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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

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UZBEKISTAN: When will draft Religion Law be made public?

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Members of religious communities expressed their frustration to Forum 18 about the secrecy of the new Religion Law's drafting process, and the regime's apparent lack of willingness to end restrictions violating human rights obligations. Officials' statements about a draft text do not match the concrete changes people in Uzbekistan have said they would like to see in a new Law.

Senior Uzbek officials have made public claims giving the impression that a draft new Religion Law is in the process of being formally adopted in the non-freely elected Oliy Majlis (Parliament). The most recent such statement was made on 20 May. Yet Forum 18 has found that as of 9 June, no draft Law has been formally presented to Parliament, and Parliament has not begun the official process of adopting the draft Law. Officials refuse to say what stage the draft has reached, when it might be presented for open public discussion, and when submitted to Parliament.

Officials noted on 20 May that they expect to adopt the draft Law by the end of 2020. However, state Religious Affairs Committee officials in Tashkent told one religious community not to expect the draft Law text to be published until the end of 2020 (see below).

Officials at the state-controlled National Human Rights Centre in Tashkent, which is headed by Akmal Saidov and which is said to be drafting the new Law, refused to talk to Forum 18 (see below).

Members of a range of religious communities have told Forum 18 about the secrecy of the drafting process, and expressed frustration that the regime does not appear ready to end restrictions on the exercise of freedom of religion or belief which violate the country's international human rights obligations.

Officials' statements about a draft text do not match the concrete changes people in Uzbekistan have said they would like to see in a new Law. "Civil society is expecting systemic changes in human rights from the government," human rights defender Shukhrat Ganiyev told Forum 18. "Only this and real reforms can guarantee no return to the repressive past" (see below).

After the October 2017 visit to Uzbekistan of the United Nations (UN) Special Rapporteur on Freedom of Religion or Belief, Ahmed Shaheed, he recommended: "A new law on freedom of religion or belief should be fully compatible with article 18 of the International Covenant on Civil and Political Rights." He added: "The new draft law should be open to consultations and comments by the public, especially civil society, religious and belief communities and international partners, including the United Nations system" (see below).

Despite a proclaimed imminent simplification of registration procedures for religious communities, the Religious Affairs Committee published draft revised registration procedures for public consultation on 28 May 2020. These leave almost all registration provisions unchanged, for example requiring all religious communities to have state permission in order to exist and exercise their freedom of religion and belief, and so still violate Uzbekistan's binding international human rights law obligations (see below).

When the Religious Affairs Committee last changed the registration procedures in May 2018, it added two new restrictive requirements for seeking legal status (http://www.forum18.org/archive.php?article_id=2396).

Although the numbers of raids, fines and jailings to punish the exercise of freedom of religion or belief have fallen in recent years, individuals still face such punishments and the system of state control has not changed.

Members of many religious communities, who wish to remain anonymous for fear of state reprisals, have told Forum 18 that many communities would like to obtain state registration but "are being blocked from registering with various excuses. Others have not applied, thinking that the authorities will not register them." (http://www.forum18.org/archive.php?article_id=2527)

One Protestant, who wished to remain anonymous for fear of state reprisals, told Forum 18 that "I know of several Churches across Uzbekistan which the authorities refused to register in 2019." Some cannot get Land Registry or Mahalla approval, others face demands for bribes. Seven Jehovah's Witness communities were rejected. Catholics await registration for a sixth parish. Police pressured Shia Muslims in Bukhara to halt a petition to reopen a closed Shia mosque.

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People are afraid to try to open a mosque that is not state controlled [which is currently banned], a human rights defender told Forum 18 on 8 June 2020. "One hundred citizens' signatures are needed as founders, but it is difficult to find so many citizens to sign as they are afraid of the state".

The human rights defender commented that the "long list of permissions needed from state agencies" means that "in reality 99.99 per cent of religious communities will not get registration – especially Muslims". They also noted that "many local communities are waiting to get permission from the state to have mosques officially allowed. Most written requests are not answered, and the Religious Affairs Committee if it answers normally does this only verbally".

Two legal changes have reduced the fees religious communities need to pay when seeking state registration and the level of fines to punish the exercise of freedom of religion or belief under both the Criminal Code and the Administrative Code. The introduction of a new base unit instead of denominating such fees and fines using the official monthly minimum wage has had the effect of reducing such fines and fees by about two-thirds. The changes were apparently unrelated to the proposed new Religion Law (see below).

No draft Religion Law text for public to see

The regime has long promised to revise the Religion Law, which severely restricts the exercise of the right to freedom of religion or belief. The only draft – given to a small number of people approved by the government in May 2019 - would reduce the number of adult resident citizens required to found a local religious organisation from 100 to 50, as well as registration fees, but would continue to ban the exercise of freedom of religion and belief without state permission, as well as sharing of faith (http://www.forum18.org/archive.php?article_id=2527).

Yet despite these claims, the Religious Affairs Committee left registration requirements almost unchanged when it published draft changes to them on 25 May (see below). Among the unchanged requirements was the requirement to have 100 adult citizens to found a religious community (http://www.forum18.org/archive.php?article_id=2314).

The government claims to be following the recommendations of the United Nations (UN) Special Rapporteur on Freedom of Religion or Belief, Ahmed Shaheed, following his October 2017 visit to Uzbekistan. Shaheed recommended (A/HRC/37/49/Add.2 (http://undocs.org/en/A/HRC/37/49/Add.2)) that: "A new law on freedom of religion or belief should be fully compatible with article 18 of the International Covenant on Civil and Political Rights."

Shaheed added: "The new draft law should be open to consultations and comments by the public, especially civil society, religious and belief communities and international partners, including the United Nations system".

Since the restricted distribution of the May 2019 text to government-approved people only, and despite frequent government statements that work on the draft Law was underway, the government has not published a later text. The draft Law does not appear on the government website regulation.gov.uz where draft Laws are supposed to be posted.

No religious community has confirmed to Forum 18 that it has seen a current text. Between 1 and 5 June 2020, Forum 18 asked Parliament, the Justice Ministry, the state-controlled National Human Rights Centre, and the Religious Affairs Committee for the text. But no draft text has been published for all Uzbekistan's citizens to see or supplied to Forum 18.

"The authorities have not discussed the Law in the past and it does not seem that they will do so now," a Muslim from Tashkent, who asked not to be identified for fear of state reprisals, told Forum 18 on 8 June. "It is because they do not respect their citizens, and are not ready to listen to their opinion. We have not seen the text or any public discussions."

"Unfortunately, we haven't seen the draft Law, and no one has asked us our opinion," Rukhiddin Komilov, an independent Muslim human rights defender, told Forum 18 on 5 June.

"We have not seen any texts of the Law anywhere on the official websites of the Religious Affairs Committee or any other state agency," the leader of an unregistered Protestant community – who asked not to be identified for fear of state reprisals – told Forum 18 on 4 June. "Our opinion has not been asked, and so it is all unknown to us."

"We do not know what is in the new draft Law, since we have not seen it," Bishop Jerzy Maculewicz, head of the Catholic Church in Uzbekistan, told Forum 18 from Tashkent on 5 June.

"Unfortunately, we don't know much regarding the current status of the draft Law except what is provided by the official media," Jehovah's Witnesses told Forum 18 on 8 June. "When our local religious association in Chirchik inquired of the Religious Affairs Committee on this matter in the middle of May 2020, the reply they received stated that the draft should not be expected soon because it will be published approximately by the end of this year."

Jehovah's Witnesses added that they also tried to get more information through the offices of the United Nations (UN) Resident

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Coordinator and the Office of the UN High Commissioner for Human Rights, but they could not provide any information either.

In July 2019, Foreign Minister Abdulaziz Kamilov claimed in Washington DC that "in the near future" a draft law would be sent for review to UN Special Rapporteur Shaheed, the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the US State Department, and the US Commission on Security and Co-operation in Europe (the Helsinki Commission) for review. There has been no sign of this happening.

Officials wrongly imply Parliament formally considering draft Religion Law

On 3 March 2020, Yadh Ben Achour, a member of the United Nations Human Rights Committee – during its consideration in Geneva of Uzbekistan's human rights record (CCPR/C/SR.3691 (http://undocs.org/CCPR/C/SR.3691)) - told the Uzbek delegation that he "wondered what reasons could account for the delay in drafting a bill on freedom of conscience and religious organizations, which had been in development for some five years".

Okil Ubaydulloyev, Senior Advisor to President Shavkat Mirziyoyev on security and religious issues, claimed in response that a new Law "was being discussed by a parliamentary committee and working group".

Ubaydulloyev claimed that the draft Religion Law "provided for the incorporation of 20 new articles which would, for instance, reduce the number of members required for the registration of a religious organization, reduce the deadline for registration from three to two months and do away with the need to submit a large number of documents and diplomas".

Akmal Saidov, Director of the state-controlled National Human Rights Centre, spoke immediately after Ubaydulloyev, pledging that the new Law "would reflect the standards enshrined in the Covenant [International Covenant on Civil and Political Rights]".

On 20 May, the Oliy Majlis (Parliament) held a meeting – which was not part of the formal adoption process of a law - to discuss a Road Map approved by Parliament on 4 May 2018 which claimed to set out measures the government would take to ensure freedom of religion or belief for all. Officials stated during the meeting that the draft Law would be adopted by the end of 2020, but gave no other timescale for its consideration and adoption.

The account on the parliamentary website the following day stated that the meeting was a "parliamentary hearing", but it was not a hearing discussing a specific draft text, and was not empowered to give a reading to a draft Law. No text of the promised draft Law was given out.

Deputy Justice Minister Akbar Tashkulov spoke of alleged changes in the legal situation, including a five-fold fall in the state fees to register religious communities, a reduction in the number of documents required to register a religious community, a requirement that registered religious communities present annual, not quarterly reports to the state, ending the powers of Justice Departments to close religious communities, and the imposition of fines of 100 base units for religious communities which violate legal provisions.

The Russian-language website account of the meeting then adds: "The proposal of the draft Law on freedom of conscience and religious organisations was adopted in the new version." The Uzbek-language account says merely that "detailed information" was provided on the changes in the draft Law.

Officials unwilling to state what stage draft Religion Law at

As the draft Law, if a text exists, has not begun the process of being formally adopted by Parliament, and contrary to UN Special Rapporteur Shaheed's recommendations no text has been made public, Forum 18 tried to find out what stage the draft Law has reached.

Justice Ministry officials declined to comment to Forum 18 on the draft Law or put Forum 18 through to Deputy Minister Akbar Tashkulov. Reception officials on 3 June referred Forum 18 to Afzal Artykov, Head of the International Relations Section of the Senate, the upper chamber of Parliament.

"I know that the Law is some at some stage of development," Artykov told Forum 18 from the Senate on 3 June, "but I cannot tell you the exact situation." He referred Forum 18 to Akmal Saidov, Director of the state-controlled National Human Rights Centre, and his Assistant Dilnoza Muratova. "They are more competent to talk about it and the National Centre prepared the draft Law."

State-controlled National Human Rights Centre officials refused to comment on the draft Law or to put Forum 18 through to Saidov or Muratova between 3 and 5 June. Oybek Akhmadov, a reception official, told Forum 18 on 3 June that Saidov is "not available" and Muratova is "busy." He asked it to call back the next day. However, on 4 June officials (who refused to give their names) kept asking Forum 18 to call back later. On 5 June Akhmadov put the phone down as soon as he heard Forum 18's name. Subsequent calls to the Centre went unanswered.

Okil Ubaydulloyev, Senior Advisor to President Shavkat Mirziyoyev on security and religious issues, on 4 June began questioning

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Forum 18 why it is asking him about the Law and who else it contacted before calling him. He already knew that it called the Senate and National Centre. "Was it you who called the National Centre and Senate asking about the Law yesterday?" he asked.

When Forum 18 asked again what stage the claimed draft Law has reached, Ubaydulloyev replied: "I cannot tell you exactly. I will ask Saidov and his Assistant from the National Centre to reach Forum 18 through its website and write about the developments with the Law." Forum 18 has received no reply yet from the National Centre.

What changes do people in Uzbekistan want?

People in Uzbekistan have repeatedly criticised to Forum 18 restrictions on the exercise of freedom of religion or belief in the current Religion Law (http://www.forum18.org/archive.php?article_id=2314). This was adopted in 1998 under the previous President Islam Karimov and has remained largely unchanged since then.

Most forthright are members of Baptist Council of Churches congregations, who as is their right in international law choose not to seek state permission to exercise freedom of religion or belief. "The state should abolish the Religion Law altogether," one Council of Churches Baptist told Forum 18 on 5 June. "Why should it regulate the religious life of believers through a law? If they must have a law, then it should make state registration voluntary, not compulsory."

Others focused on the current obstructions to religious communities gaining state registration and the intrusive controls this brings. "We hope that the Law will be changed significantly so that it will not be difficult to register our Church," the leader of an unregistered Protestant community – who asked not to be identified for fear of state reprisals – told Forum 18 on 4 June.

Bishop Jerzy Maculewicz, head of the Catholic Church in Uzbekistan, told Forum 18 that he hopes that the new Law is better than the current Law (http://www.forum18.org/archive.php?article_id=2314). "We hope that according to the new Law we will not be required to give advance notice of our meetings and spiritual exercises of our believers, including information about the participants and topics discussed."

The Bishop said that he had already explained to officials that they do not need to know "that we will for example gather at a certain time to talk about the Holy Spirit or any other religious topics with our believers. I hope some of those requirements will be removed with the new Law."

A Muslim human rights defender from Tashkent, who wished to remain anonymous for fear of state reprisals, told Forum 18 on 5 June that they want a new Religion Law to:

- end the ban on Muslim women wearing the hijab or other religious head scarf;

- end the ban on Muslim men wearing beards at work place or places of education;

- end the ban on teaching religion privately, an end to the ban on private teaching of Islam to children or opening new madrassahs [religious schools];

- end the ban on opening mosques which are not state controlled via the Muslim Board (Muftiate);

- and end the ban on praying with others outside state-registered places of worship in private homes.

Rukhiddin Komilov, an independent Muslim human rights defender, told Forum 18 on 5 June that a new Religion Law should allow children to be taught Islam. "If parents are not allowed to teach the foundations of Islam and our own traditions to their children, how can young men or their parents be blamed if they join extremist movements?"

Komilov also noted that registration applications can take months if not years. He thought that state agencies should be given a maximum of one month to answer all applications for state registration from religious communities.

Human rights defender Shukhrat Ganiyev from Bukhara told Forum 18 on 5 June that "we have noticed a temporary reinforcement of the control over the exercise of freedom of religion and belief. For example, the government still seriously limits the freedom of expression of one's own religious beliefs and public criticism of government religious policies" (http://www.forum18.org/archive.php?article_id=2564).

Ganiyev also noted that both people in Uzbekistan and international organisations have strongly criticised the use of "vague concepts of 'extremism', 'anti-constitutional acts', and 'participation in banned religious groups' to punish Muslims".

Human rights defender Ganiyev also noted that former prisoners of conscience have not been rehabilitated and their criminal records annulled. "This is important for their integration into society. They still have to go report to the local posbon's [state appointed mahalla (http://www.forum18.org/archive.php?article_id=2314) official] and go through 'preventive talks' on a regular basis. They

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have problems finding employment. It is necessary to improve the procedures for full rehabilitation of these individuals who were unjustly prosecuted and suffered."

"Civil society is expecting systemic changes in human rights from the government. Only this and real reforms can guarantee no return to the repressive past," Ganiyev commented.

Registration requirements almost unchanged

Despite proclaimed imminent changes to the Religion Law, the Religious Affairs Committee left registration requirements almost unchanged when it published draft changes to them on 25 May.

Among the unchanged requirements were those to have 100 adult citizens to found a religious community, the requirement to present extensive documentation (http://www.forum18.org/archive.php?article_id=2314) (including religious education certificates of leaders, written permission from local authorities and a range of other state agencies), and the requirement – for local religious communities - to give the physical distance between the community's place of worship and the nearest registered place of worship of the same faith.

The requirement for all religious communities to have state permission in order to exist and exercise their freedom of religion and belief also remains unchanged. This does not as UN Special Rapporteur Shaheed recommended, implement Uzbekistan's binding international human rights law obligations. The obligations on registration are outlined in the Organisation for Security and Co-operation in Europe (OSCE) / Council of Europe Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (http://www.osce.org/odihr/139046?download=true).

The government draft law website regulation.gov.uz gave the public until 9 June to comment on the proposed amendment. However, the website noted only two such comments by the end of 9 June.

Jehovah's Witnesses pointed out that the proposed revised registration regulations do nothing to help resolve the "insurmountable obstacles in registration" they still face (http://www.forum18.org/archive.php?article_id=2314). They note that the proposed text still requires a community to get permission from the mahalla committee, the state-run body that controls a small district of a town or city, for it to use a particular address. Even if it achieves this, a community still needs to get the approval of the Religious Affairs Committee.

"We cannot overcome even the first point: mahallas in a number of regions have been refusing to give their approval (http://www.forum18.org/archive.php?article_id=2527)," Jehovah's Witnesses told Forum 18 on 8 June.

Fees, fines reduced

Two legal changes apparently unrelated to the proposed new Religion Law have reduced the non-refundable fees religious communities need to pay when applying for state registration, and the level of fines to punish the exercise of freedom of religion or belief under both the Criminal Code and the Administrative Code.

On 21 May 2019, President Mirziyoyev signed a Decree on setting the levels of wages, pensions and fees. This established from 1 September 2019 a new base unit for calculating state fees (for example for registering a religious community) and fines, replacing the earlier use of multiples of the official monthly minimum wage.

The introduction of a new base unit instead of denominating such fees and fines using the official monthly minimum wage has had the effect of reducing such fines and fees by about two-thirds.

The minimum monthly wage from September 2019 was 634,800 Soms, while the new base unit was set at 223,000 Soms. While the minimum wage and pensions increased from 1 February 2020, the base unit remained unchanged.

The Criminal Code and the Administrative Code were both amended on 4 December 2019. A fine of 100 times the minimum monthly wage, for example, became a fine of 100 base units.

The new Law on State Fees (including for state registration of religious communities) came into force on 7 January 2020. The fee for registering a centralised religious community was set at 20 base units (currently 4,460,000 Soms), and a local religious community at 10 base units (currently 2,230,000 Soms). Re-registration fees are half the level of the original registration.

Ten base units represents about one month's average wage for those in formal work. (END)

Full reports on freedom of thought, conscience and belief in Uzbekistan (http://www.forum18.org/archive.php?query=&religion=all&country=33)

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For more background, see Forum 18's Uzbekistan religious freedom survey (http://www.forum18.org/archive.php?article_id=2314)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (http://www.forum18.org/archive.php?article_id=1351)

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