



OSCE Human Dimension Implementation Meeting

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Working Session 2: Tolerance and Non-discrimination

FREEDOM OF RELIGION IN CENTRAL ASIA AND SOUTH CAUCASUS

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Human Rights Without Frontiers is concerned about the situation of religious freedom in most of the countries of Central Asia and South Caucasus, and wants to address this issue at this meeting of the OSCE/ODIHR as there is no other appropriate regional mechanism to do it. Due to time constraints, we will focus on three countries: **Kazakhstan, Tajikistan and Uzbekistan**, as well as a disputed territory, **Nagorno-Karabakh**.

Recommendations to the authorities of Kazakhstan

Considering that the new law on religion is too vague concerning the rights and obligations of the various religious organizations and missionary activities;

Considering that the grounds on which the charter of a religious organization applying for registration can be rejected by the authorities are not specified;

Considering that a charter rejection leads to the prohibition of any activity by the applicant group;

Considering that the authorities deny the freedom of assembly to any group of believers that has not been registered as a religious association;

Considering that a number of peaceful religious groups do not want to be registered on theological grounds or have been banned by a court decision just for failing to fulfil some administrative obligations;

Considering the repeated arrests and condemnations to exorbitant fines of ordinary members of Baptists congregations hosting informal religious meetings in their homes;

Human Rights Without Frontiers urges the authorities of Kazakhstan to follow the recommendations of the Kazakh Human Rights Ombudperson's Office, the OSCE Advisory Panel of Experts, the Kazakh Helsinki Committee and Kazakh religious leaders

- by de-criminalizing the non-registration of religious groups;
- by stopping judicial proceedings against non-registered religious communities, peaceful meetings of believers in private and in public, and missionary activity;
- by using the revision of the Code of Administrative Offences to remove articles 374-1 and 375 of the current code which provide for fines amounting to 100 times and 50 times the minimum monthly wage, respectively for leading or participating in the activity of an unregistered religious group.

Recommendations to the authorities of Tajikistan

Human Rights Without Frontiers urges the authorities of Tajikistan

To revise the Law "On Freedom of Conscience and Religious Associations" No 489 of 26 March 2009 so as to remove the limitations to religious freedom that are incompatible with international standards and in particular

- by reducing the excessive power of the state to control the activities of religious associations;
- by clarifying the rights and obligations of the various types of religious associations;
- by clarifying the legislation concerning the visas to foreign missionaries;

To revise the Law “On the Fight With Extremism”, No 69 of 8 December 2003

- by ensuring respect for human rights and the rule of law, while pursuing the legitimate goal of combating terrorism to protect their nationals and others against terrorist attacks and of bringing the perpetrators to justice;
- by dropping the provision saying “the propagandizing of exclusiveness, supremacy or the weakness of citizens on the basis of their relation to religion, social, racial, national, religious or linguistic belonging” as it has been misused to ban religious groups which do not use or advocate violence;

To lift the ban on the religious associations of Jehovah’s Witnesses and several Protestant communities;

To provide a new place of worship to the Protestant Church Nani Hayat as their church building has been destroyed without any financial compensation on the alleged grounds of city planning;

To lift the ban on the import of religious publications by Jehovah’s Witnesses as they are imported without any obstacle by all the OSCE member states.

Recommendations to the authorities of Uzbekistan

Considering the severe restrictions to the right of association;

Considering the repeated refusals to register Protestant and Jehovah’s Witnesses’ congregations;

Considering the ban on missionary activity and evangelism;

Considering the severe restrictions to the import of religious literature in the Uzbek language;

Considering the heavy fines provided by the Administrative Code (sometimes 100 times the monthly salary);

Human Rights Without Frontiers considers Uzbekistan seriously falls short of its OSCE commitments and therefore recommends

- to revise the 1998 Religion Law to make it compatible with international standards;
- to guarantee full 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 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.

Recommendations to the authorities of Nagorno-Karabakh

- **Considering** that the Parliament of Nagorno-Karabakh adopted a new law obliging religious denominations in their territory to apply for registration;
- **Considering** that an arbitrary and unfounded refusal to grant Jehovah's Witnesses state registration was issued on August 3, 2009, and has already had a detrimental effect on the daily lives of more than 500 Jehovah's Witnesses and their supporters in Nagorno-Karabakh;
- **Considering** that the Chief of the Department for National Minorities and Religious Affairs of Nagorno-Karabakh Government Staff, Mr. A. Sargsyan, has been quoted in the media as having said that Jehovah's Witnesses are "effectively banned";
- **Considering** that Jehovah's Witnesses from Nagorno-Karabakh have to go to Armenia to join larger gatherings with fellow-believers and that upon their returning from such religious conventions, border patrols regularly stop and search their vehicles, confiscate all religious literature in their possession for personal use;

Human Rights Without Frontiers urges the authorities of Nagorno-Karabakh

- to limit the refusal of registration to the sole religious movements which disturb public order and practice or advocate violence;
- to open a dialogue with religious groups applying for registration under the auspices of the OSCE;
- to stop confiscating religious literature.