

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on minority issues; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

Ref.: AL KGZ 4/2025  
(Please use this reference in your reply)

23 July 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on minority issues; Special Rapporteur on freedom of religion or belief; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 52/9, 52/5, 58/5, 58/14 and 52/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **arrests, detentions and alleged torture of members of the "World All-Union Church of Faithful and Free Seventh Day Adventists of the Reformation Movement", including the subsequent criminal prosecution of its member, Mr. Pavel Schreider**. Concerns regarding the legal framework governing freedom of religion or belief in the Kyrgyz Republic have been the subject of previous communications from Special Procedures mandate holders, including OL KGZ 6/2023 dated 18 December 2023. We regret that no response was received.

According to the information received:

*House searches*

On 13 November 2024, officers of the State Committee for National Security (SCNS) carried out coordinated arrests and house searches, including seizure of personal assets of several members of the "World All-Union Church of Faithful and Free Seventh Day Adventists of the Reformation Movement", an unregistered religious denomination. The denomination is a splinter of the Seventh-day Adventist religious organization and reportedly has only some 30 members in Kyrgyzstan, therefore ineligible for registration under the Kyrgyz Republic's Law on Freedom of Religion and Religious Organizations.

At approximately 7:30 a.m., groups of between five and seven SCNS officers carried out searches at the private homes of members of the group at several locations across Bishkek and surrounding areas. There have been allegations of a number of legal irregularities surrounding the searches, including reports that cell phones were forcibly confiscated, several rooms were searched simultaneously, officers' refusal to provide copies of the relevant search and seizure protocols and refusal to allow lawyers for the group to be present during the search. It is further alleged that a sum of approximately KGS 300,000 was

seized during the search of Mr. Yuri Pauls' home without explanation of the reason for, or necessity, thereof.

### *Detentions and allegations of torture and ill-treatment*

Subsequent to the searches, 18 members of the group were taken to the Main Department of the SCNS in Bishkek. 17 members were interrogated as witnesses and released after 14 hours of detention, while Mr. Pavel Schreider, a 65-year-old citizen of the Russian Federation was kept in detention and subsequently sentenced (see below).

During their interrogation, it is reported that the 11 female members were subjected to threats of prosecution so as to coerce them to testify against Mr. Schreider for allegedly directing the activities of an illegal organisation and inciting enmity and hatred on the basis of religion or belief. They were reportedly denied access to legal representation.

Serious allegations of torture and ill-treatment have been made with regard to Mr. Schreider and the other male members of the congregation during their detention. It is reported that the male and female members of the group witnessed SNCS officers striking the heads and bodies of the seven male members of the group, including Mr. Schreider, Mr. Pauls, Mr. Igor Tsoi, Mr. Peter Petkau, all of whom reported ill-treatment in detention. It is reported that Mr. Schreider and Mr. Tsoi were additionally subjected to strangulation with cellophane bags and the use of tasers.

Mr. Schreider subsequently informed his lawyer about the use of torture against him and complained about his health condition, which included severe headaches, dizziness, nausea, pain in all parts of the body, and frequent urination. On 16 November 2024, his lawyer addressed separate written statements to the Chairman of the SCNS, the Prosecutor of Bishkek City and the National Centre for the Prevention of Torture (NCPT), informing them that when she had visited Mr. Schreider in the Temporary Detention Centre of the Main Department of Internal Affairs of Bishkek, she found clear signs of injuries on his body, including large bruises. She requested that an investigation should be opened against SCNS officers. Subsequently, on 18 November 2024, the staff of the NCPT visited Mr. Schreider, who in their presence wrote a statement in his own handwriting that on 13 November 2024 he was subjected to torture by the SCNS. In his letter, Mr. Schreider detailed that the SCNS officers hit him with their feet, hands and an iron pipe on his head, stomach, back, arms and legs. He added that after the end of the interrogation, he was subjected to a medical examination, during which the SCNS officers forced him to write a written denial of any claims of torture or ill-treatment and sign a medical report. The statement to the NCPT, registered on 20 November 2024, was forwarded to the General Prosecutor's Office for consideration and action to verify the alleged torture.

On 29 November 2024, Mr. Schreider's family member requested the General Prosecutor's Office to investigate the use of violence and torture by the SCNS officers against him on 13 November. The family member referred to the

previous request by Mr. Schreider's lawyer to the SCNS and the Prosecutor's Office of Bishkek.

On 2 December 2024, another lawyer for Mr. Schreider addressed the SCNS with a similar written request. It is reported that these allegations were redirected from the Military Prosecutor's Office to the Bishkek City Prosecutor's Office and back again. This means that the pre-investigative check, which by law should be conducted on such allegations, and the criminal investigation itself, was not conducted.

On 10 December 2024, the same SCNS investigator who is investigating the criminal case against Mr. Schreider, and who is also accused of torture and ill-treatment in this case, appointed a forensic medical examination to determine the severity of the injuries on Mr. Schreider's body. The conclusion of this examination was not provided to Mr. Schreider or his lawyer during the investigation. This forensic examination was first ordered almost one month after the alleged torture.

Mr. Igor Tsoi reported that on 13 November 2024, together with Mr. Schreider and other members of the group, he was also subjected to torture by SCNS officers who inflicted blows with hands, feet and a truncheon on his head, body, arms and legs. They also hit his legs with a stun gun. During the beating, he reportedly lost consciousness several times. On 14 November 2024, due to a sharp deterioration in his health, Mr. Tsoi was admitted to the Emergency Department of the National Hospital. Doctors described his injuries as closed head injury, concussion of the brain, and soft tissue contusion of the occipital area and chest. At the hospital, Mr. Tsoi reportedly told the doctors that he had sustained these injuries in a fall at home due to fear of reprisals from the SCNS officers, who threatened to arrest him if he filed any complaints. On 16 November 2024, Mr. Tsoi's lawyer addressed the SCNS Chairman, the Bishkek City Prosecutor's Office and the National Center for Public Health with written statements asking for an investigation into the use of torture against him. On 20 November 2024, Mr. Tsoi was discharged from the National Hospital.

On 28 November 2024, Mr. Tsoi again sought medical assistance at the Bishkek Emergency Medical Aid Hospital, where, after examination, a doctor found electrical burns on his left thigh and buttock area. On 29 November 2024, he filed a second statement with the Prosecutor General's Office, in which he noted that no action had yet been taken to launch an investigation following his previously filed statements. On 30 November 2024, a police investigator reportedly ordered a forensic medical examination of Mr. Tsoi's body, which took place on 2 December 2024 at the Republican Center for Forensic Medical Examination. Mr. Tsoi and his lawyer reported that the investigator refused to let them see the expert opinion and did not provide them with a copy.

Additionally, Mr. Sergei Sharvan and Mr. Yuri Pauls claim that they were also subjected to torture and beaten by SCNS officers prior to their interrogation on 13 November 2024. They also filed complaints with the Military Prosecutor's Office and the Prosecutor General's Office of Kyrgyzstan, but to date they have not received any information about the investigation of these allegations. Law

enforcement agencies have reportedly not questioned them in connection with these statements, nor have they ordered a forensic examination.

*Criminal case against Mr. Pavel Schreider*

Alongside the above, the detention of Mr. Schreider and the criminal case against him continues. On 15 November 2024, an SCNS investigator charged Mr. Schreider under article 330.2 of the Criminal Code, namely “Incitement of racial, ethnic, national, religious interregional hatred (discord) committed by a group of persons” (criminal case No. 03-828-2024-000176). On the same day, the Pervomaisky District Court of Bishkek remanded Mr. Schreider in custody until 1 January 2025. On 30 December 2024, the criminal case for consideration on the merits was submitted to the Court, which has since twice extended Mr. Schreider’s detention in custody.

The investigation against Mr. Schreider is reportedly based on the conclusions of forensic linguistic and forensic religious expertise prepared by experts of the Forensic Expert Service under the Ministry of Justice of Kyrgyzstan (MoJ), as well as the State Commission on Religious Affairs under the President of the Kyrgyz Republic (SCRA). The conclusions reportedly note that literature seized during the searches contains propaganda concerning the exclusivity and superiority of Christianity and, in particular, of the Seventh-day Adventists of the Reformation Movement, over all other religions. The seized literature reportedly contains elements of ‘propaganda’ concerning the inherent inferiority, hostility and harmfulness of other religions and denominations.

Given that Mr. Schreider is accused of inciting religious hatred “as part of a group” under article 330 of the Criminal Code, in December 2024 the SCNS reportedly initiated another criminal case under which other members of the group could be tried in the future.

Several court hearings have taken place in the context of the criminal case against Mr. Schreider, who on 5 May 2025 denied the charges against him and claimed that he did not encourage enmity between religions. In a hearing held on 29 May 2025, it is reported that members of the public were denied permission to take videos or pictures in the courtroom, despite the public nature of the trial. At the same hearing, Mr. Tsoi presented testimony in which he claimed to have been tortured.

In a hearing held on 20 June 2025, the judge considered the motion of Mr. Schreider’s defence lawyers and included the medical documentation relating to injuries obtained by their client in November 2024 during his interrogation and subsequent arrest. Prior to the debates, the judge extended the measure of restraint and remanded Mr. Schreider in SIZO-1 until 25 August 2025. The prosecutor requested that the judge find Mr. Schreider guilty and impose a seven-year sentence. The defence lawyers requested that he be acquitted. On 10 July 2025, the court sentenced Mr. Schreider to three years in prison on charges of "incitement of racial, ethnic, national, religious, or regional enmity" when "committed by a group of individuals." The judge ordered his post-prison deportation. Mr. Schreider rejected all the charges and is preparing

to appeal.

*Classification of religious organization and its materials as 'extremist'*

It is further reported that on 19 March 2025, the Alamudun District Court ruled to declare the World All-Union Church of Faithful and Free Seventh Day Adventists of the Reformation Movement along with its printed and electronic materials as 'extremist', banning their activities and the use of its attributes or symbols in the Kyrgyz Republic. The decision was reportedly based on a civil lawsuit filed by the Chui Oblast Prosecutor's Office, based on the Law on Extremism and article 261.1 of the Civil Procedure Code. The allegations are reportedly based on forensic religious and linguistic examinations conducted by the State Service of Expertise under the Ministry of Justice in 2024 and 2025; as well a religious examination conducted by the State Commission on Religious Affairs on 30 August 2024. On 17 June 2025, the lawyers appealed in cassation against the court's decision to declare the organization and its literature as extremist, but no date has yet been set for the hearing.

While we do not wish to prejudge the accuracy of these allegations, we wish to express our serious concerns regarding the arrest, detention and prosecution of Mr. Pavel Schreider, along with the alleged use of torture and other ill-treatment against Messrs. Pavel Schreider, Igor Tsoi, Sergei Sharvan, and Yuri Pauls. If the above allegations would prove to be accurate, they would be in contravention with various articles under the International Covenant on International and Political Rights (ICCPR), to which the Kyrgyz Republic acceded on 7 October 1994, including articles 2 (right to non-discrimination), 7 (prohibition of torture or ill-treatment), 9 (right to liberty and security), 14 (right to a fair trial and due process), 18 (right to freedom of religion or belief), 19 (right to freedom of opinion or expression), 26 (equality before the law) and 27 (rights of minorities). We also refer to the obligations enshrined in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which the Kyrgyz Republic acceded on 5 September 1997. We recall that the prohibition of torture is a jus cogens norm while other cruel, inhuman or degrading treatment or punishment constitutes a customary international norm from which no derogation is permitted under any circumstances pursuant to article 4(2) of the ICCPR.

We would like to take this opportunity to reiterate concerns expressed by Special Procedures mandate holders in OL KGZ 6/2023 with regard to the legal framework governing freedom of religion or belief and religious associations in Kyrgyzstan. In particular, we reiterate that the mandatory registration of religious or belief organisations, and the criteria such as in relation to the size of the association itself, which govern the possibility of registration, can lead to the criminalisation of legitimate manifestations of religion or belief in a manner incompatible with article 18 ICCPR. We further reiterate that blanket prohibitions on the distribution of religious literature relying on the definition of 'extremism' do not satisfy the principles of legality, proportionality, necessity, and non-discrimination. We also recall the concerns raised by the Committee on Economic, Social and Cultural Rights in relation to these legal restrictions in its most recent review of the Kyrgyz Republic (E/C.12/KGZ/CO/4 para. 64). We further observe that the term 'extremism' has no place in international legal standards, is irreconcilable with the principle of legal certainty and is incompatible with fundamental human rights (A/HRC/43/46, para. 14).

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information concerning the current state of health of Mr. Schreider.
3. Please provide information as to the extent to which the prosecution of Mr. Schreider and the banning of the World All-Union Church of Faithful and Free Seventh Day Adventists of the Reformation Movement is compatible with the international human rights obligations of the Kyrgyz Republic, including under the International Covenant on Civil and Political Rights.
4. Please provide the factual and legal basis for classifying the World All-Union Church of Faithful and Free Seventh Day Adventists of the Reformation Movement and its printed and electronic materials as “extremist”. Please explain how such classification is compatible with international human rights standards, including with regard to the rights to freedom of expression and of religion and belief, and how the definition of “extremism” conforms with the principles of legality, proportionality, necessity, and non-discrimination.
5. Please provide information on measures taken to investigate the credible accusations of treatment incompatible with article 7 ICCPR and articles 1 and 16 CAT suffered by Messrs. Schreider, Tsoi, Sharvan, and Pauls, and to address the reported procedural flaws in relation to their allegations. Please provide information regarding the methodology applied in these investigations and in particular the application of the Istanbul Protocol on the Documentation and Investigation of Torture (rev 2022) to such investigations.
6. Please provide specific information about the implementation of article 15 CAT and legal, procedural, administrative and other measures in place to ensure that any confessions extracted by torture or other ill-treatment are excluded from proceedings.

This communication and any response received from your Excellency’s Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to prevent irreparable harm to the life and personal integrity of Mr. Pavel Schreider, as well as to halt the alleged violations and prevent the re-occurrence, and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issues in question.

Please accept, Excellency, the assurances of our highest consideration.

Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Nicolas Levrat

Special Rapporteur on minority issues

Nazila Ghanea

Special Rapporteur on freedom of religion or belief

Ben Saul

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Alice Jill Edwards

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

## Annex

### Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), to which the Kyrgyz Republic acceded on 7 October 1994.

Article 18 of the ICCPR states that "Everyone shall have the right to freedom of thought, conscience and religion. These rights shall include freedom [...] either individual or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching." The Human Rights Committee has noted in general comment No. 22, paragraph 3, that article 18 of the ICCPR "does not permit any limitations whatsoever on the freedom of thought and conscience [...]"

Peaceful expression of one's thought and conscience cannot be restricted unless such restrictions have fulfilled stringent tests of legality, proportionality and necessity. Article 18(3) of the ICCPR states that "freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others." Further, the Human Rights Committee in its general comment No. 22 emphasized that article 18(3) of the Covenant "is to be strictly interpreted... Limitations may be applied only for those purposes for which they were prescribed and must be directly related and proportionate to the specific need on which they are predicated." Thus, given that necessity and proportionality are two conditions for limitations, a blanket prohibition placed upon any religious activity without registration infringe upon article 18(3).

The Special Rapporteur on freedom of religion or belief has stressed that "administrative procedures to obtain legal personality should be enacted in a spirit of servicing the full enjoyment of freedom of religion or belief for everyone and should thus be quick, transparent, fair, inclusive and non-discriminatory" (see A/HRC/19/60, para. 73). The Special Rapporteur has identified several points to take into consideration with regard to registration, stating that registration "should not be compulsory, i.e. it should not be a precondition for practicing one's religion, but only for the acquisition of a legal personality and related benefits. ... registration procedures should be easy and quick and not depend on extensive formal requirements in terms of the number of members or the time a particular religious group has existed. Registration should not depend on reviews of the substantive content of the belief, the structure, the clergy, etc. No religious group should be empowered to decide about the registration of another religious group" (see E/CN.4/2005/61, para. 58).

The absolute and non-derogable prohibition of torture and other ill-treatment is codified in at least articles 1, 2 and 16 of the CAT, acceded to by the Kyrgyz Republic on 5 September 1997, and in article 7 of the ICCPR. In accordance with article 12 CAT, "Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction." In addition, article 15 of CAT requires each State party to ensure that any statement made as a result of torture (or other ill-treatment) is excluded from any proceedings, except against a person

accused of torture as evidence that the statement was made.

Article 9 of the ICCPR guarantees the right to liberty and security of person. In its general comment No. 35, the Human Rights Committee has interpreted the scope of article 9, where the Committee underscored the arbitrariness of any arrest or detention without a legal basis and further held that an arrest or detention may be arbitrary irrespective of its being authorized by domestic law. In the same comment, the Human Rights Committee stated that the notion of “arbitrariness” introduced in article 9 should be broadly interpreted to include elements of “inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality.” The Committee also found that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant is arbitrary, including freedom of opinion and expression (art. 19), freedom of assembly (art. 21), freedom of association (art. 22) and freedom of religion or belief (art. 18). It has further stated that arrest or detention on discriminatory grounds in violation of article 2, paragraph 1, article 3 or article 26 is also in principle arbitrary. Furthermore, article 14 of the ICCPR upholds the right to a fair trial and equality of all persons before the courts and tribunals.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. In its general comment No. 34, the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee further asserted that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23).

The right to freedom of expression is subject to some carefully crafted restrictions, including under articles 19(3), 20 and 4 of the ICCPR. Article 19(3) states that this right may be subject to certain restrictions, but these shall only be such that (i) are provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) are necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant and restrictions must be “the least intrusive instrument among those which might achieve their protective function” (CCPR/C/GC/34, para. 34). Any restriction on expression or information that are invoked on grounds of national security and counter-terrorism must have the genuine purpose and demonstrable effect of protecting a legitimate national security interest.

Any measures taken to combat terrorism or violent extremism must comply with the obligations of States under international law, in particular international human rights

law, refugee law and international humanitarian law.<sup>1</sup> States must ensure that measures to combat terrorism and preserve national security do not hinder the work and safety of individuals, groups and organs of society engaged in promoting and defending human rights (A/HRC/RES/22/6, para. 10(a)). Measures taken to combat terrorism or violent extremism must comply with the obligations of States under international law, in particular international human rights law, refugee law and international humanitarian law.<sup>2</sup> According to the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, “the term ‘extremism’ has no place in binding international legal standards and, when operating as a criminal legal category, is irreconcilable with the principle of legal certainty; it is therefore per se incompatible with the exercise of certain fundamental human rights” (A/HRC/43/46, para. 14). In that regard, the principle of legal certainty under article 15 of the ICCPR requires that criminal laws are sufficiently precise so it is clear what types of behavior and conduct constitute a criminal offense and what would be the consequence of committing such an offense.

Article 20(2) ICCPR prescribes that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. This prohibition has a high threshold as it requires the fulfilment of three components: a) advocacy of hatred; b) advocacy which constitutes incitement and c) incitement likely to result in discrimination, hostility or violence (A/67/357, para. 43).

In the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, key terms are defined as follows: “Hatred” and “hostility” refer to intense and irrational emotions of opprobrium, enmity and detestation towards the target group; the term “advocacy” is to be understood as requiring an intention to promote hatred publicly towards the target group; and the term “incitement” refers to statements about national, racial or religious groups which create an imminent risk of discrimination, hostility or violence against persons belonging to those groups (A/HRC/22/17/Add.4, appendix, footnote 5).

In the Rabat Plan of Action, a total of six factors were identified to determine the severity necessary to criminalize incitement (ibid, para. 29):

- (a) The “social and political context prevalent at the time the speech was made and disseminated”.
- (b) The status of the speaker, “specifically the individual’s or organization’s standing in the context of the audience to whom the speech is directed”.
- (c) Intent, meaning that “negligence and recklessness are not sufficient for an offence under article 20 of the Covenant”, which provides that mere distribution or circulation does not amount to advocacy or incitement.

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<sup>1</sup> Security Council resolutions 1373 (2001), 1456 (2003), 1566 (2004), 1624 (2005), 2178 (2014), 2242 (2015), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017); Human Rights Council resolution 35/34; and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180, among others.

<sup>2</sup> Security Council resolutions 1373 (2001), 1456 (2003), 1566 (2004), 1624 (2005), 2178 (2014), 2242 (2015), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017); Human Rights Council resolution 35/34; and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180, among others.

- (d) Content and form of the speech, in particular “the degree to which the speech was provocative and direct, as well as the form, style, nature of arguments deployed”.
- (e) Extent or reach of the speech act, such as the “magnitude and size of its audience”, including whether it was “a single leaflet or broadcast in the mainstream media or via the Internet, the frequency, the quantity and the extent of the communications, whether the audience had the means to act on the incitement”.
- (f) Its likelihood, including imminence, meaning that “some degree of risk of harm must be identified”, including through the determination (by courts, as suggested in the Plan of Action) of a “reasonable probability that the speech would succeed in inciting actual action against the target group”.

In the Special Rapporteur on freedom of religion or belief’s report to the Human Rights Council in 2024 (A/HRC/55/47), she warned that “[v]ague or far-reaching laws against advocacy of hatred [...] or similar offences are not only arbitrary, they can also lead to the direct or structural marginalization of religious or belief communities” (para 38, footnotes omitted). In this relation, she called upon states to “[r]ecognize that religious hate speech that does not constitute incitement to discrimination, hostility or violence should be actively addressed through robust measures and policies but not criminalized”.

Article 27 ICCPR establishes that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities have the right, in community with the other members of their group, “to profess and practice their own religion, or to use their own language”.

The 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted in General Assembly resolution 47/135 refers to the obligations of States to protect the existence and the identity of minorities within their territories and to adopt measures to that end (article 1), as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination (article 4). Article 2 further establishes that persons belonging to minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely, without interference or any form of discrimination and provides for the effective participation of minorities in cultural, religious, social, economic and public life, as well as in decision-making processes on matters affecting them.

Attention is also drawn to the recommendations of the sixth session of the Forum on Minority Issues on “Guaranteeing the rights of religious minorities” (A/HRC/25/66).