



THE EUROPEAN ASSOCIATION OF  
JEHOVAH'S WITNESSES

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

**Submission to the UN Human Rights Committee prior to the adoption  
of the List of Issues (126<sup>th</sup> Session, 1-26 July 2019)**

**5<sup>th</sup> report of**

# **UZBEKISTAN**

*(126th Session of the Human Rights Committee, 1-26 July 2019)*

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## SUMMARY OF THE SUBMISSION

After many years of religious freedom violations and outright persecution, the government of Uzbekistan has recently made significant progress in improving its treatment of Jehovah's Witnesses.

Since mid-October 2018, no Witnesses have been arrested or harassed for religious activity. Between March and August 2018, the Supreme Court of Uzbekistan rendered four positive decisions either denouncing or questioning lower court decisions against the Witnesses. Likewise, the highest court in the Autonomous Republic of Karakalpakstan twice ruled in favour of the Witnesses in April and in June 2018.

In April 2019, the government allowed a delegation of Jehovah's Witnesses to travel to Uzbekistan to meet with the Ministry of Justice and other officials to discuss legal registration.

This submission to the UN Human Rights Committee (the Committee) on Uzbekistan also highlights some violations of the provisions of the International Covenant on Civil and Political Rights ("ICCPR") prior to the adoption of the *List of Issues* for the fifth periodic report of Uzbekistan. These violations relate to unresolved concerns stated in the *List of Issues in relation to the fourth periodic report of Uzbekistan* (CCPR/C/UZB/Q/4) and reiterated in the *Concluding observations on the fourth periodic report of Uzbekistan* (CCPR/C/UZB/CO/4).

Most of the difficulties the Witnesses face in Uzbekistan are closely linked to the denial of legal registration of their religious organisations. With the exception of one Local Religious Organisation (LRO) in Chirchiq, authorities have repeatedly denied Jehovah's Witnesses registration. During the last week of September and the first week of October 2018, Jehovah's Witnesses applied for registration of LROs in Bukhara, Fergana, Karshi, Samarqand, Tashkent, Urgench and Nukus, Republic of Karakalpakstan. The mahalla communities (local city government) in all seven cities denied the applications for registration without proper justification. The Witnesses are appealing these cases.

Nevertheless, as long as legal recognition is denied, the Witnesses remain open targets for harassment and mistreatment. Jehovah's Witnesses in Uzbekistan, and as a worldwide organisation, respectfully request the government of Uzbekistan to:

- (1) Ensure that full registration is granted to Jehovah's Witnesses throughout the country
- (2) End censorship of religious literature and grant full access to jw.org, the international website of Jehovah's Witnesses, now available in 975 languages
- (3) Uphold fundamental freedoms guaranteed by the Constitution of Uzbekistan and the ICCPR for all its citizens, including Jehovah's Witnesses

## **I. INTRODUCTION**

1. The European Association of Jehovah's Witnesses is a charity registered in the United Kingdom. It assists the adherents of the faith of Jehovah's Witnesses in various areas of the world.
2. Jehovah's Witnesses have been present in Uzbekistan for over 60 years. They are law-abiding citizens and contribute to the stability of society.
3. Since 2018, Jehovah's Witnesses have observed some improvement in the attitude of the government of Uzbekistan towards their peaceful minority religion. They continue their efforts to meet with government officials to provide accurate information about the Witnesses' beliefs and practises.
4. Legal registration remains a concern. At present, Uzbekistan considers any religious activity of Jehovah's Witnesses outside of the one registered religious building in Chirchiq as illegal. Examples of incidents that occur due to the lack of registration are included in the report.
5. Jehovah's Witnesses in Uzbekistan have experienced the situation that Dr. Ahmed Shaheed, the UN Special Rapporteur on freedom of religion or belief, noted in his report after his visit to Uzbekistan in October 2017:

“Religions or beliefs serve more as a display of the cultural diversity that exists in Uzbekistan, but as soon as believers try to practise their religions or beliefs more seriously, they find themselves with limited space or rights to manoeuvre.”<sup>1</sup>

6. This submission provides information following the adoption of the *List of issues in relation to fourth periodic report of Uzbekistan* (CCPR/C/UZB/Q/4) as well as the *Concluding observations on the fourth periodic report of Uzbekistan* (CCPR/C/UZB/CO/4). It also includes input from the *Fifth periodic report submitted by Uzbekistan under Article 40 of the Covenant, due in 2018* (CCPR/C/UZB/5). It predominantly focuses on the rights protected under Articles 2, 18, 19, 21, 22 and 26 of the ICCPR.

## **II. FREEDOM OF EXPRESSION, PEACEFUL ASSEMBLY AND FREEDOM OF ASSOCIATION (ARTS. 19, 21 AND 22)**

### **Issue of Registration**

7. Currently, the only legally registered organisation of Jehovah's Witnesses is in Chirchiq. For over 25 years, Jehovah's Witnesses have sought the registration of LROs in various cities but without success. Without registration, the Witnesses are not only denied freedom of expression, peaceful assembly and association; they are also denied freedom of religion.
8. The Committee raised this concern once again in the *List of Issues in relation to the fourth periodic report of Uzbekistan*:

“Please report on measures taken to implement the Committee's previous recommendations (CCPR/C/UZB/CO/3, para. 25). What measures have been taken to repeal unreasonable, burdensome and restrictive requirements for registration of political

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<sup>1</sup> Human Rights Council, Report of the Special Rapporteur on freedom of religion or belief on his mission to Uzbekistan, A/HRC/37/49/Add.2, 22 February 2018, para. 16

parties and public associations, including human rights NGOs, and to grant access to, and allow the operation of NGOs in the State party?"<sup>2</sup>

9. In its *Concluding observations on the fourth periodic report of Uzbekistan* the Committee reiterated the issue of registration that the "legal provisions prohibiting proselytism and other missionary activities continue to be in force". Additionally the Committee was concerned about numerous religious freedom violations resulting from a lack of registration.<sup>3</sup>
10. On 14 May 2018, Mr. Javlon Vakhobov, the Ambassador of Uzbekistan to the United States, spoke at the National Press Club in Washington, D.C., and stated:

"The Uzbek Parliament adopted a roadmap to ensure religious freedom. It aims at revising the legislation on the freedom of religion and simplifying the registration of religious organizations. Smaller religious denominations, for example, Jehovah's Witnesses and others, from now on, will be able to get registered much easier."
11. However, the new rules for registration adopted on 31 May 2018, have the same obstacles for registration as the 1998 law, making it impossible for Jehovah's Witnesses to register when local governments deny registration.
12. In September 2018, Jehovah's Witnesses in Uzbekistan submitted applications to the respective mahalla communities for approval of the registered address of seven LROs in the cities of Bukhara, Fergana, Karshi, Samarqand, Tashkent, Urgench and Nukus, Republic of Karakalpakstan. The mahalla community in each city denied the application.
13. Subsequently, the Witnesses filed complaints in the court of first instance in each city against these denials. The courts rejected the complaints. These cases are currently pending before an appellate court or before the Supreme Court of Uzbekistan.
14. Jehovah's Witnesses have found it impossible to gain registration because in addition to the arbitrary decisions of the mahalla communities, there is a burdensome registration process, a lack of transparency, and a lack of well-defined criteria.
15. Regarding the issue of registration, Dr. Shaheed recommended:

"Make registration optional only to facilitate the operational functions of religious organizations. Procedures should be quick, transparent, fair and without undue bureaucratic complications. Non-registered communities must be able to operate free from discrimination and fear of intimidation. . . . The ban on proselytism and missionary activities, as well as the practice of licensing the import, publication and distribution of religious literature, should be overhauled."<sup>4</sup>
16. Without registration, Jehovah's Witnesses must meet for worship without legal protection and therefore, risk punishment.

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<sup>2</sup> Human Rights Committee, List of issues in relation to the fourth periodic report of Uzbekistan, CCPR/C/UZB/Q/4, 21 November 2014, para. 26

<sup>3</sup> Human Rights Committee, Concluding observations on the fourth periodic report of Uzbekistan, CCPR/C/UZB/CO/4, 17 August 2015, para. 22

<sup>4</sup> Human Rights Council, Report of the Special Rapporteur on freedom of religion or belief on his mission to Uzbekistan, A/HRC/37/49/Add.2, 22 February 2018, para. 101(c)

### **III. FREEDOM OF CONSCIENCE AND RELIGIOUS BELIEF (ARTS. 2, 18 AND 26)**

#### **A. Arrests on the basis of “illegal religious activity”**

17. The Committee raised this concern in the *List of Issues in relation to the fourth periodic report of Uzbekistan*:

“25. Please respond to reports of arbitrary restrictions on the right to peaceful assembly in law and in practice, including disruption of peaceful assemblies by law enforcement officers and detention and sanctioning of participants. Please provide information on existing regulations governing peaceful assemblies.

27. With reference to the Committee's previous recommendations (CCPR/C/UZB/CO/3, para. 19), please clarify whether the State party has repealed legal provisions prohibiting proselytism and other missionary activities. Please respond to reports that: . . . (b) Christians and members of other minority religions conducting peaceful religious activities outside of State-sanctioned structures continue to face arrest for “illegal religious activity”, detention, receive fines and prison sentences.”<sup>5</sup>

18. In its *Concluding observations on the fourth periodic report of Uzbekistan* (CCPR/C/UZB/CO/4, para. 22), the Committee listed several concerns resulting from “the legal provisions prohibiting proselytism and other missionary activities” and urged the State to make changes in legislation and stop its undue interference with minority religions:

“The State party should guarantee in practice the freedom of religion and belief and freedom to manifest a religion or belief and refrain from any action that may restrict such freedoms beyond the narrow restrictions permitted in article 18 of the Covenant. It should bring its legislation into conformity with article 18 of the Covenant, including through the decriminalization of proselytism and other missionary activities, and investigate all acts of interference with the freedom of religion of independent Muslims, Christians and other minority religions practising their religion outside registered structures.”<sup>6</sup>

19. Uzbekistan reinforced its stand restricting religious activity, claiming that missionary activity has the propensity to engender a feeling of superiority and arouses social tension (CCPR/C/UZB/5, paras. 287-288).

20. Regarding the legislation regulating religious activity, Dr. Shaheed concluded:

“Freedom of religion or belief is guaranteed by the Constitution but is subject to limitations and further regulated by the Law on Freedom of Conscience and Religious Organizations, the Criminal Code and the Code of Administrative Offences. Those laws criminalize unregistered religious activity, require official approval of the content, production and distribution of religious materials and prohibit proselytism and other missionary activities, which is incompatible with article 18 of the International Covenant on Civil and Political Rights.”<sup>7</sup>

21. From January through mid-October 2018, there were approximately 95 incidents of harassment by the authorities.

<sup>5</sup> Human Rights Committee, List of issues in relation to the fourth periodic report of Uzbekistan, CCPR/C/UZB/Q/4, 21 November 2014, paras. 25 and 27

<sup>6</sup> Human Rights Committee, Concluding Observations on the fourth periodic report of Uzbekistan, CCPR/C/UZB/CO/4, 17 August 2015, para. 22

<sup>7</sup> Human Rights Council, Report of the Special Rapporteur on freedom of religion or belief on his mission to Uzbekistan, A/HRC/37/49/Add.2, para. 97

22. In 2017, Jehovah’s Witnesses in Uzbekistan filed 13 individual complaints with the CCPR against court decisions that convicted and fined the Witnesses for their peaceful religious activity. [Appendix 1]
23. Article 240-2 of the Administrative Code of Uzbekistan and Article 216-2 of the Criminal Code consider illegal the “conversion of believers from one religion to another (proselytism) and other missionary [activity]”. In the summer of 2003, a panel of experts convened by the OSCE Office for Democratic Institutions and Human Rights recommended lifting the bans on proselytizing and private religious instruction, and decriminalizing activities of unregistered religious organisations. To date, this recommendation has not been implemented.
24. However, since mid-October 2018, none of Jehovah’s Witnesses have been arrested or harassed for religious activity. There are no Witnesses imprisoned for practising their faith.

September 2017 through December 2018	
<b>&gt;96</b>	Police raids on religious meetings, personal searches and searches of private houses
<b>&gt;91</b>	Detentions by police and persecution for religious activity
<b>3</b>	Severe beatings of men and assaults on women by police
<b>&gt;64</b>	Jehovah’s Witnesses were fined

**B. Censorship of Religious Material and Use Restriction**

25. The Committee raised this concern in the *List of Issues in relation to the fourth periodic report of Uzbekistan*:

“With reference to the Committee’s previous recommendations (CCPR/C/UZB/CO/3, para. 19), please clarify whether the State party has repealed legal provisions prohibiting proselytism and other missionary activities. Please respond to reports that: . . . (c) religious materials are censored and restricted to use only inside buildings of registered religious groups.”<sup>8</sup>

26. In its Concluding observations on the fourth periodic report of Uzbekistan (CCPR/C/UZB/CO/4, para. 22), the Committee expressed its continued concern over the censorship and restriction of the use of religious materials.
27. In response, the State denied undue censorship, claiming that any restrictions were necessary to suppress extremism (CCPR/C/UZB/5, paras. 298-299).
28. The Committee of Religious Affairs censors all religious publications of Jehovah’s Witnesses that are imported into the country. After State approval, such publications may only be used inside the one religious building registered in Chirchiq. For the last ten years, the CRA has forbidden any publications of Jehovah’s Witnesses to be imported into the country.
29. The use of or even the mere possession of the Bible outside the registered religious building in Chirchiq is considered to be an administrative violation.
30. The official international website of Jehovah’s Witnesses, available in whole or in part in 975 languages, is still censored in the country.

<sup>8</sup> Human Rights Committee, List of issues in relation to the fourth periodic report of Uzbekistan, CCPR/C/UZB/Q/4, 21 November 2014, para. 27

### **C. Conscientious Objection**

31. The Committee raised the following concern in the *List of Issues in relation to the fourth periodic report of Uzbekistan*:

“Please also provide information on the implementation of the Committee’s previous recommendations (CCPR/C/UZB/CO/3, para. 26) on the recognition of the right of conscientious objection to military alternative service without discrimination.”<sup>9</sup>

32. The State’s answer to the list of issues officially confirmed the right of conscientious object to military service:

“According to the Law on Military Obligations and Military Service dated 12 December 2002, citizens between 18 and 27 who are enrolled in the military-register and liable for conscription have the right to alternative service if they are part of a registered religious organisation whose beliefs do not permit carrying weapons or serving in the Armed Forces. In Uzbekistan such religious organisations include Jehovah’s Witnesses, Evangelical Christian Baptists, and Seventh-Day Adventists.”<sup>10</sup>

33. None of Jehovah’s Witnesses is detained for their conscientious objection to military service.

### **IV. CONCLUSIONS AND RECOMMENDATIONS**

34. Although the situation has improved recently, Jehovah’s Witnesses in Uzbekistan, and as a worldwide organisation, are concerned about the serious human rights violations that have been committed with impunity. They respectfully request the government of Uzbekistan to:

- (1) Ensure that full registration is granted to Jehovah’s Witnesses throughout the country
- (2) End censorship of religious literature and grant full access to jw.org, the international website of Jehovah’s Witnesses, now available in 975 languages
- (3) Uphold fundamental freedoms guaranteed by the Constitution of Uzbekistan and the ICCPR for all its citizens, including Jehovah’s Witnesses

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<sup>9</sup> Ibid.

<sup>10</sup> Human Rights Committee. List of issues in connection with the consideration of the fourth periodic report of Uzbekistan, addendum, CCPR/C/UZB/Q/4/Add.1, 9 March 2015, para. 183



## Complaints filed with UN Human Rights Committee (CCPR)

Jehovah's Witnesses in Uzbekistan have filed 13 individual complaints with the CCPR against court decisions that have convicted and fined Jehovah's Witnesses for their peaceful religious activities. Additional complaints are being prepared.

CCPR COMPLAINTS FILED	REASON FOR COMPLAINT	PENALTIES IMPOSED
<i>Tukhtaev et al. v. Uzbekistan</i> , filed on February 14, 2017	Unlawful search and seizure of religious literature, police detention, and administrative conviction of six Witnesses for meeting together as a family for worship.	The court imposed combined fines of approximately <b>\$11,692 U.S.</b> and ordered their religious literature to be destroyed.
<i>Nazarova et al. v. Uzbekistan</i> , No. 3037/2017, filed on March 20, 2017	Unlawful search and seizure of Bibles and other religious literature, police detention, and administrative conviction of four Witnesses for meeting together for worship.	The court imposed a combined fine of approximately <b>\$7,822 U.S.</b> and ordered their religious literature to be destroyed.
<i>Safikhanov v. Uzbekistan</i> , filed on March 24, 2017	Unlawful search and seizure of religious literature and administrative conviction.	The court ordered a sentence of <b>10 days in administrative detention</b> for possessing religious literature.
<i>Gareev et al. v. Uzbekistan</i> , No. 3185/2018, filed on June 5, 2017	Unlawful search and seizure of religious literature, police detention, and administrative conviction of four Witnesses for possessing religious literature and meeting together for worship.	The court imposed a combined fine of approximately <b>\$689 U.S.</b> and ordered their religious literature to be destroyed.
<i>Mulina v. Uzbekistan</i> , No. 3025/2017, filed on July 26, 2017	Unlawful search and seizure of religious literature and administrative conviction of three Witnesses for possessing religious literature.	The court imposed a combined fine on the grandmother, mother, and granddaughter of approximately <b>\$2,605 U.S.</b> and ordered their religious literature to be destroyed.
<i>Hasanov et al. v. Uzbekistan</i> , No. 3093/2018, filed on August 22, 2017	Unlawful search and seizure of religious literature and administrative conviction of three Witnesses for possessing religious literature and sharing their faith with others.	The court imposed a combined fine of approximately <b>\$7,743 U.S.</b> and ordered their religious literature to be destroyed.
<i>Kitaeva v. Uzbekistan</i> , No. 3092/2018, filed on August 23, 2017	Unlawful search and seizure of religious literature and administrative conviction for possessing religious literature.	The court ordered Ms. Kitaeva to pay a fine of approximately <b>\$997 U.S.</b> and ordered her religious literature to be destroyed.

ANNEX to CCPR submission by EAJW

<p><i>Nasirova v. Uzbekistan</i>, No. 3989/2017, filed on August 23, 2017</p>	<p>Unlawful search and seizure of religious literature and administrative conviction for possessing religious literature.</p>	<p>The court ordered Ms. Nasirova to pay a fine of approximately <b>\$2,040 U.S.</b> and ordered her religious literature to be destroyed.</p>
<p><i>Chernysh et al. v. Uzbekistan</i>, No. 3153/2008, filed on December 8, 2017</p>	<p>Unlawful search and seizure of Bibles and religious literature and administrative conviction of five Witnesses.</p>	<p>The court imposed a combined fine of approximately <b>\$5,097 U.S.</b> and ordered their religious literature to be destroyed.</p>
<p><i>Maksutova v. Uzbekistan</i>, No. 3057/2018, filed on December 11, 2017</p>	<p>Challenging Ms. Maksutova's criminal conviction under Article 244-3 of the Criminal Code for possessing religious literature and sharing her faith with others.</p>	<p>The court sentenced Ms. Maksutova to "<b>2 (two)</b> years of community service with the State withholding 30 percent of her wages."</p>
<p><i>Klichev v. Uzbekistan</i>, No. 3059/2018, filed on December 11, 2017</p>	<p>Unlawful search and seizure of religious literature and administrative conviction for possessing religious literature and sharing his faith with others.</p>	<p>The court ordered Mr. Klichev to pay a fine of approximately <b>\$2,497 U.S.</b> and ordered his religious literature to be destroyed.</p>
<p><i>Tsoy v. Uzbekistan</i>, No. 3155/2018, filed on December 14, 2017</p>	<p>Unlawful search and seizure of Bibles and religious literature and administrative conviction for possessing religious literature.</p>	<p>The court ordered Ms. Tsoy to pay a fine of <b>\$502 U.S.</b> and ordered that her religious literature be retained by the State.</p>
<p><i>Ushakov et al. v. Uzbekistan</i>, No. 3158/2018, filed on December 14, 2017</p>	<p>Unlawful home search and seizure of religious literature and administrative conviction of a Witness couple for possessing religious literature.</p>	<p>The court imposed combined fines of approximately <b>\$394 U.S.</b> and ordered the couples' religious literature to be destroyed.</p>