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UZBEKISTAN

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Introduction

1. ADF International is a global alliance-building legal organization that advocates for religious freedom, life, and marriage and family before national and international institutions. As well as having ECOSOC consultative status with the United Nations (registered name "Alliance Defending Freedom"), ADF International has accreditation with the European Commission and Parliament, the Organization for Security and Co-operation in Europe, and the Organization of American States, and is a participant in the FRA Fundamental Rights Platform.
2. This report explains why Uzbekistan must respect the right to freedom of religion and belief within its borders and jurisdiction, as well as the right to freedom of expression and association generally speaking, and alter its laws and policies which currently restrict these freedoms.

(a) Religious Freedom

3. Uzbekistan is a majority Muslim country with a significant Eastern Orthodox minority, as well as small communities of Roman Catholics, Protestants, Restorationists, Jews, Buddhists, Hindus, and Baha'i. When it was a Soviet republic, Uzbekistan heavily restricted and discouraged outward manifestation of religion, and this legacy has left its mark on Uzbek polity.
4. Article 61 of the Constitution provides that Uzbekistan is a secular country, that religion and the State are to be separate, and that the State is not to interfere in the activity of religious organisations. Despite this, a law on freedom of conscience and religious organisations was adopted in 1998 which, contrary to its name, grants the government broad control over all religious groups and their activity.
5. Forum 18 has reported that that the current legal regimes on religion in many Central Asian countries ignore recommendations by the OSCE which make clear that, in accordance with international human rights law, there should be no obligation incumbent upon religious or belief communities to register and acquire legal personality, and that making the enjoyment of the right to freedom of religion or belief dependent on this is a contravention of international law.¹
6. The law nevertheless prohibits unregistered religious activity, as well as requires State approval of all religious publications and the production and distribution thereof, as well as proselytism and evangelisation.² It also forbids the wearing of religious garb in public by anyone other than a recognized cleric, and while this is largely aimed at the Muslim majority, all religions are vulnerable to societal and legal discrimination in light of this.³ Due to onerous registration requirements, many religious groups are forced to operate on an unregistered basis, placing them at

¹ Felix Corley & John Kinahan, *Forum 18*, "Turkmenistan: Religious freedom survey, January 2017," 6th January 2017, available at: http://www.forum18.org/archive.php?article_id=2244.

² Mushfig Bayram, *Forum 18*, "Uzbekistan: Religious literature fines and confiscations continue," 10th February 2017, available at: http://www.forum18.org/archive.php?article_id=2255.

³ Ashley Cleek, *Inside the Cocoon: Central Asia Today*, "Uzbekistan goes after Islam with clothing ban and cameras," 16th March 2012, available at: <http://www.eurasianet.org/node/65142>.

high risk of being raided and prosecuted, something which frequently happens to Protestant communities, but also to Muslims whose beliefs and practices diverge from those with official sanction or are labelled extremist.⁴

7. These violate not just Article 61 of the national constitution, but also Article 18 of the International Covenant on Civil and Political Rights, which guarantees the right to freedom of religion or belief, including the right to manifest one's religion or belief whether in public or in private. This right can only be limited for the sake of national security and public health and morals, and mere hostility on the part of the government towards religion is not sufficient justification for limiting this fundamental human right guaranteed under international law.
8. Reports have emerged of heavy fines, imprisonment, and torture being levied against leaders and adherents of religious communities which resist State surveillance and repression, under provisions which broadly and cynically define "extremism."⁵ Some accusations and prosecutions may be legitimate and necessary for national security, especially in light of a number of Uzbek citizens fighting for Da'esh in Iraq and Syria, but it has proven difficult to distinguish these from fabricated cases, such as that of an Armenian Christian Uzbek citizen being imprisoned on charges of sedition and Islamic terrorism.⁶
9. Fines under the Administrative Code and Criminal Code for violations of religion-oriented laws are often dozens of times the monthly minimum wage or even more, and prison sentences are lengthy, which places a heavy burden on average Uzbeks who are sanctioned for non-violent and non-subversive religious activities.⁷
10. Open Doors USA has reported that government surveillance remains very high even after the fall of the communist regime, and that homes are bugged, phones are tapped, and religious communities are infiltrated by spies, leading to raids on unregistered church groups, confiscation of religious literature, and the detentions of religious adherents. Social marginalisation also exists in the form of pressure and violence being levelled at converts to Christianity by their usually Muslim families and communities. Reports have also emerged of Christian women being forced to marry Muslim men.⁸

⁴ Igor Rotar, *Forum 18*, "Uzbekistan: Registration denial leads to prosecution risk," 16th February 2005, available at: http://www.forum18.org/archive.php?article_id=512; Mushfig Bayram, *Forum 18*, "Uzbekistan: Registration a weapon against freedom of religion or belief," 4th August 2009, available at: http://www.forum18.org/archive.php?article_id=1334.

⁵ Mushfig Bayram, *Forum 18*, "Uzbekistan: Torture, prison for 'illegal' religious materials," 19th December 2016, available at: http://www.forum18.org/archive.php?article_id=2241.

⁶ Anush Martirosian, *RFE/RL*, "Armenian Accused Of Islamic Extremism Goes On Trial In Uzbekistan," 7th January 2016, available at: <https://www.azatutyun.am/a/27473787.html>

⁷ Mushfig Bayram, *Forum 18*, "Uzbekistan: Short-term jailings, fines and harassment," 24th April 2015, available at: http://www.forum18.org/archive.php?article_id=2058; Mushfig Bayram, *Forum 18*, "Uzbekistan: Deportation, fines, Bible and Koran seizures," 17th May 2017, available at: http://www.forum18.org/archive.php?article_id=2280.

⁸ Open Doors USA, "About Uzbekistan," available at: <https://www.opendoorsusa.org/christian-persecution/world-watch-list/uzbekistan>, accessed 5th October 2017.

11. Forum 18 reported that a Baptist Uzbek, Stanislav Kim, has been sentenced to two years' corrective labour and the imposition of hefty fines, due to possessing illegal religious books. Other Protestants have been fined for having similar literature at their homes, and unlawful house raids have led to the punishment of Baptists, the destruction of their literature on the grounds that "it could be used to spread a faith," and their sanction for operating without State permission. Even simply owning Bibles and Baptists songbooks has been deemed worthy of punishment.⁹
12. Converts to Christianity from Islam have also reported being shunned or disowned by their families as a result, and have been told that atheism is preferable to believing in "the Russian god," as a result of Eastern Orthodoxy being the main Christian confession with which Uzbek Muslims are acquainted.¹⁰
13. Two Protestants in Termez, Shokir Rakhmatullayev and Dmitri Inyushev, were jailed for five days and ordered to pay 15% of their monthly minimum salary to compensate for the cost of jailing them as a result of religious literature being found in their homes.¹¹
14. The authorities have also accused Pastor Dmitri Butov and his wife Svetlana, members of an officially registered Baptist denomination, of possessing illegal religious literature. Instead of receiving a verdict either way, however, they simply had their bank accounts frozen by officials and money forcibly withdrawn from them. They are still unable to access their money, pending the conclusion of the investigation against them.¹²
15. Teaching religion to children is also illegal under Uzbek law, to the point that not even registered churches are allowed to have Sunday schools, and church-run classes for children are required to be devoid of religious content. Parents are asked by schoolteachers if they read the Quran or the Bible, if they pray at home, and if they go to a mosque or a church, and children are encouraged to inform on their parents concerning any religious activity they engage in which skirts the bounds of legality.¹³
16. A formerly Muslim convert to Christianity, who pastors a church that was forced to transition from registered to underground status when its growth from several adherents to over a hundred attracted negative attention and threats of closure from the authorities, has said that he has not been able to tell his teenage daughter about

⁹ Janelle P, *Open Doors USA*, "Christians in Uzbekistan punished for having religious literature in their homes," 7th October 2016, available at: <https://www.opendoorsusa.org/take-action/pray/christians-in-uzbekistan-punished-for-having-religious-literature-in-homes>.

¹⁰ Open Doors USA, "Shunned for his faith," 9th December 2016, available at: <https://www.opendoorsusa.org/christian-persecution/stories/shunned-for-his-faith>.

¹¹ Janelle P, *Open Doors USA*, "Uzbekistan targets possession of Christian literature," 10th December 2016, available at: <https://www.opendoorsusa.org/take-action/pray/uzbekistan-targets-possession-of-christian-literature>.

¹² *Ibid.*

¹³ World Watch Monitor, *Open Doors USA*, "Uzbek beaten for leading secret church: 'longest seven minutes of my life'," 19th July 2017, available at: <https://www.opendoorsusa.org/christian-persecution/stories/uzbek-beaten-leading-secret-church-longest-seven-minutes-life>.

his leadership role, so as not to burden her with the information. He also stated that Christian parents are forced to teach their children not only about their faith, but also how to be careful about they say in order to be secure from state surveillance and interference.¹⁴

17. For these reasons, Uzbekistan is ranked 16th on the Open Doors 2017 World Watch List of countries where it is most difficult to be a Christian, due in large part to the government's perception of Christianity as "alien and destabilizing."¹⁵ Due to this prejudicial attitude, the government believes that it is justified in its invasive monitoring practices, but this is nevertheless no justification for flagrant violations of fundamental human rights, including that of the right to freedom of thought, conscience, and religion, but also the rights to privacy and security of person.

(b) Recommendations

18. In light of the aforementioned, ADF International suggests the following recommendations be made to Uzbekistan:
 - a. Remove burdensome and oppressive registration requirements and rescind intrusive governmental practices, including monitoring and raiding, which infringe upon the right to freedom of religion or belief;
 - b. Remove criminal prohibitions on religious or belief communities operating on an unregistered basis, as international human rights law does not allow the enforcement of any such alleged obligation;
 - c. Release all prisoners of conscience who are incarcerated or arbitrarily detained on account of their faith;
 - d. Foster an environment of religious harmony and cooperation, and do not invidiously discriminate against individuals or communities on the basis of their denominational affiliation;
 - e. Cease all restrictions on the right to freedom of opinion and expression, and ensure that the right to manifest one's religion in private or in public is fully protected and realized.

¹⁴ World Watch Monitor, *Open Doors USA*, "Uzbek beaten for leading secret church: 'longest seven minutes of my life'," 19th July 2017, available at: <https://www.opendoorsusa.org/christian-persecution/stories/uzbek-beaten-leading-secret-church-longest-seven-minutes-life>.

¹⁵ *Ibid.*



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