

19 September 2019

Enclosed information material is submitted by the European Association of Jehovah's Witnesses

European Association of Jehovah's Witnesses

K Y R G Y Z S T A N

RELIGIOUS FREEDOM ISSUES

STATEMENT BY THE
EUROPEAN ASSOCIATION OF
JEHOVAH'S WITNESSES

**OSCE Human
Dimension
Implementation
Meeting, Warsaw**

16-27 SEPTEMBER 2019

Kyrgyzstan

There are some 5,300 of Jehovah's Witnesses in Kyrgyzstan, and they are generally free to meet for worship and to share their faith with others. They obtained national registration in August 1998.

However, Jehovah's Witnesses have two principal ongoing concerns:

- **Problems with registering local religious organisations (LROs)** in the southern regions of the country. Without registration of LROs, local authorities view the Witnesses' religious activity as illegal, thus leaving them vulnerable to police harassment.
- **Draft amendments to the 2008 Law on Freedom of Religion and Religious Organizations** (Religion Law) that if enacted would severely restrict religious freedom.

Jehovah's Witnesses have met with government officials in Kyrgyzstan to address these concerns and to express appreciation to the government for being open to dialogue.

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Abuses and Restrictions of Religious Freedom

RESTRICTIVE DRAFT AMENDMENTS TO THE RELIGION LAW

On **27 June 2018**, the State Commission on Religious Affairs (SCRA) presented draft amendments to the current law "On Freedom of Worship and Religious Associations." While some provisions were less restrictive than in earlier drafts, two proposed amendments are of serious concern to Jehovah's Witnesses:

- **A ban on "house to house dissemination of religious convictions."**
—Proposed amendment to Article 5 (4).
- **A requirement that a religious organization must comprise no less than 200 founding members who must be residents in the respective territory (regions or the cities of Bishkek or Osh).**—Proposed amendment to Article 8 (3).

These restrictions are contrary to Kyrgyzstan's international obligations. The first proposed restriction appears to target the peaceful religious activity of Jehovah's Witnesses. The second proposed restriction requires that a religious community have 200 members living in a particular region in order to obtain registration of their religious community, making it impossible for minority religions like Jehovah's Witnesses to obtain registration.

On **22 May 2019**, by a decree of the government of the Kyrgyz Republic, the proposed amendments to the law were withdrawn. However, they may be reinstated at any time.

Jehovah's Witnesses continue to face obstacles registering LROs in the southern regions of Kyrgyzstan.

OBSTRUCTION TO LEGAL REGISTRATION IN SOUTHERN REGIONS OF KYRGYZSTAN

Although Jehovah's Witnesses obtained national registration in August 1998, some local authorities wrongly insist that the Witnesses need registration in each city and village to legally carry out their religious activities. The Witnesses have attempted to comply with this "requirement" while at the same time challenging it before domestic courts and international tribunals.

The most recent LRO registration of Jehovah's Witnesses was in the city of Toktogul in 2005 under Kyrgyzstan's previous law on religion. However, under the 2008 Religion Law, the Witnesses have been unable to obtain further registrations. This is exemplified in the southern regions of the country, where the Witnesses have unsuccessfully attempted to register with the SCRA in the Osh, Naryn, Jalal-Abad and Batken regions, although each LRO meets the registration requirements.

Their applications were denied in 2011 and again in 2013.

KYRGYZSTAN



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- On 4 September 2014, the Constitutional Chamber of the Supreme Court declared Article 10 (2) of the 2008 Religion Law unconstitutional. That provision required a list of 200 founding members of an LRO to be approved by the local city council before an organisation could obtain registration from the SCRA.
 - In late 2014 and early 2015, Jehovah’s Witnesses again applied to the SCRA for registration of these LROs, submitting that Article 10 (2) of the Religion Law no longer applies because it has been declared unconstitutional.
 - The SCRA refused to apply the September 2014 judgment of the Constitutional Chamber, insisting that until the law is amended by Parliament, Article 10 (2) of the Religion Law is still in force and an LRO must obtain “approval” from the local city council of a list of founding members.
 - In 2016, the Supreme Court rejected Jehovah’s Witnesses’ application to invalidate the decision of the SCRA on its refusal to register the LROs in the cities of Osh, Naryn, Jalal-Abad and Kadamjay (Batken).

COMPLAINTS FILED WITH THE UN HUMAN RIGHTS COMMITTEE (CCPR) CONCERNING REGISTRATION

Jehovah’s Witnesses have filed three cases with the CCPR concerning the denial of registration of LROs in the southern regions of Kyrgyzstan.

- **27 January 2017:** Complaint filed against the SCRA for refusing to register four LROs in Osh, Batken, Naryn and Jalal-Abad.
- **26 March 2013:** Complaint filed against the authorities in the Batken Region for refusing to register the Witnesses’ LRO. The CCPR issued a decision in May 2019. (See below.)
- **7 September 2012:** Complaint filed against authorities in the Osh, Naryn and Jalal-Abad regions for refusing to register the Witnesses’ LROs.

CCPR ISSUES FAVOURABLE DECISION ON DENIAL OF REGISTRATION IN BATKEN

On **27 May 2019**, the CCPR issued its first decision on the issue of registration (CCPR/C/125/D/2312/2013). It found that the failure to grant registration to Jehovah’s Witnesses in Batken violates the right to freedom of religion and freedom of association and is discriminatory. The CCPR addressed the two issues linked with article 10 (2) of the law, namely, the requirement of a list of 200 founders and its approval by the local city council:

“7.4. The Committee notes the authors’ argument that this requirement is, in itself, a violation of the Covenant and of the Constitution, in that it imposes an unnecessary and arbitrary bureaucratic burden

on the applicants and is allegedly designed to prevent small religious organizations from obtaining registration.”

“9. Pursuant to article 2 (3) (a) of the Covenant, the State party is under an obligation to provide the authors with an effective remedy. This requires it to make full reparation to individuals whose Covenant rights have been violated. Accordingly, the State party is obligated, inter alia, to review the refusal by the State Commission on Religious Affairs of the registration application by the local religious organization of Jehovah’s Witnesses of Batken oblast, and to provide the authors with adequate compensation. The State party is also under an obligation to take all steps necessary to prevent similar violations from occurring in the future.”

On **1 July 2019**, a representative of the SCRA contacted the Religious Centre of Jehovah’s Witnesses in Kyrgyzstan, explaining that the SCRA is now ready to register the Witnesses’ LROs in the southern regions of the country, provided that it receives the necessary documents. He emphasized that this registration will not involve “approval by the local kenesh [council]”, seemingly lifting or waiving that requirement.

On **29 July 2019**, Jehovah’s Witnesses filed a new application with the SCRA for LRO registration in the Batken Region. However, on **28 August**, the SCRA denied the application, stating that the registered legal address of the LRO was a private residence and that this was allegedly prohibited under domestic legislation. In fact, there is no such requirement. Kyrgyzstan’s current Religion Law provides in Articles 16 (1) and 21 (3) that religious organisations “have the right to use for their needs buildings and properties provided on a contract basis by legal entities and physical persons” and may conduct “worship services, religious rites, rituals, and ceremonies . . . in places not intended for these purposes.” This pretext has never before been raised by the SCRA as a basis to deny registration to Jehovah’s Witnesses. **It remains to be seen whether the SCRA will, in fact, grant registration.**

Interference With Manifestation of Religious Belief

LACK OF REGISTRATION IN THE CITY OF KERBEN, JALAL-ABAD REGION, LEADS TO ARRESTS

Without legal recognition in the southern regions of Kyrgyzstan, Jehovah’s Witnesses are forced to meet in private homes in those regions, which some authorities view as illegal. In these circumstances, any religious activity is vulnerable to police interference, as exemplified by events in the city of Kerben, in the Jalal-Abad Region.

On **22 March 2019**, local police followed and video recorded two male Witnesses who were peacefully sharing their faith with others. The police for-



Witness couple peacefully sharing their faith with others

cibly took the Witnesses to the police station, alleging that there is a “ban” on the Witnesses’ religious activity. The men were detained for four hours, and one religious brochure was confiscated.

On **27 March 2019**, police arrested four female Witnesses who were peacefully sharing their faith with others. The women were taken to the police station and detained for seven hours. The officers confiscated a Bible and one religious brochure and also threatened two male Witnesses who came to the station at the women’s request.

On **28 March 2019**, Jehovah’s Witnesses met with the mayor and other city administration officials in Kerben concerning the police interference, but there was little progress in resolving the problem. The Witnesses appealed to the local Ombudsman’s Office and to the Internal Affairs Department of the Jalal-Abad Region. Both agencies replied, on **10 and 14 May 2019** respectively, and concluded that there was no misconduct by law enforcement agencies and no evidence of restrictions on religious freedom. Nevertheless, the officials admitted that the police in Kerben had been discourteous and recommended that they behave more politely in future.

OTHER PENDING CCPR CASES:

Jehovah’s Witnesses have two other cases pending before the CCPR that address other violations:

15 March 2016: Complaint filed on behalf of Oksana Koriakina and her mother, Nadezhda Sergienko. Authorities in Osh unjustly arrested the two women on fabricated charges and kept them under house arrest for two and a half years.

20 November 2017: CCPR complaint filed on behalf of three Witnesses concerning SCRA refusal to permit importation of a religious journal published by Jehovah’s Witnesses.

Positive Developments

Although the SCRA examines all religious literature of Jehovah’s Witnesses before allowing it to be imported, the Witnesses received all publications without hindrance.

Meetings With Officials

From **3–12 June 2019**, following the recent opinion of the CCPR (CCPR/C/125/D/2312/2013), representatives of the European Association of Jehovah’s Witnesses held several constructive discussions with Kyrgyzstan government officials regarding local registrations. Meetings were conducted with the SCRA, the Ombudsman, the Presidential Administration, members of Parliament, as well as the Office of the Deputy Prime Minister and Chairman of the Coordinating Committee for Human Rights.



Ms Koriakina and Ms Sergienko

RELIGIOUS FREEDOM OBJECTIVES

JEHOVAH'S WITNESSES RESPECTFULLY REQUEST THE GOVERNMENT OF KYRGYZSTAN TO:

- Ensure that Jehovah's Witnesses are able to register their Local Religious Organisations in the southern regions of Kyrgyzstan in harmony with the recent CCPR decision (CCPR/C/125/D/2312/2013);
- End harassment of Jehovah's Witnesses exercising their constitutionally protected right to freedom of religion or belief; and
- Ensure that the religion laws foster the peaceful exercise of religious freedom and expression.

Representatives of Jehovah's Witnesses welcome the opportunity to engage in constructive dialogue with representatives of the Kyrgyzstan government.

For more information:

Please contact the Office of Public Information for Jehovah's Witnesses at OPIGov@jw.org.



Visit the Newsroom at jw.org or scan the QR code to learn more about legal developments and human rights affecting Jehovah's Witnesses.

