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# **THE PROTECTION OF FUNDAMENTAL FREEDOMS AND CIVIC SPACE IN KYRGYZSTAN: KEY CONCERNS**

**BRIEFING PAPER FOR EU-KYRGYZSTAN HUMAN  
RIGHTS DIALOGUE, NOVEMBER 2023**

This briefing paper has been prepared by International Partnership for Human Rights (IPHR) and Legal Prosperity Foundation (LPF) as input for the EU-Kyrgyzstan Human Rights Dialogue, scheduled to be held in November 2023. It is based on ongoing cooperation by IPHR and LPF on monitoring and documenting developments affecting fundamental freedoms in Kyrgyzstan in the framework of the CIVICUS Monitor initiative to track civic space worldwide (our regular updates prepared for this initiative are available [here](#)). The paper was finalised in late October 2023 and reflects developments up to that point.

**IPHR** - International Partnership for Human Rights is an independent, non-governmental organisation founded in 2008. Based in Brussels, IPHR works closely together with civil society groups from different countries to raise human rights concerns at the international level and promote respect for the rights of vulnerable communities in repressive environments.

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# Introduction

Since the EU-Kyrgyzstan Human Rights Dialogue held in September 2022, the **climate for free speech and civic engagement has deteriorated further** in Kyrgyzstan. Restrictive legislative initiatives affecting NGOs, media and online platforms have been initiated; independent media have come under growing pressure; the fight against disinformation has been exploited to prevent the dissemination of information on issues of public interest; those who criticise, oppose and challenge the policies of the authorities have been subjected to increasing intimidation and harassment, including criminal prosecution on charges believed to be politically motivated; and a court-sanctioned ban on peaceful protests in central areas of the capital, Bishkek has repeatedly been extended. These issues are covered in more detail in the different chapters of this briefing paper.

The deterioration in the protection of fundamental freedoms in Kyrgyzstan has taken place in a context of **increasing threats to the rule of law**. The new controversial constitution, which entered into force in 2021, weakened the separation of powers in the country by granting the president excessively broad powers without establishing effective checks and balances. Other recent developments have further reinforced concerns about attempts to restrict independent review and oversight of decision-making.

For example, in August 2023, the presidential administration **initiated new legislation affecting the powers of the Constitutional Court** to review the constitutionality of legal acts. According to the proposed legislation, the decisions issued by the Constitutional Court will no longer be final in all cases, but could be revised at the initiative of the president of the country or the chair of the court in certain circumstances, including when a decision is deemed contrary to “moral values” or “public consciousness”. Civil society organisations **expressed concerns** that the amendments would risk the Constitutional Court being subjected to politically motivated pressure. However, despite the criticism voiced, parliament adopted the new legislation on all required three readings in September 2023, and thereafter it was **signed** by the president. Another disturbing development is the early dismissal of **Ombudsperson Atyr Abdrakhmatova** in May 2023, which the EU also **criticised**. Parliament voted to end her term in office at the **initiative** of a group of pro-government MPs, who clearly were displeased with her independent approach and her public criticism of the actions of state bodies.

**International surveys have confirmed the deterioration in human rights and the rule of law** in Kyrgyzstan. For example in the annual Freedom in World survey, released by Freedom House in March 2023, Kyrgyzstan was **assessed** as “not free” for the third year in a row, unlike in earlier years when it was assessed as “partly free”. In the 2023 edition of the World Press Freedom, **released** by Reporters without Borders, Kyrgyzstan plummeted into a new low, being ranked on place 122 out of 180 compared to place 72 in 2022. In the newest edition of the World Justice Project Rule of Law Index, which measures the level of accountability, just law, open government and accessible and impartial justice, Kyrgyzstan was **ranked** on place 100 among 139 countries and jurisdictions worldwide, with an overall score of 0,46 on a scale from 0 to 1, where 1 indicates the highest level of adherence to the rule of law. In comparison, in 2020, Kyrgyzstan had a score of 0,51.

Against this background, we urge the EU to raise the concerns and cases documented in this briefing paper with the Kyrgyzstani authorities at the Human Rights Dialogue. We also urge the EU to echo the recommendations included in the July 2023 [resolution adopted by the European Parliament](#) on the crackdown on the media and freedom of expression in Kyrgyzstan.

## Legislation undermining freedom of expression and pressure on media outlets

### *Restrictive draft media law*

A new draft media law elaborated by the presidential administration was [put forward](#) for public discussion in September 2022. Media experts, lawyers and human rights defenders seriously criticised the draft law for imposing **excessive restrictions** on the freedom of expression and the media.

Following the widespread criticism, the presidential administration [agreed to revise](#) the draft media law together with independent experts. In December 2022, a working group was set up for this purpose, with its members including officials from the presidential administration and the Ministry of Culture, Information, Sports and Youth Policy (“Ministry of Culture”), as well as 15 media representatives. The period for revising the draft law was initially set to expire in March 2023, but it was later prolonged until May 2023.

The presidential administration presented several revised versions of the draft media law to the working group. However, each new version **failed to adequately reflect recommendations made by media representatives** and, thereby, to address basic shortcomings of the initial draft law. Thus, **serious concerns remain about the most recent revised version of the draft law**, which the presidential administration put forward for a new round of public discussion in mid-May 2023. Key concerns include the designation and regulation of websites as media resources; strict requirements for the registration and re-registration of media outlets as well as the accreditation of journalists; extensive restrictions on the operation of foreign media in Kyrgyzstan; vaguely and problematically worded obligations and prohibitions relating to the activities of media outlets and journalists, such as a ban on disseminating materials that are considered to promote same-sex marriages or harm public health and morals; and significantly broadened grounds for imposing sanctions on media outlets, including the suspension and termination of the activities of media outlets and websites.

In addition to media watchdogs and human rights groups, international human rights experts have seriously criticised the draft media law.

In a [letter](#) addressed to the Kyrgyzstani government in June 2023, the UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression concluded that the draft media law, if adopted “would have **severe implications for the freedom of expression** in Kyrgyzstan”. The Special Rapporteur stressed, among others, that the provisions concerning websites would create far

reaching and disproportional powers for the government to regulate the online space; that general state systems for the registration and licensing of journalists are incompatible with the International Covenant on Civil and Political Rights (ICCPR) and that the mandatory registration requirement for all forms of media foreseen under the draft law would create undue barriers for media outlets to operate; that the proposed restrictions on foreign media outlets disregard the transnational nature of the internet, potentially shutting off access to information from foreign sources for citizens; that the use of vague and overly broad terms in the draft law create legal uncertainty and could result in undue limitations on the freedom of expression, including as sanction against those reporting critically on public affairs; and that the ban on disseminating materials that promote same-sex marriages or are harmful to the health and morals of the population could undermine access to information especially in the field of sexual and reproductive health and would introduce discrimination against individuals on the basis of sexual orientation and gender identity. For these reasons, the Rapporteur **urged the government to “pause the adoption process” of the law**, and “seek sufficient international support and expertise and ensure an inclusive consultation process”.

In a joint [opinion](#), finalised in July 2023, the Office of the OSCE Representative on Freedom of the Media and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) also expressed serious concerns about the draft media law. In particular, the OSCE institutions concluded that the draft law “could restrict the media’s ability to operate independently and investigate important issues by imposing stringent registration requirements on all mass media outlets”, including internet resources. The joint opinion also criticised the fact that media regulation “is fully concentrated under government bodies” in the draft law, as well as the use of overbroad terms such as “extremism” or the prohibition of the promotion of “same-sex marriage”, warning that this could result in implementation undermining the exercise of freedom of expression and the principle of non-discrimination. The joint opinion further concluded that the proposed system of sanctions may lead to the suspension or termination of the activities of media outlets “imposed on the basis of vague and broad grounds” and therefore is likely to have “a chilling effect on media freedom”. The two OSCE institutions made a number of important recommendations for revisions needed to ensure that the draft law complies with international human rights standards. They also called on the authorities to **ensure that that the draft law “is subjected to inclusive, extensive and meaningful consultations**, including with representatives of civil society and of the media”, which should be held “in a timely and meaningful manner, at all stages of the law-making process”.

At the time of writing, there has been no further information as to whether and how the feedback from international experts have been addressed and it is not known when the draft media law will come up for consideration in parliament.

**We urge the EU to insist that the Kyrgyzstani authorities refrain from taking the draft media law further in its current format due to its inconsistency with the country’s international human rights obligations, as pointed out by international human rights experts. In this context, it is relevant to stress that Kyrgyzstan as a beneficiary of the GSP+ scheme has an obligation to comply with international human rights treaty provisions protecting the right to freedom of expression and other fundamental rights and remind the authorities that the**

**country's GSP+ benefits may be re-assessed on the grounds of the failure to comply with such provisions, as set out in the European Parliament resolution adopted on 13 July 2023.**

### ***Misuse of law on “false” information and initiatives to close down independent media***

There are serious concerns about the **controversial law on protection against “false” information**, which was adopted in summer 2021. In accordance with the law, and implementing rules endorsed by the government in spring 2022, anyone who considers that an online publication contains “incorrect” or “false” information about them may file a complaint with the Ministry of Culture. Based on such complaints, the Ministry of Culture may order the removal of the publication in question and, if the website that have posted it fails to do so, the suspension of the entire website for up to two months. No court approval for such orders is needed.

After the adoption of the implementing rules, the government has **repeatedly used** the law to **block independent news sites**, including the ResPublika newspaper, the news site 24.kg, the Kyrgyz service of Radio Free Europe/Radio Liberty (RFE/RL), Radio Azattyk and the Kloop news portal because material posted by these sites allegedly contained “false” information.

In the cases of Kloop and Radio Azattyk, the authorities have also carried out **wider campaigns of pressure entailing initiatives to close down these media services**. While Radio Azattyk finally reached a settlement with the government that enabled it to continue its operations in Kyrgyzstan, Kloop is currently facing the threat of closure:

#### *Attempt to silence Kloop*

In early September 2023, the Ministry of Culture **ordered** the blocking of the website of the respected **independent news site, Kloop** for two months because it had allegedly disseminated “false” information in an article about a political activist claiming to have been tortured in detention. Kloop stressed that it had only reported the activist’s allegations, without presenting them as proven facts and refused to delete the article in question. However, its complaint about the blocking order was rejected and thus, its site was blocked by local operators and is currently only accessible through a mirror site in Kyrgyzstan.

Moreover, already prior to the blocking of its site, in late August 2023, Kloop learned that a **local prosecutor had filed a petition with local courts, requesting that the organisation be closed down** because it is not registered as a media outlet and allegedly carries out activities that “go beyond the scope” of its charter as a public foundation. However, under current national law, it is not compulsory for online information platforms to register as media outlets and Kloop’s charter does cover the establishment of an information platform on social, political and economic issues. It is clear from the argumentation used in the prosecutor’s request for Kloop’s closure that it has been **initiated in retaliation for the service’s independent coverage of topics which are inconvenient to those in power**, including human rights violations and government corruption. Thus, the request focuses primarily on the allegedly “negative” nature of Kloop’s coverage and its “sharp criticism” of government policies. The request also describes Kloop’s publications as being “manipulative” of public opinion and “causing harm” to public health and well-being. The prosecutor’s request even argues that the portal’s reporting causes feelings of

“fear, anxiety, despair and panic”, leading to “psychological disorders”, “aggressive criminal behaviour, sexual anomalies, addictions, suicidal inclinations and other disorders of social adaptation”, and that it “zombifies” the population. Kloop learned about the request for its closure shortly after President Sadyr Japarov [publicly criticised](#) the portal for its reporting, saying that its journalists “bring only harm and no benefit” to the Kyrgyz people.

In a [joint statement](#), IPHR and five other international NGOs **expressed alarm at the move to close down Kloop**, saying that the accusations made against the organisation to justify this request are “absurd, partly even ridiculous” and that “it is apparent that they stem from officials’ dislike of being publicly scrutinised, criticised and held to account”. The NGOs called on the authorities to withdraw the request to shut down Kloop and to stop targeting it because of its reporting.

Despite the criticism voiced by civil society representatives in- and outside Kyrgyzstan, the prosecutor’s office did not back off on its request to close down Kloop, and the **legal proceedings in the case began in late September 2023**. A month later, several preliminary hearings had been held, with the consideration of the merits of the case [starting](#) as of early November 2023.

It is of further concern that the request filed by the prosecutor’s office also refers to **an investigation allegedly opened against Kloop on suspicion of publicly calling for seizing power**, which is a criminal offence punishable with up to five years in prison (under article 278 of the Criminal Code). The Criminal Code provision in question has repeatedly been used to initiate criminal proceedings against bloggers writing on issues which are sensitive to state officials (see more below under “Cases against bloggers” in the chapter on “Intimidation and harassment of critical voices”). Thus, this reference reinforced fears that Kloop and its journalists might be subjected to further, even more serious pressure. While Kloop has also previously been subjected to intimidation and harassment because of its work, this is **the first time that the authorities have taken steps to close it down and potentially initiate criminal charges** against its representatives.

### *Campaign against Radio Azattyk*

The Ministry of Culture [ordered](#) the blocking of Radio Azattyk’s site for two months in October 2022 because of a video report the service had posted about the September 2022 hostilities at the **Kyrgyzstan-Tajikistan border**, which allegedly contained “unconfirmed” allegations about Kyrgyzstan’s role in the hostilities and featured “elements of hate speech”. The video report, which had been produced by the Russian-language network Current Time operated by RFE/RL in cooperation with Voice of America, presented the official views on the hostilities of the authorities of both countries. When the initial period of blocking of Radio Azattyk’s site expired in December 2022, the Ministry of Culture [extended](#) it indefinitely pending the removal of the report in question from the service’s site. Shortly after the service’s site was first blocked, **the service’s bank accounts were frozen** by the State Committee for National Security (SCNS) because of alleged suspicions of money laundering. As a result, the service did not have access to its bank accounts for two months until it was removed from the list in question.

Radio Azattyk **denied the accusations levelled against it**, saying the video report about the border hostilities was in line with its standards of balanced reporting and refused to take it down. However, the



service's attempts to legally challenge the blocking decision were unsuccessful, with its complaint being rejected by court.

In a parallel development, the Ministry of Culture [filed a petition](#) to a local court, requesting that **Radio Azattyk's activities as a media outlet be terminated** due to the failure to delete the video report about the border hostilities, which it [argued](#) featured elements of "war propaganda" and "hate speech" in violation of the Law on Media. Subsequently, in April 2023, the local court ruled in favour of this request. The **ruling in the case was widely criticised** by the media community, human rights groups and representatives of the international community. For example, in a [joint statement](#), more than 25 local media organisations and representatives said that the decision does not "withstand scrutiny", noting that Radio Azattyk was being held accountable simply for providing coverage of the official positions of state bodies of the two neighbouring countries, and that the decision violated Kyrgyzstan's constitution, national laws and international obligations with respect to freedom of expression and access to information. In its [statement](#), IPHR said that the ruling "dealt a serious blow to media freedom" in Kyrgyzstan and "should be reversed".

Following an appeal submitted by Radio Azattyk against the April ruling, on 12 July 2023, Bishkek City Court [confirmed](#) a settlement between the service and the Ministry of Culture. According to this settlement, the lower-level court decision was reversed and **the proceedings against the service were terminated on the grounds that the video report about the September 2022 border hostilities no longer was accessible on the service's site** in accordance with RFE/RL content retention protocols. As a result, Radio Azattyk was able to renew its work in Kyrgyzstan and access to its site was restored. While this outcome was a relief, it is **regrettable that the measures to block Radio Azattyk's site and close it down were initiated in the first place and that the service had to reach a settlement with the Ministry of Culture in order to be able to continue to operate** in Kyrgyzstan. Some media representatives also [criticised](#) Radio Azattyk for agreeing to the settlement, saying that it set a problematic precedent.

#### *Calls to repeal the law on "false information"*

Media and civil society representatives have [demanded](#) that the law on protection against "false" information be repealed, stressing that developments to date have confirmed that it constitutes a censorship tool – which critics warned when it was adopted. After reviewing Kyrgyzstan's compliance with the ICCPR in October 2022, the UN Human Rights Committee [called on](#) the authorities to revise this law and ensure effective safeguards against its misuse.

In October 2022, several MPs [proposed](#) amendments to the law on "false" information. Among others, they proposed that those who request the removal of allegedly incorrect information would have to justify their requests and provide supporting evidence, and that the implementation of decisions issued by the Ministry of Culture would be suspended while appeals against these decisions are being reviewed. However, in May 2023, the proposed amendments [were voted down](#) by parliament.

In another development, in November 2022, the Constitutional Court accepted for consideration a petition alleging that certain provisions of the implementing rules for the law on protection against "false"

information were unconstitutional. At the time of writing, the Court has yet to issue a decision on this petition at the time of writing.

**We welcome that the EU raised concerns about the implementation of the law on “false” information at its Human Rights Dialogue with Kyrgyzstan’s government in September 2022. The continued misuse of the law since then and the wider campaigns of pressure carried out against individual media sites accused of publishing “false” and “discrediting” information show the importance of reiterating these concerns. The EU should insist that the Kyrgyzstani authorities repeal this law or thoroughly revise it, and that they stop misusing the campaign against disinformation to target independent media services that are critical of the authorities.**

### ***Problematic new law on the protection of children from harmful information***

In the recent period, several other new draft laws initiated in Kyrgyzstan have also given rise to concerns about undue restrictions of the right to freedom of expression. Among these initiatives is the so-called **law on the protection of children from harmful information**. After being submitted to parliament in March 2023 by the MP who initiated it, the draft law was passed by parliament in June 2023 and **signed** by the president in August 2023. The **new law**, which introduces amendments to the Code of Offenses and other existing legislation, prohibits the dissemination of several types of information which is considered to be harmful to children. Among others, it prohibits the dissemination of information that “poses a threat to the health of children”, “contradicts family values, promotes non-traditional sexual relations and encourages disrespect for parents or other family members” and “justifies unlawful behaviour”. Those found to violate the prohibition on disseminating such information might be fined from 2000 som (around 20 EUR) to 25 000 som (over 250 EUR).

Human rights groups have criticised the law, **warning that the broad wording used in it might result in violations of the rights to freedom of expression and access to information**, also in the case of children. For example, when commenting on the draft law, the Media Policy Institute **concluded** that the law provides “another administrative lever for establishing censorship and arbitrary restriction of citizens’ access to information”. Human Rights Watch **stated** that the draft law, if enacted, “would be detrimental to children’s rights”, stressing that authorities must take care to ensure that legislation aimed at protecting children from exposure to harmful information are not overly broad and protect children’s freedom of expression, including the right to receive and share information on sexual and reproductive health, sexual orientation, and gender identity.

As covered above, when commenting on a provision included in the draft media law, which similarly would ban the dissemination of materials that promote same-sex marriages or is considered to harm public health and morals, the UN Special Rapporteur on freedom of opinion and expression concluded that such a ban could undermine access to information in the field of sexual and reproductive health and result in discrimination of individuals on the basis of their sexual orientation and gender identity. The Office of the OSCE Representative on Freedom of the Media and the ODIHR expressed similar concerns in their opinion on the draft media law.

Human rights groups have also objected to the fact that the law on the protection of children from harmful information was adopted in a rushed manner in parliament, including by being passed on second and third reading in one sitting, although parliament's regulations require that at least 10 days elapse between each hearing.

### ***Defamation lawsuits against independent media***

There have recently been several cases in which **pro-state media outlets have sued independent media outlets for defamation, requesting excessive large sums in compensation** for alleged moral damages. This has given rise to concerns about the misuse of defamation lawsuits to **put pressure** on such outlets. In the following two cases, local courts ruled in favour of such lawsuits, even if they did not award as large amounts in damages as the plaintiffs had requested:

- On 4 February 2023, **PolitKlinika** [posted](#) a story concerning a report carried by the state TV channel EITR on the development of the energy sector. The story showed that the state TV report had incorrectly claimed that no state loans had been obtained for this purpose during the presidency of Sadyr Japarov. In response, EITR filed a defamation lawsuit against PolitKlinika, accusing the outlet of “undermining its reputation” and demanding that it and its journalist be ordered to pay a total of 10 million som (around 100,000 EUR) in compensation for alleged moral damages. In a decision issued on 26 September 2023, a local court partly [ruled in favour](#) of EITR, ordering PolitKlinika to publish a retraction in relation to the story in question. However, in a welcome development, the court dismissed the request for compensation made by the state TV channel.
- The Vecherniy Bishkek (“Evening Bishkek”) newspaper [sued](#) the independent **Kaktus.media** because of an article published on 29 December 2022, which it argued contained incorrect information about the closure of the paper version of the newspaper and the dismissal of employees. Vecherniy Bishkek demanded that Kaktus.media and its founder, chief editor and journalist pay a total of 50 million som (over 500,000 EUR) in compensation for alleged moral damages, in addition to publishing a retraction. The founder of Kaktus.media, Dina Maslova, said that the article in question was based on information received from employees of Vecherniy Bishkek and deemed the defamation lawsuit as an attempt at intimidation. In late May 2023, a local Bishkek court partially [ruled in favour](#) of the defamation lawsuit filed by Vecherniy Bishkek and ordered Kaktus.media and the journalist who wrote the December 2022 article to pay a total of 1 million som (around 10,000 EUR) in compensation to the newspaper – a sum that is still sizeable, even if not as high as the plaintiff had requested. In September 2023, Bishkek City Court [upheld](#) the ruling of the lower-level court. Kaktus.media further filed an appeal against this decision to the Supreme Court, which has yet to consider it.

### ***Recommendations***

The Kyrgyzstani authorities should be requested to:

- Refrain from taking the draft media law further in its current format and ensure that new media legislation is elaborated with due account of the recommendations made by national and international experts to ensure that it corresponds to Kyrgyzstan's international human rights obligations. In this context, it is relevant to stress that Kyrgyzstan as a beneficiary of the GSP+ scheme has an obligation to comply with international human rights treaty provisions protecting the right to freedom of expression and other fundamental rights and remind the authorities that the country's GSP+ benefits may be re-assessed on the grounds of the failure to comply with such provisions, as set out in the European Parliament resolution adopted on 13 July 2023.
- Revise the law on the protection from false information to bring it in line with international standards and ensure that it cannot be used to block online resources simply because they publish information that it not to the liking of those in power.
- Cease pressuring independent media outlets and platforms because of their reporting, including by refraining from blocking access to their sites in the name of fighting disinformation and seeking their closure on unsubstantiated grounds. In this context, terminate the legal action initiated for the closure of Kloop, restore access to its website and allow it to carry out its work without further intimidation and obstruction.
- Revise the legislation on protecting children from harmful information to ensure that it is consistent with Kyrgyzstan's international human rights obligations and ensure that the recently adopted provisions do not result in implementation unduly restricting the right to freedom of expression and access to information, including of children.
- Prevent defamation lawsuits from being used as tools to intimidate and silence media and journalists, including by calling on state media, public officials and ex-officials to refrain from such steps and by establishing an upper limit for damages awarded in any case.

## Intimidation and harassment of critical voices

In an alarming trend, **civil society activists, journalists, bloggers and others** who criticise the authorities and speak out on corruption and other sensitive issues **have faced increasing intimidation and harassment** in Kyrgyzstan, ranging from online threats to arrests and criminal prosecution in apparent retaliation for their activities.

When reviewing Kyrgyzstan's compliance with the ICCPR in October 2022, the UN Human Rights Committee **expressed its concerns** about undue government pressure on human rights defenders, lawyers, politicians, journalists and other individuals for expressing their opinion, including through the initiation of criminal proceedings against bloggers and journalists. It called on the authorities to refrain from using criminal prosecution as a tool to suppress critical reporting and discussion on matters of public interest.

Below we describe several cases, where criminal charges have been initiated against activists, journalists and bloggers, which are of particular concern to us.

## ***Kempir-Abad case***

In a high-profile case, in October 2022, police arrested close to 30 **civil society activists, journalists, bloggers, human rights defenders and opposition political figures who had openly criticised a draft government negotiated border agreement** with neighbouring Uzbekistan concerning the strategically important Kempir-Abad water reservoir.

Most of those arrested were subsequently placed in pre-trial detention on charges of preparing to organise riots, which carry a penalty of up to ten years' imprisonment. These charges were brought against them, although they are **only known to have peacefully expressed their opposition to the draft border agreement, demanded transparency of the decision-making process on this issue and peacefully associated with others to challenge the government's plans** for Kempir-Abad. Just before the mass arrests, some of those targeted had **set up** a public committee for the protection of Kempir-Abad. Excerpts from the conversations between some of those arrested, which were circulated on the internet, appeared to have been **cut, edited and presented** to make it sound as if the speakers were discussing plans to overthrow the government, although they were only talking about holding peaceful rallies.

The mass arrests were criticised by representatives of both civil society and the international community, including the Office of the **UN High Commissioner for Human Rights**. In a joint **statement**, IPHR, CIVICUS, Legal Prosperity Foundation and eight other NGOs expressed concerns that that the criminal cases were initiated against the critics of the draft border agreement **in retaliation for their legitimate criticism and civic engagement on the Kempir-Abad issue**. These concerns were reinforced by **procedural violations** related to the arrests and the **failure** of the remand court to duly justify the use of pre-trial detention as a measure of restraint against those arrested, although pre-trial detention should only be used as a measure of last resort when other, less harsh options are not possible. The NGOs called on the authorities to immediately release and drop the charges against all those arrested without credible reason and to safeguard open discussion on this issue.

However, **the pre-trial detention of most of those arrested the case was repeatedly extended** despite the apparent lack of tangible progress on the investigation and the absence of any compelling grounds for keeping those concerned behind bars. Those held in pre-trial detention reported limited access to sanitation, medical treatment, and visits with family, and **the health of several of them deteriorated significantly**. Due to health concerns several of the detainees were eventually transferred to house arrest in the first few months of 2023, including women activists Orozaiym Narmatova (in January 2023), Perizat Suranova (in February 2023), as well as Klara Sooronkulova, Asiya Sasykbaeva and Gulnara Dzhurabaeva (in April 2023). The only remaining woman to remain in detention in this case, Rita Karasartova was finally transferred to house arrest in late June 2023, after spending eight months behind bars. However, some of the other individuals arrested in the case were still in pre-trial detention at the time of writing.

The **legal proceedings in the case began in July 2023**. IPHR joined Freedom Now and other partners in **expressing serious concerns** that the proceedings are **taking place behind closed doors**, stressing that open and transparent trials are a cornerstone of the rule of law and fair judicial proceedings and that there is no evidence of exceptional circumstances that would meet the threshold required under international law to close the proceedings to the public, the press, or international observers. The

Ministry of Interior [classified](#) the Kempir-Abad case as “secret” in January 2023. Later, in March 2023, Bishkek City Court [ruled](#) to partially lift the classification, ordering the investigators to identify and separate case materials containing “secret” information from those not containing any such information. Nevertheless, the local court hearing the case [refused defendants’ requests to open the trial to the public](#). As of late October 2023, the proceedings in the case were ongoing.

### ***Deportation of corruption whistle-blower***

The deportation of corruption whistle-blowing journalist **Bolot Temirov** remains of serious concern. This decision should be reversed and he should be allowed to return to Kyrgyzstan and continue his journalistic work there without further persecution.

Temirov [faced](#) multiple criminal charges in 2022 after his online outlet Temirov Live published investigations implicating the head of Kyrgyzstan’s State Committee for National Security and his family in corruption. Temirov was first charged with the possession of drugs (under Criminal Code article 283) following a dramatic police raid on Temirov Live in January 2022 during which he said police planted drugs on him. Later, Temirov, also holding a Russian passport, was additionally charged with allegedly forging documents he used to obtain and renew his Kyrgyz passport and with allegedly using this passport to illegally cross the border (under Criminal Code articles 379 and 378). In an [unexpected ruling](#) issued in September 2022, a local court in Bishkek acquitted the journalist of charges of drug possession and illegal border crossing and did not hand down any sentence on the charges of document forgery due to the expiration of the statute of limitations.

When hearing the case on appeal on 23 November 2022, Bishkek City Court [upheld](#) the ruling of the lower-level court and, thus, did not hand down any sentence under any of the criminal code provisions under which Temirov had been prosecuted. However, [on unclear legal grounds](#), the court nevertheless **ruled that Temirov was subject to deportation** as a foreign citizen, although his lawyers insisted that he is a Kyrgyz citizen and cannot be expelled from the country. Law enforcement officials [detained](#) Temirov with the use of force in the courtroom, took him to the airport and [placed him on a flight](#) to Moscow. As other NGOs, IPHR expressed dismay at this course of events, [stating](#) that Temirov’s deportation was “the most recent development in an **orchestrated campaign of retaliation** against him because of his journalistic activities and his investigations into high-level corruption.”

In July 2023, Temirov’s lawyers [filed an appeal](#) with the Supreme Court, requesting that Temirov be fully acquitted of the charges brought against him and that his deportation order be reversed. However, in mid-September 2023, **the Supreme Court rejected the appeal** and upheld Temirov’s deportation. The journalist’s legal team [announced plans](#) to continue the struggle for justice by turning to the UN Human Rights Committee.

### ***Cases against bloggers***

A number of journalists and bloggers have recently faced **criminal charges because of social media posts argued to contain “false” information** on issues sensitive to the authorities. Charges have typically been initiated under **broadly worded provisions of the Criminal Code**, including article 330, which penalises

“incitement” to ethnic, national and other hatred without clearly defining this offense, and article 278, which prohibits calls for disobedience to authorities and for riots.

These are examples of such cases:

- A criminal case [was recently opened](#) against writer **Olzhobay Shakir** for publishing “provocative” social media posts allegedly containing calls for riots and disobedience to authorities, in violation of article 278 of the Criminal Code. Shakir was arrested on 23 August 2023, with a local court sanctioning his pre-trial detention for two months. The writer’s arrest came shortly after he [announced](#) his intention on social media to hold a peaceful protest in Bishkek against government plans to hand over certain property to Uzbekistan and invited others to join him. Civil society representatives have [called](#) the charges against the writer “absurd”, emphasizing his right to peacefully voice discontent about the actions of the authorities, and have demanded that the case is closed and he is released. At the time of writing, Shakir remains in detention.
- Facebook blogger **Yrys Zhekshenaliev** was detained by police in August 2022 after posting an old video appeal in which a former high-ranking security service official and political rival of President Japarov spoke critically about the latter’s plans regarding the Jetim-Too iron ore field. Zhekshenaliev was accused of spreading “incorrect” information and attempting to “manipulate public information” regarding Jetim-Too. He was first placed in pre-trial detention but later transferred to house arrest on charges of calling for active disobedience to the lawful demands of representatives of the authorities and for riots (under article 278 of the Criminal Code). The trial against Zhekshenaliev was expected to end in April 2023, with the prosecution [requesting](#) that he be sentenced to six years in prison. However, the court postponed the further hearing of the case and subsequently [ordered](#) additional expert assessments to be carried out, while prolonging Zhekshenaliev’s house arrest. An earlier expert assessment concluded that the controversial video appeal posted by Zhekshenaliev did not feature any calls for riots. At the time of writing, the trial had yet to re-start.
- The director of Next TV, **Taalaibek Duishenbiev** was charged with inciting inter-national hatred (under Criminal Code article 330) in March 2022 because of comments which Next TV had reposted from a Ukrainian media outlet on its social media accounts. The comments in question suggested that Kyrgyzstan had agreed to provide military assistance to Russia in the context of the war in Ukraine and were attributed to a former high-ranking Kazakhstani security official. In September 2022, a local Bishkek court [found](#) the journalist guilty of the charges initiated against him and sentenced him to five years in prison. However, the court also ruled to commute his prison sentence to three years’ probation, as a result of which he was released but required to regularly report to authorities and refrain from travelling. Duishenbiev’s prosecution and conviction were denounced by human rights groups as an attack on freedom of expression. For example, the Committee to Protect Journalists [stated](#): “We strongly condemn this unjust sentence”, stressing that “Republishing newsworthy statements by well-known public figures is part of the job of a news outlet, and the absurdity of charging Duishenbiev with incitement for this makes it clear that authorities aim to disrupt the broadcaster’s coverage.”

- Blogger **Adilet Ali Myktybek** (also known as Adilet Baltabay) was detained in summer 2022 and charged with calling for disobedience to the lawful demands of authorities and for riots (under Criminal Code article 278) because of a series of Facebook posts. In his posts Myktybek has spoken out on different issues, among others a government initiative to legalise casinos, the extraction of natural resources, and plans for the construction of a new presidential residence. On 11 November 2022, a local court in Bishkek found Myktybek guilty on the charges initiated against him and **sentenced** him to five years in prison but also ruled that he should be released subject to probation for three years. When hearing the case on appeal in January 2023, Bishkek City Court **overturned** the lower-level court's decision with respect to probation, as a result of which the blogger was sent to prison to serve his sentence. However, in April 2023, the Supreme Court ruled to **re-instate** the probation ordered by the local court, whereby the blogger was released again.
- In summer 2022, a criminal case was opened against blogger **Aizhana Myrsalieva** (also known as Aizhan Myrsan) because of a video posted on TikTok in March 2022, which contained excerpts from an earlier Facebook livestream in which the blogger criticised the lack of achievements of ethnic Kyrgyz during Kyrgyzstan's 30 years of independence and their approach to other nationalities in the country. Although herself an ethnic Kyrgyz, she was charged with inciting international hatred (under Criminal Code article 330). In a decision handed down in March 2023, a local court in Bishkek **convicted** Myrsalieva of the charges brought against her and fined her 100,000 som (around 1000 EUR). In August 2023, this decision was **upheld** on appeal. The blogger **told media** that she has stopped publishing posts on sensitive issues following her conviction, adding that she feels like her mouth has been "taped shut". She stated: "I can't say anything today, and there are many like me."

## **Recommendations**

The authorities of Kyrgyzstan should be requested to:

- Carry out prompt, thorough and impartial investigations into any reported acts of intimidation and harassment of civil society activists, journalists and bloggers and ensure that no one is criminally charged, convicted or imprisoned in retaliation for their legitimate exercise of the freedom of expression and other fundamental freedoms.
- Ensure a transparent and fair trial, fully consistent with international standards, in the case of the critics of the Kempir-Abad border deal and that anyone against whom charges have been brought without reasonable cause are cleared of charges and promptly and unconditionally released.
- Repeal Bolot Temirov's deportation and allow him to return to Kyrgyzstan and continue his journalistic work there without further persecution.
- Revise articles 330 and 278 of the Criminal Code to ensure that they are clearly and unambiguously worded and cannot be implemented to unduly restrict freedom of expression in violation of article 19 of the ICCPR. Drop the charges against any journalists and bloggers, who have been prosecuted under these articles for peacefully exercising their freedom of expression to publish information on issues which are sensitive to the authorities, and release those currently held in detention on such grounds, including Olzhobay Shakir.



## Freedom of association

In a highly alarming development, which reflects attempts of the authorities to tighten civic space and enhance control over the NGO sector, **restrictive draft legislation affecting civil society organisations (CSOs)** have been initiated in Kyrgyzstan:

### ***“Foreign agents” style draft law***

In November 2022, Member of Parliament Nadira Narmatova **put forward a repressive and stigmatising draft law, which is in particular targeted at foreign-funded NGOs.** In May 2023, Narmatova **re-submitted an updated version of this draft law to parliament,** this time with the **support of more than 30 other deputies.**

Narmatova is a well-known advocate of tighter restrictions on NGOs and was one of the initiators of a previous Russia-inspired draft “foreign agents” law, which parliament eventually voted down in 2016 following a wave of criticism by civil society and the international community. Narmatova’s new draft law **features similar provisions as the previous initiative** and provides for **excessive, unjustified and discriminatory restrictions** on the right to freedom of association in violation of international standards.

Among others, in accordance with the draft law, CSOs which receive financial assistance from foreign sources and engage in broadly defined “political activities” would be **required to register as organisations “performing the function of a foreign representative”** – a label that similarly to “foreign agents” is highly stigmatising. The failure to register with this label could result in CSO activities being **suspended for up to six months** without a court decision. The draft law also provides for **burdensome reporting obligations** for organisations registered as “foreign representatives” and allows the Ministry of Justice to conduct both planned and **unplanned inspections** of their activities, e.g., on the basis of unspecified information indicating that they have violated national legislation.

In addition to creating a stigmatising regime for controlling foreign-funded organisations, the “foreign representatives” draft law also grants the Ministry of Justice **broad powers to oversee and interfere in the activities of all non-profit groups,** in particular by requesting access to their internal documents, sending representatives to attend their internal events and assessing whether they comply with their own statutes. The Ministry would be able to issue written warnings to non-profit organisations, ordering them to rectify alleged violations and to de-register branches of foreign non-profit organisations, which are deemed to have failed to provide required information in a timely manner or to have acted contrary to stated objectives.

The draft law also **foresees criminal liability** for establishing, leading and participating in a non-commercial organisation whose activities are considered to “harm the health of citizens” or to “impel citizens to refuse to fulfil civic obligations or to commit other unlawful acts.” The penalties for these vaguely worded offences would include large fines or imprisonment for up to ten years.

The draft “foreign representatives” law has been **severely criticised by civil society and representatives of the international community**. In a [joint appeal](#) issued in June 2023, IPHR, the Norwegian Helsinki Committee, the Helsinki Foundation for Human Rights, Front Line Defenders, Freedom Now, Human Rights Watch, the International Federation for Human Rights (FIDH), and the World Organisation Against Torture (OMCT) called on members of parliament in Kyrgyzstan to **reject the dangerous and ill-conceived draft law**, stating that it would enable the authorities to arbitrarily discredit and obstruct the work of foreign-funded NGOs. The signatories stressed that due to the vague and ambiguous language used, **virtually any activities carried out by NGOs could be construed as “political activities”**, as a result of which hundreds of groups could be faced with the difficult choice of either having to register as “foreign representatives” or ceasing their operations to avoid the restrictions and reputational damage that this status would entail. Because of the lack of domestic foreign opportunities, most NGOs in Kyrgyzstan rely on foreign funding.

Local civil society organisations have issued numerous appeals protesting the draft law. In joint appeal published in September 2023, **over 100 organisations called on parliament to reject the draft law**, stressing that it would have a negative impact on the entire NGO sector, if adopted.

In an opinion issued in December 2022, **the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) also critically assessed the draft law**, noting that it provides for restrictions that “are not prescribed by law nor necessary in a democratic society, and therefore not compliant with the right to freedom of association”.

UN representatives have repeatedly spoken out against the draft law. In a [joint letter](#) addressed to the Kyrgyzstani authorities on 2 October 2023, **the UN Special Rapporteurs on the rights to freedom of peaceful assembly and of association, the right to freedom of opinion and expression, and the situation of human rights defenders concluded that many provisions in the proposed law would be contrary to Kyrgyzstan’s international human rights obligations** and that it, if adopted, “could have a chilling effect on the operation of all associations” in the country. The UN experts urged the authorities to **“refrain from approving the draft law in its current form”** and to “consult broadly with all sectors of civil society to develop a new comprehensive law, which ensures an enabling environment for civil society, and which complies with the international human rights obligations and best practices”. During a [press briefing](#) held on 12 October 2023, a **spokesperson of the UN High Commissioner for Human Rights** similarly expressed serious concerns about the draft law and **called on members of parliament to reject it**.

At a parliamentary hearing on 17 October 2023 (see more below), **the UN Resident Coordinator in Kyrgyzstan emphasised** that the draft law does not only run counter to Kyrgyzstan’s international human rights obligations but **would also undermine the achievement of the country’s sustainable development goals**, if adopted. In particular, she warned that the enforcement of the draft law risks resulting in disruptions or even an end to the provision of international financial assistance to NGOs which carry out important work to support different vulnerable groups in society.

In addition to civil society representatives and international experts, several **state bodies have voiced objections** to the draft law. In particular, following its review of the draft law, Kyrgyzstan’s Cabinet of Ministers issued a number of [critical remarks](#) and recommended that it be revised accordingly. The

recently appointed new Ombudsperson, in her turn, [called](#) on the initiators of the draft law to withdraw it because of its inconsistency with Kyrgyzstan's constitution and international law and to elaborate a new version with the participation of experts. Representatives of the Supreme Court and the General Prosecutor's Office have [criticised](#) the proposed introduction of a new criminal offense for representatives of non-commercial organisations, stressing it lacks legal certainty, could be misused and is not needed.

Following the initial outcry over the updated draft law submitted to parliament in May 2023, **some of the MPs who initially supported it withdrew their support** and the consideration of the draft law in parliament was [postponed](#) until after the parliament's summer recess.

However, as parliament reconvened following its summer recess, **the draft "foreign representatives" law was put back on the agenda** and, as of late October 2023, **it was quickly progressing in parliament**. Two parliamentary committees gave their initial approval to the draft law on 3 October and 10 October 2023, respectively. Moreover, on 17 October 2023, a parliamentary hearing on the draft law was held, during which representatives of state bodies, international organisations and NGOs provided feedback and recommendations on it. However, despite the criticism that again was voiced about the initiative at this hearing, **parliament passed the draft law on first reading** in the plenary on 25 October 2023. During the vote, which took place without any discussion, 52 MPs [supported](#) the draft law, and only seven voted against it.

A **propaganda movie**, which the initiators of the problematic draft law [showed](#) during its initial consideration in parliament, **demonstrated the flawed arguments** used to justify this repressive initiative. The draft law documented the alleged harm caused by NGOs in the country, reflecting negative stereotypes and perceptions of such organisations. In particular, NGOs were baselessly accused of hiding income from foreign sources and of carrying out activities contrary to Kyrgyzstani "mentality" and "national values", e.g., by advocating for gender equality and LGBT rights.

Because of the progress of the draft law in parliament, there are **serious concerns that it might be pushed through** in the weeks to come. If passed on two more readings, the draft law will be finally adopted by parliament and thereafter sent to the president for signature.

### ***Restrictive draft law initiated by the presidential administration***

Another **new draft law on NGOs**, which was put forward for public discussion by the presidential administration in November 2022, also proposed to **significantly increase state control over NGOs** and provided for **excessive restrictions** on the operations of such organisations.

Among others, in accordance with this draft law, **all NGOs would have to register with the authorities** in order to operate lawfully in the country, and **pre-registered NGOs would have to re-register or else face liquidation**. At the same time, some of the grounds for denying registration were vaguely and ambiguously worded, giving rise to concerns that they could be used to silence groups which are inconvenient to those in power. The draft law also granted **broad powers to authorities to oversee NGOs'**

compliance not only with national law but also with their statutes, thus affording state bodies the role of controlling whether NGOs “correctly” implement their own mandates.

The draft law drew strong criticism from civil society. For example, in a [joint statement](#), IPHR and CIVICUS called on the Kyrgyzstani authorities to withdraw the draft law, saying it “mirrors NGO legislation seen in more repressive countries in the post-Soviet region” and that going ahead with it “**would seriously endanger the operating freedom of NGOs** in Kyrgyzstan and undermine hard-won gains in terms of civil society participation in the country.” In an [opinion](#) issued in December 2022, ODIHR **seriously criticised the draft law**, saying that its provisions were incompatible with international human rights standards and “overly and unduly restrictive to the right to establish associations and to carry out their activities free from state interference”, and called on the authorities to refrain from pursuing its adoption.

In response to the criticism, the presidential administration [pledged to revise](#) the draft law. In February 2023, the president [signed a decree](#) on the establishment of **a working group composed of government officials and 15 NGO representatives** which was charged with revising the draft law by June 2023. Later, this period was extended first until [October 2023](#), and thereafter to [February 2024](#). Despite the initiative to revise the draft law, there are remaining concerns that it might result in excessive restrictions on the operating freedom of NGOs, if pursued further.

**Given the imminent and serious threat to CSO operations posed by in particular the draft law on “foreign representatives”, which is now progressing in parliament, the EU should vocally speak out against this draft law and make it clear that its adoption would have negative implications for EU-Kyrgyzstan relations. In this context, it is relevant to stress that Kyrgyzstan has an obligation to comply with international human rights treaty provisions protecting the right to freedom of association, in particular article 22 of the ICCPR, as a beneficiary of the GSP+ scheme and that its GSP+ status may be re-assessed on the grounds of the failure to comply with such provisions, as set out in the European Parliament resolution adopted on 13 July 2023.**

### ***Recommendations***

The authorities of Kyrgyzstan should be requested to:

- Ensure that any legislative initiatives affecting NGOs fully correspond to international standards and are elaborated in close consultation with civil society representatives and international experts.
- Members of parliament should withhold support for the draft law on “foreign representatives” submitted to the lawmaking body in May 2023 due to its inconsistencies with the requirements of international law and the president should refrain from signing it, should it be finally adopted by parliament.
- The presidential administration should ensure that the revision of the draft law on NGOs, initiated by it, takes full account of the proposals made by civil society representatives and ODIHR experts and that this legislation is not further pursued unless it is brought in line with the requirements of international law.

- All decision-makers should refrain from using negative and stigmatising language about NGOs, instead publicly expressing support and appreciation for their important work to promote human rights, social justice and protection of vulnerable groups.

## Freedom of peaceful assembly

### *Blanket bans and related detentions*

People in Kyrgyzstan regularly hold peaceful assemblies on different issues of concern to them. While most protests take place without interference, there are also threats to the freedom of peaceful assembly. In particular, the practice of **court-sanctioned, extended blanket bans on protests in the capital Bishkek** is of great concern. Such bans have been issued in response to requests made by local authorities based on vague arguments about the supposed threats and inconvenience caused by assemblies in violation of the requirements for permissible restrictions on peaceful assemblies set out by national and international law.

Most alarmingly, **protests have been prohibited in central areas of Bishkek on an ongoing basis for more than a year** by now. In accordance with a ruling issued by the Pervomaisky District Court in April 2022, peaceful assemblies were prohibited outside the Russian embassy, the presidential administration, the parliament building and the headquarters of the SCNS, as well as on the central Ala-Too Square until September 2022. When introduced, the ban appeared to be **primarily aimed at preventing peaceful protests against Russia's war against Ukraine**, with the Russian embassy having requested the authorities to put a stop to public actions held outside its premises. Protesters were instructed to instead gather in a park specifically designated for holding assemblies, namely Gorky Park. However, official events organised at Ala-Too Square were exempted from the ban, which demonstrates its discriminatory nature.

The court ban from April 2022 has subsequently been **prolonged several times**, most recently [until 31 December 2023](#).

With reference to the court-sanctioned restrictions, police have detained peaceful protesters in several cases, such as in the following ones:

- On 10 January 2023, some 30 people [gathered](#) in central Bishkek for a peaceful march to express support for those held in pre-trial detention in the Kempir-Abad case and call for their release. Police detained a total of **27 people, including elderly women** who were relatives, acquaintances and supporters of those held behind bars in the Kempir-Abad case. According to [media reports](#), several journalists who covered the rally were also detained together with the protesters. While most of those detained subsequently were released without charge, several of them were [charged](#) and penalised for allegedly violating the procedure for holding peaceful protests and failing to comply with the lawful demands of law enforcement officers (articles 139 and 128 of the Code of Offenses). Among them were civil society activist **Ondurush Toktonasyrov**, who was fined 3000 som (around 30 EUR). Toktonasyrov has also [been detained](#) and fined when taking part in other peaceful protests held in parts of Bishkek subject to the court-imposed ban on protests.

- On 15 November 2022, police [detained](#) well-known human rights defender **Aziza Abdirasulova** outside parliament, where a group of women had gathered to peacefully and quietly protest against the government-negotiated agreement with Uzbekistan concerning the Kempir-Abad water reservoir. According to Abdirasulova, she was [present to monitor](#) the protest, not take part in it. Prior to her detention, one of the police officers reportedly accused her of being drunk and using foul language. She was released later the same day but a local court subsequently [fined](#) her 3000 som (around 30 EUR) for allegedly failing to comply with the lawful demands of a law enforcement officer (under article 128 of the Code of Offenses). When hearing the case on appeal, Bishkek City Court overturned her conviction. Abdirasulova [linked](#) her detention to her human rights activities and, in particular, her engagement in support of those detained in the Kempir-Abad case. The day before her detention, the head of a local police department [summoned](#) her for a “discussion”, warning her to “write less” on social media. On her Facebook page, Abdirasulova has actively taken a stand on different issues, including the Kempir-Abad case.

Recently, **court-sanctioned blanket bans** on holding peaceful assemblies at central locations **have also been issued elsewhere than in Bishkek**. Based on a request from local police, in October 2023, peaceful protests were [banned](#) by court outside the local state administration building, the mayor’s office and in other public places in Chon-Alai district in Osh region. The ban, which was issued for an indefinite period, was justified with “security concerns”. Previously, in September 2023, a similar ban had been [issued](#) in the Uzgen district of Osh region – for a period of several weeks.

The practice of blanket bans on protests has been criticised not only by NGOs, but also international human rights experts. After reviewing Kyrgyzstan’s compliance with the ICCPR in October 2022, the Human Rights Committee [called on](#) the authorities of the country to **refrain from blanket restrictions on peaceful assemblies** and from **selective and discriminatory dispersals** of peaceful assemblies.

### ***Recommendations***

The authorities of Kyrgyzstan should be requested to:

- Uphold the right to freedom of peaceful assembly as safeguarded by national and international law.
- Refrain from imposing blanket restrictions on peaceful assemblies, in accordance with the recommendation made by the UN Human Rights Committee, and put an end to the current prolonged ban on protests in central areas of Bishkek.
- Ensure that citizens are not detained or penalised for peacefully exercising their right to freedom of assembly and promptly, thoroughly and impartially investigate any allegations of arbitrary detentions, ill-treatment and other violations of the rights of participants in peaceful protests and hold those responsible to account.