

RELIGIOUS FREEDOM CONCERNS IN KYRGYZSTAN

STATEMENT by the EUROPEAN ASSOCIATION OF JEHOVAH'S CHRISTIAN WITNESSES

For the OSCE Human Dimension Implementation Meeting, Warsaw, 22 September to 3 October 2014

Over the past year Jehovah's Witnesses have seen improvement on the part of the government of Kyrgyzstan towards their peaceful religious activity. In November 2013 its Constitutional Court recognized the need for an alternative civilian service program that is acceptable to conscientious objectors to military service. In early September 2014, Kyrgyzstan's high court ruled in favor of amending provisions of its 2008 Religion Law concerning registration.

Despite those positive developments, state authorities have not allowed Jehovah's Witnesses to register their Local Religious Organizations (LROs) in the southern regions of the country. Additionally, two Witness women in Osh are victims of a protracted criminal case under fabricated charges.

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Restrictions on freedom of religion

01 October 2014

Denial of registration

Osh, Naryn, Jalal-Abad, and Batken. The State Committee on Religious Affairs (SCRA) refuses to register LROs of Jehovah's Witnesses under the 2008 Religion Law. Article 10(2) of the Religion Law requires an LRO to have a notarized list of 200 founding members and states that they must be "approved" by the city council where the LRO has its registered address.

- On 7 September 2012 and 26 March 2013, Jehovah's Witnesses submitted complaints to the United Nations Human Rights Committee for the repeated refusal by state authorities to register LROs in the oblasts of Osh, Naryn, Jalal-Abad, and Batken. All domestic remedies available at the time of the submissions had been exhausted.
- On **27 February 2014**, the Religious Centre of Jehovah's Witnesses in Kyrgyzstan filed an application to the Constitutional Chamber of the Supreme Court to determine if the requirements for registration in the 2008 Religion Law are constitutional.
- On **3 April 2014**, the Constitutional Chamber of the Supreme Court accepted the Witnesses' application and rendered its judgment on **4 September 2014**. The Court declared as unconstitutional Article 10(2) of the religion law which requires that the list of founding members of a religious organization must first be "approved" by the local city council.

Positive developments in respect for religious freedom

Issue of conscientious objection

- On 19 November 2013, the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic heard the cases of 11 Jehovah's Witnesses and held that Kyrgyzstan's program of alternative service was unconstitutional. The Court determined that it was a violation of the right to freedom of religion to compel Jehovah's Witnesses, who are conscientious objectors, to perform alternative service in a program that was under military control. The ruling recognized that the Witnesses had valid reasons for rejecting the alternative service offered to them and were not attempting to evade their civic duty. Subsequently, in the first few months of 2014, Kyrgyzstan courts applied the decision of the Constitutional Chamber and acquitted 12 Witnesses who were convicted under the former law.

Societal abuses and discrimination

Criminal proceedings against two of Jehovah's Witnesses in Osh

On 20 March 2013, criminal proceedings began against Ms. Koriakina and her mother, Ms. Sergienko, on the fabricated charge of allegedly defrauding three elderly women of their life savings while they were talking to others about their beliefs. The proceedings began within weeks

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after Jehovah's Witnesses applied for registration for the second time in the neighbouring Jalal-Abad district. At least six different persons confirmed that Ms. Koriakina and Ms. Sergienko were away at the time of the alleged incidents.

- Most recently, on **12 August 2014**, the trial court appointed a new judge and scheduled the trial to restart, for the fourth time, on **9 September 2014**.
- Ms. Koriakina and Ms. Sergienko have been under house arrest since March 2013 and face up to a six-year prison sentence if the court decides that they are guilty of the fabricated charges.

Jehovah's Witnesses respectfully request the government of Kyrgyzstan to allow Jehovah's Witnesses to register local religious organizations in the southern regions of Kyrgyzstan and to terminate the criminal prosecution of Ms. Koriakina and Ms. Sergienko.

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Kyrgyzstan Court Rules in Favor of Conscientious Objectors

