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Enclosed information material is submitted by the European Association of Jehovah's Witnesses

European Association of Jehovah's Witnesses

U Z B E K I S T A N

# RELIGIOUS FREEDOM ISSUES

STATEMENT BY THE  
EUROPEAN ASSOCIATION OF  
JEHOVAH'S WITNESSES

**OSCE Human  
Dimension  
Implementation  
Meeting, Warsaw**

**16-27 SEPTEMBER 2019**



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# Uzbekistan

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 January 2019, there have been no reports of detentions, instances of interference with religious meetings, searches of private homes or seizures of personal property.
- 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.
- 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.
- During 2018, the Supreme Court rendered six decisions in favour of Jehovah's Witnesses.

**However, Jehovah's Witnesses still face insurmountable obstacles to registration.**

- The government considers any religious activity of Jehovah's Witnesses outside of the one registered religious building in Chirchiq as illegal.
- As long as legal recognition is denied, the Witnesses remain open targets for harassment and mistreatment.

In 34 cases concerning registering local religious organisations (LROs), "illegal" storage or distribution of literature and "illegal" religious activity, the Supreme Court either ruled against Jehovah's Witnesses or dismissed the cases..

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# Abuses and Restrictions of Religious Freedom

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Jehovah's Witnesses in Uzbekistan live under the circumstances described by Dr Ahmed Shaheed, the UN Special Rapporteur on freedom of religion or belief, 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>

## INSURMOUNTABLE OBSTACLES TO REGISTER LROs

Currently, the only legally registered LRO of Jehovah's Witnesses in Uzbekistan is in Chirchiq. For over 25 years, Jehovah's Witnesses have sought registration of LROs in various cities, but all applications have been denied. Without registration, the Witnesses are not only denied freedom of expression, peaceful assembly and association but also denied freedom of religion.

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.”

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 law, as follows:

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 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 are obtained.

After the new legislation was adopted, Jehovah's Witnesses renewed their efforts to register. In September 2018, they 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.

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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.

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The mahalla communities in all seven regions denied the Witnesses' applications for registration. The Witnesses filed complaints in local and regional courts against these denials, but they have lost their case in every instance. The Supreme Court has so far dismissed five of the seven supervisory appeals the Witnesses have filed concerning these rulings. The two remaining appeals are pending consideration.

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 the application for registration on **4 March 2019** and again on **18 March 2019** after the Witnesses resubmitted their application. Subsequently, the Witnesses filed a complaint before the Administrative Court of Tashkent, and on **4 July 2019**, the court dismissed the complaint, stating that the case is out of its jurisdiction. The Witnesses have filed a cassation appeal, which is still pending consideration.

On **11 March 2019**, the Witnesses filed an appeal before the National Human Rights Centre (Centre). On **22 July 2019**, the Centre responded and stated that the issue is not within its purview and recommended that the Witnesses appeal to the Constitutional Court of Uzbekistan.

To date, Jehovah's Witnesses have found it impossible to register their LROs outside of Chirchiq. As long as legal recognition is denied, the Witnesses remain open targets for harassment and mistreatment.

## RESTRICTIVE DRAFT AMENDMENTS ON RELIGIOUS ACTIVITIES

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 of all religious literature—all of which contradicts Articles 29 and 31 of the Constitution of Uzbekistan.

## CENSORSHIP

**Religious literature:** The CRA censors all religious publications that are imported into Uzbekistan. However, since 2006, the CRA has not allowed any publications of Jehovah's Witnesses into the country. The Witnesses are able to bring in some religious literature on their person, but these publications can only be distributed within the confines of the Kingdom Hall (house of worship) property in Chirchiq. The use of the Bible or even the mere possession of it outside the Kingdom Hall in Chirchiq is considered to be an administrative violation.

**JW.ORG:** The official international website of Jehovah's Witnesses, [www.jw.org](http://www.jw.org), which is available in whole or in part in nearly 1,000 languages, is blocked in the country.

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# Interference With Manifestation of Religious Belief

As previously stated, since January 2019 there have been no reports of authorities detaining Jehovah's Witnesses or interfering with religious meetings, searching private homes or confiscating personal property. Jehovah's Witnesses are grateful to the government of Uzbekistan for this recent change, which has allowed them to worship without fear of being mistreated.

The following incidents occurred during the early part of the reporting period:

## DISRUPTION OF RELIGIOUS MEETINGS

- 1. Ahangaran.** On **25 September 2018**, The House Committee Chairperson interrupted a religious meeting of Jehovah's Witnesses conducted in a private home. The Chairperson took photographs and informed the group that she would send the photos to the police. On **10 October 2018**, three Witnesses were summoned to the police station, where they were interrogated and pressured to write statements.
- 2. Angren.** On **11 October 2018**, policemen from the counterterrorism department interrupted a peaceful religious meeting of Jehovah's Witnesses conducted in a private home. They seized all electronic devices and took photographs. Six of the Witnesses in attendance were charged for allowing minors to attend the meeting.<sup>1</sup> At the hearing on 20 December 2018, the court issued the Witnesses a warning.
- 3. Bukhara.** On **25 November 2018**, police officers arrived at a private home after a peaceful religious meeting held there had ended. They video recorded those present and took them to the police station for interrogation. The police officers and a local imam demanded that the Witnesses not read the Bible and their religious publications.
- 4. Bukhara.** On **1 December 2018**, police officers arrived at a private home after a peaceful religious meeting held there had ended. They video recorded those present and interrogated them. The police took three of the Witnesses in attendance to the police station for further interrogation and forced them to write statements. Later, two policemen returned to the home, threatened to perform a search and demanded that the homeowner give them her Bible.

## DETENTIONS FOR MANIFESTATION OF RELIGIOUS BELIEF

- 1. Urgench.** Between **2–8 September 2018**, a policeman summoned and interrogated six female Witnesses to obtain information about their religious activities. He seized mobile phones and fined all six up to EUR 95

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<sup>1</sup> Article 271-2 of the Code on Administrative Responsibility (CAR).

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Jehovah's Witnesses are grateful to the government of Uzbekistan for allowing them to worship without fear of being mistreated since January 2019

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(USD 110) for “illegal” storage or distribution of religious literature and for “violating” legislation regulating religious activity.<sup>1</sup>

- 2. Andijan.** On **5 September 2018**, a policeman went to the home of a female Witness, stating that he had received a letter from the Khokimiyat (local administration) indicating that she had attended a convention of Jehovah’s Witnesses. He threatened to search her home and then seized her Bible and electronic devices. He instructed her not to tell anyone about his visit and said that an administrative case would be initiated and that she would be fined.
- 3. Tashkent.** On **25 September 2018**, police detained two female Witnesses while they were talking to others about their beliefs. Policemen demanded their passports, and because the women were not carrying them at the time, they were taken to the police station, where they were searched and detained for eight hours. The police seized their electronic devices.
- 4. Chirchiq.** On **10 October 2018**, two female Witnesses were visiting a woman who had an interest in discussing the Bible. Soon after, the police arrived and searched the woman’s home and seized a Kazakh Bible (not published by Jehovah’s Witnesses). The Witnesses were taken to the police station and were interrogated in a rude manner.
- 5. Fergana.** On **3 November 2018**, three policemen went to a male Witness’ place of employment. They seized his electronic devices, a Bible and several publications of Jehovah’s Witnesses. The Witness was taken to the police station and interrogated. The policemen insulted him, and one of them tried to strangle him. He was fined EUR 88 (USD 100) for “illegal” storage or distribution of religious literature.<sup>2</sup>
- 6. Chirchiq.** On **11 November 2018**, a traffic officer stopped a male Witness while he was driving his car and called the counterterrorism department because of a jw.org label on the rear window. Officers from the counterterrorism department searched the car and seized his cell phone and the jw.org label. The Witness was fined EUR 635 (USD 720) for “unregistered use of emblems and symbols aimed to cause damage to state and public order” and for “illegal” storage or distribution of religious literature.<sup>3</sup>
- 7. Tashkent.** On **21 November 2018**, two policemen went to the home of a female Witness. They seized two Bibles and asked her about religious literature, how she obtained it and whether she distributed it to anyone.
- 8. Yukorichirchik.** On **21 November 2018**, two policemen searched the home of a female Witness and seized a cell phone and literature published by Jehovah’s Witnesses. She was fined EUR 420 (USD 480) for “illegal” storage or distribution of religious literature.<sup>4</sup>

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1-4 Articles 184(2) and 240-1 of the CAR.



**9. Tashkent.** On **4 December 2018**, the police searched the home of a female Witness, interrogated her about her beliefs and seized her laptop and Bibles. The police said that a complaint had been submitted accusing her of propagating her religion. She was fined EUR 66 (USD 75) for “illegal” storage or distribution of religious literature.<sup>1</sup>

### COMPLAINTS FILED WITH UN HUMAN RIGHTS COMMITTEE (CCPR)

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

<sup>1</sup> Articles 184(2) and 240-1 of the CAR.

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CCPR Complaints Filed	Reason for Complaint	Penalties Imposed
<b><i>Tukhtaev et al. v. Uzbekistan</i></b> , filed on 14 February 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 EUR 10,000 and ordered that their religious literature be destroyed.
<b><i>Nazarova et al. v. Uzbekistan</i></b> , No. 3037/2017, filed on 20 March 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 EUR 6,690 and ordered that their religious literature be destroyed.
<b><i>Safikhanov v. Uzbekistan</i></b> , No. 3166/2018, filed on 24 March 2017	Unlawful search and seizure of religious literature and administrative conviction.	The court ordered a sentence of 10 days in administrative detention for possessing religious literature.
<b><i>Gareev et al. v. Uzbekistan</i></b> , No. 3185/2018, filed on 5 June 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 EUR 590 and ordered that their religious literature be destroyed.
<b><i>Mulina v. Uzbekistan</i></b> , No. 3025/2017, filed on 26 July 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 EUR 2,228 and ordered that their religious literature be destroyed.

CCPR Complaints Filed	Reason for Complaint	Penalties Imposed
<p>Hasanov et al. v. Uzbekistan, No. 3093/2018, filed on 22 August 2017</p>	<p>Unlawful search and seizure of religious literature and administrative conviction of three Witnesses for possessing religious literature and sharing their faith with others.</p>	<p>The court imposed a combined fine of approximately EUR 6,623 and ordered that their religious literature be destroyed.</p>
<p>Kitaeva v. Uzbekistan, No. 3092/2018, filed on 23 August 2017</p>	<p>Unlawful search and seizure of religious literature and administrative conviction for possessing religious literature.</p>	<p>The court ordered Ms Kitaeva to pay a fine of approximately EUR 853 and ordered that her religious literature be destroyed.</p>
<p>Nasirova v. Uzbekistan, No. 3989/2017, filed on 23 August 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 EUR 1,745 and ordered that her religious literature be destroyed.</p>
<p>Chernysh et al. v. Uzbekistan, No. 3153/2008, filed on 8 December 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 EUR 4,360 and ordered that their religious literature be destroyed.</p>
<p>Maksutova v. Uzbekistan, No. 3057/2018, filed on 11 December 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 "2 (two) years of community service with the State withholding 30 percent of her wages."</p>
<p>Klichev v. Uzbekistan, No. 3059/2018, filed on 11 December 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 EUR 2,136 and ordered that his religious literature be destroyed.</p>
<p>Tsoy v. Uzbekistan, No. 3155/2018, filed on 14 December 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 EUR 430 and ordered that her religious literature be retained by the State.</p>
<p>Ushakov et al. v. Uzbekistan, No. 3158/2018, filed on 14 December 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 EUR 337 and ordered that the couple's religious literature be destroyed.</p>

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## Positive Developments

Since January 2019, there have been no imprisonments, disruptions of peaceful religious meetings, searches of private homes or seizures of personal property of Jehovah's Witnesses.

## Meetings With Officials

During 2018–2019, Jehovah's Witnesses conducted numerous meetings with local authorities, including local justice departments and officials in cities where the Witnesses are trying to obtain registration. All officials were polite and commented that they have no personal objections against Jehovah's Witnesses and want to act according to the law.

In April 2019, the government permitted representatives from the World Headquarters of Jehovah's Witnesses to travel to Uzbekistan. The representatives met with the Minister and the Deputy Minister of Justice, the Commissioner of the National Human Rights Centre and the Head of the Department for Relations with International Organisations. They thanked these officials for the improvement in the situation over the past several months, with no reported detentions, fines or disruptions of meetings. The representatives also met with local officials and foreign embassies.

In May 2019, representatives of Jehovah's Witnesses in Uzbekistan met with visiting officials from the U.S. Commission on International Religious Freedom.



# RELIGIOUS FREEDOM OBJECTIVES

## JEHOVAH'S WITNESSES RESPECTFULLY REQUEST THE GOVERNMENT OF UZBEKISTAN TO:

- Permit Jehovah's Witnesses to register their LROs;
- End censorship of religious literature and grant full access to [jw.org](http://jw.org), the international website of Jehovah's Witnesses, now available in nearly 1,000 languages;
- Ensure that the police and other officials continue their recent pattern of not interfering with the Witnesses' peaceful manifestation of their beliefs; and
- Enforce media standards prohibiting libel and slander

Representatives of Jehovah's Witnesses welcome the opportunity to engage in constructive dialogue with representatives of the Uzbekistan government.

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**For more information:**

Please contact the Office of Public Information for Jehovah's Witnesses at [OPIGov@jw.org](mailto:OPIGov@jw.org).



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