



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIFTH SECTION

CASE OF CHRISTIAN RELIGIOUS ORGANIZATION OF JEHOVAH'S WITNESSES v. ARMENIA

(Application no. 5142/16)

JUDGMENT

STRASBOURG

1 October 2026

This judgment is final but it may be subject to editorial revision.

In the case of Christian Religious Organization of Jehovah's Witnesses v. Armenia,

The European Court of Human Rights (Fifth Section), sitting as a Committee composed of:

Gilberto Felici, *President*,

Mykola Gnatovskyy,

Vahe Grigoryan, *judges*,

and Martina Keller, *Deputy Section Registrar*,

Having regard to:

the application (no. 5142/16) against the Republic of Armenia lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 21 January 2016 by the Christian Religious Organization of Jehovah's Witnesses ("the applicant organisation"), a religious organisation registered in Armenia, which was represented by Mr S.H. Brady, a lawyer practising in London, and Mr A. Martirosyan, a lawyer practising in Yerevan;

the decision to give notice to the Armenian Government ("the Government"), represented by their Agent, Mr Y. Kirakosyan, Representative of the Republic of Armenia on International Legal Matters, of the complaints under Article 9 of the Convention concerning an alleged violation of the applicant organisation's freedom of religion, taken alone or in conjunction with Article 11 of the Convention, under Article 6 § 1 of the Convention concerning an alleged breach of the applicant organisation's right of access to a court, under Article 14 of the Convention, read in conjunction with Articles 9 and 11 of the Convention and Article 1 of Protocol No. 12 to the Convention, concerning alleged discrimination, and under Article 13 of the Convention concerning the alleged lack of an effective remedy, and to declare the remainder of the application inadmissible;

the parties' observations;

Having deliberated in private on 10 September 2026,

Delivers the following judgment, which was adopted on that date:

SUBJECT MATTER OF THE CASE

1. The case concerns the authorities' refusal to issue planning permissions to the applicant organisation for the construction of places of worship, raising an issue under Article 9 of the Convention.

2. In 2009 the applicant organisation purchased three plots of land in different parts of Yerevan. The relevant certificates of ownership issued in its name indicated that all three plots were designated for the construction of public buildings.

3. On 10 December 2012 the applicant organisation lodged three separate applications with the Yerevan mayor's office ("the mayor's office"), seeking

planning permissions which were a prerequisite for obtaining building permits and constructing religious buildings on those plots.

4. In two letters dated 20 December 2012, the mayor's office refused two of those applications on the grounds that there had allegedly been incidents in which the construction of religious buildings had led to complaints and intolerance by neighbouring residents and therefore it considered the construction of such buildings in residential areas inappropriate. As regards the third application, on 21 December 2012, the mayor's office stated that it was dealing with urban development issues in the area and would address the matter after the completion of that process.

5. On 8 February 2013 the applicant organisation appealed to the mayor, requesting that the replies of 20 and 21 December 2012 be set aside and planning permissions and building permits be issued for all three plots of land. In support of its appeal, the applicant organisation submitted, *inter alia*, copies of planning permissions granted in 2009 to the previous owners of two of the three plots of land for the construction of public buildings on those plots. Those planning permissions explicitly stated that the plots were located in a mixed-development zone.

6. On 25 February 2013 the mayor's office replied that it considered the construction of religious buildings in residential areas unacceptable because it would lead to complaints from neighbouring residents.

7. On 1 April 2013 the applicant organisation lodged a claim with the Administrative Court, requesting that the decisions of the mayor's office be set aside, that the alleged inaction on the part of the mayor to issue a decision on the applicant organisation's appeal be declared unlawful and that the mayor's office be obliged to issue planning permissions. It also alleged a breach of its freedom of religion and the right under the Convention not to be discriminated against.

8. On 31 March 2014 one of the departments of the mayor's office sent an internal letter to another department, stating that the construction of religious buildings on all three plots of land was incompatible with the relevant urban zoning plans. According to that letter, one plot was located within an industrial zone, another within a recreational zone and the third was partly situated in a multi-storey residential development zone and partly in a mixed-development zone.

9. On 1 December 2014 the Administrative Court dismissed the applicant organisation's claims. It reasoned that the construction of religious buildings in the community was a matter of social and cultural policy falling within the mayor's discretion and that the courts had limited jurisdiction on the matter. It further found that the applicant organisation's Convention complaints were unfounded, as the refusals had not been based on its religious beliefs but on the ground that the construction of religious buildings of any denomination had been considered inappropriate in the specific locations.

10. The applicant organisation appealed against that judgment.

11. On 27 May 2015 the Administrative Court of Appeal partly upheld the judgment. It considered that the Administrative Court had given an expansive interpretation to the mayor's discretion, which might incorrectly imply that the mayor's actions were not subject to judicial review, but nevertheless found that the outcome of the case had been determined correctly. It considered that, in the absence of evidence that the urban zoning plan had permitted the construction of a place of worship, public opinion had to be taken into account. It further referred to the internal letter of 31 March 2014 from the mayor's office (see paragraph 8 above) and considered that the applicant organisation's request to oblige the mayor's office to issue planning permissions could not be granted. It discontinued the proceedings in respect of the applicant organisation's remaining claims, finding that they were not subject to judicial review.

12. The applicant organisation lodged a further appeal with the Court of Cassation, which was declared inadmissible for lack of merit on 29 July 2015.

THE COURT'S ASSESSMENT

I. ALLEGED VIOLATION OF ARTICLE 9 OF THE CONVENTION

13. The applicant organisation complained under Article 9 of the Convention that the refusals to issue planning permissions had prevented it from constructing places of worship and amounted to an unjustified interference with its freedom of religion.

14. The Government argued that the applicant organisation had not suffered a significant disadvantage because it had other places of worship in Yerevan and its members had not been prevented from holding weekly meetings. The Court reiterates that in cases concerning freedom of thought, conscience and religion, the application of the admissibility criterion contained in Article 35 § 3 (b) of the Convention should take due account of the importance of this freedom and be subject to careful scrutiny by the Court (see *Stavropoulos and Others v. Greece*, no. 52484/18, § 29, 25 June 2020). It notes that the impugned refusals effectively prevented the applicant organisation, for many years, from pursuing the construction of places of worship on three plots of land that it had acquired for that purpose. Those consequences cannot be regarded as insignificant for the purposes of Article 35 § 3 (b) of the Convention. The Government's objection must therefore be rejected.

15. The Government argued that the applicant organisation had failed to comply with the six-month time-limit, submitting that it should be considered to have started to run from the refusal of a previous application for a planning permission on 16 November 2009. The Court notes, however, that that previous refusal does not form part of the subject matter of the present case, nor did it prevent the applicant organisation from lodging new applications

seeking planning permissions and challenging the ensuing refusals before the domestic courts. Accordingly, the six-month time-limit, as in force at the relevant time, started to run from 29 July 2015 – that is, on the date of the final decision in the process of exhaustion of domestic remedies (see *Lekić v. Slovenia* [GC], no. 36480/07, § 65, 11 December 2018). The Court therefore rejects the Government's objection.

16. The Court notes that this complaint is not manifestly ill-founded within the meaning of Article 35 § 3 (a) of the Convention or inadmissible on any other grounds. It must therefore be declared admissible.

17. The relevant principles concerning restrictions on the establishment of places of worship for planning-related reasons have been summarised in a number of cases (see *Vergos v. Greece*, no. 65501/01, §§ 32-35, 24 June 2004; *Association for Solidarity with Jehovah's Witnesses and Others v. Turkey*, nos. 36915/10 and 8606/13, §§ 87-92 and 98; and *Religious Community of Jehovah's Witnesses of Kryvyi Rih's Ternivsky District v. Ukraine*, no. 21477/10, §§ 49-51, 3 September 2019).

18. The Court notes that the refusals of the mayor's office to issue the planning permissions necessary for the construction of places of worship amounted to an interference with the exercise of the applicant organisation's freedom of religion. Such interference will be contrary to Article 9 of the Convention unless it is "prescribed by law", pursues a "legitimate aim" and is "necessary in a democratic society" in order to achieve that aim (see *Vergos*, cited above, §§ 32-35, and *Association for Solidarity with Jehovah's Witnesses and Others*, cited above, §§ 87-92 and 98).

19. The Court observes that the mayor's office refused the applications with reference to alleged complaints or intolerance by neighbouring residents (see paragraphs 4-6 above). However, neither the initial replies nor the subsequent reply to the applicant organisation's administrative appeal referred to any provision of domestic law authorising the mayor's office to refuse planning permissions on that ground. Moreover, leaving aside the question of the extent to which the alleged intolerance towards the applicant organisation or its followers might have been a valid factor in the assessment of the proportionality of the alleged interference with the applicant organisation's rights under Article 9 of the Convention, neither the mayor's office in the domestic proceedings nor the Government in the proceedings before the Court provided any evidence whatsoever of the alleged complaints or intolerance from the neighbouring residents, despite the fact that the mayor's office had the burden of proof both in the administrative proceedings (section 43 of the Fundamentals of Administrative Action and Administrative Procedure Act) and in the ensuing judicial proceedings (Article 29 § 2 (3) of the Administrative Code). In the absence of any such evidence, the Court is unable to ascertain what those complaints were based on or to what extent, if at all, they could legitimately have been taken into account. The Court therefore finds that the refusals, as formulated, lacked a legal basis.

20. As regards the internal letter of 31 March 2014 of the mayor's office, on which the Administrative Court of Appeal relied (see paragraphs 8 and 11 above), it could not provide a legal basis for refusing the applications because it was an internal document drawn up more than one year after the impugned refusals.

21. Moreover, the reliability of the information contained in that internal letter is questionable. According to that letter, one of the plots of land was located within an industrial zone, another within a recreational zone, and the third was partly situated in a multi-storey residential development zone and partly in a mixed-development zone. The Government provided extracts of drawings depicting land-use designations, which appear to have been annexed to that internal letter. However, those drawings did not indicate their origin, date, issuing authority or legal status, making it impossible to determine whether they formed part of officially adopted zoning plans applicable at the material time or were merely preparatory planning documents. Neither the domestic courts nor the Government commented on those annexes. Furthermore, the information in that letter and the accompanying documents contradicted the information that the mayor's office had initially indicated in its refusals, namely that the plots of land were located in residential areas (see paragraphs 4 and 6 above). Notably, residential areas, industrial zones and recreational zones belonged to distinct land classifications under the Land Code (Article 6 § 1 (2), (3) and (5), Article 10 §§ 1 and 2, Article 13 § 1, Article 19 § 2 (3), and Article 22).

22. The Court further observes that the information in that internal letter is inconsistent with other material in the case file. In particular, in 2009 the previous owners of the second and third plots of land had been granted planning permissions for the construction of public buildings, and those planning permissions explicitly stated that both plots were located in a mixed-development zone. In addition, the relevant certificates of ownership issued to the applicant organisation indicated that all three plots of land were designated for the construction of public buildings. Notably, religious buildings and places of worship were classified as public buildings under Joint Order no. 108-K (as in force at the relevant time), issued by the head of the Real Estate State Unified Cadastre and the Minister of Urban Development on 26 May 1998.

23. In the light of the foregoing, the Court concludes that the impugned refusals lacked a legal basis and that the interference with the applicant organisation's freedom of religion was therefore not "prescribed by law" within the meaning of Article 9 § 2 of the Convention. This conclusion dispenses with the need to examine whether the interference pursued a "legitimate aim" and was "necessary in a democratic society" in order to achieve that aim.

24. There has accordingly been a violation of Article 9 of the Convention.

II. OTHER COMPLAINTS

25. The applicant organisation also raised other complaints under Article 6 § 1, Article 11, Article 13 and Article 14 of the Convention and Article 1 of Protocol No. 12 to the Convention. Having regard to the facts of the case, the submissions of the parties, and its findings above, the Court considers that it has examined the main legal questions raised in the present application and that there is no need to give a separate ruling on the remaining complaints (see *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania* [GC], no. 47848/08, § 156, ECHR 2014).

APPLICATION OF ARTICLE 41 OF THE CONVENTION

26. The applicant organisation claimed 77,380 euros (EUR) in respect of pecuniary damage, corresponding to the amount it had allegedly spent on acquiring, renting, refurbishing and maintaining alternative premises for religious services. The applicant organisation also claimed EUR 15,000 in respect of non-pecuniary damage. It further claimed EUR 3,175 for costs of legal representation incurred before the domestic courts, EUR 464 for court fees incurred before the domestic courts and EUR 5,000 for costs of legal representation incurred before the Court. Lastly, the applicant organisation requested that the State be ordered to pay any applicable VAT and that interest at the rate of 8% plus three percentage points be applied to the total award from the date of the judgment.

27. The Government contested these claims.

28. The Court notes that, in support of its claim in respect of pecuniary damage, the applicant organisation relied on three written statements issued by its chairman. The Court finds those statements insufficient to establish reliably the alleged pecuniary damage and the direct link with the violation found, and therefore rejects this claim.

29. Deciding on an equitable basis, the Court awards the applicant organisation EUR 4,500 in respect of non-pecuniary damage, plus any tax that may be chargeable.

30. Having regard to the documents in its possession, the Court considers it reasonable to award EUR 3,232 covering costs and expenses under all heads, plus any tax that may be chargeable to the applicant organisation.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the complaint under Article 9 of the Convention admissible;
2. *Holds* that there has been a violation of Article 9 of the Convention;

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3. *Holds* that there is no need to examine the admissibility and merits of the remaining complaints;
4. *Holds*
 - (a) that the respondent State is to pay the applicant organisation, within three months, the following amounts, to be converted into the currency of the respondent State at the rate applicable at the date of settlement:
 - (i) EUR 4,500 (four thousand five hundred euros), plus any tax that may be chargeable, in respect of non-pecuniary damage;
 - (ii) EUR 3,232 (three thousand two hundred and thirty-two euros), plus any tax that may be chargeable to the applicant organisation, in respect of costs and expenses;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points;
5. *Dismisses* the remainder of the applicant organisation's claim for just satisfaction.

Done in English, and notified in writing on 1 October 2026, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Martina Keller
Deputy Registrar

Gilberto Felici
President