



SUBMISSION

TO THE 49th SESSION OF THE UNIVERSAL PERIODIC REVIEW

KYRGYZSTAN

Conscientious objection to military service and related issues

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1. Issues of concern

- **Recognition limited only to members of registered religious organizations whose creed prohibits the use of arms**
- **Discrimination based on different grounds of conscientious objection and between groups**
- **Discriminatory length of alternative civilian service**
- **Discriminatory fee**
- **Limitations on freedom of religion and obstructions to state registration**

Previous UPR recommendations

2. Broader issues of the right to freedom of thought, conscience and religion, as well discrimination on religious grounds, have been consistently highlighted in previous cycles.¹ However, the specific issue of conscientious objection to military service has not been addressed yet in the context of UPR, despite having been highlighted for years by the Human Rights Committee.

▪ Introduction

3. Kyrgyzstan applies conscription to male citizens. Military service for men between the ages of 18 and 25² is usually 1 year.³
4. According to Kyrgyzstan's report to the Human Rights Committee in 2020: "Under article 32 of the Act on Universal Conscription of Kyrgyz Nationals, and Military and Alternative Service, male citizens between the ages of 18 and 25 who do not have the right to deferment or have lost the right to deferment and have not completed their national service are subject to call-up for alternative service if they belong to a registered religious organization whose creed does not allow the use of weapons or service in the armed forces. [...] Between 2014 and 2018, only 144 citizens were called up for alternative service on the basis of their religious beliefs: 12 in 2014, 22 in 2015, 35 in 2016, 49 in 2017 and 26 in 2018."⁴

5. The Human Rights Committee has previously expressed concerns about aspects of the legislation on conscientious objection to military service. In the context of the initial periodic report, in its concluding observations, the Committee noted:

"18. The Committee takes note that conscientious objection to military service is allowed only to members of a registered religious organization whose teachings prohibit the use of arms. The Committee regrets that the State party has not sought to justify why the provision on alternative service entails a period of service twice as long as that required of military conscripts, and why persons of higher education serve for a considerably lesser period in the military and in alternative service (arts. 18 and 26).

Conscientious objection should be provided for in law, in a manner that is consistent with articles 18 and 26 of the Covenant, bearing in mind that article 18 also protects freedom of conscience of non-believers. The State party should fix the periods of military service and alternative service on a non-discriminatory basis."⁵

6. In the context of the second periodic report, the Committee noted:

"The right to conscientious objection

23. The Committee reiterates its previous concerns (CCPR/CO/69/KGZ, para. 18) about the limiting of conscientious objection to military service only to members of registered religious organizations whose teaching prohibits the use of arms and the stipulation of a shorter period of military and alternative service for persons with higher education. The Committee notes the State party's initiative to amend the Law on Universal Conscription of Citizens of the Kyrgyz Republic on Military and Alternative Service (arts. 2, 18 and 26).

The State party should ensure that amendments to the Law on Universal Conscription of Citizens of

the Kyrgyz Republic, on Military and Alternative Service provide for conscientious objections in a manner consistent with articles 18 and 26 of the Covenant, bearing in mind that article 18 also protects freedom of conscience of nonbelievers. It should also stipulate periods of military and alternative service on a non-discriminatory basis.”⁶

7. According to the Jehovah’s Witnesses, in June 2015, the Government amended the law on military service by providing conscientious objectors with a program of alternative service that is not under military control.⁷
8. However, the main concerns of the Committee do not appear to have been addressed.

▪ **Recognition of the right to conscientious objection limited only to members of registered religious organizations whose creed prohibits the use of arms**

9. The right to conscientious objection to military service inheres in the right to freedom of thought, conscience and religion. It entitles any individual to an exemption from compulsory military service if such service cannot be reconciled with that individual’s religion or beliefs. The right must not be impaired by coercion. A State may, if it wishes, compel the objector to undertake a civilian alternative to military service, outside the military sphere and not under military command. The alternative service must not be of a punitive nature. It must be a real service to the community and compatible with respect for human rights.⁸
10. Despite the above, Kyrgyzstan fails to adequately recognise the right to conscientious objection to military service.
11. Connection e.V. notes that the State under review refrains from using the term and concept of the “right to conscientious objection” in its reports.

12. In any case, even if it is considered that the right to conscientious objection to military service is recognised for certain citizens, (albeit not explicitly as a “right”), such recognition is limited. The State under review has explicitly stated that: “Under article 32 of the Act on Universal Conscription of Kyrgyz Nationals, and Military and Alternative Service, male citizens between the ages of 18 and 25 who do not have the right to deferment or have lost the right to deferment and have not completed their national service are subject to call-up for alternative service **if they belong to a registered religious organization whose creed does not allow the use of weapons or service in the armed forces.**”⁹ (emphasis added)

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13. The above requirement indicates that potentially there could be several categories of conscientious objectors who could face non-recognition of their right to conscientious objection to military service, and thus, a **violation of article 18 of ICCPR**:
 - a) members of religious communities, minorities or organisations whose creed does not allow the use of weapons or service in the armed forces, and which could be registered, but are not registered due to the “burdensome registration requirements for religious associations”, as deemed by the Human Rights Committee.¹⁰
 - b) members of religious communities, minorities or organisations whose creed does not allow the use of weapons or service in the armed forces, but are not registered due to other reasons, or they are prohibited.
 - c) conscientious objectors whose objection is not on religious but rather on ideological, political, moral, philosophical etc. grounds, including non-believers.

It is not clear whether the limited number of citizens called up for alternative service, as indicated in the State party’s 2020 report is due to the exclusion of conscientious objectors of the above categories.

▪ **Discrimination based on different grounds of conscientious objection and between groups**

14. Limiting the possibility for alternative service only to those who “belong to a registered religious organization whose creed does not allow the use of weapons or service in the armed forces”

constitutes also discrimination based on different grounds of conscientious objection and between groups of conscientious objectors, and thus, a **violation of article 26 of ICCPR**.

15. International human rights standards are explicit on the requirement of non-discrimination on the basis of the grounds for conscientious objection and between groups of conscientious objectors:

- The **OHCHR** has compiled the minimum criteria in order for the procedures for conscientious objector status to be in line with international human rights law and standards. Among them, there is the requirement for: “Non-discrimination on the basis of the grounds for conscientious objection and between groups. Alternative service arrangements should be accessible to all conscientious objectors without discrimination as to the nature of their religious or non-religious beliefs; there should be no discrimination between groups of conscientious objectors.”¹¹
- The **Human Rights Council** has reminded states of “the requirement not to discriminate between conscientious objectors on the basis of the nature of their particular beliefs”.¹²
- The **Human Rights Committee**, in its General Comment 22, has stated that “there shall be no differentiation among conscientious objectors on the basis of the nature of their particular beliefs”.¹³ Subsequently, the Committee, in the context of its concluding observations, has consistently advocated for recognition of “the right to conscientious objection to military service without discrimination as to the nature of the beliefs (religious or non-religious beliefs grounded in conscience) justifying the objection”,¹⁴ or “without limitation on the category of conscientiously held beliefs”,¹⁵ and has expressed concerns “about the limiting of conscientious objection to military service only to members of registered religious organizations whose teaching prohibits the use of arms”.¹⁶

▪ **Discriminatory length of alternative service**

16. The term of alternative service is eighteen months,¹⁷ i.e. 50% longer than the term of military service.

- According to the **OHCHR**, “Any duration longer than that of military service is permissible only if the additional time for alternative service is based on reasonable and objective criteria. Equalizing the duration of alternative service with military service should be considered a good practice.”¹⁸
- According to the **Human Rights Committee**, an increase of the length of alternative service of 50%¹⁹ compared to that of military service “may be punitively long if not based on reasonable and objective grounds”.²⁰
- The **European Parliament** has repeatedly stated that the length of alternative service should be the same and not last longer than the military service.²¹

▪ **Discriminatory fee**

17. The issue of the fee or tax required to be paid by those performing alternative service appears to persist.²²

18. If there is no equivalent fee for those serving military service, then, apart from possible violation of economic and social rights, it would constitute a violation of **articles 18 and 26 of ICCPR**.

▪ **Limitations on freedom of religion and obstructions to state registration**

19. Connection e.V. would like to emphasise that the issue of the right to conscientious objection to military service, and the violations of such right, are highly interrelated with the broader issue of the right to freedom of religion, and particularly with the obstructions to state registration of religious organisations - insofar conscientious objection is only recognised for members of

registered religious organizations whose creed does not allow the use of weapons or service in the armed forces.

20. The Human Rights Committee has consistently highlighted issues concerning the right to freedom of conscience and religion in Kyrgyzstan, including the issue of registration, through its concluding observations²³ and views on individual complaints (e.g. about Jehovah's Witnesses).²⁴
21. The 2021 Report of the Special Rapporteur on minority issues, following the 2019 visit to Kyrgyzstan,²⁵ submissions to the Human Rights Committee, such as the ones of associations of Jehovah's Witnesses,²⁶ and reports by civil society organisations, such as the Forum 18's January 2022 survey,²⁷ indicate that these issues of serious concern remain unaddressed, and in some cases the situation might have been even deteriorated.²⁸
22. Finally, new draft laws raise serious concerns about deterioration of the legislation, including even more burdensome registration requirements.²⁹

SUGGESTED RECOMMENDATIONS

23. Connection e.V. suggests the following recommendations:

- Recognise the right to conscientious objection to military service according to international human rights standards, including by providing an alternative service to which all conscientious objectors have access to and that is not punitive or discriminatory in its nature, cost or duration.
- Repeal discriminatory provisions limiting the right to conscientious objection to military service only to members of a registered religious organization whose creed prohibits the use of arms, and provisions imposing a discriminatory fee on conscientious objectors.
- Implement the concluding observations of the Human Rights Committee regarding the right to freedom of thought, conscience and religion, including as far as it concerns registration of religious organisations (CCPR/C/KGZ/CO/3, paras. 43-44), and the right to conscientious objection to military service (CCPR/CO/69/KGZ, para. 18, CCPR/C/KGZ/CO/2, para. 23).

¹ E.g. 3rd Cycle recommendations: 140.44 (Oman), 140.45 (Armenia), 140.51 (Tunisia), 140.80 (Croatia), 140.83 (Democratic People's Republic of Korea), 140.89 (Holy See), 140.96 (Ukraine), 140.215 (Senegal), 140.217 (United States of America). <https://undocs.org/A/HRC/44/4>

^{2nd} Cycle recommendations: 117.136 (Tajikistan), 117.137 (Argentina), 118.18 (Czech Republic), 118.19 (Poland), 118.20 (Canada), 119.12 (Australia), 119.18 (Poland), 119.27 (Switzerland), 119.28 (United States of America). <https://undocs.org/A/HRC/29/4>

^{1st} Cycle recommendations: 77.37 (Netherlands). <https://undocs.org/A/HRC/15/2>

² Act on Universal Conscription of Kyrgyz Nationals, and Military and Alternative Service, as it stands today, article 17, para. 1. <https://cbd.minjust.gov.kg/202536/edition/4231/ru>

³ Act on Universal Conscription of Kyrgyz Nationals, and Military and Alternative Service, as it stands today, article 29, para. 1. <https://cbd.minjust.gov.kg/202536/edition/4231/ru>

⁴ Third periodic report submitted by Kyrgyzstan under article 40 of the Covenant, due in 2018, (CCPR/C/KGZ/3), 12 May 2020, paras. 340-341. <https://undocs.org/CCPR/C/KGZ/3>

⁵ CCPR/CO/69/KGZ, 24 July 2000, para. 18. <https://undocs.org/CCPR/CO/69/KGZ>

⁶ CCPR/C/KGZ/CO/2, 23 April 2014, para. 23. <https://undocs.org/CCPR/C/KGZ/CO/2>

⁷ <https://www.jw.org/en/news/region/kyrgyzstan/historic-milestones-kyrgyzstan/>

⁸ See, *Min-Kyu Jeong et al. v. Republic of Korea* (CCPR/C/101/D/1642-1741/2007), para. 7.3. <https://undocs.org/CCPR/C/101/D/1642-1741/2007>

See also: *Jong-nam Kim et al. v. Republic of Korea*, para. 7.4; *Abdullayev v. Turkmenistan*, para. 7.7; *Mahmud Hudaybergenov v. Turkmenistan*, para. 7.5; *Ahmet Hudaybergenov v. Turkmenistan*, para. 7.5; *Sunnet Japparow v. Turkmenistan*, para. 7.6; *Akmurad Nurjanov v. Turkmenistan*, para. 9.3; *Shadurdy Uchetov v. Turkmenistan*, para. 7.6; *Dawletow v. Turkmenistan*, para. 6.3 and others.

⁹ Third periodic report submitted by Kyrgyzstan under article 40 of the Covenant, due in 2018, (CCPR/C/KGZ/3), 12 May 2020, para. 340. <https://undocs.org/CCPR/C/KGZ/3>

¹⁰ CCPR/C/KGZ/CO/3, para. 43. <https://undocs.org/CCPR/C/KGZ/CO/3>

¹¹ OHCHR, Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, (A/HRC/41/23), 24 May 2019, para. 60 (e). Available at: <https://undocs.org/A/HRC/41/23>

See also: United Nations, General Assembly, Conscientious objection to military service, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/35/4), 1 May 2017, para. 64. <http://undocs.org/A/HRC/35/4>

United Nations, General Assembly, Conscientious objection to military service, Analytical report of the Office of the United Nations High Commissioner for Human Rights, (A/HRC/50/43), 11 May 2022, para. 57(f). <http://undocs.org/A/HRC/50/43>

¹² Human Rights Council resolution 24/17 (A/HRC/RES/24/17), 27 September 2013, para. 8. <https://undocs.org/A/HRC/RES/24/17>

¹³ Human Rights Committee General Comment No. 22 (CCPR/C/21/Rev.1/Add.4), 27 September 1993, ‘The right to freedom of thought, conscience and religion or belief (Art. 18)’, para. 11. <https://undocs.org/CCPR/C/21/Rev.1/Add.4>

¹⁴ E.g. UN Human Rights Committee, Concluding observations on the fifth periodic report of Belarus, (CCPR/C/BLR/CO/5), 22 November 2018, paras. 47-48. <http://undocs.org/CCPR/C/BLR/CO/5>

See also: UN Human Rights Committee, Concluding observations on the seventh periodic report of Ukraine, (CCPR/C/UKR/CO/7), 22 August 2013, para. 19. <https://undocs.org/CCPR/C/UKR/CO/7>

¹⁵ UN Human Rights Committee, Concluding observations on the fourth periodic report of Azerbaijan, (CCPR/C/AZE/CO/4), 16 November 2016, paras. 34-35. <http://undocs.org/CCPR/C/AZE/CO/4>

¹⁶ UN Human Rights Committee, Concluding observations on the second periodic report of Kyrgyzstan, (CCPR/C/KGZ/CO/2), 23 April 2014, para. 23. <http://undocs.org/CCPR/C/KGZ/CO/2>

¹⁷ Act on Universal Conscription of Kyrgyz Nationals, and Military and Alternative Service, as it stands today, article 32, para. 3. <https://cbd.minjust.gov.kg/202536/edition/4231/ru>

¹⁸ OHCHR, Approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, 24 May 2019, para. 60, (l). <http://undocs.org/A/HRC/41/23>

¹⁹ As in the case of Austria: UN Human Rights Committee, List of issues in relation to the fifth periodic report of Austria, Addendum, Replies of Austria to the list of issues, (CCPR/C/AUT/Q/5/Add.1), 4 August 2015, para. 139. http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FAUT%2FQ%2F5%2FAdd.1&Lang=en

²⁰ UN Human Rights Committee, Concluding observations on the fifth periodic report of Austria, (CCPR/C/AUT/CO/5), 3 December 2015, paras. 33-34. <http://undocs.org/CCPR/C/AUT/CO/5>

²¹ European Parliament, Resolution on respect for human rights in the European Community (annual report of the European Parliament), (A3-0025/93), 11 March 1993, para. 51, as it has been published in the Official Journal of the European Communities C 115, 26 April 1993, [Minutes of the sitting of Thursday, 11 March 1993](#), page 183. Resolution on conscientious objection in the Member States of the Community, (A3-0411/93), 19 January 1994, para. 9, as it has been published in the Official Journal of the European Communities C 44, 14 February 1994, [Minutes of the sitting of Wednesday, 19 January 1994](#), page 105. See also in the case of Greece: Resolution on the situation concerning basic rights in the European Union (2001) (2001/2014(INI)), para 42, text adopted on 15 January 2003. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P5-TA-2003-0012+0+DOC+XML+V0//EN>

²² Act on Universal Conscription of Kyrgyz Nationals, and Military and Alternative Service, as it stands today, article 32, para. 4. <https://cbd.minjust.gov.kg/202536/edition/4231/ru>

²³ CCPR/C/KGZ/CO/2, 23 April 2014, para. 22. <https://undocs.org/CCPR/C/KGZ/CO/2>
CCPR/C/KGZ/CO/3, paras. 43-44. <https://undocs.org/CCPR/C/KGZ/CO/3>

²⁴ E.g. CCPR/C/125/D/2312/2013, 27 May 2019. <https://undocs.org/CCPR/C/125/D/2312/2013>
CCPR/C/132/D/2659/2015, 11 March 2022. <https://undocs.org/CCPR/C/132/D/2659/2015>

²⁵ Visit to Kyrgyzstan, Report of the Special Rapporteur on minority issues, Fernand de Vareennes, (A/HRC/46/57/Add.1), 28 January 2021, paras. 66-74. <https://undocs.org/A/HRC/46/57/Add.1>

²⁶ The Asia-Pacific Association of Jehovah’s Witnesses and The European Association of Jehovah’s Witnesses, Joint Submission to the United Nations Human Rights Committee Subsequent to Adoption of the List of Issues 136th session (10 October–4 November 2022) Kyrgyzstan, 12 September 2022. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FCSS%2FKGZ%2F50000&Lang=en

European Association of Jehovah’s Witnesses, Submission to the UN Human Rights Committee prior to the Adoption of the List of Issues 130th Session (12 October to 6 November 2020) Kyrgyzstan, 17 August 2020. https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FICO%2FKGZ%2F42854&Lang=en

²⁷ Mushfig Bayram, Forum 18, and John Kinahan, Forum 18, “KYRGYZSTAN: Religious freedom survey, January 2022”. https://www.forum18.org/archive.php?article_id=2711

²⁸ E.g. Mushfig Bayram, Forum 18, “KYRGYZSTAN: Raids and fines on Catholics, Protestants, Hare Krishna devotees”, 2 August 2023. https://www.forum18.org/archive.php?article_id=2849

²⁹ Felix Corley and Mushfig Bayram, Forum 18, “KYRGYZSTAN: Public discussion of latest repressive draft Religion Law”, 5 September 2024. https://www.forum18.org/archive.php?article_id=2931