31 January 2020

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

**Submission to the UN Human Rights Committee**

**Subsequent to the Adoption of the List of Issues**

**128th Session (2**–**27 March 2020)**

**5th report of**

**Uzbekistan**

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| SUMMARY OF THE SUBMISSION The present complementary submission, subsequent to the adoptionof the *List of Issues* (5th report of Uzbekistan)*,* intends to provide updated information in view of the upcoming review session. The European Association of Jehovah’s Witnesses noted with gratitude that the *List of Issues* mentions the difficulties that Jehovah’s Witnesses are facing in Uzbekistan (see initial [submission](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fICO%2fUZB%2f34891&Lang=en) for details).  Jehovah’s Witnesses in Uzbekistan and as a worldwide organisation respectfully reiterate their requests for the government of Uzbekistan to:   1. Permit Jehovah’s Witnesses to register their local religious organisations (LROs) and/or a branch office of an overseas entity 2. End censorship of religious literature and grant full access to jw.org, the international website of Jehovah’s Witnesses, now available in over 1,000 languages |

# INTRODUCTION

1. 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.
2. Since January 2019, there have been no reports of detentions, instances of interference with religious meetings, searches of private homes or seizures of personal property.
3. 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 in order to discuss legal registration.
4. In April 2019, the government granted Jehovah’s Witnesses permission to conduct religious services for the Memorial of the death of Jesus Christ in rented premises in Fergana, Karshi and Urgench.
5. During 2018, the Supreme Court rendered six decisions in favour of Jehovah’s Witnesses.
6. Nevertheless, Jehovah’s Witnesses still face insurmountable obstacles to obtain registration for their LROs and to register a branch of the U.S.-based Christian Congregation of Jehovah’s Witnesses. As long as legal recognition is denied, the Witnesses remain open targets for harassment and mistreatment.

# Violations of the provisions of the International Covenant on Civil and Political Rights (THE COVENANT)

**Pattern of Denying Registration**

1. Currently, the only legally registered LRO of Jehovah’s Witnesses in Uzbekistan is in Chirchiq. For more than 25 years, Jehovah’s Witnesses have been seeking registration of LROs in various cities, but all of their applications have been denied. Without such registration, the Witnesses are not only denied freedom of expression and of peaceful assembly and association but also denied freedom of religion itself because of the constraints imposed on unregistered religious activity.
2. On 31 May 2018, the government of Uzbekistan adopted new rules for registration (Decree No. 409). However, the new legislation maintains the same two obstacles to registration as the 1998 religion law, namely:
   1. Before an LRO can apply to the Department of Justice for registration, it must first obtain approval from the local mahalla community (self-government body) for use of the LRO’s registered address.
   2. If the local mahalla community approves the LRO’s registered address, the LRO must then obtain the approval of the Committee of Religious Affairs (CRA). The LRO may submit its application for registration to the Department of Justice only after both approvals have been obtained.
3. After the new legislation was adopted, Jehovah’s Witnesses renewed their efforts to register in various cities. In September 2018, they submitted applications to the respective mahalla communities for approval of the registered address of seven LROs in Bukhara, Fergana, Karshi, Samarqand, Tashkent, Urgench and Nukus, Republic of Karakalpakstan.
4. The mahalla community in all seven regions denied the Witnesses’ applications. The Witnesses then filed complaints against these denials in local and regional courts, but they lost their case in every instance. The Supreme Court has so far dismissed six of the seven supervisory appeals that the Witnesses have filed concerning these rulings. The Court remanded the remaining appeal to the trial court, which again rejected the complaint. [**Annex 1**]
5. In addition to attempting registration in the seven regions, the Witnesses filed an application to register a branch of the U.S.-based Christian Congregation of Jehovah’s Witnesses. However, the Ministry of Justice denied this application for registration on 4 March 2019 and again on 18 March2019 after the Witnesses resubmitted their application. Subsequently, the Witnesses filed a complaint before the Yunusabad District Administrative Court of Tashkent, and on 4 July 2019, the court dismissed the complaint, stating that the case was out of its jurisdiction. The Witnesses then filed a cassation appeal to the Tashkent City Administrative Court, and on 23 September 2019, the court cancelled the ruling and remanded the case to the first instance court. [**Annex 2**]
6. On 11 December 2019, the Shaykhontokhur District Administrative Court of Tashkent (the first instance court) denied the complaint. One reason for denial given by the court was the 2017 Russian Federation Supreme Court decision that liquidated the legal entities of Jehovah’s Witnesses in Russia and declared them to be “extremist”. The Witnesses have submitted an appeal to the Tashkent City Administrative Court, which is pending consideration.
7. Jehovah’s Witnesses also filed a formal request to the Cabinet of Ministers and the CRA for clarification on registration requirements and later filed appeals to the National Human Rights Centre and the Constitutional Court. On 24 October 2019, the Constitutional Court denied the appeal. Subsequently, the Witnesses filed an application to the Ombudsman, and on 14 November 2019, the Ombudsman referred the appeal to the Ministry of Justice. On 27 December 2019, the Ministry of Justice provided the response to the Ombudsman’s letter dated 14 November 2019, stating that the Witnesses should appeal to the Constitutional Court. [**Annex 3**]
8. Accordingly, Jehovah’s Witnesses have found it impossible to register their LROs outside of Chirchiq or to register a branch office of their U.S. entity. This reality is in total contrast to the claim made by Mr Javlon Vakhabov, ambassador of Uzbekistan to the United States, on 14 May 2018 at the National Press Club in Washington, D.C. He 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.”

1. In an English translation of the government’s “Answers on the list of issues in connection with consideration of its fifth periodic report” (CCPR/C/UZB/RQ/5, dated 9 January 2020), Jehovah’s Witnesses noted that the government provided the following reason for denying Jehovah’s Witnesses registration:

“Initiative groups of the religious organization ‘Jehovah’s Witnesses’ did not provide the registration agency with the necessary list of documents as specified in the Government Resolution of May 31, 2018.”—para. 208.

1. However, the government’s response is wholly inaccurate. At no time during the mahalla committee review or the subsequent court proceedings did the authorities ever raise the matter of missing documents as a reason for denying registration (see paras. 10 and 11 above). Jehovah’s Witnesses provided all the documents required by law.
2. As stated in paragraph 3 of this submission, Jehovah’s Witnesses met with officials in Uzbekistan in April 2019 to discuss the registration issue. The Witnesses continue to meet with Uzbek officials in the United States and in Europe regarding this matter. The Witnesses are most willing to continue dialogue with Uzbek officials to remove any remaining concerns in order to facilitate registration.

**Restrictive Draft Amendments on Religious Activities**

1. On 13 May 2019, new draft amendments to the Law of the Republic of Uzbekistan on Freedom of Conscience and Religious Organisations were introduced to the Parliament. The amendments maintain the same obstacles to registration, forbid “missionary activity” and require CRA approval for every item of religious literature— all of which contradicts Articles 29 and 31 of the Constitution of Uzbekistan.

**Censorship**

1. The CRA censors all religious publications that are imported into Uzbekistan. Since 2006, it has not allowed any publications of Jehovah’s Witnesses into the country. The Witnesses are able to bring in some individual copies of religious literature on their person, but these publications can only be distributed within the confines of their Kingdom Hall (house of worship) property in Chirchiq.
2. The use of the Bible, or even the mere possession of it, outside the registered religious building in Chirchiq is considered to be a punishable administrative violation.
3. The official international website of Jehovah’s Witnesses, [www.jw.org](http://www.jw.org), which is available in whole or in part in over 1,000 languages, is blocked in the country.

# CONCLUSION AND RECOMMENDATIONS

1. Jehovah’s Witnesses continue to work with government representatives, seeking registration of LROs throughout Uzbekistan, particularly in Tashkent. If granted, such legal standing would provide a measure of protection against discrimination and would foster respect for the Witnesses’ right under Article 18 of the Covenant to enjoy religious freedom.
2. Jehovah’s Witnesses in Uzbekistan, and as a worldwide organisation, respectfully reiterate their request for the government of Uzbekistan to:
3. Permit Jehovah’s Witnesses to register their (LROs) and/or a branch office of an overseas entity
4. End censorship of religious literature and grant full access to www.jw.org, the international website of Jehovah’s Witnesses, now available in over 1,000 languages