

(Translated from Russian)

Comments on the communication from the Special Rapporteurs of the Human Rights Council on the promotion and protection of the right to freedom of opinion and expression, the rights to freedom of peaceful assembly and of association, and the right to freedom of religion or belief

The competent authorities in Uzbekistan have examined the communication from the special procedures mandate holders of the Human Rights Council on the promotion and protection of the right to freedom of opinion and expression, the rights to freedom of peaceful assembly and of association and the right to freedom of religion or belief regarding alleged unlawful restrictions of the rights to freedom of religion and expression in Uzbekistan, in particular the disruption of peaceful religious gatherings in private homes and the strict censorship and confiscation of religious materials.

Analysis of national and international human rights standards shows that the assertions made by special procedures mandate holders of the Human Rights Council lack a sound legal basis and are unsubstantiated.

Firstly, the Constitution and laws of Uzbekistan fully take into account the basic provisions and requirements of international human rights covenants and conventions relating to freedom of conscience and define the principles and procedures for the exercise of constitutional rights to freedom of conscience.

The Constitution of Uzbekistan recognizes the right to freedom of conscience (arts. 18 and 31), the right to establish and join religious organizations (arts. 34, 56 and 58) and the right to equality before the law and non-interference of the State in the affairs of religious organizations (art. 61). The Constitution prohibits the creation of religious associations that foment religious hatred and the creation of religious political parties (art. 57).

The mechanism for implementing constitutional provisions is developed in the Freedom of Conscience and Religious Organizations Act of 1 May 1998. Articles 8, 11 and 12 of this Act contain provisions on the creation, registration and termination of activities of religious organizations.

In accordance with these provisions and with the aim of streamlining the registration procedure for religious organizations, the Cabinet of Ministers adopted Decision No. 263 of 20 June 1998 on the State registration procedure for religious organizations in Uzbekistan, which lays down all the appropriate requirements for religious organizations.

A religious organization may be established on the initiative of no fewer than 100 Uzbek citizens, who must be over the age of 18 and reside permanently in Uzbekistan. Such conditions are included in the text of the Act in order to prevent the emergence of countless religious groups preaching doctrines, from satanism to jihadism, that are dangerous and inimical to society and the State.

The fundamental principle underpinning the activities of all democratic States is the rule of law, equally applicable to all citizens irrespective of their faith. Any violation of the law is liable to penalties, as provided for in articles 240 and 241 of the Administrative Liability Code and in articles 145, 216, 216-1, 216-2, 217, 244-1 and 244-2 of the Criminal Code. The penalties for offences are a preventive measure to preserve religious harmony and ensure tolerance.

All international human rights standards relating to freedom of conscience have been incorporated into Uzbek legislation. The Freedom of Conscience and Religious Organizations Act is aligned with the following provisions:

- Article 29 of the Universal Declaration of Human Rights, which states that “in the exercise of his rights and freedoms, everyone shall be subject only to such



limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society”

- Article 18 (3) of the International Covenant on Civil and Political Rights, which states that “freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others”
- Article 1 (3) of the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which states that “freedom to manifest one’s religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others”
- Article 9.1 of the Document of the Copenhagen Meeting on the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe, which, with reference to the right on the freedom to change religion or belief, states that “the exercise of these rights may be subject only to such restrictions as are prescribed by law and are consistent with international standards”
- Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which states that “freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others”

Given that the majority of the people living in the country are Muslim (over 94 per cent), proselytism is one of the main catalysts for interreligious discord in Uzbekistan. In the light of the prevailing attitudes and specific national and religious features of the region, it would be unwise to lift the ban on proselytism.

Moreover, there are a significant number of complaints and applications from Uzbek citizens expressing their dissatisfaction with the continuous missionary and proselytizing activities of followers of religions other than Islam, aimed primarily at winning over others to their faiths.

The exercise of the freedom to profess a religion or other beliefs in Uzbekistan is subject only to restrictions that are necessary for the protection of national security and public order or the lives, health, morals, rights and freedoms of other citizens, which is in full compliance with the International Covenant on Civil and Political Rights.

Secondly, there are currently over 2,239 religious organizations, representing 16 faiths, freely operating in Uzbekistan.

Specifically, there are over 2,200 establishments classified as Muslim organizations, 164 as Christian, 8 as Jewish, 6 as Baha’i and 1 as Hare Krishna and 1 Buddhist temple.

Believers freely celebrate their religious holidays, and religious organizations fully enjoy the right to establish central bodies to coordinate their activities and jointly defend their rights and freedoms. There are currently six central bodies of religious organizations active in Uzbekistan.

One example is the Full Gospel Christian Centre, which brings together 21 different churches. A seminary has been established at the Centre, where citizens receive religious education in Full Gospel Christian teachings. The seminary is headed by [REDACTED].

There is also the Sacred Heart of Jesus Roman Catholic Centre, which comprises the country’s Roman Catholic churches.

The Union of Evangelical Christian and Baptist Churches, which brings together 24 Christian Baptist churches, is also active.

The Tashkent and Uzbekistan Diocese of the Russian Orthodox Church has been active for over 100 years and includes 33 churches, 2 convents and 1 monastery. The Diocese has its own seminary, which graduates aspiring Orthodox priests every year. The Diocese has also established the Blagovest Fund, which raises funds and provides financial and technical assistance to Orthodox religious organizations, the clergy and ordinary citizens.

The religious education system includes the Tashkent Islamic Institute, 10 madrasas, Orthodox and Protestant seminaries, the Kukeldosh and Mir-i-Arab specialized secondary schools and the Hadichai Kubro and Zhuibori Kalon Muslim women's colleges, among other institutions.

Tashkent Islamic University was established in Tashkent in September 1999 at the initiative of I.A. Karimov, the first President of Uzbekistan. Two upper secondary schools — an academic lycée and a grammar school (gymnasium) — operate under the auspices of the university.

The Qur'an, 16 books of the Old Testament and the entire New Testament have been translated into Uzbek and published in Uzbekistan.

There is a range of publications devoted entirely to religious life in Uzbekistan, including the newspapers *Islom Nuri* and *Slovo Zhizni* and the magazines *Khidoyat* and *Vostok svyshhe*.

Thirdly, the measures taken by law enforcement agencies against persons who break the national law on freedom of conscience and religious organizations referred to in the Special Rapporteurs' communication are intended to ensure public order and prevent infringements of the rights and freedoms of citizens of different faiths.

In order to maintain peace, tolerance and harmony between religions, the Government has taken steps to prevent the threat of radicalization and religious hatred from spreading.

Article 156 (Incitement to national, racial, ethnic or religious hatred) of the Criminal Code criminalizes: the dissemination or the production or possession for the purposes of dissemination of material advocating national, racial, ethnic or religious enmity if committed after the imposition of an administrative penalty for the same acts; acts calculated to wound national honour and dignity or insult the feelings of believers or non-believers committed with a view to inciting hatred, intolerance or discord with regard to certain communities on national, racial, ethnic or religious grounds; and the direct or indirect restriction of rights or the establishment of direct or indirect advantages in connection with the nationality, race, ethnicity or attitude to religion of such communities.

Under the Administrative Liability Code, it is an offence to disseminate or produce, possess or import into Uzbekistan for the purpose of dissemination religious materials.

The Decision of the Cabinet of Ministers of 20 January 2014 on measures to improve the procedure for activities in the area of the production, importation and distribution of religious materials, was adopted with the aim of streamlining the organizational and regulatory framework for activities in the area of the production, importation and distribution of religious materials and the optimization of the expert examination process.

The procedure for the production, importation and distribution of religious materials in Uzbekistan is established by the regulations approved under this decision. It establishes that the production, importation and distribution of religious materials in Uzbekistan are permitted only after examination by State religious experts from the Religious Affairs Committee.

The production, distribution and importation to Uzbekistan of materials containing the following is prohibited:

- Discrimination on the basis of sex, race, nationality, language, religion, social background, beliefs, or personal and social status
- Discrimination on any other grounds or defamation of the work of others

- Calls for the violent overthrow of the existing constitutional order or the territorial integrity of Uzbekistan
- Propaganda for war, violence or terrorism or promotion of religious extremism, separatism or fundamentalism
- The dissemination of information inciting national, racial, ethnic or religious hatred
- Calls for a change of religion
- Insults to or degrading treatment of the religious feelings of believers
- Calls for citizens to neglect their constitutional responsibilities
- Calls for violations of the rights and property of State, public or religious organizations

Religious materials include books, pamphlets, magazines, newspapers, leaflets and other publications, audiovisual works (television, film and video productions, clips, concert recordings, cartoons, anime, hentai etc.) and electronic media (disks, CDs, DVDs, Internet materials, etc.) that reflect the fundamental principles, history, ideology, teachings and practices of religions around the world.

Following the expert examination, individuals and legal entities may bring no more than three copies of each of the items for their own use into Uzbekistan provided that the material is not included on the list of prohibited materials.

In that regard, the State Customs Committee and the State Border Protection Committee of the National Security Service ensure that materials identified at the national border are submitted for expert examination by the Religious Affairs Committee in a timely manner.

Within no more than 10 working days of the receipt of samples of the religious material, the Religious Affairs Committee is to present its findings to the relevant authority for a subsequent decision on whether the material may be imported to Uzbekistan.

In addition, in order to protect the interests of Uzbek citizens, the Religious Affairs Committee provides for direct expert examination at customs checkpoints during mass pilgrimages.

Under the above-mentioned Cabinet of Ministers decision, internal affairs authorities and the national security service are not mandated to search homes with the aim of seizing religious materials.

However, under the Code of Criminal Procedure, persons carrying out initial inquiries or pretrial investigations and courts may seize objects and documents of relevance to a criminal case if they have information about their location and owner without needing to carry out a search for them (art. 157).

Persons carrying out initial inquiries or pretrial investigations may conduct a search if they have sufficient grounds to believe that objects or documents of relevance to the case are located in a home, office, factory or other place or are in someone's possession (art. 158).

Fourthly, analysis of the Freedom of Conscience and Religious Organizations Act indicates that it is in full compliance with the provisions of articles 18, 19, 21 and 22 of the International Covenant on Civil and Political Rights, which provide for the right of States parties to establish certain restrictions on the exercise of the rights to freedom of conscience, thought, opinion, peaceful assembly and association. Restrictions established in this area in Uzbekistan are established on the basis of law only and are intended to respect the rights of others and protect national security, public order and the health and morals of the population.

In this regard, there is no need to bring the Act into conformity with international human rights law, as called for by the Special Rapporteurs.

Fifthly, on the provisions of the Constitution and laws of Uzbekistan, the following means of protecting and providing redress for infringements of the rights of citizens have been developed in Uzbekistan:

- Complaints may be filed with the appropriate government agencies, which accept, consider and authorize the complaint in accordance with established procedure by verifying the allegations made by applicants and then informing them in writing of the action taken to redress their rights (administrative protection) in accordance with the Act on Applications from Individuals and Legal Entities of 3 December 2014;
- An application may be made to the courts concerning the unlawful acts or decisions of State agencies or officials (judicial protection) in accordance with the Act on Court Appeals against Actions and Decisions Violating Civil Rights and Liberties of 30 August 1995;
- Complaints may be filed with the Human Rights Commissioner (Ombudsman) of the Oliy Majlis for violation of civil rights and freedoms in cases where a citizen has used the aforementioned remedies and mechanisms for protecting his/her rights (extrajudicial protection). The Ombudsman is entitled to consider complaints lodged by Uzbek citizens, foreign nationals who reside in Uzbekistan and stateless persons and to investigate the complaint;
- An application may be made to the procuratorial authorities, which monitor compliance with the law by ministries, departments, companies, institutions and organizations and *khokim* (local authorities) as well as overseeing the conduct of preliminary criminal investigations and the detention of citizens in correctional facilities. Procuratorial authorities consider applications and complaints from citizens and implement measures to redress their violated rights. Where there are sufficient grounds for doing so, a procurator is entitled to instigate criminal or administrative proceedings against persons who have violated human rights, as well as to institute and pursue court action if the citizen whose rights were violated on grounds of health or age is personally unable to assert his/her rights in court;
- An application may be made to judicial bodies authorized to protect the human rights and freedoms enshrined in the Constitution and laws of Uzbekistan by way of objective and detailed consideration of citizens' complaints regarding violations of their constitutional rights and freedoms and responding to them in compliance with legislation;
- An application may be made to public law firms offering legal assistance to individuals and legal entities on the basis of the principles of independence of counsel, strict compliance with professional ethics, lawyer-client confidentiality and recourse to defence remedies not prohibited by law;
- An application may be made to non-governmental organizations (NGOs) which are entitled to protect the rights of their members (participants) in accordance with their charters. For instance, the mission of the National Association of Non-Profit NGOs is to provide NGOs with comprehensive support, promote their statutory activities and increase their role in all areas of society.

Sixthly, in accordance with the presidential decree of 28 December 2016 on measures to radically improve the system for working with appeals from individuals and legal entities, the national system for human rights protection in Uzbekistan has been complemented by an effective mechanism for cooperation between Government authorities and citizens, which allows solutions to be found to the most pressing problems of the population. In conjunction with the declaration of 2017 as the Year of Dialogue with the People and Human Interests, a people's reception room attached to the Office of the President and other such rooms have been established, in the Republic of Qoraqalpog'iston, the provinces and Tashkent, and virtual presidential reception rooms have been set up in every district and city of Uzbekistan.

These entities facilitate direct dialogue with the population in order to fully realize the constitutional rights of citizens to appeal to the President and Government, State bodies

and central and local authorities, ensure the timely consideration of appeals from individuals and legal entities and monitor the situation in this field.

The supervision and coordination of the activities of these entities is the responsibility of the Service for the Supervision and Coordination of Work with the Appeals of Individuals and Legal Entities under the Office of the President.

Seventhly, the Religious Affairs Committee of the Cabinet of Ministers is the State administrative body responsible for resolving issues related to the fulfilment of everyone's rights to freedom of conscience and religion and the equality of citizens, irrespective of their attitude to religion, and for managing relations involving the activities of religious organizations.

The Committee coordinates relations between State bodies and religious organizations, monitors the implementation of legislation on the freedom of conscience and religious organizations, provides support upon request for religious organizations in their relationships with State bodies and the assistance necessary to address pressing issues, pursues a policy of strengthening mutual understanding and tolerance between religious organizations and their members and carries out organizational work in this field.

The Committee makes arrangements for the licensing of six activities of religious educational institutions according to the established procedures, monitors the compliance of licence holders with the requirements and conditions of licences, maintains a register of licences, organizes visits by Uzbek citizens to holy sites in other countries, including the hajj and umrah, and sends citizens abroad for training in religious educational establishments. It also organizes advanced training and exchanges of experience, the enrolment of foreign students and international forums.

A Council on Faith Matters has been established under the Committee on Religious Affairs to collaborate closely with religious organizations, assist different denominations in conducting their activities, work with them to formulate proposals and initiatives promoting interreligious and inter-ethnic peace and harmony in society and develop a culture of interfaith communication.

Members of the Council include the heads of the Muslim Board of Uzbekistan, the Tashkent and Central Asian diocese of the Russian Orthodox Church, the Roman Catholic Church, the Union of Churches of Evangelical Christian Baptists, the Full Gospel Christian Church Centre, the Evangelical Lutheran Church and the Jewish community of Tashkent.
