17 August 2020

**From the European Association of Jehovah’s Witnesses**

**Submission to the UN Human Rights Committee**

**prior to the Adoption of the List of Issues**

**130th Session (12 October to 6 November 2020)**

**Kyrgyzstan**

Contact address: Am Steinfels 1, 65618 Selters, Germany

Tel.: + 32 493 77 90 93 **–** E-mail: InboxOPIEAJW@jw.org

 Table of Contents

[SUMMARY OF THE SUBMISSION 2](#_Toc14262302)

[I. INTRODUCTION 2](#_Toc14262303)

[II. Violations of the provisions of the International Covenant on Civil and Political Rights 2](#_Toc14262304)

[III. CONCLUSION AND RECOMMENDATIONS](#_Toc14262305) 5

|  |
| --- |
| SUMMARY OF THE SUBMISSIONThis submission to the Human Rights Committee (CCPR) on Kyrgyzstan highlights violations of the provisions of the International Covenant on Civil and Political Rights prior to the adoptionof the *List of Issues* to be taken up in connection with the consideration of the 3rd report of Kyrgyzstan.Jehovah’s Witnesses in Kyrgyzstan and as a worldwide organisation respectfully request the government of Kyrgyzstan to: 1. Ensure that Jehovah’s Witnesses are able to register their local religious organisations in the southern regions of Kyrgyzstan in harmony with CCPR decision: CCPR/C/125/D/2312/2013
2. Abide by its commitment to uphold the fundamental freedoms guaranteed by the Covenant for all citizens, including Jehovah’s Witnesses
 |

# INTRODUCTION

* 1. The European Association of Jehovah’s Witnesses is a charity registered in the United Kingdom. It provides support to Jehovah’s Witnesses facing fundamental human rights violations in various parts of the world.
	2. Jehovah’s Witnesses have been in Kyrgyzstan for more than 50 years. They obtained national registration in August 1998. 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.

However, Jehovah’s Witnesses have an ongoing concern:

* 1. The Witnesses continue to encounter problems with registering local religious organisations (LROs) in the southern regions of Kyrgyzstan. Without registration of these LROs, the local authorities view the Witnesses’ religious activity as illegal, thus leaving them vulnerable to police harassment.
	2. In consideration of the above, on 27 May 2019, the United Nations Human Rights Committee (CCPR) responded to the complaint against the authorities in the Batken region of the country by directing Kyrgyzstan to register Jehovah’s Witnesses’ LRO (CCPR/C/125/D/2312/2013). **Kyrgyzstan has yet to implement this CCPR decision.**

# Violations of the provisions of the International Covenant on Civil and Political Rights

### Obstruction to Legal Registration in Southern Regions of Kyrgyzstan

* 1. Although Jehovah’s Witnesses obtained national registration in August 1998, some local authorities wrongly insist that the Witnesses must obtain registration in each city and village in order to carry out their religious activities legally. The Witnesses have attempted to comply with this alleged “requirement” while at the same time challenging it before domestic courts and international tribunals.
	2. The most recent LRO registration by Jehovah’s Witnesses was in the city of Toktogul in 2005, under Kyrgyzstan’s previous law on religion. However, since the implementation of 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 local authorities in the Osh, Naryn, Jalal-Abad and Batken regions, despite each LRO meeting the nominal registration requirements.
	3. Jehovah’s Witnesses also applied to the State Commission on Religious Affairs (SCRA) directly for registration in these regions, but their applications were denied in 2011 and again in 2013.
* On 4 September 2014, the Constitutional Chamber of the Supreme Court of Kyrgyzstan declared Article 10(2) of the 2008 Religion Law to be unconstitutional. That provision requires a list of 200 founding members of an LRO to be approved by the local city council before an organisation may obtain registration from the SCRA. On 21 December 2019, the President of the Kyrgyz Republic signed a corresponding amendment to the law. Thus, this provision was deleted.

Southern regions of Kyrgyzstan, where Jehovah's Witnesses are denied registration

* In late 2014 and in early 2015, Jehovah’s Witnesses again applied to the SCRA for registration of their LROs in the Osh, Naryn, Jalal-Abad and Batken regions, submitting that Article 10(2) of the 2008 Religion Law no longer applies because of having 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 2008 Religion Law remains in force and that an LRO must obtain “approval” of its list of founding members from the local city council.
* In 2016, the Supreme Court rejected Jehovah’s Witnesses’ application to invalidate the decision of the SCRA refusing to register LROs in the cities of Osh, Naryn, Jalal-Abad and Kadamjay (Batken).

### Complaints Filed With the CCPR Concerning Registration

* 1. Jehovah’s Witnesses have filed three communications with the CCPR concerning the denial of registration of LROs in the southern regions of Kyrgyzstan.
* 7 September 2012: Complaint filed against authorities in the Osh, Naryn and Jalal-Abad regions for refusing to register the Witnesses’ LROs.
* 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.)
* 27 January 2017: Complaint filed against the SCRA for refusing to register four LROs in Osh, Naryn, Jalal-Abad, and Batken.

### CCPR Issues Favourable Decision on Denial of Registration in Batken

On 27 May 2019, the CCPR issued its first decision on the matter of registration (CCPR/C/125/D/2312/2013). It found that the failure to grant registration to Jehovah’s Witnesses’ LRO in Batken violates their right to freedom of religion and freedom of association and is discriminatory. The CCPR addressed two issues linked with Article 10(2) of the 2008 law, namely, the requirement for a list of 200 founders and approval of that list 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 organisations 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 organisation 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.”

### Right of Peaceful Assembly and Association (articles 21, 22)

### Refusal to Register LROs

* 1. In disregard of the CCPR directive, Kyrgyzstan has subsequently repeatedly refused to register Jehovah’s Witnesses’ LROs. The following events highlight the SCRA’s continued denial of such registration:
* 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 rejected the application, this time on the pretext that the registered legal address of the LRO was a private residence and was thus allegedly prohibited under domestic legislation: a requirement never raised previously.
* On 12 and 30 September 2019, respectively, Jehovah’s Witnesses filed amended applications with non-residential legal addresses for LROs in the Batken and Osh regions. On 9 and 29 October 2019, the SCRA extended the deadline for consideration of the applications and claimed that it had sent them “to the appropriate State organs for obtaining additional information”.
* On 12 and 29 November 2019, the SCRA again denied registration, claiming that the LRO Charters (which had been provided with previous applications and had not been commented upon) contradicted provisions of the Religion Law. On 29 November and 10 December, Jehovah’s Witnesses filed amended applications with good faith minor edits to the Charters.
* On 30 December 2019, the SCRA returned the applications without consideration, citing the legal requirement that had been found to be unconstitutional in 2014. In so doing, the SCRA acknowledged that the President of the Kyrgyz Republic had signed the amendment of this law on 21 December 2019 but stated that the amendment would not come into force until 10 days after official publication.
* On 10 January 2020, Jehovah’s Witnesses refiled the applications. On 10 February 2020, the SCRA again denied registration, this time asserting that they did so “in order to avoid a threat to social stability, interfaith harmony and public order”.
* On 28 May 2020, Jehovah’s Witnesses filed a claim against those decisions with the Administrative Court of the City of Bishkek. On 24 June 2020, the Court returned the claim without consideration, accepting the SCRA’s objection that the applicants had not exhausted the administrative appeal procedure. (N.B. Since the SCRA is the highest administrative body on religious affairs, any administrative appeal against the SCRA’s decisions would be handled by the SCRA itself.)
* Again acting in good faith, on 8 July 2020, Jehovah’s Witnesses entered an administrative complaint with the SCRA, asking for reconsideration of its registration denials—essentially filing an appeal with the SCRA against its own decision.
* On 14 July 2020, the SCRA rejected the Witnesses’ appeal, this time asserting that the Witnesses needed to ask for “restoration of the missed deadline”, since their appeal was not made within 30 days of the February 2020 decision. Jehovah’s Witnesses submitted a response to this new objection on 24 July. The same day they also filed an appeal against the 24 June 2020 decision of the Administrative Court of the City of Bishkek.
* On 6 August 2020, the SCRA responded to the Witnesses’ appeal by stating that they consider it “right to suspend consideration of the administrative complaint until the case decision by the Bishkek City Court”, indicating that they have no interest in going forward with the registration process.

To date, the CCPR decision directing Kyrgyzstan to register the Witnesses’ LROs in the southern regions of the country remains unimplemented.

### Meetings with Officials

* 1. From 3–12 June 2019, following the May 2019 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 Presidential Administration, the SCRA, the Ombudsman, the Parliament and the Office of the Deputy Prime Minister and Chairman of the Coordinating Committee for Human Rights. The Ombudsman, Mr. Tokon Mamytov, understood the need to react to the direction given by the CCPR decision on the issue of registration and kindly addressed internal letters to that effect to the Speaker of the Parliament, to the Prime Minister and to the SCRA. Further constructive meetings ensued with the Presidential Administration, the Parliament and the Office of the Deputy Prime Minister and Chairman of the Coordinating Committee for Human Rights. However, the meeting conducted with the Chairman of the SCRA was not productive. The Chairman justified the systematic obstruction to registration by claiming that international standards are not applicable because of cultural issues in the country.
	2. On 1 July 2019, an official of the SCRA contacted the Religious Centre of Jehovah’s Witnesses in Kyrgyzstan and stated that the SCRA was ready to register the Witnesses’ LROs, provided that it received the necessary documents. The official emphasized that “approval by the local *kenesh* (council)” was no longer included among the requirements.
	3. Despite these apparently positive developments, the SCRA has continued to deny registration of Jehovah’s Witnesses’ LROs in the southern part of the country.

# CONCLUSION AND RECOMMENDATIONS

* 1. Jehovah’s Witnesses in Kyrgyzstan and as a worldwide organisation express concern for their inability to register their LROs in the southern regions of Kyrgyzstan. This continues to occur in spite of clear CCPR decisions. Jehovah’s Witnesses respectfully request the government of Kyrgyzstan to take the necessary steps to:
1. Ensure that Jehovah’s Witnesses are able to register their LROs in the southern regions of Kyrgyzstan in harmony with CCPR decision: CCPR/C/125/D/2312/2013
2. Abide by its commitment to uphold the fundamental freedoms guaranteed by the Covenant for all citizens, including Jehovah’s Witnesses.