

CONSCIENCE AND PEACE TAX INTERNATIONAL

UPR SUBMISSION
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UZBEKISTAN

44th SESSION (Oct/Nov

Executive Summary

1. **This submission highlights linked human rights concerns in Uzbekistan**
2. **The submission was prepared in March 2023 and incorporates the latest information available to CPTI at that time.**
3. **The principal concerns raised are:**
inadequate recognition of conscientious objection to military service;
admission to alternative civilian service only of members of three specified religious denominations which forbid their members to bear arms;
various shortcomings of the alternative service arrangements
restrictive conditions on the registration of religious associations and the banning of worship except in registered premises;
the classification of seventeen-year-old cadets at military academies as members of the armed forces.

Military service and conscientious objection

4. Under the 1992 “Law on Universal Military Service”, military service was made compulsory for all males aged 18 to 27, but allowance was made for exemption on grounds of occupation or family situation (eg. for shepherds and for those with four or more siblings aged under 16), for those whose father or brother had been incapacitated in the course of military service, and for “members of registered religious organisations whose religious teaching forbids the bearing of arms or service in the armed forces”. Those thus exempted would be required to perform alternative service; details were set out in the Law on Alternative Service of 3 July 1992. The provisions regarding alternative service were incorporated in the Law on Universal Military Service, when this was amended on 12th December 2002.
5. Under the provisions, the decision on whether to assign an applicant to alternative service is not taken by an independent body. Under article 37(2) of the Law this decision is made by the draft commission of the military commissariat.
6. The application cannot be made at any time. The application and evidence must be presented before military service is due to begin. After that point there is no provision for transfer to alternative service.
7. Alternative Service is not performed completely outside the military: it would appear that under the 1992 Law those who performed Alternative Service were required to follow two months’ basic military - including weapons - training before they could commence their non-military service. The reforms of 2002/2003, while still inadequate, brought some rationalisation: under them those performing Alternative Service are required to be trained in “a military skill that does not involve the bearing of arms”.
8. Applications are not accepted without investigation. Those claiming to be conscientious objectors must not only provide a certificate to prove that they belong to a religion accepted for this purpose; they must also provide convincing written and oral explanations of their objection.

9. The conditions of alternative service are not equivalent to those of military service. Whereas the duration of military service was set in 1992 as 18 months (12 months for graduates of higher education) and reduced in the December 2002 amendments to 12 and 9 months respectively, the lengths of alternative service were set at 24 months and 18 months, and have not been shortened. The discrepancy has thus increased, and the duration of alternative service is now exactly double the length of the equivalent military service. The pay for those performing alternative service, is 80% of that for those performing military service (who also receive free food and clothing).

10. There is some doubt that all placements, described as “performance of unskilled (accessory) work in various branches of the economy”ⁱ qualifies as “work in the public interest”, in accordance with the wording of OP9 of Human Rights Council Resolution 24/17. Indeed it is believed that in the past some of those admitted to alternative service were permitted to remain in their usual job, with a quarter of their pay deducted by the state.

11. There is in fact some doubt as to the extent to which the alternative service provisions apply in practice. The total manpower of the armed forces remains at 48,000, although the number of young men reaching recruitment age can be estimated as 296,398.ⁱⁱ

12. A “Law on Service in the Armed Forces Reserve” of April 2003, attempted to tackle this discrepancy by instituting a self-funding “mobilisation /conscription reserve” in which, for a payment of 25 times the minimum wage (approximately \$140), conscripts would be certified as having duly performed their military service after a period of training, possibly one month.ⁱⁱⁱ It has also been reported that, while in the cities the payment of bribes to avoid military service is common, in rural areas with high unemployment, by contrast, the financial, social security and future employment benefits of military service are much coveted and bribes are paid *in order to* be conscripted. It would appear on balance that potential conscientious objectors would have little difficulty in avoiding military service which probably explains why there do not seem to have been any reports in recent years of specific cases.

13. However, if alternative service does remain available it is not easy to access.

14. According to a statement of 31st May 2003 by the Chairman of the State Religious Affairs Committee, under the Universal Military Service and Military Duty Act of 12th December 2003, Jehovah's Witnesses, Evangelical Christians-Baptists and Seventh-day Adventists would be eligible for alternative service.^{iv} It would appear that this list remains exclusive.

15. Registration under the Freedom of Conscience and Religion Organizations Act is however available only at the level of individual congregations, so that by no means all adherents even of these denominations have the possibility of applying for alternative service. The deregistration of congregations is also frequent. Of more than thirty Jehovah's Witnesses communities in Uzbekistan, only those in Chirchik, near Tashkent and in Fergana were ever granted registration. The congregation in Fergana was stripped of its registration in August 2006 and the remaining congregation, has repeatedly been threatened with a similar fate.^v

16. Initially a number of Jehovah's Witnesses were faced with repeated fines and suspended prison sentences for refusing military service^{vi}, however in February 2005, the Jehovah's Witnesses reported that few of their members had applied and “In fact we know of only one case in Uzbekistan where an individual with religious convictions has been assigned to alternative civilian service. Usually... an applicant... is either given a deferment or the Commissariat postpones making a decision until a much later date.”^{vii} A subsequent report refers to two conscientious objectors being threatened with imprisonment in the course of a general harassment of the group, but the

threats do not appear to have been carried out.viii

17. According to the government, “Seven persons performed alternative service in the period 2003-2007, (five in 2003, one in 2004, and one in 2005).”ix This not only confirms the low rate of take up, but implies that admission to alternative service had become harder over the years, and indeed system had been in abeyance since 2005. In the subsequent decade and a half, there have been no specific reports of persons being admitted to alternative service.

18. In its Concluding Observations on Uzbekistan's Third Periodic Report under the International Covenant on Civil and Political Rights, the Human Rights Committee reiterated concerns about Uzbekistan's provisions for conscientious objectors:

“The Committee is concerned that, at present, only members of a limited number of registered religious groups can apply for an alternative to military service. In this context, the Committee is concerned that the low number of conscientious objectors (seven) that performed alternative service in 2003-2007 may reflect a fear of adverse consequences for those who might take advantage of the existing provisions for alternative service. Furthermore, the Committee is concerned that the State party’s regulations on alternative service do not apply to individuals who refuse to perform military service on ethical grounds. Finally, it is concerned about the lack of detailed information on how the system works in practice and, in particular, at the reports that decisions whether to allow an individual to carry out a substitution service are taken by a military body. (art. 18)

“The State party should adopt legislation recognizing explicitly the right of conscientious objection, ensuring that all conscientious objectors are not subjected to discrimination or punishment. The authority granting individuals the possibility to perform alternative service should include civilians.”x

19. In the List of Issues on the Fourth Periodic Report, the Committee asked Uzbekistan to “provide information on the implementation of the Committee's previous recommendations on the recognition of the right of conscientious objection to military alternative service (*sic*) without discrimination” xi

20. Uzbekistan replied, “As to the question of recognition of the right to refuse military service, it may be pointed out that no-one may evade the performance of their legal obligations on grounds of religious belief. In accordance with the Universal Military Service and Military Duty Act of 12th December 2002, citizens between 18 and 27 years of age enrolled in the military register and liable for conscription have the right to alternative service if they are members of registered religious organizations whose members are not permitted to bear arms or serve in the armed forces. The following religious organisations are concerned: Jehovah's Witnesses, Evangelical Christians-Baptists and Seventh Day Adventists.”xii

21. In other words, nothing had changed, However, possibly in view of the lack of individual cases, the issue, as opposed to general persecution under the Religion Acts, (see next section) did not feature in the Concluding Observations on the Fourth Periodic Report or at all in the consideration of the Fifth Periodic Report in 2020.

The Religion Acts

22. In 2015, in its Concluding Observations on Uzbekistan's Fourth Periodic Report, the Committee observed that it "remains concerned (see CCPR/C/UZB/CO/3, para. 19) that the legal provisions prohibiting proselytism and other missionary activities continue to be in force. It is also concerned about reports of (a) the unlawful arrest, detention, torture and ill-treatment and conviction on religious extremism-related charges of independent Muslims practising their faith outside registered structures; (b) arrest for "illegal religious activity", detention, fines and prison sentences for Christians and members of other minority religions conducting peaceful religious activities outside registered structures; and (c) censorship of religious materials and restriction of their use to inside buildings of registered religious groups only (art. 7, 9, 10 and 18).

"The State party should guarantee in practice the freedom of religion and belief and freedom to manifest a religion or belief and refrain from any action that may restrict such freedoms beyond the narrow restrictions permitted in article 18 of the Covenant. It should bring its legislation into conformity with article 18 of the Covenant, including through the decriminalization of proselytism and other missionary activities, and investigate all acts of interference with the freedom of religion of independent Muslims, Christians and other minority religions practising their religion outside registered structures."^{xiii}

23. These concerns were repeated in 2020, with the addition of "the persisting obstacles and burdensome requirements for the registration of religious associations and the repeated denial of registration of certain religious organizations"^{xiv} The Committee's recommendations included "(b) Expedite the adoption of the new draft Act on Freedom of Conscience and Religion, ensuring its conformity with article 18 of the Covenant, including through the decriminalization of proselytism and other missionary activities, as well as of any religious activity by unregistered religious organizations"^{xv}

24. Unfortunately, when the new Religion Law came into force on 6th July 2021, it further tightened restrictions.

25. On 29th July 2021 the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on minority issues; and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism made a joint statement^{xvi} in which they strongly criticised both the Law's multiple violations of international human rights law, and the disregard of both Uzbek citizens and international actors in the "consultation" process, and called for the Act to be brought into line with "Uzbekistan's obligations under international human rights law"

26. Of particular concern have been the difficulties faced by religious communities in registering under the new Act.

27. Local communities of Jehovah's Witnesses in Tashkent and Samarkand made multiple attempts between August 2021 and February 2022 to obtain the necessary documents and permissions from the regime to make registration, without success. However the problem is far wider. The Justice Ministry records 25 mosques belonging to the state-controlled Muftiate being registered or re-registered in 2021. Of these, 11 were registered after the new Act came into force. No religious communities of any other faith were registered in 2021, and as of June 2022, according to Justice Ministry records, no religious communities of any faith had been registered since the start of the year.^{xvii}

Juvenile recruitment

28. In its Initial Report under the Optional protocol to the Convention on the Rights of the Child, Uzbekistan stated “citizens aged 17 to 21 can enrol in higher military education institutes... Students are considered to be on military service as cadets if officer rank.”^{xviii} The Committee on the Rights of the Child has observed with regard to Azerbaijan that a similar provision could allow “situations in which persons under the age of 18 could be involved in armed conflict”.^{xix}

Previous UPR Cycles

29. In the First Cycle in December 2008, Slovenia recommended that Uzbekistan “Ensure that conscientious objection to military service is available to individuals irrespective of their religion or belief and that the process for consideration applications is under civilian control and to provide a non-punitive civilian alternative service.”^{xx} In response, Uzbekistan merely quoted the relevant stipulations of the Military Service Law.^{xxi}

30. The issue of conscientious objection to military service was not raised at all in the Second and Tird Cycles.

Suggested recommendations

31. That Uzbekistan recognise the right of conscientious objection and make a civilian alternative to military service available to all conscientious objectors, irrespective of the basis of their objections. Such a service should be completely independent of military control, and neither punitive nor discriminatory by comparison with military service.

32. That the requirement for all religious worship groups to be officially registered be abolished, or failing that the procedures for registration be simplified and expedited so that only in very exceptional circumstances is registration delayed or refused.

33. That Uzbekistan safeguard seventeen-year-old cadets at military academies from any danger of embroilment in armed conflict by ceasing to classify them as members of the armed forces.

i CCPR/C/UZB/3 para 491

ii Calculated from figures given in The Military Balance 2013, International Institute of Strategic Studies, London

iii “Fee instituted for military reserve in Uzbekistan” Radio Free Europe - Radio Liberty newslines, 18th June 2003 (www.rferl.org/newsline/2003/06/2-TCA/tca-180603.asp)

iv“ Uzbekistan introduces alternative military service” Radio Free Europe - Radio Liberty Newslines, 2nd June 2003

v Forum 18 News Service, Tuesday 21 August 2007, “UZBEKISTAN: ENTIRE DENOMINATION TO BE BANNED?”

vi Corley, F., Uzbekistan: Jehovah’s Witnesses Criticise Conscientious Objector Trials, (Keston News Service, 6th April 2001)

vii General Counsel of the Jehovah’s Witnesses, March 2005 - supplementary response to a questionnaire from OHCHR issued in pursuance of Resolution 2002/45 of the Commission on Human Rights

viii Fagan, G. “Uzbekistan: Jehovah’s Witnesses raided on most important religious commemoration”, Forum 18 News Service, 1 April 2005

ix CCPR/C/UZB/3, para 493.

x CCPR/C/UZB/CO3, 7th April 2010, para 26

xi CCPR/C/UZB/Q/4, end of para 27, 21st November 2014, which covered a range of freedom of religion issues.

xii CCPR/C/UZB/Q/4/Add.1, received 16th February, 2015, paras 182, 183.

xiii CCPR/C/UZB/CO/4 17 August 2015, para 22.

xiv CCPR/C/UZB/CO/5, 1 May 2020, para 42

xv Ibid, para 43(b)Ibid, para 43(b)

xvi OL/UZB/4/2021

xvii Bayram, M, “Uzbekistan: ‘The authorities do not want us to exist’”, Forum 18, 22nd June, 2022

xviii CRC/C/OPAC/UZB/1, 26th January, 2012.

xix CRC/C/OPAC/AZE/CO/1 8th March 2012, para 13.

xx A/HRC/10/83, para. 105.11.

xxi A/HRC/10/83, Add 1, paras 17 and 18