

**INTERNATIONAL FELLOWSHIP OF RECONCILIATION (IFOR)**  
**and**  
**CONSCIENCE AND PEACE TAX INTERNATIONAL (CPTI)**

**Submission to the 108<sup>th</sup> Session of the Human Rights Committee for the attention of the Country Report Task Force on KYRGYZSTAN**

**(Military service, conscientious objection and related issues)**

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**Basic information**

**Population (November 2012, estimated<sup>1</sup>)** **5,497,000**

**Military service: Obligatory for males aged 18 to 27 under the 1992 Law On Compulsory Military Service. Normal duration reduced in 1994 from 24 months (as inherited from the Soviet Union) to 18 months and again in 2005 to 12 months. Graduates serve for a shorter period, current duration not confirmed but probably 9 months.**

**Conscientious objection: Limited provisions introduced in the 1994 Law On Alternative (Non-military) Service. A “member of a registered religious organisation whose dogma forbids the use of arms and service in the Armed Forces” “may enlist for alternative service” whose duration is twice that of military service.<sup>2</sup>**

**Minimum recruitment age<sup>3</sup>: 18, but cadets at the Higher Military Academy, for which the age of admission is 16, are classed as members of the armed forces.**

**Manpower reaching “militarily significant age” in 2010<sup>4</sup>:** **56,606**

**Armed forces active strength, November 2012<sup>5</sup>:** **10,900**  
**as a percentage of the number of men reaching “military age”:** **19.3%**

**Military expenditure (US \$ equivalent), 2011<sup>6</sup>** **\$232m**  
**Per capita** **\$42**  
**As % of GDP** **3.9%**

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<sup>1</sup> Source: The Military Balance 2012 (International Institute of Strategic Studies, London), which bases its estimate on “demographic statistics taken from the US Census Bureau”.

<sup>2</sup> CCPR/C/113/Add.1, 3<sup>rd</sup> December 1999, Para 247.

<sup>3</sup> Source: Child Soldiers International (formerly Coalition to Stop the Use of Child Soldiers), Louder than words: an agenda for action to end state use of child soldiers. London, September 2012.

<sup>4</sup> Source: CIA World Factbook. <https://www.cia.gov/library/publications/the-world-factbook/index.html>. The male population reaching “militarily significant age” - defined by the source as 16 - is more meaningful than total population in assessing the comparative impact of military recruitment in different countries.

<sup>5</sup> As quoted by the International Institute of Strategic Studies (London) in The Military Balance 2012.

<sup>6</sup> Stockholm International Peace Research Institute (SIPRI), April 2013.

## Summary

**In its Second Periodic Report, Kyrgyzstan does not appear to address the Concluding Observation to its Initial Report on the subject of conscientious objection to military service. There is no evidence that there have been any changes on the ground.**

**There are specific concerns about the possible impact of the 2008 “Law on Freedom of Worship and Religious Organisations” in this respect, as well as its wider impact on freedom of religion in the country.**

**Finally, this submission draws attention to the disturbing evidence of militarisation of the secondary education system which emerged when Kyrgyzstan delivered its Initial Report under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.**

### Conscientious objection to military service

In its concluding observations on the initial report of Kyrgyzstan [“The Kyrgyz Republic”], which it examined in July 2000,<sup>7</sup> the Committee noted “that conscientious objection to military service is allowed only to members of a registered religious organisation whose teachings prohibit the use of arms.” Citing Articles 18 and 26, the Committee also regretted “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.” and recommended “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.”

The Alternative Service which was introduced in Kyrgyzstan in 1994, and which was made available to those who were “a member of a registered religious organisation whose dogma forbids the use of arms and service in the Armed Forces”<sup>8</sup> was not primarily intended for any form of conscientious objector. It was required of those exempted from military service on grounds of family circumstances (eg. fathers of children), or because a brother died while performing military service,<sup>9</sup> and also apparently of some of those excused military service on health grounds.<sup>10</sup> The legislation followed a pattern developed in some other former Soviet republics, notably Moldova. Instead of dedicated placements, those performing “alternative service” “work in the national economy of the Kyrgyz Republic regardless of the [organisation's] departmental affiliation, form of ownership and management structure and, as a rule, in the citizen's permanent place of residence.”<sup>11</sup> It seems that all the person who is accepted for alternative service has to do is (under the supervision of the Ministry of Defence) to find employment – perhaps even retain his previous employment. The only condition is that while he is performing alternative service 20% of his salary is diverted to the Ministry of Defence – thus a substantial military tax replaces uniformed service.

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<sup>7</sup> CCPR/CO/69/KGZ, 24<sup>th</sup> July 2000, Para 18.

<sup>8</sup> CCPR/C/113/Add.1, 3<sup>rd</sup> December 1999, Para 247.

<sup>9</sup> Horeman, B. & Stolwijk, M., Refusing to Bear Arms, War Resisters International, London, 1998

<sup>10</sup> Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2004, London, 2004, p.251.

<sup>11</sup> CCPR/C/113/Add.1, 3<sup>rd</sup> December 1999, Para 247.

By 1997, it appears that as many persons annually were embarking on alternative service as were serving as conscripts in the army, although it would seem that an equally large group were either completely exempted or successfully evaded conscription.<sup>12</sup> It is not however known how many have at any stage applied, successfully or unsuccessfully, for recognition as conscientious objectors. One isolated case was reported from In November 2001 when Dmitri Shukhov, a Baptist, was sent for a psychiatric investigation after his refusal to swear the military oath, having previously been told that he was ineligible for alternative service because of his church's failure to register.<sup>13</sup>

An amended version of the Law on Alternative (Non-Military) Service was promulgated in June 2002. The duration of alternative service was reduced to 24 months (or 18 months for those with higher education). There is no indication, however, of whether the criteria on which “religious” applications could be accepted had been revised, and it is clear that conscientious objection on any wider grounds remained unrecognised. The reduction in the differential lengths of military and alternative service was probably accidental; a Bill to reduce military service to 12 months (and to introduce a direct buying-out option) was approved by the Parliament in the same year, but ultimately rejected by the Government.<sup>14</sup>

In July 2005 an amendment to the Law On Compulsory Military Service (No.1068-XII of 16<sup>th</sup> December 1992)<sup>15</sup> finally brought the long-anticipated reduction to 12 months in the duration of military service,<sup>16</sup> but there was no accompanying change in the duration of alternative service, which thus once again became twice as long. The possibility of “buying out” of all except a one-month training resurfaced in a law of 2009; a fee of 12,000 soma (approximately \$250) was set. This law was however repealed the next year after a change of Government.<sup>17</sup>

There have been no recent reports from Kyrgyzstan, unlike some other States in the region, of the imprisonment of conscientious objectors for the refusal of military service. It is unclear, however, whether this is because acceptance for alternative service has been relatively easy for those young men who have in practice had conscientious objections, or whether it simply reflects the low rate of enforcement of the military service obligation. There have however been no indications of any reform of the features which the Human Rights Committee singled out in its Concluding Observations on the Initial Report<sup>18</sup> - recognition only of conscientious objectors from registered religions which explicitly prohibit the use of arms, discriminatory length of alternative service, and discrimination between citizens with regard to their military service obligations on the grounds of their educational qualifications. This last is a very common feature of military service legislation, but the Committee was quite right to question the objective validity of such discrimination, which would indeed seem to favour those who are already in a more advantaged position. In this case, however, the answer may lie in the fact that “in higher educational establishments, male students attend classes in military faculties.”<sup>19</sup> It is noteworthy that the Second Periodic report makes no reference to the issues raised in this Concluding Observation.

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<sup>12</sup> See statistics quoted by Horeman & Stolwijk, op cit

<sup>13</sup> Makowski, S. “An unrecognised human right: conscientious objection in the Caucasus and Central Asia”, in The Broken Rifle No 56, November 2002.

<sup>14</sup> Child Soldiers Global Report 2004, London, 2004, p.251.

<sup>15</sup> Referred to in the Initial Report under the ICCPR as “the Law On the Universal Military Obligation of Citizens of the Kyrgyz Republic” - the shorter title is used in Kyrgyzstan's Initial Report under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/KGZ/1, 16<sup>th</sup> May, 2006.)

<sup>16</sup> Coalition to Stop the Use of Child Soldiers, Child Soldiers Global Report 2008, London, 2008, p.202.

<sup>17</sup> Rogers, S. “Kyrgyzstan resumes conscription gets new defence minister” CentralAsiaOnline.com, 22<sup>nd</sup> July 2010.

<sup>18</sup> See above, footnote 7.

<sup>19</sup> CRC/C/OPAC/KGZ/Q/1/Add.1, 11<sup>th</sup> January 2007, p3

## “Law on Freedom of Worship and Religious Organisations”

The impact of this Law, which was approved by Parliament on 6<sup>th</sup> November 2008 and came into force in January 2009 may well, in combination with the wording of the Law on Alternative (Non-military) Service, lead to a worsening of the situation of conscientious objectors in coming years. Remarkably, the section of the Second Periodic Report dealing with Article 18 of the Covenant<sup>20</sup> mentions this Law, but gives no details of its contents.

Although a formal registration requirement for all religious groups functioning in Kyrgyzstan was introduced by presidential decree in 1996, for many years registered and unregistered denominations of all faiths worshipped with very little interference by the authorities, in stark contrast to the situation elsewhere in Central Asia.<sup>21</sup> The 2008 Law, however, requires all worshipping communities or congregations to re-register, showing that they contain at least 200 adult citizens. All gatherings for worship by unregistered groups are banned, as are also any form of proselytism, the distribution of religious literature or audio-visual materials anywhere other than in a property owned by the religious organisation concerned. Implementation has been even more repressive – Ahmadis and all Christian denominations except Russian Orthodox have been denied re-registration, or had their applications blocked. Forum 18 reveals that two individual communications from different Jehovah's Witness groups on this subject have been addressed to the Human Rights Committee.<sup>22</sup> The Jehovah's Witness community in Kyrgyzstan grew steadily over the decade 1998 – 2008 from approximately 3,500 to approximately 4,500 adherents.<sup>23</sup> If recognition is denied and they are effectively outlawed it would be very hard under the existing legislation for their members to be excused military service, to which they are implacably opposed.

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<sup>20</sup> CCPR/C/KGZ/2, 3<sup>rd</sup> April 2012, paras 484 – 492.

<sup>21</sup> See Rotar, I. “Kyrgyzstan: Religious freedom survey, January 2004”, Forum18 News Service ([www.forum18.org](http://www.forum18.org)), 7<sup>th</sup> January 2004.

<sup>22</sup> Corley, F. “Kyrgyzstan: Eight raids, two official warnings in three months”

<sup>23</sup> Slupina, W. “Problems Associated with religious freedom in the Commonwealth of Independent States, as shown by the example of Jehovah's Witnesses”, in Besier, G. & Seiwert, H. (Eds), On religious liberty in a democratic society: Aspects of law, religion and philosophy in constitutional theory and reality, LIT Verlag, Berlin (Religion-Staat-Gesellschaft: Journal for the Study of Beliefs and Worldviews, 10 Jahrgang (2009), Heft 2), 2010. at p226.

## Militarisation in schools and juvenile recruitment

According to the Initial Report of Kyrgyzstan under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, “male citizens desiring to pursue their studies at a military academy may be admitted to such an institution at the age of 17 or if they turn 17 in the year they enter the academy.” In other words, students aged 16 may be admitted. “Citizens admitted to military academies are deemed to be national servicemen and shall be called cadets. They shall be subject to the same obligations as those prescribed for national servicemen.”

It seems clear that this wording at present applies to just one institution “The Lieutenant-General Kalyinur Usenbekov Higher Military Academy”, in Bishkek, where, at the beginning of the 2005/2006 academic year, 26 of 104 cadets were aged 17<sup>24</sup>. “First year cadets are not allowed to take part in military operations.”<sup>25</sup> Written replies to supplementary questions by the Committee on the Rights of the Child revealed that entrants to the College must produce written authorisation from a parent or guardian, and that “all graduates continue their military service at officer rank (...), except for those discharged from military service for reasons of health or family circumstances.”<sup>26</sup>

When delivering its report, Kyrgyzstan was embarrassed by the fact that another institution, the Dair Asanov Kyrgyz State Military High School had recently come under the direct administration of the Ministry of Defence. From the discussion it appears that this had happened against a background of severe bullying.<sup>27</sup> Statistics provided to the Committee on the Rights of the Child showed that the 212 15-year-olds at the start of the 2004/5 academic year, dwindled to a cohort of only 59 sixteen-year-olds at the start of the following year, as against something between 160 and 175 who might have been expected based on the figures from other years.<sup>28</sup> Mass fighting between second and third year students at this school was again reported in April 2007.<sup>29</sup> Whatever the problems of the Dair Asanov school, however, it is clear that pupils at this school, who generally enrol at the age of 14 or 15, are not considered to be serving members of the armed forces.

It also emerged when Kyrgyzstan reported under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict that:

“Schoolchildren attend classes in military preparation and patriotism as part of their pre-conscription preparatory course, for which two hours per week are assigned in the curriculums of general education schools for students in grades 10 and 11 (ages 15 and 16).” This includes “training and field exercises (...) over a period of three days (18 hours) in April and May, conducted together with the Ministry of Defence (...), during which pupils in the 11<sup>th</sup> grade learn to handle weapons and are taught how to shoot. Girls undergo practical training in (...) medical and nursing duties.”<sup>30</sup>

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<sup>24</sup> CRC/C/OPAC/KGZ/Q/1/Add.1, 11<sup>th</sup> January 2007, table included in para 2.

<sup>25</sup> CRC/C/OPAC/KGZ/1, 16<sup>th</sup> May, 2006

<sup>26</sup> CRC/C/OPAC/KGZ/Q/1/Add.1, p3.

<sup>27</sup> CRC/C/SR.1220 (29<sup>th</sup> January 2007), paras 14, 17, 22, 24, 25.

<sup>28</sup> CRC/C/OPAC/KGZ/Q/1/Add.1, table included in para 2.

<sup>29</sup> Child Soldiers Global Report 2008, p203.

<sup>30</sup> CRC/C/OPAC/KGZ/Q/1/Add.1, p3

**Suggestions for the list of issues**

**What steps has the State party taken to implement the recommendations of the Committee in paragraph 18 of the Concluding Observations on the Initial Report? Please give details of the number of applications to perform alternative service on grounds of conscientious objection made in recent years, broken down by the religious or other basis quoted in the application, together with the rates of acceptance or rejection.**

**The State party might be asked to comment on the compatibility of the provisions and implementation of the 2008 Law on Freedom of Worship and Religious Organisations, which is mentioned in the State Report, with Article 18 of the Covenant.**