

Human Rights Without Frontiers International

Ave. Winston Churchill 11/33. 1180 Brussels. Belgium

Tel.: 32 2 3456145 – Fax: 32 2 3437491

Email: info@hrwf.net – Website: <http://www.hrwf.net>

OSCE Human Dimension Implementation Meeting

Warsaw, 10 October 2006

Working Session 12: Freedom of association and assembly

Statement on the situation in Uzbekistan and Kazakhstan

Freedom of association and of assembly is a major right in a democratic state. It contributes to the well-being of society in the political, cultural, religious, social and economic fields. However, in a number of countries, freedom of association and of assembly is dramatically limited for religious minorities.

In **Uzbekistan**, some Christian groups applied for registration at local, regional, and national levels but were denied it or never received an official answer. That was the case this year for the *Greater Grace Christian Church* in Samarkand, the *Mir (Peace) Presbyterian Church* in Nukus, the *United Church of Evangelical Christians/Baptists* in Tashkent, the *Full Gospel Pentecostal Church* in Andijan, the *Pentecostal Church* in Chirchik. The group *Emmanuel*, once the only registered Protestant church in Nukus, was de-registered by the Ministry of Justice in the Autonomous Republic of Karakalpakstan and ordered to close on 4 May 2006. Some churches, particularly evangelical churches with ethnic Uzbek members, do not apply for registration because they do not think local officials will register them. Other groups, including those with too few members, have reported that they prefer not to bring themselves to the attention of authorities by submitting a registration application.

Another peaceful and non-politically motivated religious community has been particularly discriminated against in Uzbekistan: Jehovah's Witnesses. They have been present in the country since the late 1950's. Although there are various congregations and groups of Jehovah's Witnesses in different regions of Uzbekistan, including Tashkent, they could only register two congregations, in Fergana and Chirchik. Since the year 2000, they have repeatedly applied for registration in other cities but they have been denied it or have never received an official answer. In June 2006, they made eight unsuccessful attempts to register their community with Tashkent's Justice Administration. In many other towns and regions, the officials view this situation in the capital as a de facto ban of Jehovah's Witnesses in Uzbekistan. The main bureaucratic obstacle used by the authorities to hamper the registration process of Jehovah's Witnesses in Tashkent is the requirement of a confirmation letter for the legal address from the *Khokimiat* (administration) of Tashkent.

The exercise of freedom of assembly by religious minorities in Uzbekistan poses a serious problem as well.

Protestant groups operate in a climate of harassment and fear. Even registered groups experienced raids and harassment, including de-registration and closure of their places of worship.

A number of new religious movements are just tolerated if they do not practice proselytism. Since the Andijan uprising, the authorities have been closing down registered religious communities on spurious grounds, such as the Seventh-Day Adventists and Korean-led churches in Samarkand region. Some religious groups which do not want to be registered are considered illegal and cannot enjoy freedom of worship or have private religious meetings at their own risk.

Virtually every week, the police and National Security Service secret police raid private apartments where religious believers of all denomination meet when they are unable to register their communities.

Recommendations

Human Rights Without Frontiers Int. therefore recommends to the Uzbek authorities

- to revise the 1998 Religion Law which has been considered in violation of international norms by the Advisory Panel of Experts on Religious Freedom of the ODHIR;
- to register peaceful religious organizations such as Pentecostal, Evangelical and Adventist communities as well as Jehovah's Witnesses;
- to decriminalize peaceful activities of unregistered religious organizations;
- to put an end to the de-registration of peaceful religious groups;
- to guarantee freedom of association and of assembly.

In **Kazakhstan**, the groups that are most targeted by the authorities (raids, arrests, sentences to fines and prison terms) are the Baptist congregations mainly affiliated to the Council of churches of Evangelical Christians and Baptists ("Council of Churches") which, on theological grounds, have always refused to register, even at the time of the Soviet Union.

Jehovah's Witnesses note generally positive relations with the central Government but they alleged several incidents of harassment by local governments in 2005. Although local Jehovah's Witnesses organizations are registered at the national level, in Astana and Almaty, and in thirteen (of fourteen) oblasts, they have attempted unsuccessfully since 2001 to register in Atyrau Oblast. Their most recent application was turned down in December 2005. The Jehovah's Witnesses claim that local officials sometimes deny the group permits to rent stadiums and other large public or private sites for their religious meetings.

In 2005, the Parliament of Kazakhstan took a number of measures that raised serious concern about the future of freedom of association and of assembly among peaceful religious groups: the controversial "Law on countering extremist activity", the "Law on amendments and additions to certain legal acts of the Republic of Kazakhstan on matters of countering extremist activity."

If Kazakhstan really wants to chair the OSCE in a few years, it really needs to abrogate or tremendously amend these laws.

Recommendations

Human Rights Without Frontiers Int. therefore recommends to the Kazakh authorities

- to amend the "Law on countering extremist activity" and the "Law on amendments and additions to certain legal acts of the Republic of Kazakhstan on matters of countering extremist activity";
- to register peaceful religious organizations such as the Jehovah's Witnesses;
- to decriminalize the peaceful activities of the Baptist communities that on religious grounds want to remain unregistered;
- to guarantee full freedom of association and of assembly to religious organizations that do not advocate violence.

Further detailed information on <http://www.hrwf.net>