**4 June 2015**

**From The European Association of Jehovah’s Christian Witnesses**

**Submission to the UN Human Rights Committee (CCPR)**

**4th report of**

**UZBEKISTAN**

*(114th Session of the Human Rights Committee, 29 June – 24 July 2015)*

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Appendix 1 - Article about Jehovah’s Witnesses in Uzbekistan posted on the jw.org website

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| SUMMARY OF THE SUBMISSION This submission to the CCPR on Uzbekistan highlights current violations of the provisions of the International Covenant on Civil and Political Rights (“ICCPR”) **relating to the questions 25, 26 and 27** of the *List of issues to be taken up in connection with the consideration of the report of Uzbekistan* (CCPR/C/UZB/Q/4):  *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.”*  *26. “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…public associations, including human rights NGOs, and to grant access to, and allow the operation of NGOs in the State party?”*  *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to the Committee’s previous recommendations (CCPR/C/UZB/CO/3, para. 19), please clarify whether the State party has repealed legal provisions prohibiting proselytism and other missionary activities.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, and (c) religious materials are censored and restricted to use only inside buildings of registered religious groups. 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”.*  As described hereafter, unresolved issues of concern persist despite an ongoing dialogue with Uzbekistan authorities and alerting them to the need to adequately address these issues. Most of the difficulties, such as arrests for “illegal” religious activity and restrictions on the use of religious literature, are closely linked to the lack of registration. This problem is a priority. Some slight positive developments have also been observed as reported in the relevant sections.  Jehovah’s Witnesses in Uzbekistan, and as a worldwide organization, respectfully request the government of Uzbekistan to:   1. Ensure that the local community of Jehovah’s Witnesses is promptly granted registration in the capital city of Tashkent and other cities of Uzbekistan; 2. Ensure that an end is brought to illegal searches and seizures of religious literature from private homes; 3. Ensure that an end is brought to arrests and prosecutions for attending religious meetings, and for peacefully and respectfully sharing one’s belief with others; 4. Ensure that religious literature is made available without undue censorship. This includes granting access to the international website of Jehovah’s Witnesses that is available worldwide in 742 languages; 5. Abide by their commitment to uphold the fundamental freedoms guaranteed by the Constitution of Uzbekistanand the ICCPR indiscriminately for all citizens, including Jehovah’s Witnesses. |

# I. Introduction

* 1. The European Association of Jehovah’s Christian 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 20 years. As in other countries, they desire to contribute as law-abiding citizens to the stability of society.
  3. Over the years Jehovah’s Witnesses have observed some improvement in the attitude of the government of Uzbekistan towards their peaceful minority religion. They are thankful for this constructive approach that they hope will progressively solve the remaining issues. There are currently no Jehovah’s Witnesses imprisoned in Uzbekistan. Local and international representatives of Jehovah’s Witnesses have discussed their concerns with the Committee of Religious Affairs in Tashkent on several occasions.
  4. Legal registration remains the main concern. At present, there is only one legally registered congregation of Jehovah’s Witnesses in the entire country, located in the small city of Chirchik. Uzbekistan considers any religious activity of Jehovah’s Witnesses outside of Chirchik as illegal. Repeated attempts to legally register a congregation in Tashkent have been denied. While Jehovah’s Witnesses greatly appreciate the open-mindedness recently displayed by the authorities, some incidents due to the lack of registration must be reported.
  5. This submission provides information following the adoption of the *List of issues* to be taken up in connection with the consideration of the 4th periodic report of Uzbekistan (CCPR/C/UZB/4). 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

**Question 26: “***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 parties and public associations, including human rights NGOs, and to grant access to, and allow the operation of NGOs in the State party?”*

* 1. Efforts have been actively pursued for over 20 years to obtain the mandatory registration of the local community of Jehovah’s Witnesses in various cities, starting with Tashkent. Without registration, freedom of belief is effectively non-existent.
  2. Currently the only remaining legally registered congregation of Jehovah’s Witnesses is in the small city of Chirchik. However, Jehovah’s Witnesses are throughout the country. The congregations in the cities of Tashkent, Samarkand, and Fergana have been unable to obtain legal registration.
  3. Because Jehovah’s Witnesses have been unable to register congregations since 1996, they meet for peaceful worship without legal protection and risk punishment.
  4. The burdensome registration process, the lack of transparency, and the lack of well-defined criteria and its further misinterpretation on a case by case basis, have led to arbitrary decisions, and have hindered Jehovah’s Witnesses from being registered.
  5. Without registration in other areas of the country, Jehovah’s Witnesses continue to face ongoing harassment by the authorities as described below in section III (e.g. §§16-18).
  6. On a positive note, Jehovah’s Witnesses had a constructive dialogue with Uzbekistan authorities on 6 April 2015 (Committee on Religious Affairs and the Tashkent Department of Justice) during which the issue of registration was again raised.
  7. A plan of action has been submitted to the Committee on Religious Affairs following the 6 April 2015 meeting. If accepted, this could solve the issue of registration within the coming months. However, the Witnesses were given no assurance that this would be the case.

# III. Freedom of conscience and religious belief (arts. 2, 18 and 26)

[A. Arrests on the basis of “Illegal Religious Issues” (Question 27(b)](#_Toc419795795)

**Question 27(b): “***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 (…)”*

* 1. Jehovah’s Witnesses are pleased to report that there are currently no Witnesses in prison for illegal religious activity in Uzbekistan.
  2. With the Committee for Religious Affairs’ assistance, on 3 April 2015 Jehovah’s Witnesses throughout Uzbekistan were able to hold their annual sacred Memorial of Christ’s death without hindrance. Local government officials, representatives of the Committee for Religious Affairs, and of the Ministry of Justice attended the event in Chirchik. For the last three years, this religious event has been conducted throughout the country without major incident.
  3. However, 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 Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights already recommended lifting the bans on proselytizing and private religious instruction, and decriminalizing activities of unregistered religious organizations. A recommendation that has not been implemented to date.
  4. As an example, Ms. Elnora Maksutova was convicted twice on these charges in 2014. The first conviction (administrative) was on 16 January 2014, when she was arrested in Bukhara for sharing her religious beliefs. She was ordered to pay a fine that was five times the minimal monthly salary (UZS 457,650 or about USD 150-180). The second conviction (criminal) happened on 24 July 2014. On 30 October 2014 the Bukhara Regional Criminal Court denied her appeal and left the earlier criminal decision unchanged. She was not imprisoned. According to the criminal court decision, she will have 30 percent of her salary deducted to the State budget for two years. If she is unemployed, the State would provide her with a municipal job. If she refuses to serve her sentence, a Court can order a harsher criminal punishment (confinement is a likely possibility). This case was appealed before the office of the General Prosecutor in Uzbekistan who has sent it down to the office of the Bukhara District Public Prosecutor, which upheld the decision of the court.
  5. During 2014, there were 81 police raids on meetings and private homes of Jehovah’s Witnesses in Uzbekistan.
  6. On 11 January 2014 police in Bukhara raided a peaceful religious gathering and arrested Ms. Sanobar Bikmullina. She was taken to the police station, where she was subjected to verbal and physical abuse by Officer Shukurov Konstantin. She spent six days in detention in the town of Kagan, Bukhara, before her release. On 23 January 2014 the District Court of Kagan ordered her to pay a fine of 480,525 UKS (about 210 USD). She was convicted on the basis of articles 240-1(“violating legislation on religious organizations”) and 184-2 (“unlawfully preparing, storing, importing, or distributing religious material”) of the Administrative Code of Uzbekistan.
  7. Since January 2015, Jehovah’s Witnesses have been convicted nearly 20 times on similar articles of the Administrative code.

B. Censorship of Religious Material and Use Restriction

**Question 27(c):** “*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.”*

* 1. Several recent positive developments are worth mentioning in this regard:

1. In 2014, authorities allowed the importation of 500 Bibles through a Bible society.
2. Following the meeting held on 6 April 2015 the Committee for Religious Affairs indicated that it would allow some of their religious literature to be made available to Jehovah’s Witnesses, but solely for their personal use.
   1. Despite these encouraging steps, when police raid the homes of Witnesses outside of Chirchik, they seize any religious literature they find that is not inside the Kingdom Hall in Chirchik and send it to the Committee for Religious Affairs. The Committee for Religious Affairs consistently labels the literature “banned” and fine the individuals.
   2. Despite the fact that Jehovah’s Witnesses have published some positive comments on their international website JW.ORG (see appendix 1 or <http://www.jw.org/en/news/legal/by-region/uzbekistan/news-religious-freedom-improvements/>), their website is still censored in the country. This website features 742 different languages including 79 sign languages to help the hearing impaired.

C. Conscientious Objection Issue

**Additional to Question 27(c): “***(…) 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.”*

* 1. Jehovah’s Witnesses are pleased to acknowledge the answer provided by the Government of Uzbekistan to the list of issues (CCPR/C/UBZ/Q/4/Add.1) officially confirming the right of Jehovah’s Witnesses not to serve in the military when it stated: : “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 organization whose beliefs do not permit carrying weapons or serving in the Armed Forces. In Uzbekistan such religious organizations include Jehovah’s Witnesses, Evangelical Christian Baptists, and Seventh-Day Adventists”. We can indeed confirm that currently no Witnesses are detained for their conscientious objection to military service.

# IV. Conclusions and Recommendations

* 1. Jehovah’s Witnesses in Uzbekistan, and as a worldwide organization, express concerns about serious human rights violations that are committed with impunity. They respectfully request the government of Uzbekistan to:

1. Ensure that the local community of Jehovah’s Witnesses is promptly granted registration in the capital city of Tashkent and other cities of Uzbekistan;
2. Ensure that an end is brought to illegal searches and seizures of religious literature from private homes;
3. Ensure that an end is brought to arrests and prosecutions for attending religious meetings and for peacefully and respectfully sharing one’s belief with others;
4. Ensure that religious literature is made available without undue censorship. This includes granting access to the international website of Jehovah’s Witnesses that is available worldwide in 742 languages;
5. Abide by their commitment to uphold the fundamental freedoms guaranteed by the Constitution of Uzbekistanand the ICCPR indiscriminately for all citizens, including Jehovah’s Witnesses.