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UZBEKISTAN: Religious freedom survey, May 2006

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In its survey analysis of religious freedom in Uzbekistan, Forum 18 News Service finds that serious violations of religious freedom and other key human rights continue. Amongst many serious violations – which breach the country's international human rights commitments - in recent months have been: a complete ban on Protestant activity in north-west Uzbekistan, including threats to children to make them renounce Christianity; Muslim prisoners being barred from saying Muslim prayers; continuing police and NSS secret police raids on religious communities, especially Protestants and Jehovah's Witnesses; massive increases in unregistered religious activity fines; use of interlocking laws and regulations to attack peaceful religious activity by all faiths; and the detention and deportation of Forum 18's Central Asia correspondent. The situation in Uzbekistan is bleak, and it is likely that violations of religious freedom and other key human rights may even become worse.

Uzbekistan's legal infrastructure contains many laws that violate religious freedom, along with the other key human rights, in defiance of the country's international human rights commitments. These are often used together, causing individual cases of religious repression to fall into more than one legal category. The main legal instruments used to implement the authorities' religious intolerance are outlined in this survey, but it is important to note that the authorities themselves do not see the law as imposing any restraints upon their actions, so it is not possible to regard the rule of law as operating in Uzbekistan.

In addition, the authorities also use apparently innocent regulations to attack religious freedom. A striking example of this occurred in the capital, Tashkent, when the authorities conducted a check by all state authorities - including public services such as the fire service - against religious believers. The authorities denied that this was part of a campaign against religious communities (see F18News 11 January 2006 http://www.forum18.org/Archive.php?article_id=714).

With Muslims constituting over 90 per cent of Uzbekistan's population, the authorities see Islamic radicalism as a serious threat to the country's security. The state makes great efforts to control Islam through a network of secondary and higher educational institutes, who educate the state-appointed imams of the country's mosques. Non-state controlled religious education is forbidden. State Islamic educational institutions are keen to ensure that students are politically loyal to the President, using means such as asking applicants questions to test their political reliability, as well as maintaining informers amongst the students (see F18News 11 May 2004 http://www.forum18.org/Archive.php?article_id=318).

This has led to the Muslim clergy being almost completely under the control of the authorities, with the Islamic religious leadership (the Muftiate) being virtually an agency of state authority. Imams do not have the right to compose the Friday addresses themselves, but are obliged to read out texts approved by the Muftiate. In defiance of Uzbek law, the state appoints and removes imams. Many mosques have been denied registration and Forum 18 has seen some being used, as in the Soviet period, as clubs, libraries or museums (see F18News 20 May 2003 http://www.forum18.org/Archive.php?article_id=58).

To counter the threat of Islamic radicalism, the authorities have also adopted harsh measures against undefined "fundamentalists", which in their turn "ricochet" to attack both peaceful Muslims as well as ordinary believers of all faiths. There appears to be little understanding on the part of the authorities that their actions increase Islamic discontent with the government, as in the case of the "Akramia" attempt to practice "Islamic socialism" in Andijan (see F18News 14 February http://www.forum18.org/Archive.php?article_id=508 and 16 June 2005 http://www.forum18.org/Archive.php?article_id=586). Muslim prisoners have even been punished for saying Muslim prayers (see F18News 2 May 2006 http://www.forum18.org/Archive.php?article_id=772).

There is also little understanding that religious freedom as part of respect for human rights can be a potent weapon against religious extremism (see F18News http://www.forum18.org/Archive.php?article_id=338).

The distinction between the authorities' treatment of Islam, as against their treatment of other faiths, appears to be that limitation, repression and total control are the authorities' apparent aims for Islam. However, the authorities appear to be uninterested in total control from within of other faiths, but apparently aim for their limitation, repression and even in some cases extinction – as in the case of Protestants in north-west Uzbekistan (see eg. F18News 5 May 2006 http://www.forum18.org/Archive.php?article_id=774).

The most frequent "legal" points used to attack religious freedom – which break the international human rights commitments Uzbekistan has freely made – are outlined below.

Ban on unregistered religious activity

Religious believers suffer most frequently under Article 8 of Uzbekistan's Religion Law, under which an organisation may acquire the status of a juridical person and become active only after registering with the justice agencies. This ban on unregistered religious activity is underpinned by articles in the Criminal Code, which punishes serious crimes, and the code of Administrative Offences, which covers lesser offences. Under Article 240 (breaking the law on religious organisations) of the Administrative Code, unlawful religious activity is punishable by fines, or administrative detention of up to 15 days.

A massive rise in fines for a wide range of religious activity - including unregistered religious activity - has been brought in this year, with increases in fines from the previous 5 to 10 times the minimum wage to the current 50 to 100 times the minimum wage (see F18News 27 January 2006 http://www.forum18.org/Archive.php?article_id=720).

Where the law is repeatedly broken, Article 216-2 of the Criminal Code is normally applied, which states that "the conversion of believers from one faith to another (proselytism) and other missionary activity will, after the application of penalties under Administrative Law for similar activities, be punished by a fine of between 50 and 100 times the minimum wage or up to six months' detention or up to three years in prison."

The very term "unlawful religious activity" is not defined in law. "No-one stops believers in an unregistered community from meeting together, praying and talking about God," the head of the government's Religious Affairs Committee, Shoazim Minovarov, insisted to Forum 18 in 2004. "But if they have their own leader and are teaching religion, we see this as unlawful religious activity."

In fact, the hazy definition of "unlawful religious activity" has led to at least one case every month where believers have been sentenced under Article 240 of the Administrative Code. As a rule, members of religious minorities are fined (cases of administrative arrest are very rare). The jailing of members of religious minorities under Article 216-2 of the Criminal Code is also very rare: not one case has been recorded where a person has been sentenced to imprisonment under this article.

Although repression against unregistered religious groups often comes at the initiative of local authorities, some campaigns encompass the entire country. After the terrorist attacks in Uzbekistan in spring 2004 numerous apartments where believers of unregistered religious communities had gathered were raided (see F18News 13 April 2004 http://www.forum18.org/Archive.php?article_id=298).

Significantly, after the crushing of the Andijan uprising in May 2005, no immediate central government organised raids on religious minorities meeting in private flats were reported, however worsening repression nationwide did take place (see F18News 23 May http://www.forum18.org/Archive.php?article_id=567 and 15 June 2005 http://www.forum18.org/Archive.php?article_id=585). However, raids which do not appear to be centrally-planned continue on religious congregations – for example on Protestants - across the country (see eg. F18News 14 March 2006 http://www.forum18.org/Archive.php?article_id=744).

Perhaps the only clearly mass central-government co-ordinated raids on religious communities since Andijan to uncover "illegal" religious meetings were the coordinated police and secret police raids on the Jehovah's Witness memorial of Jesus' death, marked on 12 April 2006. In March 2005 and again in April 2006, the ordinary police and the National Security Service (NSS) secret police carried out a large-scale operation against Jehovah's Witnesses, raiding numerous services commemorating the death of Jesus in what has become an annual crackdown (see F18News 1 April 2005 http://www.forum18.org/Archive.php?article_id=536 and 19 April 2006 http://www.forum18.org/Archive.php?article_id=763).

The authorities react far more aggressively towards the activity of unregistered Muslim communities. In such cases, Article 240 of the Administrative Code and Article 229 of the Criminal Code are not applied. As a rule they are given prison sentences of several years' duration on the basis of Article 159 (undermining the constitutional basis of the Uzbek republic), Article 242 (organising a criminal society) and Article 156 (stirring up national, racial and religious hatred) of the Criminal Code.

It is also not uncommon for "unlawful" Muslims to have weapons or drugs planted on them, or to be accused of membership of the banned Islamic radical group Hizb ut-Tahrir (see eg. F18News 12 April 2006 http://www.forum18.org/Archive.php?article_id=758). Currently in Namangan regional court, under Judge Yahehojaev, six men are accused of being "Wahhabis" and members of the terrorist Islamic Movement of Uzbekistan under many articles of the Criminal Code. "In reality, the guilt of those on trial in Tashkent and Namangan consists only in being devout believers," Surat Ikramov, head of the Human Rights Initiative Group of Uzbekistan told Forum 18 from Tashkent on 6 May. "Weapons were simply planted on them."

However, there are exceptions to this attitude to Muslims. For example, in Kokand (in the Uzbek section of the Fergana [Farghona] valley) there is an unregistered kanaka (Sufi monastery), where the leader of the Sufi Nakshbandi tarikat in Uzbekistan, Sheikh Ibrahim, teaches his murids (Sufi pupils). "We don't have any problems with the authorities," Sheikh Ibrahim told Forum 18 in November 2004. "We are poets and mystics and are quite uninterested in political issues. Anyone who is interested in politics is not

a Sufi follower. The state understands that we don't represent any danger to it, and doesn't touch us." However, the authorities' attitude to Sufism fluctuates, as the NSS secret police has regarded the Sufist "myurid" (discipleship) system as a possible terrorist organisation (see F18News 13 May 2004 http://www.forum18.org/Archive.php?article_id=319).

Religious believers do not voluntarily become "law-breakers". The main reason for religious believers falling foul of the authorities is that it is virtually impossible to carry out peaceful religious activities – in registered or unregistered communities – and to register new religious communities without incurring the authorities' hostility. An example of this is the problems faced by the Jewish community in re-establishing a Rabbinate (see F18News 16 July 2004 http://www.forum18.org/Archive.php?article_id=364). Currently, Uzbekistan imposes the highest quota of signatures in Central Asia - 100 people – needed to found a new religious community, and Uzbek local district (Mahalla) structures are used to block registration (see eg. F18News 1 December 2005 http://www.forum18.org/Archive.php?article_id=698).

As Forum 18 can testify, mosques of the majority Islamic community throughout the country have been closed since the current 1998 Religion Law came into force.

Moreover, the authorities' policy varies in different regions. In the Fergana Valley, where the population is most actively Islamic, Forum 18 saw mosques being used as warehouses, and in Kashkadarya region there are mosques which the authorities allow to open only for the Id al-adha (Kurban-bairam) and Id al-Fitr (Uraza-bairam) festivals.

In a continuing anti-Christian campaign in the Karakalpakstan [Qoraqalpoghiston] autonomous republic in north-western Uzbekistan, it is now impossible for Christian churches to gain official registration and therefore to meet legally for worship and engage in legitimate peaceful religious activities, with the solitary exception of the Russian Orthodox parish in the regional capital Nukus. Targets of the campaign have been the Protestant churches, with the last legal Protestant church, the Emmanuel Church, being closed down because the church's members were preaching locally and also teaching religion to schoolchildren (see F18News 26 January 2006 http://www.forum18.org/Archive.php?article_id=719). Attacks on Protestant Christian activity in the region have continued unabated, including attempts to force children to abandon Christianity and threats to their parents if they refuse to co-operate with this goal of the state. The region's senior state Religious Affairs official, Nurula Jamolov, told Forum 18 on 4 May that "Under Uzbek law, an unregistered religious community is not allowed to operate and therefore the police simply have to stop the church's members from holding illegal religious meetings" (see F18News 5 May 2006 http://www.forum18.org/Archive.php?article_id=774). Protestant university students are also the target of state repression (see F18News 26 January 2006 http://www.forum18.org/Archive.php?article_id=719).

The region's Jehovah's Witnesses have also come under attack, with one Witness, Nurlan Ayatov, being sentenced this month to 10 days in jail (see F18News 5 May 2006 http://www.forum18.org/Archive.php?article_id=774).

Ban on private religious instruction

Article 10 of the Religion Law bans the teaching religion in a private capacity. According to this article of the Law, "religious educational establishments acquire the right to operate after registering with the ministry of justice of the Republic of Uzbekistan and receiving the appropriate licence – persons teaching religious subjects at religious educational establishments must have a religious education and carry out their work with the permission of the appropriate agency of the central administration".

Violations of this provision are punished. According to Article 241 of the Administrative Code, "the teaching of religious beliefs without specialist religious training and without permission from a religious organisation's central agency of administration, and the teaching of religious beliefs in a private capacity, will be subject to a fine of between 5 and 10 times the minimum wage or up to 15 days' imprisonment". Article 229 (2) of the Criminal Code prescribes up to three years' imprisonment where the law is repeatedly broken.

Yet Muslims who teach Islam illegally, and even their pupils, are almost never prosecuted under the above articles. Such Muslims are generally sentenced to lengthy prison terms under Article 242 (organising a criminal society) and Article 244-2 (establishing, leading and participation in extremist religious organisations) of the Criminal Code. In such cases it is very hard to understand precisely for what reason the Muslims are being prosecuted. The authorities see any informal group of Muslims as a potential terrorist organisation and sentence its members to lengthy prison terms. "It is clear that the majority of Muslims arrested after the Andijan rebellion were "guilty" only of meeting to read the Koran and talk about God," Ikramov of the Human Rights Initiative Group of Uzbekistan told Forum 18 from Tashkent on 6 May.

This ban on religious meetings in private homes also effects non-Muslim communities. "When Christians meet in private apartments for discussion, the authorities see them as potential terrorists. Since the events in Andijan the number of raids by police on private apartments owned by Christians has risen, as has the number of arrests of believers," Iskander Najafov, the lawyer of a Tashkent Protestant Church, told Forum 18 from Tashkent on 6 May.

Ban on proselytising and missionary activity

Article 5 of the Religion Law states: "Actions aimed at turning believers from one faith to another (proselytism) are forbidden, as is any other form of missionary activity." Sentences for proselytism are also contained in both the Criminal (Article 216-2) and Administrative Codes (Article 240). A first offence is punishable by a fine or up to 15 days' imprisonment. Subsequent infringements will be subject to criminal law, in the shape of a fine of between 50 and 100 times the minimum wage or up to three years' imprisonment.

However, generally the authorities restrict themselves to sentencing Jehovah's Witnesses – who are active in promoting their faith despite the restrictions – under the administrative code and as a rule hand down a fine. In 2004, there was one recorded case where a Jehovah's Witness accused of missionary activity faced criminal prosecution, while since the crushing of the Andijan uprising in May 2005, at least three Jehovah's Witnesses have seen criminal cases launched against them for missionary activity.

In 2004-2005, there were 14 successful prosecutions against Muslim missionaries – Uzbek citizens belonging to the international missionary organisation Tabligh Jamaat. However, in these instances, as is generally the case with Muslims, the Tabligh missionaries were sentenced not for missionary work but under Article 159 (undermining the constitutional basis of Uzbekistan) and Article 244-2 (establishing, leading or participating in religious extremist organisations) of the Criminal Code. Interestingly, 12 Tabligh members received 5 years' imprisonment, while two received six months under the same articles. It appears that the international interest in the case led to the relatively lenient sentence given to the last two members.

Uzbekistan's former mufti Muhamad Sadyk Muhamad Yusuf has questioned the punishments. "In 1994 members of Tabligh came from India to visit me and we went round Uzbekistan together," he told Forum 18 on 2 April 2005 in Tashkent. "I believe Tabligh Jamaat is doing work that is pleasing to God and I can't understand what members of the organisation have done to make them suffer." However, no new arrests of Tabligh members are known to Forum 18 since the Andijan uprising.

Restrictions on the dissemination of information

According to Article 19 of the Religion Law: "The manufacture, storage and distribution of printed items, films, photographs, audio and video recordings and other materials containing ideas of religious extremism, separatism and fundamentalism, will be prosecuted in accordance with the law". According to Article 241-1 of the Criminal Code, harbouring and distributing documents containing ideas of religious extremism, separatism and fundamentalism will attract a sentence of up to three years' imprisonment. The analysis of potentially "extremist" literature is carried out by the government's Religious Affairs Committee or – in provincial areas – by teachers at local university philosophy departments. Mainstream Islamic theological tracts are often deemed to be extremist (see F18News 12 July 2004 http://www.forum18.org/Archive.php?article_id=361).

The Religious Affairs Committee also controls the import of literature, photographs, videos and audio recordings into Uzbekistan. "Under the law a registered religious organisation has to submit religious literature for expert analysis before importing it," Kadyrov of the religious affairs committee told Forum 18 on 11 March 2005. "If it is found that the literature is not extremist and does not contain any incitement to inter-ethnic or inter-religious hatred we will give permission for it to be imported." In some cases, literature including the Bible imported into Uzbekistan without permission from the religious affairs committee has been burnt following a court decision (see F18News 17 March 2005 http://www.forum18.org/Archive.php?article_id=527).

Religious literature sent to recipients in Uzbekistan from abroad by post is routinely opened, checked by the government's religious affairs committee and almost always permission is refused for its import into the country. Some of it is sent back to the senders with a letter specifying why it has been refused and instructing the sender not to mail further copies of the same books or magazines to recipients in the country (see F18News 14 November 2005 http://www.forum18.org/Archive.php?article_id=687).

The Uzbek authorities also try to prevent news of their violations of religious freedom being known inside and outside the country, with controls on access to the internet (see F18News 19 June 2003 http://www.forum18.org/Archive.php?article_id=86). The flagrant recent example of the authorities' hostility to independent investigation and reporting of religious freedom violations was their detention and deportation of Forum 18's Central Asia correspondent (see F18News 16 August 2005 http://www.forum18.org/Archive.php?article_id=631). This reflects the authorities' wider hostility to any free independent media reporting; according to the New York-based Committee to Protect Journalists, Uzbekistan was the post-Soviet country with the most journalists in jail at the end of 2005.

The same hostility to independent assessment marks Uzbekistan's failure to allow a visit by Asma Jahangir, the United Nations Special Rapporteur on Freedom of Religion and Belief, which she requested in 2004. "Perhaps she had not formally requested a visit," the Uzbek Foreign Ministry speculated to Forum 18 on 25 January 2006 (see F18News 25 January 2006 http://www.forum18.org/Archive.php?article_id=718).

Linked with this, Uzbekistan also attempts to isolate religious communities from the support of their co-religionists abroad (see F18News 3 October 2005 http://www.forum18.org/Archive.php?article_id=665), including legal assistance in dealing with the many problems they face from the authorities (see F18News 9 May 2006 http://www.forum18.org/Archive.php?article_id=775).

Ban on religious dress

Under Article 14 of the Religion Law, wearing religious clothing is not allowed in public places. Although the term "religious clothing" is not defined, in practice this causes many Muslim men to fear having an obviously Muslim appearance, such as wearing a beard and clothes that are traditional to Muslim countries. Women who wear traditional robes covering their heads can also be subjected to discrimination. Recently this ban has not been applied so rigorously: women have been appearing in public in hijabs (a scarf that covers the hair and neck) and even (though much more rarely) with their faces hidden. In the past year there have been no recorded cases of women being expelled from higher education institutes for wearing headscarves. However, none of the women excluded from higher education in 1997 and 1998 for wearing "religious clothing" and who have continued to wear such clothing have been reinstated this year.

In a similar way to the difficulties now faced by Muslim men in Namangan in the Fergana Valley in wearing prayer caps (see F18News 21 March 2006 http://www.forum18.org/Archive.php?article_id=747), in the mid-1990s the authorities routinely regarded with suspicion any men wearing beards of going to the mosque "too frequently", and women wearing the hijab (headscarf). However, unlike the campaign against beards and headscarves, Forum 18 is not aware of moves against wearing the prayer cap elsewhere in Uzbekistan.

Since the Andijan uprising, no new cases of persecution of Muslim women for wearing the hijab or men for wearing beards have been reported.

An unwritten instruction has been issued to imams in Namangan, ordering them not to allow into mosques Muslim men wearing the white prayer caps common in Central Asia. Referring to this, Tolib Yakubov, head of the Human Rights Organisation of Uzbekistan, told Forum 18 that "the authorities view wearing the prayer cap as a sign of religiosity, and want to stop such people having any influence over young people" (see F18News 21 March 2006 http://www.forum18.org/Archive.php?article_id=747).

The ban on appearing in public in "religious clothing" also affects religious minorities. Hare Krishna devotees have complained to Forum 18 that they cannot risk appearing in public wearing a sari.

In conclusion, the religious freedom situation in Uzbekistan is bleak, and it appears to be highly unlikely that the situation will improve. The current indications are that violations of religious freedom and other key human rights may even become worse. (END)

For a personal commentary by a Muslim scholar, advocating religious freedom for all faiths as the best antidote to Islamic religious extremism in Uzbekistan, see http://www.forum18.org/Archive.php?article_id=338

For an analysis of whether the May 2005 Andijan events changed state religious policy in the year following, see http://www.forum18.org/Archive.php?article_id=778. For an outline of what is known about Akramia and the events see http://www.forum18.org/Archive.php?article_id=586, and for a May 2005 analysis of what happened in Andijan see http://www.forum18.org/Archive.php?article_id=567.

Full reports of the religious freedom situation in Uzbekistan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=33>

Previous Forum 18 Uzbekistan religious freedom surveys are at <http://www.forum18.org/Analyses.php?region=33>

A printer-friendly map of Uzbekistan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=uzbeki>

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