

**Working Session 9:**

**Thanks, Dear Moderator,**

**We draw your attention to the illegal initiative to hold a referendum on constitutional reform by the Kyrgyz authorities. You know that the Kyrgyzstan joined for the Eurasian Economic Union (EEU), [http://www.ecfr.eu/article/commentary\\_kyrgyzstan\\_and\\_the\\_eurasian\\_economic\\_union\\_the\\_view\\_from\\_bis3022](http://www.ecfr.eu/article/commentary_kyrgyzstan_and_the_eurasian_economic_union_the_view_from_bis3022), also a member of the Shanghai Cooperation Organization.**

**Unfair constitutional reform in Kyrgyzstan:** Issuance for public discussion of the bill "On the appointment of the referendum on the Law of the Kyrgyz Republic", "On Amendments to the Constitution of the Kyrgyz Republic" in July 2016 became another serious challenge for civil society. *Amendments to the Constitution suggest the abolition of the primacy of international law over domestic and some rules lead to a partial strengthening of the executive branch of government, in particular of the position of the Prime Minister, substantially reduce the effectiveness of the constitutional control of putting the judicial authority in the role of a statistician, hardly able to make their own decisions about unconstitutionality of the laws. Thus, the referendum and the possible adoption of the constitutional amendments will entail negative consequences, and retreat from the principles of human rights and democratic values.*

- **Bir Duino recommend to the government officials and politicians to be guided by the recommendations of the Venice Commission and to stop lobbying amending the Constitution and respect "Partner for Democracy" status in PACE;**

**Another problem, Restriction of rights to the freedom of association of religious organizations:** the right to the freedom of association of religious organizations is substantially limited by setting complicated conditions of their registration. In the national legislation of Kyrgyz Republic as well as in law enforcement practice on the freedom of religion and beliefs, regardless of the norms of the Constitution defining that «each has a right to freedom of conscience», is considered not as individual but as collective right as a right to create religious associations and to work in religious sphere.

Setting required registration of religious associations and prohibition to one or group of persons to use to its fullest potential the freedom of conscience and religion does not follow the legitimate goals and is not necessary in a democratic society and isn't in accordance with these aims. Setting strict qualitative requirements for setting religious associations -200 persons for registration of religious organization in KR and the geographic limitation of religious associations cannot be justified. National minority and religious citizen are targeted by **Article 299** of the Criminal Court tortured and go without Justice to prisons...with names "extremists"... We have the date base when people killed, but HRDS don't have chance to access information's (case in prison 50 on October 2015, for 10 days 14 people killed)...

Kyrgyzstan is not fulfilling its obligations relating the human rights having ratified most part of the UN Convention and the Optional Protocols. To date, the Kyrgyz authorities failed to implement 664 recommendations voiced by UN treaty bodies, including recommendation on the protection of human rights defenders.

**Bir Duino recommends:**

- To accelerate the implementation of 664 recommendations of the UN agencies in the field of human rights addressed to Kyrgyzstan, making them central to the realization of all state bodies and institutions.
- To the state and local authorities to create favorable conditions for the work of NGOs in accordance with the principle 2 (the State's obligation to respect, protect and promote the right to freedom of association) and other principles laid down guiding principles on the freedom of associations of OSCE / ODIHR;

- To cancel the compulsory registration of religious groups and to ensure that legislation concerning the registration guarantees human rights to ensure the free practice of religion and religious beliefs, including creation of formal organizations. To exclude various territorial statuses for religious and public associations since as the violation of international guarantees of the human rights and right to freedom of association;
- **Threats to attorneys:** To implement national legislative norms that require any criminal proceedings against lawyers to take place after the official consent of Council of the Bar of the Kyrgyz Republic. To provide stricter punishment for illegal obstruction of lawyers' work.
- **To enforce the decision of the UN Human Rights Committee to immediately release Azimjan Askarov. To respect the latter decision during his re-trial in Chui Oblast Court on October 4th, 2016.**

**Thanks for your great attention and support.**

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