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UZBEKISTAN: Religious freedom survey, August 2008

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In its survey analysis of religious freedom in Uzbekistan, Forum 18 News Service has found continuing violations by the state of freedom of thought, conscience and belief. Among many serious violations – which breach the country's international human rights commitments - non-state registered religious activity is a criminal offence, as is the sharing of beliefs and meetings for religious purposes in private homes. Religious communities are raided with impunity and their members threatened, assaulted and even tortured. Prisoner of conscience numbers are increasing. The state continues to actively promote religious hatred and intolerance through the state-controlled mass media. Members of religious communities complain that trials are often conducted unfairly. Oppressive laws are symptomatic of oppressive official attitudes, and state officials do not appear to acknowledge any restraints on their actions. The state seeks to completely control all religious activity – by Muslims and religious minorities such as Christians, Baha'is, Jehovah's Witnesses, Jews and Hare Krishna devotees - through a web of laws, NSS secret police agents, censorship and the activities of public agencies such as local administrations.

Ahead of the Universal Periodic Review of Uzbekistan by the United Nations (UN) Human Rights Council in December 2008, Forum 18 News Service has found a worsening of the country's record on freedom of thought, conscience and belief.

All non-state registered religious activity in Uzbekistan is a criminal offence, as is the sharing of beliefs and meetings for religious purposes in private homes. State officials frequently violate international human rights standards on freedom of thought, conscience and belief – which Uzbekistan has freely signed. Religious communities are raided with impunity and their members threatened and assaulted. Members of religious communities frequently complain that trials are conducted unfairly, law seemingly being used merely to provide officials with excuses to engage in oppression of fellow citizens. Officials do not appear to see law as imposing restraints on their actions.

President Islam Karimov has held absolute power since independence in 1991. Repression – including of religious believers of all faiths - has escalated since the May 2005 Andijan [Andijon] massacre. Uzbekistan has the largest population of any Central Asian state, estimated at over 28 million, most of whom would identify themselves as Muslim by tradition. Ethnic Uzbeks are often regarded in Central Asia as being more devout Muslims than other Central Asian peoples. Uzbekistan's population is extremely poor, the minimum monthly salary decreed from 1 September 2008 by the President being 25,040 Soms (99 Norwegian Kroner, 12 Euros, or 19 US Dollars).

State controls on religious believers and communities

Officials claim that Uzbekistan is a Muslim country, and so does not oppress Muslims. Islam is primarily controlled from inside its state-run structures, through the complete control of the selection, education and nomination of imams in defiance of Article 61 of the Uzbek Constitution: "Religious organisations and associations are separate from the state and equal before the law. The state does not interfere in the activities of religious associations." The state also controls the number and location of mosques and the formal religious education of Muslims. This has brought the Muslim clergy almost completely under the control of the authorities, with the Islamic religious leadership (the Spiritual Administration of Muslims or Muftiate) being virtually an agency of state authority. In September 2007, the Muftiate banned imams in Namangan Region from preaching at Ramadan night prayers, and children were banned from attending them.

The state controls other religious communities – including non-state approved Muslims - from outside their formal structures, for example through police and National Security Service (NSS) secret police raids, or expulsions of university students (as happened with Protestants and Hare Krishna devotees). Police and schoolteachers have told children that if they attend Protestant churches they will be jailed. All non-Russian Orthodox and non-state controlled Muslim religious activity is banned in the north-west region of Karakalpakstan [Qoraqalpoghiston].

State Islamic educational institutions check political loyalty to the President, and the NSS secret police maintains informers among students. Non-state controlled religious education is forbidden. Official imams have complained that they cannot teach religion to children.

The authorities from time to time use Sufism, particularly the Naqshbandi order, to counter what they see as extremism and for propaganda purposes in foreign countries. An example is allowing an unregistered kanaka (Sufi monastery) in Kokand in the Fergana [Farghona] Valley. However, the authorities' attitude to Sufism fluctuates, as the NSS secret police has regarded the Sufist "myurid" (discipleship) system as a possible terrorist organisation.

Numbers of haj pilgrims are restricted to about 5,000, which is about a fifth of the pilgrim quota granted by Saudi Arabia. All pilgrims need approval from local authorities, the NSS secret police and the Haj Commission, which is controlled by the state Religious Affairs Committee and the Muftiate. Travel on the haj must be on the state-run airline, Uzbekistan Airways, and costs about 200 times the minimum monthly wage.

Religious communities – whether Muslim or of other faiths – are not able to buy, build or open places of worship freely. Some places of worship have been confiscated. Open and hidden surveillance of religious believers and communities by the secret police is widespread. The NSS has hidden microphones in places of worship, sent agents to monitor worship, and recruited spies within communities. State officials are acutely interested in controlling all religious activity. An April 2007 internal document from Andijan Region Hokimat (administration) reveals the issuing by the authorities of direct orders to religious communities "to prevent missionary activity," "to bring under constant close observation all officially registered religious organisations" and "to strengthen the struggle with people conducting illegal religious education and organising small religious gatherings."

The official committee that runs each mahalla, the district into which towns and cities are divided, is a key unit among state institutions used in repression. Although ostensibly elected and self-governing, mahalla committees are in practice instruments of state control. They are often used to block registration attempts by religious minorities such as Protestants and Jehovah's Witnesses. They are also used in periodic crackdowns on religious minorities, as well as to monitor members of the majority Muslim community, such as to check up on individuals who want to make the haj pilgrimage. Other public agencies, such as the Fire Brigade and Sanitary-Epidemiological Service, have also been used against religious believers, through inspections allegedly to check whether registered communities are observing fire and public health regulations.

To gain state registration, the only method of gaining legal status, religious organisations must submit two letters of guarantee: one from the district hokimat (local administration), confirming that the organisation to be registered has a building which corresponds to public health and fire safety requirements; and one from the mahalla committee, stating that other mahalla residents do not object to the organisation. Uzbek officials wrongly claim that the alleged unwillingness of local residents allows the state to, under international law, stop religious organisations from operating. All unregistered religious activity is a criminal offence.

Other ways used to repress religious believers and communities, and cut them off from their fellow-believers abroad, include refusals to renew visas – used in summer 2008 against Uzbekistan's Chief Rabbi – and expulsions, which have been used against several Protestants. Even those who flee from religious persecution in the country, such as a Pentecostal who gained UN High Commissioner for Refugees refugee status in Kazakhstan, face Uzbek government attempts to have them sent back for trial – in this case with the false claim that he was an Islamic fundamentalist and terrorist.

Torture

The UN Committee Against Torture found in November 2007 that the use of torture by state officials is "routine." Religious believers and communities are highly reluctant, for fear of further state repression, to publicly discuss the use of torture. But occasionally on the record, and frequently off the record, Forum 18 is told of the threat or use of physical violence, including rape and the use of gasmasks to cut off victims' air supply. Such methods are used to try to force adults and children to renounce their beliefs or to make confessions implicating themselves or others. Such torture and threats usually follow in the immediate aftermath of the frequent police and secret police raids against unregistered religious communities, often but not always while people are held under arrest.

Religious tolerance?

Officials claim that religious tolerance flourishes in the country, however state-run TV has repeatedly shown films – which school and university students are strongly encouraged to watch – inciting intolerance and hatred of religious minorities, especially those who are said to share their beliefs with others. For example, as well as direct attacks on named individuals and communities, psychotropic or mind-altering drugs are falsely said to be used by religious minorities to gain adherents, those who change beliefs are said to be traitors, and sharing beliefs has been compared with terrorism. Representatives of registered religious communities have been shown supporting these broadcasts, however it should be noted both that Uzbek TV has in the past falsified interviews discussing human rights with people who are not state officials, and that extreme pressure can be used by the state against individuals and communities.

After one broadcast encouraging religious hatred in May 2008, Forum 18 was told that some members of religious minorities are "afraid to go out on the street where they live for fear of being persecuted." Other state-run media outlets, such as newspapers and websites, similarly encourage religious intolerance and hatred. One Protestant publicly attacked in a state TV broadcast commented to Forum 18 that "the government is trying to stir up Muslims against Christians." Raids on and fines imposed against members of

religious minorities usually accompany such media campaigns, but as such violations of religious freedom are commonplace, it is unclear whether there is a direct link.

Legal framework a symptom of official attitudes

When the harsh 1998 Religion Law was adopted, President Karimov claimed it was necessary to counter "Wahhabi" Muslims - a term widely and loosely used in Central Asia to denote anyone from peaceful devout Muslims to Islamist militants. Karimov stated in a speech broadcast nationwide on state radio on 1 May 1998 that "such people must be shot in the forehead. If necessary, I'll shoot them myself." There are indications that Uzbekistan may be planning to further harshen the Law.

Numerous articles in the Religion Law, Criminal Code and Administrative Code are used to punish peaceful religious activity. The articles most frequently used are cited below, but other articles are also deployed. The Uzbek legal system contains a web of articles, used to varying degrees over time, designed to block the peaceful exercise of freedom of thought, conscience and belief. President Karimov's remarks illustrate clearly that the major problems that religious believers and communities face are not limited to particular laws or articles, but rather to the oppressive actions of state officials, of which the laws are a prominent symptom.

Unregistered religious activity is a criminal offence under Article 8 of the Religion Law. Registration – the only way in which communities may obtain legal status – is via the Justice Ministry. However, the experience of many communities, registered or unregistered, is that repression can occur at any time, with no regard for whether or not a community is registered. The ban on unregistered religious activity is underpinned by articles in the Criminal Code and the Administrative Code. Under Article 240 (breaking the Religion Law) of the Administrative Code, unlawful religious activity is punishable by fines, or administrative detention of up to 15 days.

Statistics from the state Religious Affairs Committee indicate that a net total of six Christian churches lost registration between October 2002 and February 2007, along with one Jehovah's Witness, one Hare Krishna and one Baha'i community. The figures cannot be independently verified and conceal denominational differences, with an increase in the numbers of Russian Orthodox and Armenian Apostolic communities disguising the loss of legal status of Protestant churches. Religious believers inside Uzbekistan indicate that the reality may be much worse. Between 2000 and 2006, some Protestants calculated that 38 of their congregations were stripped of legal status by the state. Over 100 religious communities of various faiths reportedly have tried unsuccessfully to gain registration. The Religious Affairs Committee asserted in February 2007 that "there are no restrictions on or hindrances to registration." But when Jehovah's Witnesses in the town of Kagan, on the outskirts of Bukhara [Bukhoro], tried to register between 2006 and 2008, they faced harassment, a police raid and the ten community members were threatened with death and each given fines of five years' minimum wages. Bailiffs have made repeated visits to seize property to pay the fines.

In 2006, fines for a wide range of religious activity - including unregistered religious activity – were increased significantly, rising from the previous 5 to 10 times the minimum monthly wage to the current 50 to 100 times the minimum monthly wage. Since late 2007, it appears that the numbers and scale of raids and fines imposed on religious minorities have further increased. A March 2008 raid on a Protestant church was justified as "anti-terrorist activity," although police were unable to specify to Forum 18 what threat the raid was supposed to stop.

Although members of religious minorities are often fined, they have in the past not been - unlike Muslims - frequently brought to trial and jailed. An exception was the 2007 conviction of Pentecostal Pastor Dmitry Shestakov. He was sentenced to four years in a labour camp under Article 216 of the Criminal Code and Article 244-1, which punishes "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 panic among the population, as well as the use of religion in purposes of breach of civil concord, dissemination of calumnious and destabilising fabrications, and committing other acts aimed against the established rules of conduct in society and of public security." Credible claims were made that the trial breached the procedures laid down under Uzbek law. It was suggested that the main reason for Pastor Shestakov's labour camp sentence was that his church – which subsequently decided to disband as it was "too dangerous to meet" - had been attracting ethnic Uzbek converts in the Fergana Valley. This valley is seen as a region with many particularly devout Muslims, and was the site of the 2005 Andijan massacre.

Sharing beliefs is banned by Article 216-2 of the Criminal Code, which states that the "conversion of believers belonging to a certain religion to other religions (proselytism) and other missionary activities, 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." Similarly, Article 5 of the Religion Law states that: "Actions aimed at turning believers from one faith to another (proselytism) are forbidden, as is any other form of missionary activity."

Article 216-2 of the Criminal Code also bans "illegal religious activity, evasion of registration of a religious organisation's charter by its leaders, conducting special meetings for young people, work groups, and other circles and groups, unrelated to worship, by religious leaders and members of religious organisations."

"Inducement to participate in the activity of illegal public associations, religious organisations, movements or sects" is banned under Article 216-1 of the Criminal Code.

Reinforcing the bans on sharing beliefs and on religious small groups, "teaching religious beliefs without specialised religious education and without permission from the central organ of a [registered] religious organisation, as well as teaching religious beliefs privately" is banned by the Criminal Code's Article 229-2 and Article 241 of the Administrative Code. Article 10 of the Religion Law states that "religious educational establishments acquire the right to operate after registering with the Justice Ministry 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."

Unregistered Muslim religious activity has mainly been punished under Criminal Code Articles 159 "attempts to change the constitutional order"; 242 "organisation of a criminal society" and Article 156. This article bans "acts intended to humiliate ethnic honour and dignity, insult the religious or atheistic feelings of individuals, carried out with the purpose of inciting hatred, intolerance, or divisions on a national, ethnic, racial, or religious basis, as well as the explicit or implicit limitation of rights or preferences on the basis of national, racial, or ethnic origin, or religious beliefs." This article has also been used against religious minorities.

Religious minorities within Uzbekistan have noted that the state's own incitement of religious intolerance and hatred violates the Criminal Code's Article 156, as well as both Article 139 punishing "Denigration, that is, dissemination of false, defamatory information" (including in the media) and Article 140 punishing "Insult, that is, intentional grievous degrading of the honour and dignity of a person" (also including in the media).

Prisoners of conscience

Reportedly, thousands of Muslims have been imprisoned, usually on accusations of belonging to terrorist, extremist or banned organisations. One observer asserted that within the past year police have arrested people as terrorists because an Arabic Koran was found in their house. The nature of the Uzbek justice system, in which the planting of evidence and torture by the authorities is often credibly claimed, makes it unlikely that the authorities – or anyone else - knows how many of these prisoners are guilty of violence or are only "guilty" of being devout Muslims who take their faith seriously.

Prisoners are often denied their religious freedom. Muslim prisoners have complained to Forum 18 that they have been forbidden to recite prayers or fast during Ramadan. Similarly, Pentecostal pastor Shestakov has been denied access to a Bible in prison.

There are violent groups which oppose the state, even though their violence is infrequent, but the authorities' own violence and injustice fuels support for such groups. When Forum 18 has asked Uzbeks who sympathise with extremist organisations why they do so, they often indicate that such sympathy is motivated by a dislike of the government's actions.

In addition to Pastor Shestakov, the other currently known religious minority prisoners of conscience are four Jehovah's Witnesses: Irfon Khamidov, who is serving a two-year prison sentence imposed in May 2007 for "illegal religious teaching"; Olim Turaev, who was jailed for four years in a labour camp from April 2008 for holding an unapproved religious meeting and teaching religion without state permission; Abdubannob Ahmedov sentenced in July 2008 to a four year term for "illegal organisation of public associations or religious organisations"; and Sergei Ivanov sentenced in July 2008 to three and a half years for "illegal organisation of public associations or religious organisations". Other Jehovah's Witnesses are serving suspended or corrective labour sentences, under which a large part of their salaries is deducted and handed to the state.

The number of religious minority prisoners of conscience may continue to increase, as the authorities seem to be more frequently bringing charges that carry a possible jail sentence. Aimurat Khayburahmanov, a Protestant arrested in June 2008, faces criminal trial under Article 229-2 and Article 244-2 part 1 (also used against unregistered Muslims), which punishes "establishment, direction of or participation in religious extremist, separatist, fundamentalist or other banned organisations" with sentences of up to 15 years' imprisonment. As is often the case, these charges can mask the activity the authorities dislike. Asked what was "extremist" about Khayburahmanov's activity, Uzbek police told Forum 18 that he held meetings in his home and read "prohibited" Christian literature. Police refused to specify what Christian literature was prohibited, but stated that, for reading these books, imprisonment was a legitimate punishment.

Control of religious literature

Religious literature in Uzbekistan is also under tight state control. The import and production of literature – including the Koran and the Bible - is strictly controlled, with compulsory prior censorship by the state Religious Affairs Committee. Only registered communities can ask for permission to print or import material. Relatively little literature about the majority Islamic faith is allowed to be published, and none is imported officially. Some Islamic books are no longer published, such as Imam Muhammad ibn Ismail al-Bukhari's book "Sahih al-Bukhari". This is a collection of hadith which Sunni Muslims regard as the most authentic hadith compilation.

Censorship of religious literature is mandated under Article 19 of the Religion Law. This bans 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". The article also states that: "Delivery and distribution of religious literature published abroad is done after expert analysis of its contents is carried out in the order prescribed by law." Publication of religious literature within Uzbekistan is also subject to compulsory prior censorship. Under Criminal Code Article 244-3, "illegal production, storage, import or distribution" of religious publications is punishable for repeat offenders by terms of up to three years in jail. Article 184-2 of the Administrative Code, imposes fines and confiscation for a first offence.

Either the state's Religious Affairs Committee or - in provincial areas - teachers at local university philosophy departments decide whether religious material, including items sent by post, should be banned. Mainstream Islamic theological works are often deemed to be extremist. Uzbekistan's postal authorities actively collaborate in censorship of publications sent from abroad, and have all but halted the delivery of parcels of books sent to individuals from abroad. Such parcels have been returned to senders in recent years with a letter informing them that such literature is banned and telling them not to send it in future. Religious minorities – including Christians and Jehovah's Witnesses – are also concerned about literature held for long periods by customs, which may also incur extremely expensive official charges for "storage". The official system of internet censorship also blocks access to some foreign religious websites.

In 2006, new penalties were introduced for the "illegal" production, storage, import and distribution of religious literature. Some Muslims stressed to Forum 18 that the changes merely provided a "legal" basis for current practice. The state Religious Affairs Committee told Forum 18 that "illegal" production and distribution of religious literature are "home-produced" materials.

Frequently even legally imported materials are confiscated during police raids. Courts often order such material – including books such as the Bible – to be burnt, as happened to literature confiscated from Baptists in Karshi [Qarshi] in October 2006.

Ban on religious dress

Under Article 14 of the Religion Law, wearing religious clothing is not allowed in public places. The term "religious clothing" is not defined, and this has caused 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 have also been subjected to discrimination in the past, but this ban does not appear to be currently applied rigorously. From time to time, the authorities in the Fergana Valley have also stopped men from wearing traditional white prayer caps entering mosques, but this does not appear to be a current problem. The ban on appearing in public in "religious clothing" also affects religious minorities who wear religious clothing, such as Hare Krishna devotees.

What changes do Uzbek citizens want in religious policy?

Religious believers of various faiths have told Forum 18 that they most want to see Uzbekistan:

- end the ban on unregistered religious activity;
- end the ban on sharing beliefs;
- end the ban on religious meetings in private homes;
- end raids on peaceful religious worship services;
- end threats, violence and torture by state officials;
- enable fair trials for alleged offences;
- end fines, harassment and persecution of people exercising their right to freedom of thought, conscience and belief;
- free prisoners of conscience;
- end attempts to control and repress both Muslims and members of religious minorities;
- end state encouragement of religious hatred and intolerance;
- end censorship of imported and locally-produced religious literature and material;
- end confiscations of property from religious believers and communities;
- end restrictions on haj pilgrims, and other religious believers and communities being in contact with fellow-believers abroad;
- and end restrictions on children's religious education.

Uzbek citizens have told Forum 18 that these steps are essential to ending the state's ongoing, systematic and nationwide violations of freedom of thought, conscience and belief. (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.

Full reports on freedom of thought, conscience and belief in Uzbekistan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=33>.

The previous Forum 18 Uzbekistan religious freedom survey can be found at http://www.forum18.org/Archive.php?article_id=777.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806, and of religious intolerance in Central Asia is at http://www.forum18.org/Archive.php?article_id=815.

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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