grant registration to a mission of the Ahmadiyya Muslim community despite the fact that the community provided all required documents. After the denial of registration the community sued, but failed to win in court.

9.3. Additionally, the court has consistently rejected claims from religious organizations against the SCRA. For example, on 17 January 2013, the Inter-district court of the city of Bishkek reviewed a case of the religious organization “Church of Scientology” to invalidate a decision by the SCRA entitled order №2 dating from 07.05.2012 on the revocation of registration. The petition by a representative of the “Church of Scientology” religious organization on the reinstatement of the deadline for submitting documents was denied as baseless. The “Church of Scientology” was stripped of its registration during a raid at the beginning of 2013 despite a lack of any compelling violations, the existence of which is the basis for which a religious organization can be legally eliminated.

9.4. Tenirchilik Community, related to the Tengri movement, sued after being denied registration by the SCRA. However, on the 16th of December, the inter-district court of Bishkek, reviewing the appeal by citizen A. C. Usupbaev to invalidate the decision of the SCRA, left the case without consideration due to the fact that the claimant did not appear in court.

9.5. In the spring of 2012 in the Toktogul village of the Jalalabad Oblast local residents attacked a building belonging to the Jehovah’s Witnesses community. Instead of ensuring the rights of local members of the community to practice their faith, local authorities revoked registration from the religious community on the basis that that particular group was destabilizing the community. Following the cancellation of registration the Jehovahs Witnesses community appealed against the government bodies in court, and the judicial process continues.

9.6. The State Commission on Religious Affairs refused in 2011 to extend the registration of missionary activities of the pastor for the “Grace” Evangelical Church Kang Hyongmin, a South Korean citizen with permanent residency in the Kyrgyz Republic. The denial by the SCRA was related to the introduction in 2009 of a harmonization of the list of religious organization leaders with local government bodies. “Grace” church appealed this decision in 2013, however the court did not defend the group’s interests due to the fact that local government had not approved the law, but enacted an illegal restriction.

9.7. The Procedure for refusing registration or re-registration by the SCRA is not subject to control of the courts in terms of legality or basis for refusals. However, the burden for proving the right of creation or existence of religious organizations falls on the corresponding group, which also must protest baseless or illegal denials.

9.8. The State Commission on Religious Affairs, lacking relevant criteria established by law and not supported by appropriate judicial decisions, nevertheless formulates the list of organizations and groups defined as “destructive” and “totalitarian”. However, neither the prosecutor’s office nor the court respond to the contents of these lists, casting doubt on their legality, and do not challenge the SCRA’s citations.

10. Guarantee of Freedom of Religion and Military Service (article 18)

10.1. The constitution of the Kyrgyz Republic allows for citizens to obtain exemption from military service and complete alternative service as established by law. The KR law “On Universal Conscription for Citizens of the Kyrgyz Republic, On Military and Alternative Service”¹⁸ allows for replacement of military service with alternative service for citizens who are registered members of religious organizations with doctrines that do not allow the use of arms and service in the military.¹⁹ The period of alternative service is 18 months, while the period of military service is 12 months.²⁰ The process for completing alternative service due to a citizen’s beliefs is under the authority of the government of the KR.²¹ At the same time, in accordance with the KR law “On the Status of Military Personnel”²², the state and its departments are free from obligations to make demands on military personnel due to religious beliefs.²³

10.2. A provision in the process for completing alternative service by citizens of the Kyrgyz Republic establishes compensation for individuals electing to complete alternative service, namely monetary compensation to the effect of 180 calculated indices for the entire period of service. Military commissariats have the right to use funds from mobilization, general service, or other general maintenance.²⁴

10.3. The budgeting of funds for needs by the army can become an obstacle to the completion of alternative service for those whose beliefs preclude it. Jehovah’s Witnesses in particular do not accept the provided alternative service. From 2007 to 2013, 42 Jehovah’s Witnesses refused military service,²⁵ which became the grounds for opening a criminal case. Analysis of existing evidence indicates that judicial decisions often refer to part 2 of article 351 of the Criminal Code of the KR for the avoidance of alternative (non-military) service by individuals exempt from military service.

¹⁸KR law “On Universal Conscription for Citizens of the Kyrgyz Republic, On Military and Alternative Service” passed 26.12.2008 (as amended 09.06.2012).

¹⁹ Article of the KR law “On Universal Conscription for Citizens of the Kyrgyz Republic, On Military and Alternative Service” passed 26.12.2008 (as amended 09.06.2012).

²⁰ *ibid*, part 1 art. 29

²¹ Order№ 306 from the Government of the Kyrgyz Republic from 18 May 2009. “On Approval of the Law on Alternative Service by Citizens of the Kyrgyz Republic”.

²² Passed 1 July, 1991, with amendments from 30.12.2009.

²³ Article 7 of the KR law “On the Status of Military Personnel” from 1 July 1991, with amendments from 30.12.2009.

²⁴ Point 9 of the Provision on the Process for Completing Alternative Service in by Citizens of the Kyrgyz Republic..

²⁵ From parliamentary hearing materials from 5 March 2013.

10.4. For evading military service without legal grounds for an exemption, fines may cost from 200 to 500 calculated indices, or by between 180-240 hours of community service.²⁶

10.5. The government has not provided resolutions for conflicts for people whose beliefs prevent them from using arms and serving in the armed forces of the Kyrgyz Republic. Replacement of military service with alternative service is provided only for those individuals who are registered with a religious organization. Religious beliefs not connected to a particular creed or membership in a religious organization are not addressed by the law. In court proceedings, individuals are required to prove their membership in a corresponding religious organization.

10.6. Factually speaking, the state does not consider diversity in religious views and associated practices (rituals, food, determining how funds are spent as well as the nature of work involved in military service). There is no possibility to replace military service for non-religious reasons, or in the case of suspension of registration due to existing conflicts in law. In cases of exemption from service through payment it is not clear where the money is ultimately directed, in order to prevent later conflicts of belief. The period of alternative service differs from the length of military service. In general, dietary restrictions are also not observed.

10.7. The Constitutional Chamber of the Supreme Court of Kyrgyzstan unanimously declared on November 19, 2013 that the country's current Law "On Universal Conscription for Citizens of the Kyrgyz Republic, On Military and Alternative Service" regarding provisions on alternative service is unconstitutional and violates the right of freedom of religion. The Court directed the government to amend the law to allow for genuine alternative civilian service for those who, for reasons of conscience, object to military service. In 2009, the Kyrgyz Republic adopted a law that recognized the right to alternative service. However, it became evident that this service actually fell under military control. Those serving were placed under the supervision of military personnel, and some were ordered to make payments in support of military activities. After completion, those who were in alternative service were automatically enrolled in the reserves of the armed forces. As a result, *Jehovah's Witnesses* refused to accept the alternative service offered, a stand that prompted several criminal cases against the Witnesses. The November ruling recognized that the Witnesses had valid reasons for rejecting the alternative service offered to them and were not attempting to evade their civic duty. On the contrary, the Court found that the Witnesses were willing to perform alternative service that is civilian in nature. It is expected that all criminal cases imposed on the Witnesses will be reopened and decided in harmony with the amended law"²⁷.

11. The Right to Seek, Collect, Preserve, and Disseminate Information (article 19)

11.1. The right of religious individuals to obtain information of a spiritual or religious character is restricted by the prohibition on distributing literature except in designated areas. One of the forms of distribution of religious material is through missionary activities, which are regulated by a special procedure of inviting missionaries through the SCRA and limiting the period of stay within the territory of the Kyrgyz Republic for foreign missionaries to three years.

11.2. The 2008 law "On Freedom of Religion and Religious Organizations in the KR", contains a confusion in terms between "foreign missionary" and "spread of personal religious beliefs by citizens", as a result all missionary activity is forbidden among the population.

²⁶ Part 2 Article 351 of the KR Criminal code.

²⁷ Human Rights Without Frontiers' Newsletter "Intolerance and Discrimination Based on Religion or Belief" of January 20, 2014.

11.3. Attempts by parliamentary deputies to establish means for investigating religious extremism in print, film, audio, video, and other media based on appeals from law enforcement could be un-objectively influenced by disputes between religious groups or between the state and any religious group.

11.4. Additionally, draft amendments from 7 December 2012 proposed to place responsibility for the control over the import, preparation, acquisition, transport, transfer, preservation, the distribution of print, film, photographic, audio, video, or other media on religious organizations, however this problem was subsequently corrected and responsibility conferred to the State Committee for Religious Affairs and authorities for national security and internal affairs.

12. The Right to Association (article 22).

12.1. Registration for conducting activities in the Kyrgyz Republic and preconditions for registration as a legal entity. For conducting any religious activity the government requires religious groups or individuals to register with the SCRA and obtain legal entity status with the judiciary. Religious organization activities are prohibited without registration and unregistered are grounds for prosecution under current legislation. Registering with the judiciary without first registering with the SCRA is impossible. Thus, the SCRA determines appropriateness of a religious group and its activities within the territory of the Kyrgyz Republic.

12.2. Completing Registration. THE SCRA, in accordance with the law, requires submission of a notarized list of the founders of a religious organization, which imposes a financial burden associated with obtaining notary services (for public organizations notarization is not required). Brought into effect in 2008, these changes to the law have placed the right to association of religious individuals at the mercy of local councils.²⁸ In effect, local councils have the power to decide which religious groups can practice their faith and carry out their activities in the Kyrgyz Republic. On 2 April, 2013, the Bishkek city council agreed to a list of the founders of the Russian Orthodox Church²⁹ but rejected the lists of nine other religious organizations, all religious minorities.³⁰

12.3. The Russian Orthodox Church has run into problems with completing registration after the change of the name of its diocese which occurred as a result of a decision to restructure handed down from the Moscow Patriarchate. From December of 2011 until April of 2013 the church was unregistered as the leaders list had not been approved by the Bishkek city council and thus was considered by the SCRA as a “mission of a foreign faith”. According to the KR law “On Freedom of Religion and Religious Organizations in the KR”, all groups labeled missions of foreign faiths are those with a center of administration outside of the Kyrgyz Republic or for which the leader is a foreign citizen.

12.4. The Spiritual Administration of Muslims of Kyrgyzstan also faced obstacles in completing registration with the state body for religious affairs of the KR. Difficulties arose related to the organization’s charter. From December of 2012 until the present, the SAMK conducts all of its activities without proper registration, which under current law is prohibited. These complications are related to bureaucratic requirements established by the law passed in 2008.

12.5. Judicial control over the legality of the SCRA and the presence of grounds for suspension or denial of registration. The State Commission on Religious Affairs does not provide clear procedures for acceptance, rejection, or suspension of documents submitted for registration. Effective protection against unreasonable

²⁸ Part 2 article 10 of the KR law “On Freedom of Religion and Religious Organizations in the KR”.

²⁹ Order №8 Of the Bishkek city council from 2 April 2013.

³⁰ Order №9 Of the Bishkek city council from 2 April 2013.

refusal for SCRA registration is also not provided. Religious organizations do not always receive responses that explain the grounds for their refused registration or deficiencies that need to be addressed.

12.6. It is crucial to assign the SCRA responsibility to present evidence of violations in court to assess the grounds for denial of registration or re-registration. Currently, religious organizations are forced to prove their innocence and challenge SCRA decisions, which violates the presumption of evidence.

12.7. Profiling. The requirement that lists be provided of a religious organization's founders is a condition for SCRA to identify religious affiliation, though the constitution of the Kyrgyz Republic (point 7 of part 4 of article 20) forbids the forced expression of religious beliefs.

12.8. Number of Founders and Residency Requirement. The right of citizens, but not everyone. The right to association of groups of religious individuals was complicated by an increase in the required number of founders from 10 to 200 people. The law recognizes the legal capacity to establish a religious organization only for citizens of the Kyrgyz Republic who permanently reside in the Kyrgyz Republic.³¹

12.9. The Need for Limitations in a Democratic Society. The requirement that founders be permanent residents of the Kyrgyz Republic provides a contradiction to the right of free association. Additionally, inappropriate conditions exist that require founders to be living permanently in Kyrgyzstan and subject to registration, which makes it impossible for small religious groups to exercise their freedom of religion (religious minorities, article 27 ICCPR).

12.10. Comparison of the number of founders to other types of legal entity. For other types of public associations in the Kyrgyz Republic only 10 members are required for registration, public funds or limited liability companies (not affiliates) can be established by a single founder.

12.11. Children. The law does not allow for the involvement of children in religious organizations³², which excludes a child from an understanding of "personhood" used in part 1 of article 18 of the ICCPR. Additionally, this provision contradicts the UN Convention on the Rights of the Child,³³ which recognizes every child's right to the freedom of thought, conscience, and religion³⁴, as well as the right of parents and legal guardians to guide their children in exercising their rights in a manner consistent with the evolving capacities of the child.

12.12. Punishment for choice of religion and for raising children in a religious tradition. In 2012, the State Committee for National Security attempted to introduce liability (art 395, 395-1, and 395-2 of the Administrative Liability Code) for the choice of religious affiliation and involvement of children in religious organizations, effectively violating ICCPR obligations.

12.13. Complications for hierarchical (foreign) religious organizations. State recognition of communities connected to spiritual centers outside of the borders of the Kyrgyz Republic (i.e. the ROC, the Roman Catholic Church) is tied with a number of bureaucratic requirements. In the eyes of the law these types of communities are "missions of foreign religions". Certificates of registration for this type of mission are given for only one year, and the mission is not considered a legal entity.³⁵ For registration, the leader of the religious organization's mission is required to submit documents annually including a letter from superiors in the organization with the indicated period of stay and a notarized translation. This requirement imposes an annual burden of preparing and submitting notarized documents. If the leader of the religious organization is

³¹ Point 3 article 8 of the KR law "On Freedom of Religion and Religious Organizations in the KR"

³² Point 5 article 4 of the KR law "On Freedom of Religion and Religious Organizations in the KR"

³³ The Kyrgyz Republic is a State Party to the Convention of the Rights of the Child dating from 7 October 1994.

³⁴ Part 1 article 14 UN Convention on the Rights of the Child.

³⁵ Points and 12 in article 11 of the KR Law "On Freedom of Religion and Religious Organizations in the KR"

a foreign citizen, then the law considers that organization an “international religious mission”³⁶, which imposes additional restrictions on the organization with its internal hierarchy. In instances where there is a change in leadership, all documents must be resubmitted with the name of the new leader.

12.14. Infringement of the right to connect with citizenship. Foreign citizens and individuals without any citizenship (stateless persons) face limitations to their right to establish religious organizations within the territory of the KR, although the KR constitution grants all foreign citizens and stateless persons all human rights and freedoms, including the right to association and the right to freedom of thought, conscience, and religion.³⁷ Grounds for limiting the rights of foreign citizens and stateless persons are baseless and not in accordance with the obligations to the ICCPR.

12.15. Prohibition of certain religious organizations. Some of the KR’s obligations to the SCO and the CSTO³⁸ require evaluation of compliance with ICCPR. On the other hand, the procedure for judicial process of designated organizations does not always guarantee a fair trial or the provision of effective legal defense.

13. The Right to Form Associations of Religious Organizations (article 22)

13.1. The Kyrgyz Republic Law “On Freedom of Religion and Religious Organizations in the KR” substantially limits the abilities of religious organizations to form associations (referred to in the law as “religious unions” – Note: “unions of religious organizations”), introducing confusion between associations of believers and associations or organizations). For the creation of this type of association a minimum of 10 organizations are required, one of which must have existed within Kyrgyz Republic territory for no less than 15 years.³⁹

13.2. For the creation of a unified governing body of several religious organizations belonging to one faith, the law requires that these organizations exist in no fewer than nine regions of the KR (7 oblasts and the cities of Osh and Bishkek).⁴⁰ As a result, only the Spiritual Administration of Muslims in Kyrgyzstan can comply with this requirement.

14. Recommendations

1. Ensure that the 2008 law “On Freedom of Religion and Religious Organizations in the KR” is brought into accordance with provisions of the constitution of the KR and ICCPR, ensure the rights of all religious individuals to exercise all human rights and freedoms in all areas.
2. Ensure proper strengthening of laws in the KR that protect against discrimination based on religion, regardless of citizenship, sex, affiliation with particular religious groups, and in particular protect the rights of religious minorities to exercise all rights and freedoms along with other members of society.
3. The state should educate on religious diversity and the existence of different faiths in society, which would also be provided with equal opportunity to exercise their rights as well as be guaranteed safety and protection.

³⁶ Point 6 article 8 of the KR Law “On Freedom of Religion and Religious Organizations in the KR”

³⁷ Article 19 of the Constitution of the KR, passed 27 June, 2010.

³⁸ “Tabligi Jamaat” appears on the CSTO members’ list of forbidden organizations, but is not prohibited in the Kyrgyz Republic.
<http://www.for.kg/news-225008-html>

³⁹ Part 5 article 8 of the KR law “On Freedom of Religion and Religious Organizations in the KR”

⁴⁰ Part 4 article 8 of the KR law “On Freedom of Religion and Religious Organizations in the KR”

4. The State and its representatives should ensure effective measures to combat discrimination and proper supervision of the observance of international obligations which have been voluntarily assumed by the Kyrgyz Republic.
5. Encourage the Kyrgyz Republic to conduct a functional analysis of the authority of the State Commission on Religious Affairs in order to ensure the legality and protection of interest of religious organizations as well as the rights and freedoms of every religious individual.
6. Ensure the principle of participation and involvement of all faiths in the decision-making process of issues related to freedom of religion and the activities of religious organizations in the KR, including in the Jogorku Kenesh as well as in the government or with the participation of the president.
7. Enforce constitutional guarantees and obligations of the state-party at the local level (local self-governance, municipalities), in particular taking control of decisions and practices of local governments (burial, security and protection, conducting due process).