

## **Institute on Religion and Public Policy Report: Religious Freedom in Uzbekistan**

### **Executive Summary**

(1). The Republic of Uzbekistan pays homage to the concept of religious freedom in name only. The Law of the Republic of Uzbekistan on Freedom of Worship and Religious Organizations provides protection for religious freedom in its opening articles yet then goes on to delineate numerous restrictions that impede the ability of religious communities to operate freely. The Criminal Code of the Republic of Uzbekistan provides strict penalties for violations of the country's draconian restrictions on the exercise and practice of religion. The government routinely discriminates against such groups as the Jehovah's Witnesses and Evangelical Protestants during the registration process, denying them legal status then subsequently arresting, abusing, and fining adherents and clergy. The country's majority Muslim population faces government interference in practically every aspect of their religious life. There are severe restrictions on the number of people who are allowed to perform the hajj every year. The government issues instructions and guidelines which outline the manner and content by which sermons can be delivered and prayers led. Government agents routinely spy upon and harass pious Muslims for nothing more than following the basic tenets of their faith. Finally, religious literature is highly scrutinized and censored.

### **Institute on Religion and Public Policy**

(2.) Twice nominated for the Nobel Peace Prize, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights, and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. The Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world.

### **Legal Status**

(3). Article 1 of the Law of the Republic of Uzbekistan on Freedom of Worship and Religious Organizations provides a legal basis for freedom of religion. The article states, "The aim of the present law is to ensure the right of every person to freedom of worship and religion, and the citizens' equality irrespective of their religious convictions, and to regulate relations arising from religious organizations' activity." Article 2 goes on to state that, "If an international agreement of the Republic of Uzbekistan sets rules different from those stipulated in the legislation of the Republic of Uzbekistan the provisions of the international agreement shall apply."

(4). Despite the legal protections been delineated in Articles 1 and 2, many of the remaining provisions of the law serve to undermine these rights. For instance Article 4

states, “Nobody can refuse to observe any legal obligations on grounds of his religious convictions.”

(5). Moreover, Article 5 states that “Granting any privileges to or imposing restrictions upon any individual religion is inadmissible,” but then goes on to delineate a host of activities and beliefs which are in fact prohibited. Article 5 does not allow “religious or other fanaticism and extremism, and such actions aimed at setting off one religion against another and stirring up hostility between them.” “Actions aimed at converting believers of one religion into another (proselytism) as well as any other missionary activities are prohibited.”

(6). Article 5 also prohibits “the use of religion for anti-state and anti-constitutional propaganda, and to incite hostility, hatred, inter-ethnic discord, to undermine ethical norms and civil accord, to spread libelous, and destabilizing ideas, to create panic among the people and for other actions against the state, society, and individual is inadmissible.” Many of these terms are so broad that they could be used to ban a wide array of religious ideas under the guise of being “libelous,” “destabilizing,” or that they “create panic among the people.”

(7). The Uzbek laws which pertain to religious registration are troubling as well. Article 8 requires that a religious organization be registered “at an initiative of not less than 100 citizens of the Republic of Uzbekistan aged over 18 and permanently residing on the territory of the republic of Uzbekistan.” Article 11 goes on to further explain the complex set of registration requirements necessary for a religious organization to be official. These requirements deny the rights of smaller communities of believers to operate an effective religious organization. Registration requirements of any kind are inherently discriminatory.

(8). Article 14 specifies the places where it is acceptable for religious communities to operate. The most odious provision of Article 14 states that “Citizens’ of the Republic of Uzbekistan (except religious organization’s ministers) cannot appear in public places in religious attire. Religious organizations cannot subject believers to compulsory payment of money, or taxation, and to actions insulting their honor and dignity.” The ban on the wearing of religious attire in public places could seriously interfere in the ability of religious communities such as pious Muslim women or others from fulfilling their religious obligations. Furthermore, the limitation of a religion’s ability to dictate the personal lifestyle options of its adherents violates the very core of religious freedom.

(9). In addition to the Law of the Republic of Uzbekistan on Freedom of Worship and Religious Organizations, there are several provisions in the Criminal Code of the Republic of Uzbekistan which are cause for great alarm. Article 216 makes the “illegal establishment or reactivation of illegal public associations or religious organizations as well as active participation in the activities thereof” a crime punishable by “[a] fine from fifty to one hundred minimum monthly wages, or arrest up to six months, or imprisonment up to five years.” These fines are equal to approximately 730 to 1460 dollars a month. Sections 1 and 2 of Article 216 further list activities that are prohibited

including, “inducement to participate in operation of public associations, religious organizations, movements or sects” and “Performance of illegal religious activity, evasion from the registration of an organization’s chart by leaders of religious organizations, and conducting special meetings for juveniles, labor circles, and other circles and groups, unrelated to worship, by religious leaders and members of religious organizations.”

(10). Article 244 is particularly abhorrent. Article 244, Section 1 makes the “production or keeping with the purpose to dissemination of materials that contain ideas of religious extremism, separatism, and fundamentalism” as well as, “any form of dissemination of information and materials containing ideas of religious extremism, separatism, and fundamentalism, calls for pogroms or violent eviction of individuals, or aimed at creating a panic among the population, as well as the use of religion in purposes of breach of civil concord, dissemination of calumnious and destabilizing fabrications, and committing other acts aimed against the established rules of conduct in society and of public security...” Article 244, Section 2 bans the “establishment, direction of or participation in religious extremist, separatist, fundamentalist or other banned organizations.”

(11). Article 217 makes “violation of regulations on holding religious assemblies, processions, and other cultic ceremonies,” a crime punishable by fines or imprisonment. These Articles, in addition to Article 145, which criminalizes the “engagement of juveniles in religious organizations, as well as teaching religion to them against their will or will of their parents or surrogate parents” and Article 159 which bans anti-constitutional activity, are used to actively prosecute religious minorities and other citizens with criminal activity related to their legitimate religious beliefs and practices.

### **Official Instances of Discrimination and Abuse**

(12). The government of Uzbekistan routinely discriminates against certain religious communities when deciding whether or not to register a religious group. The Jehovah’s Witnesses have been routinely denied the ability to register their congregations. According to Forum 18 News, of the 30 Jehovah’s Witness congregations that do exist in Uzbekistan only one, in Chirchik, is officially registered.

(13). Regular denials of registration are not the only discrimination that members of the Jehovah’s Witnesses endure in Uzbekistan. Internal police training documents designate the Jehovah’s Witnesses a security threat. With alarming regularity, members of the Jehovah’s Witnesses are fined, arrested, imprisoned and abused at the hands of government authorities. According to the Jehovah’s Witnesses there have been over 1,100 document cases of “arrests, fines, and beatings” throughout Uzbekistan since the dissolution of the Soviet Union and Uzbekistan’s independence.

(14). Other Christian organizations face discrimination and abuse on a regular basis. Pentecostal preacher Dmitry Shestakov is currently serving a 4-year sentence, the longest of any current prisoner of conscience. Protestant churches face discrimination in the registration process. The Greater Grace Christian Church, the Mir Presbyterian Church,

and the United Church of Evangelical Christians/Baptists, the Full Gospel Pentecostal Church, and the Pentecostal Church have all faced problems or delays in their registration processes. Even Protestants with registration, especially Evangelical and Pentecostal churches or those with ethnic Uzbek members and converts, face harassment and abuse at the hands of the state. The Resurrection Full Gospel Pentecostal Church decided that it was too dangerous to meet under state pressure and closed.

(15). The majority Islamic population also faces discrimination, abuse, interference, and worse at the hands of the central government. Thousands of devout Muslims have been targeted solely for their religious principles under the guise of combating terrorism. The government requires certain imams and neighborhood committees to provide names of residents who could potentially become involved in extremist activity, including those who prayed daily or engaged in other acts of devotion. Muslims who perform the most basic tenets of the Islamic faith, such as wearing a headscarf or growing a beard, are subject to dismissal from jobs and expulsion from universities.

(16). The government controls practically all aspects of Islamic life: imams are appointed by the government; the government regulates the content of sermons and Islamic published material. Authorities in some regions issued orders for imams to speak out “to strengthen the struggle with people conducting illegal religious education and organizing small religious gatherings.”

(17). Government interference in the religious rites of Muslims occurs at the most basic level. The government limits the number of people who are allowed to go on the Hajj pilgrimage to Mecca every year to 5,000 people. This number represents only 20 percent of the possible number of pilgrims that could undertake the Hajj in a given year. This restriction severely curtails the ability of Muslims to undertake the obligatory pilgrimage. The government does not allow children to attend night prayers, places restrictions on religious activity that can occur during Ramadan and issues suggestions about the length and content of prayers and services during Ramadan. In 2006, the government declared that Ramadan was to end one day early.

(18). The government routinely censors religious material, and following the May 2005 Andijan uprising, halted the importation of Muslim literature. It is also frequently reported that Uzbek authorities burn imported books confiscated during raids belonging to a wide array of religious communities, including Protestants, Muslims, Jehovah’s Witnesses, and Hare Krishna. According to Forum 18, in 2008, Uzbekistan tightened its religious censorship rules. The new regulations make it illegal to “produced, store, import, or distribute of all forms of religious literature.”

(19). The Uzbek government’s secret police, the National Security Service (NSS), and other police agencies add to the climate of fear, suppression, and apprehension through an extensive network of surveillance of religious communities in Uzbekistan. The NSS and others hide microphones inside places of worship, position agents and officers both inside of and around places of worship, and recruit spies and informers from within the religious communities themselves.

## **Conclusion**

(20). The Republic of Uzbekistan must take numerous steps in order to comply with required international human rights standards. The religious freedom laws need to be drastically rewritten to remove restrictions on the registration of religious groups, as well as the internal functioning of religious communities. Articles 145, 159, 216, 217, and 244 must be stricken from the Criminal Code to decriminalize the legitimate practice of religion in Uzbekistan. The government must end the abuse and detention of minority religious figures and stop harassing and spying on religious groups in order to reduce the air of fear and repression that grips the country's religious communities. The government of Uzbekistan must also relax its control of and interference in the internal affairs and religious practices of the country's Muslim majority. Finally, the censorship of religious materials needs to cease.