

Submission to the UN Universal Periodic Review

In December 2008, Uzbekistan's human rights report will be examined at the UN Universal Periodic Review. Human Rights Without Frontiers is sending you its submission.

Outline of this Submission:

- A. In this submission HRWF provides information under sections B, C, and D.
- B. Under section B, HRWF raises these concerns:
1. The State controls the registration, revocation of registration, and renewal of registration of religious groups. Activities of non-registered religious communities are criminalized.
 2. State-run TV advocates religious intolerance.
- C. Under section C, HRWF expresses these concerns:
1. Religious peoples' privacy is not being respected.
 2. Religious minorities face increased intolerance by the government.
 3. The government's censorship of religious expression and restrictions on freedom of assembly.
 4. The government cultivates feelings of fear and intolerance between its peoples.
- D. Under section D, HRWF makes recommendations in reference to the concerns raised.
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B. Normative and institutional framework of the State

Uzbekistan's Constitution provides for religious freedom and separation of church and state but this is not applied in practice. The Code of Administrative Violations contains many articles that punish religious people under vaguely defined infractions of the law such as "violating the rules on teaching religious doctrines" (Article 241).

In 1998 the government passed the Law on Freedom of Conscience and Religious Organizations that is supposed to protect freedom of religion, the establishment of schools and clergy, and prohibit religious persecution. However, this law also bans the teaching of religion in public schools and even the teaching of religious principles in private, and requires a license for groups to publish and disseminate religious materials. Proselytism is banned.

1. The State controls the registration, revocation of registration, and renewal of registration of religious groups. Activities of unregistered groups are criminalized.

The 1998 Law on Freedom of Conscience and Religious Organizations requires all religious groups to register with the government before they can legally practice. In order to register the group must compile a list of at least 100 citizen members. The process allows officials to find technical reasons for not allowing a group to register. The government also has the power to revoke registration once it has been granted. Congregations of Jehovah's Witnesses have been denied registration or have lost their registration. The Grace Presbyterian Church in Tashkent was also de-registered in February 2008. Moreover, a number of Baptist communities do not want to be registered on theological grounds.

Situation as of 1 July 2008:

City of Navoi: Pastor Dmitry Shestakov is serving a four-year sentence in a labour camp for "leading an illegal congregation" and "propagating religious extremism."

Jehovah's Witness Irfon Khamidov is serving a two-year sentence for "illegal religious teaching."

Jehovah's Witness Dilafruz Arziyeva is serving a two-year corrective labour sentence for "illegal religious teaching."

Fergana City (26 February 2008): Baptist Eduard Kim was fined 186 EUR (the equivalent of 9 months salary) for holding an "illegal religious meeting" in his house.

Tashkent Region (26 February 2008): Pentecostal pastor Kamal Musakhanov was fined 46 EUR for "violating the rules on teaching religious doctrines."

Tashkent Region (29 February 2008): Jehovah's Witness Yana Karimova was fined 46 EUR for "illegal religious activity", "illegal production, import, distribution or storage of religious literature."

Tashkent Region (29 February 2008): Jehovah's Witness Akmaral Rahmanberdiyeva was freed from prison after 12 days' custody but she was fined 455 EUR, the equivalent of two years' average wages in the city.

Namangan City (8 March 2008): Imam Kamolhon Sulaymonov was fined for teaching religion to teenagers.

Samarkand (3 April 2008): Protestant Bobur Aslamov was arrested after a raid on a meeting in a private home and transferred to an unknown location.

Samarkand (25 April 2008): Jehovah's Witness Olim Turaev was handed a four-year labour camp sentence for hosting unregistered religious meetings in his home.

In the first six months of 2008, police also raided

- Full Gospel church in Tashkent
 - Baptist congregation in Mubarek and Gulistan
 - Jehovah's Witness congregations in Zarafshon, Karshi
- and a number of believers are awaiting their trials.

Religious officials may also face difficulties in renewing their accreditation; this happened to the Chief Rabbi of Uzbekistan, Abe David Gurevich, in April 2008. No reasons were given as to why he was no longer qualified. These measures lead to "unlawful religious activity," a term which is not defined in the law.

2. State-run TV advocates religious intolerance. In May 2008, the state-run First TV Channel broadcast a program entitled "In the clutches of ignorance" that encouraged intolerance towards religious minorities and those who proselytized. Particularly mentioned were Jehovah's Witnesses, Seventh-Day Adventists, Presbyterians, and Methodists. Their activities were described as a problem akin to that of "religious dogmatism, fundamentalism, terrorism, and drug addiction." This has increased fears about intolerance towards those religions portrayed.

C. Promotion and Protection of Freedom of Religion or Belief and Religious Non Discrimination

1. Religious peoples' privacy is not being respected. In many cases when a religious meeting or celebration is broken up the officials present will videotape the people present without their permission. This occurred at a Baptist service held on private property in February 2008. Video images of religious services were also used in the TV documentary "In the clutches of ignorance" without the permission of those filmed. Officials may also try to coerce people into signing their names or making statements when detained at religious meetings, as occurred in March 2008 at a Jehovah's Witness festival and in May 2008 at a Baptist service.

2. Religious minorities face increased intolerance by the government. Religious minorities such as Jehovah's Witnesses and other small Christian churches face increased restrictions. It may be harder for them to register their congregations and they may not be able to register at all if they do not have enough members. Many religious minorities are mostly banned from producing religious materials within the country, especially in the Uzbek language.

3. The government's censorship of religious expression and restrictions on freedom of assembly. The government maintains control over Islam by controlling and financing the *Muslim Board of Uzbekistan*, which controls the content of sermons and published Islamic materials, stopping some publications entirely. Some Islamic groups have been denied registration because of suspected extremist connections and are operating without authorization. Under the pretext of fighting the "war on terror" the government has imprisoned thousands of Muslims caught practicing Islam outside of the state's control, even if they do so peacefully and not violently. After the Andijan Massacre even more repressive measures have been put on Muslims in Uzbekistan.

4. The government cultivates feelings of fear and intolerance between its peoples. The government's repressive laws and practices towards religious groups are alienating them from society and fuelling intolerance. After the showing of "In the clutches of ignorance" some people belonging to the targeted religious groups were afraid to leave their homes for fear of being persecuted.

D. Identification of best practices, challenges, and constraints. Human Rights Without Frontiers makes the following recommendations.

According to a panel of experts convened in 2003 by the Organization for Security and Cooperation in Europe (OSCE), Office for Democratic Institutions and Human Rights (ODHIR), the 1998 Religion Law and associated criminal and civil statutes are in violation of international norms.

***Human Rights Without Frontiers Int'l* therefore recommends**

- to revise the 1998 Religion Law to make it compatible with international standards;
- to guarantee freedom of association and of assembly;
- to decriminalize activities of unregistered religious organizations;
- to register religious communities which do not advocate violence and to put an end to the de-registration of peaceful religious groups;
- to guarantee freedom of worship and freedom of religious education, including in family and in private;
- to allow Uzbek and foreign religious communities to operate charitable activities;

- to guarantee the right to publish and import religious material which does not contain hate speech and does not disturb public order or threaten human security;
- to guarantee the right to change one's religion and to prosecute those who obstruct it;
- to lift the ban on the right to propagate one's faith;
- to release the prisoners sentenced for providing religious teaching to children, for holding religious meetings in private homes or at other places.