



Losing Their Religion: Kyrgyz Freedom of Religion Laws and the ICCPR

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In early November, the Human Rights Committee concluded its review of the sixth periodic report from Kyrgyzstan on its implementation of the International Covenant for Civil and Political Rights (ICCPR).¹ The Committee cautiously commended Kyrgyzstan for its 2021 amendments to religious laws and adoption of a new constitution, bringing it closer to compliance with the ICCPR.² However, the report shows the Committee is far from rubber-stamping the country as being compliant with Article 18 of the ICCPR.³

¹ Hum. Rts. Comm., Concluding Observations on the Third Periodic Report of Kyrgyzstan, at 2, CCPR/C/KGZ/CO/3 (2022) [hereinafter Concluding Observations].

² Press Release, Office of the High Comm'r for Hum. Rts., In Dialogue with Kyrgyzstan, Experts of the Human Rights Committee Commend Legislation Promoting Freedom of Religious Belief, Raise Issues Concerning Corruption and Detainees' Access to Lawyers (Oct. 12, 2022).

³ *Id.*

Kyrgyzstan is a former Soviet Republic and for decades, the Soviet regime suppressed religious activities at home and in satellite states.⁴ Atheism and forced secularization ensured there would be no competition for the communist ideology.⁵ For generations, religion was obsolete.⁶ When Kyrgyzstan gained independence in 1991, the country looked to pre-Soviet times to establish a new national identity separate from the USSR, finding that “collective memories of national origins are frequently rooted in religious stories.”⁷ In the thirty years since independence, the country has seen a rebirth of religion in rediscovering its heritage and identity. Today, 90% of the population identifies as Muslim.⁸

The new constitution of the Kyrgyz Republic guarantees freedom of conscience and religion, yet religious legislation in the country also requires all religious groups to register with the State Commission on Religious Affairs (SCRA).⁹ For a religious group to get approval from the SCRA, it must submit a charter, a list of founding members, and minutes of the organizing meeting.¹⁰ Local congregations must register separately, and each congregation must compile a list of at least 200 adherents.¹¹ The law also prohibits religious literature from being distributed, in any form, in public places.¹²

Unregistered religious groups are prohibited from conducting any activities in the State.¹³ The SCRA has the authority to deny registration to any group if it finds the group to be a threat

⁴ Paul Froese, *Forced Secularization in Russia: Why an Atheistic Monopoly Failed*, 43 J. SCI. STUD. RELIGION, 35, 35 (2004).

⁵ *Id.*

⁶ *Id.*

⁷ Vincent Artman, *My Poor People, Where Are We Going? Grounded Theologies and National Identity in Kyrgyzstan*, 71 EUR. ASIA STUD. 1734, 1735 (2019).

⁸ U.S. DEP’T OF STATE, KYRGYZ REPUBLIC 2021 INTERNATIONAL RELIGIOUS FREEDOM REPORT 2 (2021).

⁹ *Id.* at 1.

¹⁰ *Id.* at 4.

¹¹ *Id.*

¹² *Id.* at 3.

¹³ *Id.* at 1.

to national security, social stability, public order, among other similar justifications.¹⁴ There are bans on 21 “religiously oriented” groups, usually with ties to religious extremism or terrorism.¹⁵ In 2020, the SCRA registered 11 Christian churches and 112 mosques.¹⁶

Socially, there is a lack of respect for religious freedom in Kyrgyzstan.¹⁷ Non-Muslim minorities have found the registration process to be “cumbersome” because of community pressure in opposition to the establishment of non-Islamic groups.¹⁸ In 2019, the UN Human Rights Committee found the registration laws to be violative of the ICCPR.¹⁹ In mid-2021, the government introduced amendments to the law that would “formally abolish the requirement that religious organizations be approved by the relevant local government in addition to registering with the SCRA” and would also remove the 200-signature requirement for registration.²⁰

In its 2022 review, the Committee expressed concern that vague and overly broad definitions of counter-terrorism measures would lead to restrictions on “legitimate exercises of rights and freedoms guaranteed under the Covenant, including freedom of religion.”²¹ It was recommended counter-terrorism legislation be clarified and safeguards, like judicial oversight, are put in place to ensure any limitations on these rights are “necessary and proportionate.”²² The Committee reiterated its concern that the registration requirements for “smaller religious minorities,” censorship of religious materials, and reports that Christians have not been able to

¹⁴ *Id.* at 4.

¹⁵ *Id.* at 8.

¹⁶ *Id.* at 9.

¹⁷ See OPEN VIEWPOINT PUBLIC FOUNDATION, FREEDOM OF RELIGION IN KYRGYZSTAN 4 (2013) (“There is still no real recognition of and respect for freedom of choice and religious self-determination, and pluralism and diversity have not yet become a value of the wider population”).

¹⁸ U.S. DEP’T OF STATE, *supra* note 8, at 8.

¹⁹ *Id.* at 1.

²⁰ *Id.* at 9.

²¹ Concluding Observations, *supra* note 1, at 5.

²² *Id.*

bury members in cemeteries.²³ It called for the removal of “all limitations that are incompatible with article 18” and for regulations that prevent discrimination in burials on religious grounds and allocate burial spaces for religious minorities.²⁴ The Committee also remarked it was not clear that violations of the ICCPR would be justiciable in Kyrgyz courts.²⁵

This is an opportunity for Kyrgyzstan to shape its identity as a strong democracy in Central Asia with a robust respect for international human rights law. Prioritizing freedom of religion could distinguish the country from its former-Soviet kin in the region and win favor with powerful Western countries. So far, Kyrgyzstan has not demonstrated a good faith effort to bring its so-called freedom of religion laws in line with the ICCPR. In the Committee’s Concluding Observations, which recommended reform in a wide variety of human rights areas, the word “expedite” appears only twice; reform for freedom of religion was one.²⁶ How Kyrgyzstan responds to the urging of the Committee will be determinative for the country on the international stage: those interested in young democracies should watch closely. Will Kyrgyzstan take this opportunity to come into the fold?

²³ *Id.* at 9-10.

²⁴ *Id.* at 10.

²⁵ Press Release, Office of the High Comm’r for Hum. Rts., *supra* note 2.

²⁶ Concluding Observations, *supra* note 1, at 2, 10.