

**Statement for the UPR Pre-session on Kyrgyzstan  
[Freedom of Expression & Independent Legal  
Profession]**

**Date:** 19 Feb, 2025]

**Location:** Geneva, Switzerland

**Delivered on behalf of:** PF “CIVICS” & Coalition  
“New Generation of Human Rights Defenders of  
Kyrgyzstan”

This statement is delivered on behalf of **PF “Civics” and the New Generation of Human Rights Defenders of Kyrgyzstan**, an informal network of 30 members—including lawyers, activists, journalists, and educators—dedicated to promoting human rights through legal education, advocacy, and civic engagement.

Both organizations conducted consultations with their partners, and members in preparing this submission and participated in discussions with the Ministry of Justice. This submission highlights key concerns regarding **freedom of expression and the independence of legal professionals in Kyrgyzstan**.

# Issue 1: Freedom of expression

The right to freedom of expression in Kyrgyzstan has faced severe restrictions in recent years. According to the Global Freedom of Expression Index by Article 19, Kyrgyzstan is classified as 'Highly Restricted.' Despite international recommendations, the government has escalated its crackdown on journalists, bloggers, and activists through arbitrary detentions, restrictive legislation, and widespread censorship.

# Key concerns:

- **Criminalization of speech:** The government weaponizes Article 278 ("Calls for mass disorder") and Article 330 ("Incitement of hatred") to silence journalists and dissenting voices, applying these laws inconsistently and in violation of international human rights standards.
- **Persecution of journalists and activists:** Independent journalists and civic activists remain at high risk, with several facing lengthy prison sentences or probation for exercising their right to free expression.
- **Crackdowns on online speech:** Activists have been imprisoned for expressing dissenting views online, with courts routinely denying due process and imposing excessive sentences. Cases involving individuals with family responsibilities are particularly concerning.
- **Unjustified censorship & judicial harassment:** Independent outlets have been subjected to forced closures, website blocking, and criminal investigations under laws targeting "false information."

# Priority recommendations:

- Ensure the immediate release of all journalists, bloggers, and activists imprisoned for exercising their right to free expression, in line with international human rights standards.
- Conduct independent reviews of convictions related to legitimate expression, ensuring compliance with national and international legal standards.
- Amend Article 330 of the Criminal Code in line with Article 20 of the ICCPR, ensuring that it aligns with the Rabat Plan of Action to distinguish between prohibited incitement to hatred and legitimate freedom of expression. Remove disproportionate penalties for non-violent speech offenses.
- Introduce a system of proportional sanctions for incitement to hatred, incorporating administrative measures such as warnings and fines, prior to initiating full criminal prosecution under Article 330.

# Issue 2: Independent Legal Profession

- An independent legal profession is essential to upholding the rule of law and ensuring fair trials. However, lawyers in Kyrgyzstan face systemic threats, including politically motivated prosecutions, government interference in bar association activities, and violations of attorney-client privilege.

# Key concerns:

- State control over the Bar Association: The Ministry of Justice exerts undue influence over the Kyrgyz Bar Association, particularly through its influence on the Ethics Commission and lawyer licensing process, compromising the self-governance of the legal profession.
- Harassment and prosecution of defense lawyers: human rights lawyers have been subjected to fabricated charges and procedural violations, including denial of due process.
- Additionally, court proceedings lack independent expert testimony, as the selection process remains under government control.

# Priority recommendations:

- Ensure the full independence of the Bar Association by removing government representatives from the Ethics Commission and licensing bodies, guaranteeing its self-governance.
- Guarantee due process and attorney-client privilege for all lawyers, prohibiting unlawful searches, surveillance, and political interference in legal defense work.
- Immediately release any lawyers facing politically motivated prosecution, ensuring fair and impartial trials.



# CONCLUSION

- A strong and independent legal profession, along with the protection of **freedom of expression**, plays a crucial role in **ensuring justice, promoting good governance, and fostering public trust in institutions**. We encourage the Kyrgyz government to **further develop legal and institutional frameworks** that strengthen these rights and provide a **stable foundation for democratic progress**.
- We call on **UN member states** to collaborate with Kyrgyzstan in expanding **civic space**, supporting **judicial reforms, reinforcing legal protections, and fostering open civic dialogue**. By working together, we can help create a **legal and civic environment that upholds human rights, enhances legal certainty, and promotes long-term stability and prosperity**.

**THANK YOU!**