

5 July 2021

UZBEKISTAN: President to sign restrictive new Religion Law?

By Felix Corley, Forum 18 (<https://www.forum18.org/>), and Mushfig Bayram, Forum 18 (<https://www.forum18.org/>)

Uzbekistan's new Religion Law [signed by the President 5 July, came into force 6 July] maintains almost all the restrictions on freedom of religion and belief in the current Religion Law. It continues to ban: all exercise of freedom of religion and belief without state permission; teaching about religion without state permission; sharing beliefs; and publishing, distributing or importing printed and electronic religious materials which have not undergone compulsory prior state censorship. The continuing restrictions are in defiance of Uzbekistan's legally binding international human rights obligations.

Uzbekistan's new Religion Law maintains almost all the restrictions on freedom of religion and belief in the current Religion Law, Forum 18 notes. The new Law – which officials have been working on since at least 2015 - completed passage in Parliament on 26 June and is now awaiting presidential signature into law.

[UPDATE 6 July 2021: On 5 July, President Shavkat Mirziyoyev signed the Religion Law. His signature was announced on 6 July, when the text of the new Law was finally made public and it came into force. The signed Law included only minor changes compared to the 4 May 2021 version.]

The restrictions are maintained in defiance of Uzbekistan's legally binding international human rights obligations, as noted in recommendations to the country from the United Nations (UN) Special Rapporteur on Freedom of Religion or Belief, the UN Universal Periodic Review (UPR), and the UN Human Rights Committee. The most recent recommendations on the draft Religion Law, requested by Uzbekistan, are by the Organisation for Security and Co-operation in Europe (OSCE) and the Council of Europe Venice Commission.

The recommendations identify numerous continuing restrictions including:

- a ban on all exercise of freedom of religion and belief without state permission;
- a ban on teaching about religion without state permission;
- a ban on sharing beliefs;
- and compulsory prior state censorship of all printed and electronic religious materials (see below).

Although the Religion Law reduces the number of adult citizens required to apply for a community to be allowed by the regime to exist from the current 100 founders to 50, it adds an extra restriction requiring all founders to live in one city or district (see below).

Among other restrictions, the new Religion Law retains the burdensome state registration process as well as the web of other state restrictions on exercising freedom of religion and belief and related human rights. For example, state registered religious organisations must still inform the regime of any events they plan to hold outside their state registered premises (see below).

Abduvohid Yakubov, a human rights defender from Tashkent, identifies several "critical problematic issues" in the new Law. These include restrictions on religious education, registration of religious organisations and religious educational institutions, and the powers given to the state Religious Affairs Committee, "which are against the principle of the separation of the State and religion".

Forum 18 has studied a copy of the text in the version approved by the lower chamber of Parliament on 4 May 2021. It appears that the Senate did not make any changes to the lower chamber's text.

The drafting and adoption of the new Religion Law took place almost entirely in secret. Once the draft Law entered parliament, the public was given no access to any texts after the publication of a draft text in August 2020. Even after the Law had completed passage in the Senate on 26 June 2021 and was then sent for presidential signature, no text of the newly-adopted Law was made public (see below).

The President usually signs laws between several days or weeks after the Senate has approved them. The new Law is due to come into force when it is officially published. "The state wants total control and even discussion of the Religion Law is in secret," one human rights defender commented. "This breeds extremism" (see below).

The regime has not announced changes to the Criminal and Administrative Code punishments for exercising freedom of religion or belief which correspond to the new Religion Law. However, the General Prosecutor's Office has separately prepared a draft new Criminal Code set to come into force from 1 January 2022 (see below).

Although Uzbekistan has been from 13 October 2020 a member of the United Nations (UN) Human Rights Council, the regime has repeatedly failed to implement recommendations on its binding international human rights obligations. As well as the October 2020 Joint Opinion from the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) on the draft Religion Law, other ignored recommendations include: September 2017 recommendations from the UN Special Rapporteur on Freedom of Religion or Belief; recommendations the regime claimed in 2018 to accept from its UN Universal Periodic Review (UPR); and May 2020 Concluding Observations of the UN Human Rights Committee (see below).

People in Uzbekistan have repeatedly outlined the changes they would like to see in a new Religion Law and the regime's actions (https://www.forum18.org/archive.php?article_id=2609). However, as with the recommendations of international experts - the regime has also ignored these criticisms made by the people it rules.

New Criminal Code drafted

The regime has not announced changes to the Criminal and Administrative Code punishments for exercising freedom of religion or belief which correspond to the new Religion Law.

However, the General Prosecutor's Office has separately prepared a draft new Criminal Code set to come into force from 1 January 2022. A "consultation" – begun on 22 February 2021 – received 102 comments before it ended on 9 March 2021. The new Code has not yet been presented to parliament.

The new Code would continue to punish those who exercise freedom of religion or belief without state permission.

Members of religious communities and human rights defenders have also criticised the draft new Criminal Code. A "disguised old Criminal Code with no real changes", Protestants complain (https://www.forum18.org/archive.php?article_id=2644). Muslims describe it as "our government's old tricks". Solmaz Akhmedova of the Human Rights Alliance noted that "they just made some decorative changes".

State control over exercise of freedom of religion or belief to continue

Despite provisions in Article 7 of the new Religion Law that religion is separate from the state, human rights defenders and religious communities have repeatedly complained about the continued role for the state to restrict and interfere in the exercise of freedom of religion or belief (https://www.forum18.org/archive.php?article_id=2314).

Commenting on the August 2020 draft text, the Venice Commission and OSCE ODIHR Joint Opinion (https://www.forum18.org/archive.php?article_id=2609) states that the draft "does not provide for strong guarantees of the autonomy for religious organizations and continues to subject fundamental elements of the freedom to manifest religion or belief to some forms of state control or state authorization".

The continuation of tight state controls in the new Religion Law – many of which are vaguely worded and open to arbitrary implementation - is in defiance of the October 2020 Venice Commission and OSCE ODIHR Joint Opinion on the draft Law. This had included among its recommendations: "to remove vague and overbroad wording, which give too wide discretion to those public authorities tasked with implementation, thus potentially leading to arbitrary application/interpretation and undue restriction to the right of freedom of religion or belief".

Religion Law part of web of state controls

While the Religion Law is the main legal text setting out the state's control over the exercise of freedom of religion or belief, it is by no means the only one.

The Criminal and Administrative Codes include numerous provisions punishing the exercise of freedom of religion or belief (https://www.forum18.org/archive.php?article_id=2314).

Other laws which remain in force also include restrictions. The 2014 Law on Prevention of Violations of the Law gives wide-ranging powers to state bodies, including committees which run mahallas [local districts], as well as non-state and non-commercial public organisations and ordinary citizens (https://www.forum18.org/archive.php?article_id=2314). The Law

requires individuals punished for exercising freedom of religion or belief to be placed on the Preventive Register and be subjected to close control.

The Prevention Law also gives mahalla committees wide powers in co-operation with the police. These include the requirement to "take measures to prevent the activity of unregistered religious organisations, ensure observance of rights of citizens to religious freedoms, not allow forced propagation of religious views, consider other questions related to observance of the Religion Law".

While the new Religion Law makes no specific mention of any role for mahalla committees in restricting freedom of religion or belief in their local districts (unlike in the current Law), the Prevention Law still requires mahalla committees them to restrict freedom of religion and belief.

In addition to the registration obstacles in the Prevention Law and the new Religion Law if signed into law, detailed regulations on how registration applications can be made, and matters such as the censorship procedures for all religious materials (https://www.forum18.org/archive.php?article_id=2314), provide more barriers to exercising freedom of religion and belief.

Hostility to exercise of freedom of religion or belief remains

Alongside published legal texts, official attitudes also play an important role in restricting the exercise of freedom of religion or belief. Throughout the Soviet period and in the years since then, police and secret police officers, prosecutors, courts and other officials and state bodies have routinely denied individuals' and communities' human rights, including the freedom of religion or belief (https://www.forum18.org/archive.php?article_id=2314).

The new Religion Law – like the current 1998 Law – rests on the regime's underlying deep hostility to the exercise of freedom of religion or belief and other human rights, along with the assumption that the exercise of human rights must only be exercised with state permission.

The hostility to human rights is revealed in what the Venice Commission and OSCE ODIHR Joint Opinion (https://www.forum18.org/archive.php?article_id=2609) describes as: "vague and overbroad wording, which give too wide discretion to those public authorities tasked with implementation, thus potentially leading to arbitrary application/interpretation and undue restriction to the right of freedom of religion or belief"

Such an approach is evident in the definitions in Article 3 of "missionary activity", "proselytism" and "illegal religious activity" (see below).

Article 5 describes one of the state's aims in enacting policy on freedom of religion and belief: "to counter the implanting and spread of various religious ideas and views threatening public order, health, morals and rights of individuals".

Article 4 also bans, among other things, "the use of religion with the aim of violent change to the constitutional order, violation of territorial integrity, Uzbekistan's sovereignty, the denigration of the Constitutional rights and freedoms of citizens, propaganda of war and national, racial, ethnic or religious hatred, causing harm to the health and morals of citizens, violation of civil accord, the spread of slanderous fabrications destabilising the situation, the creation of panic among the population and the carrying out of other actions directed at the person, society and the state".

Article 9 bans registered religious organisations from "carrying out forcible financial collections and levies on believers, as well as conducting other measures harming the honour and worth of the individual".

It remains unclear why these explicit bans are included in the new Religion Law when these bans are already included in laws of general applicability which cover such actions by anyone.

Exercise of freedom of religion and belief without state permission still to be banned

Article 3 of the new Religion Law, which defines concepts in the proposed Law, identifies "illegal religious activity" as "activities without registration as a religious organisation, the implementation by a religious organisation of activities outside its [legally allowed] location, including religious and prayer buildings and territories belonging to a religious organisation, as well as engaging in religious educational activities privately outside religious educational institutions".

The continuation of the ban on exercising freedom of religion or belief without state permission is in defiance of the recommendations of the October 2020 Venice Commission and OSCE ODIHR Joint Opinion (https://www.forum18.org/archive.php?article_id=2609) on the draft Law. This had included among its recommendations: "remove the definition of "illegal religious activity" and expressly state that religious or belief groups may exist and carry out their activities without registration".

Council of Churches Baptists – who refuse on principle to seek state permission to exercise freedom of religion or belief and have

been frequently raided and punished for meeting for worship (https://www.forum18.org/archive.php?article_id=2314) – told Forum 18 in August 2020 that the proposed new Law fails to respect their internationally-recognised right to exercise freedom of religion or belief without state permission.

Exercise of freedom of religion or belief at home and elsewhere still to be limited

Article 9 of the new Religion Law specifies where registered religious communities are allowed to conduct "religious rites and ceremonies". These include in registered places of worship, places of pilgrimage, cemeteries and "in cases of ritual necessity" in homes at individuals' request.

This provision – which repeats the wording of the current Religion Law - appears to ban individuals from organising meetings for worship or other religious activity in their own homes.

Notification of off-site religious events still needed

Article 12 of the new Religion Law, which sets out obligations of registered religious organisations, requires them "to notify the Justice bodies on the conducting of events (conferences, seminars and others, with the exception of religious rituals and ceremonies) for provision of support for their free conduct".

The continuation of the prior, compulsory notification of off-site religious events is in defiance of the recommendations of the October 2020 Venice Commission and OSCE ODIHR Joint Opinion (https://www.forum18.org/archive.php?article_id=2609) on the draft Law. This had included among its recommendations: "to remove the obligation to notify the Committee of Religious Affairs about events".

The Joint Opinion noted that: "Freedom of religion or belief includes the right of a religious or belief community or organization and its members to perform religious/belief activities without giving notice of them to State authorities, unless the nature of these activities require the co-operation of State bodies."

The Opinion also notes: "The list of the activities to be notified includes events (meetings, round tables, seminars, etc.) that may not necessarily require such co-operation. Moreover, the scope of this requirement is unclear (..) it "violates the principle of autonomy and non-interference in the activities of religious or belief communities and organizations and the right to privacy of members of religious or belief organizations under Article 17 of the ICCPR [International Covenant of Civil and Political Rights]."

While the August 2020 draft Law had specified the Religious Affairs Committee rather than the Justice Ministry and its departments as the organisation religious communities had to inform of such events, the new Law as adopted by Parliament returns to requiring that the Justice Ministry must be informed of events in advance.

The Law as adopted by Parliament continues the requirement set out in a 1 June 2018 Justice Ministry Decree. Under this Decree, non-commercial organisations (including religious organisations) must inform the Ministry or the local Justice Department of plans to hold events such as seminars or conferences away from their registered premises (https://www.forum18.org/archive.php?article_id=2589). They must give 10 days' notice or – if any foreign citizens are involved – 20 days' notice.

A religious community the state allows to exist must give the reasons for any event, the address, date and time, how many people are due to attend, what type of people they are (students, women, children), sources of finance, and provide copies of any literature or audio-visual material that will be used at the event. Any foreign citizens attending have to be named, with information on their citizenship and date of birth.

The Decree says religious communities do not have to give such notice for "religious rituals", but they do if the events are of any other nature.

Justice Ministry officials can ban such events if religious communities fail to submit full information or if the proposed event is not in line with the law. If religious events go ahead without notifying the Justice Ministry or in defiance of a Justice Ministry ban, the organisers can face punishment.

"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," Bishop Jerzy Maculewicz, head of the Catholic Church in Uzbekistan, told Forum 18 in June 2020 (https://www.forum18.org/archive.php?article_id=2576).

Religious teaching without state permission still to be banned

Article 3 of the new Religion Law, which defines concepts in the proposed Law, identifies "illegal religious activity" as including "engaging in religious educational activities privately outside religious educational institutions".

The continuation of the ban on religious teaching without state permission is in defiance of the recommendations of the October 2020 Venice Commission and OSCE ODIHR Joint Opinion (https://www.forum18.org/archive.php?article_id=2609) on the draft Law. This had included among its recommendations: "remove the prohibition of "engaging in religious educational activities in private".

Article 3 of the new Law defines a "religious educational establishment" as "an institution associated with a specific confession created by a central organ of administration of [registered] centralised religious organisations of Uzbekistan to prepare professional officials of religious organisation and necessary religious personnel for them".

Article 17 states that only centralised religious organisations registered by the Justice Ministry can establish religious educational establishments. Before applying to register such institutions, a centralised religious organisation needs an "assessment" from the Religious Affairs Committee. This appears to be a requirement for the Committee to have given its approval.

Article 11 allows religious educational establishments to function only after the Justice Ministry has registered them and the Religious Affairs Committee has given them a state licence. Only adults would be allowed to study in such institutions, under Article 8. Everyone teaching a religious subject in such institutions "must have professional religious education".

This means that religious communities which have been unable to register centralised religious organisations, or do not have communities in at least 8 of the country's 14 regions making them ineligible to apply, cannot try to register a religious educational establishment. Nor could several communities of different religious communities set up a joint religious educational establishment.

The October 2020 Venice Commission and OSCE ODIHR Joint Opinion (https://www.forum18.org/archive.php?article_id=2609) on the draft Law said the restriction on which organisations could have religious educational establishment "may discriminate against smaller religious or belief communities and organizations" and said the restriction "should be removed".

Nor, it seems, could a religious educational establishment offer education to individuals who want to learn more about their own or other faiths without this leading to a specific role in that registered religious community.

"These religious schools can prepare only religious ministers or workers," human rights defender Yakubov told Forum 18. "It does not allow a wider public to receive religious education without becoming religious ministers. Moreover, school children are banned from religious education altogether."

Yakubov calls for all religious organisations to be allowed to offer religious education, not only those which have been able to gain state recognition as "centralised religious organisations". He also calls for the role of the Religious Affairs Committee to be abolished.

Sharing beliefs with others still banned

Article 3 of the new Religion Law, which defines concepts in the proposed Law, identifies "missionary activity" as "activities for the compulsory imposition of religious views and the dissemination of religious teachings by purposefully exerting ideological influence on a person (or group of persons) with the aim of converting him (them) to one's religion".

Article 3 then defines "proselytism" as "a form of missionary activity, expressed in the conversion of believers from one denomination to another".

Drawing on these definitions, Article 7 declares: "Carrying out missionary activity and proselytism are not allowed."

The continuation of the ban on sharing beliefs with others is in defiance of the recommendations of the October 2020 Venice Commission and OSCE ODIHR Joint Opinion (https://www.forum18.org/archive.php?article_id=2609) on the draft Law. This criticised the August 2020 draft Law as it "still prohibits [...] missionary activities".

Religious censorship to continue

The new Religion Law continues the prior, compulsory state censorship (https://www.forum18.org/archive.php?article_id=2314) of all "materials of religious content". Article 10 defines these as all printed and electronic materials, including on the internet, as well as signs and symbols, "expressing the dogmatic bases, history and ideology of the teaching and commentary on it, the practice of rituals of different religious faiths, as well as an evaluation from a religious position of individual personalities, historical facts and events".

The continuation of the prior, compulsory state censorship of all "materials of religious content" is in defiance of the recommendations of the October 2020 Venice Commission and OSCE ODIHR Joint Opinion (https://www.forum18.org/archive.php?article_id=2609) on the draft Law. This had included among its recommendations: "remove

the state censorship requirement "prior to producing, importing and distributing religious or belief materials".

Article 10 of the new Law declares that the Cabinet of Ministers sets out the procedure for individuals and legal entities to be allowed to produce, import or distribute materials about religion.

"Production, import or distribution of materials of religious content on the territory of the Republic of Uzbekistan is carried out after receiving a positive conclusion of a religious studies expert analysis with the aim of preventing the spread in society of ideas and views capable of destroying inter-religious accord and religious tolerance and calling for violence and outrages on a religious basis."

"No one can express their religious views publicly without the permission of the state," human rights defender Yakubov complained to Forum 18. "This is gross violation of human rights."

Burdensome registration approval to continue

Article 16 specifies that the Justice Ministry registers centralised religious organisations and religious educational establishments. Local Justice Departments in the 14 regions register local religious organisations.

However, under Article 17, applications for registration of any level of religious organisation require an "assessment" from the Religious Affairs Committee. This appears to give the Committee a power of veto. It remains unclear how the Committee decides whether to approve an application or not, nor what a community can do if the Committee refuses to give its approval.

In addition, local religious communities need an "assessment" from the regional administration where they are located "with the attachment of a conclusion on the appropriateness of the immovable property of a local religious organisation which it proposes to use as its postal address, with the demands of town-planning norms".

The continuation of "stringent and burdensome registration requirements" is in defiance of the recommendations of the October 2020 Venice Commission and OSCE ODIHR Joint Opinion (https://www.forum18.org/archive.php?article_id=2609) on the draft Law. This had included among its recommendations: "to review the registration requirements and documents required and simplify them to ensure that they are not burdensome, especially remove the requirement to obtain the letter of consent from the Committee on Religious Affairs and the letter of guarantee from the local state authorities".

Another OSCE ODIHR/Venice Commission recommendation had been: "to more strictly circumscribe and specify the grounds for refusal to register a religious or belief organization in compliance with the limitation grounds permissible under Article 18 of the ICCPR [International Covenant on Civil and Political Rights]".

Compulsory approval from the Religious Affairs Committee "must be removed", says human rights defender Yakubov. "The Committee has always abused its powers against religious communities and particularly mosques since 1998. It always created numerous obstacles in order not to register local mosques."

Applications also need to include information about the organisation's founders, and the founding meeting, and – for centralised and local organisations – a document confirming that the leader has appropriate religious education, unless the community does not routinely give religious leaders education (see below).

Under Article 24, the Justice Ministry will include details of registered religious communities in a publicly-accessible electronic register. The register will include "information on the initiators (founders), participants (surnames, first names and patronymics), and contact details". Many individuals have in the past been unwilling to be identified as a founder and therefore to provide their personal details to the authorities for fear of state reprisals.

Enforced liquidation still to be possible

Officials will under Article 25 of the new Law still be able to seek the liquidation of registered religious organisations, though now this must be done through the courts, not by the Justice Ministry or Justice Department as under the current Law.

Reasons for liquidating a registered religious organisation include "violating legislation by the religious organisation". A court can, at the request of the Prosecutor's Office or Justice Ministry or Justice Department, suspend a registered religious organisation for six months for "activities contradicting the aims in its statute" or failing to correct "violations" pointed out by these bodies.

Suspension or liquidation of a registered religious organisation means that any activity by members of such communities becomes illegal and punishable under the Criminal or Administrative Codes.

Independent mosques banned or not?

The new Religion Law – like the current Law – contains no provisions that specifically ban Muslim communities outside the

framework of the state-controlled Muslim Board (Muftiate) from seeking state registration. However, officials have always refused to register such communities without giving any valid reason why independent mosques or mosques of non-Muslim Board affiliation cannot exist (https://www.forum18.org/archive.php?article_id=2314).

The last provision of Article 14 – which specifies which documents must accompany registration applications - declares: "Statutes of religious organisations which have centralised organs of administration must be agreed by these organs."

Officials might interpret this provision in a way that prevents any mosque without the approval of the Muslim Board (or Orthodox church without the approval of the Russian Orthodox Church's Tashkent diocese) from seeking state registration.

Restrictions on religious leaders to continue

Article 11 of the new Religion Law declares: "The leader of a religious organisation can be an individual having appropriate religious education, with the exception of confessions whose doctrines do not envisage a system of professional religious education." However, having religious education appears to be a requirement for the leader of most registered religious organisations, not a choice.

Article 17 requires applications to register a centralised religious organisation or a local religious organisation "with the exception of confessions whose doctrines do not envisage a system of professional religious education" to include "a document on the presence of religious education" of the leader.

The Law does not explain why religious leaders need state approval for their religious qualifications, nor define what level of religious education is sufficient to satisfy officials, nor whether it matters where this religious education was obtained.

Article 16 requires leaders or employees of a registered religious organisation who are foreign citizens to be accredited by the Justice Ministry. The current Law requires leadership candidates who are foreign citizens to be approved by the Religious Affairs Committee.

Under a May 2018 Decree, religious communities seeking registration must provide (https://www.forum18.org/archive.php?article_id=2396): a notarised copy of Uzbekistan's official recognition of any official foreign or Uzbek religious education that the head of a religious community has completed; and a notarised copy of Uzbekistan's official recognition of any official foreign or Uzbek religious education that the head of a religious educational institution run by the community has completed. There is no indication of what type of religious education, whether formal or informal, is covered by this second new registration requirement. The official centre that recognises foreign educational qualifications is the State Inspectorate for Supervision of Quality in Education. However, an official there told Forum 18 that among foreign religious qualifications, it had only considered those obtained in Islamic educational establishments.

Religious Affairs Committee's vague role

Article 15 of the August 2020 draft Law had set out the role of the Religious Affairs Committee. Among tasks assigned to it were: licensing and overseeing religious educational establishments; approving the granting of land for building to any registered religious organisation; overseeing foreign travel for religious purposes, including the haj and umra pilgrimages to Mecca and religious study abroad; and censoring religious literature and other materials.

Article 16 and Article 17 of the August 2020 draft Law set out the roles of the Justice Ministry and its departments, and of local administrations.

However, all these provisions had been deleted by the time Parliament adopted the new Religion Law.

While the rest of the new Religion Law mentions tasks handed to these bodies, some roles are no longer specified. However, the new Law does not annul numerous decrees which, for example, assign responsibility for controlling foreign travel for religious purposes (including the haj pilgrimage) to the Religious Affairs Committee.

Restrictions changed, not abolished

The new Religion Law eases some of the restrictions in the current Law but adds alternative restrictions. Most notable is the reduction of the number of adult citizens needed to apply to register a local religious community from 100 to 50. However, a new requirement is added that these founders now must live in one town or district.

Even with a lower number of necessary founders, officials have many possibilities to find reasons to reject applications from communities they do not like, as frequently happens (https://www.forum18.org/archive.php?article_id=2669) at present.

This also means that no community with fewer than 50 adult citizen members would be able to exercise freedom of religion or belief

collectively.

The October 2020 Venice Commission and OSCE ODIHR Joint Opinion (https://www.forum18.org/archive.php?article_id=2609) on the draft Law questions why religious communities require a higher threshold for registration than public associations, which in Uzbekistan require ten adult citizens. The Joint Opinion suggests that two people should be enough. The recommendations also declare: "It is recommended to remove the requirement of citizenship and simply require permanent residence in Uzbekistan, and not in a specific district/city."

The OSCE/ODIHR and Venice Commission Joint Guidelines on the Legal Personality of Religious or Belief Communities (<https://www.osce.org/odihr/139046>) warn against "burdensome requirements that are not justified under international law" (paragraph 25) such as among other things "an excessive minimum number of members" (paragraph 27). Having no minimum membership, or only requiring two to five members, are offered as examples of good practice within the OSCE, of which Uzbekistan is a participating State.

Article 21 of the new Religion Law reduces the maximum time the Justice Ministry or regional Justice Departments are allowed to consider registration applications from three months in the current Law to one month.

Under Article 19, registered religious organisations must notify any changes to their postal address, bank details or ruling body to the Justice Ministry or regional Justice Departments electronically within one month. Under the current Law, such changes require the full re-registration of the organisation, with all the burdensome requirements this entails.

The new Law does not continue the bizarre provision in Article 14 of the current Religion Law which bans people who are not registered clergy from appearing in public wearing religious clothes.

Electronic documentation

Article 15 of the new Religion Law notes that the registration process (which it describes as a "state service") is to be done online. Applications for registration are to be submitted electronically and registration certificates are held online in a registered religious community's online account.

However, although religious organisations seeking registration will have to submit documentation electronically, such documents will still be considered by officials. Whether they continue to use arbitrary criteria for rejecting applications from communities they do not like remains unclear.

The new Law does not say if registered religious communities' compulsory annual reports on their activity to the Justice Ministry or regional Justice Departments are to be submitted electronically.

No mention of compulsory re-registration

The new Religion Law makes no mention of whether or not religious communities that have state registration now will be required to re-register under the terms of the new Law. All registered religious communities were required to re-register the last time Uzbekistan adopted a new Religion Law in 1998 (https://www.forum18.org/archive.php?article_id=105).

The Venice Commission and OSCE ODIHR Joint Opinion (https://www.forum18.org/archive.php?article_id=2609) cited autumn 2020 videoconferences with Uzbek state officials, who "confirmed that existing registered religious organizations will not be required to re-register, though some stakeholders emphasize that the adoption of the Draft Law will require substantial changes to be made to their charters, and therefore that it be re-registered with the payment of the relevant fee."

Member of UN Human Rights Council, yet ignores human rights obligations

Uzbekistan was on 13 October 2020 elected to the United Nations Human Rights Council (<https://www.hrw.org/news/2020/09/17/reality-check-human-rights-uzbekistan>). The Council oversees the Universal Periodic Review (UPR) of member states' implementation of their legally-binding human rights obligations.

In 2018 Uzbekistan claimed to accept UPR recommendations on freedom of religion and belief and other human rights (https://www.upr-info.org/sites/default/files/document/uzbekistan/sesion_30_-_mayo_2018/uzbekistan_2rp.pdf) at the end of the review of its human rights record.

Among the UPR recommendations relating to freedom of religion and belief which Uzbekistan claimed to accept but has not implemented were three from Ghana:

Cease all restrictions on the right to freedom of opinion and expression (https://www.forum18.org/archive.php?article_id=2649), and ensure that the right to manifest one's religion in private or in public (https://www.forum18.org/archive.php?article_id=2655) is fully

protected and realized";

"Consider removing burdensome and oppressive registration requirements (https://www.forum18.org/archive.php?article_id=2669), and rescind intrusive government practices, including monitoring and raiding, which infringe on the right to freedom of religion or belief" (https://www.forum18.org/archive.php?article_id=2660);

and "Release all prisoners of conscience incarcerated or arbitrarily detained on account of their faith (https://www.forum18.org/archive.php?article_id=2640)."

Uzbekistan also claimed to accept but has not implemented two recommendations from Canada:

"Revise practices in detention facilities to eliminate the use of torture or other cruel treatment or punishment (https://www.forum18.org/archive.php?article_id=2635), employ independent monitoring, and thoroughly investigate and prosecute allegations of such practices";

and "Revise provisions in the country's criminal and administrative codes relating to freedom of religion or belief (https://www.forum18.org/archive.php?article_id=2644), so as to conform with article 18 of the International Covenant on Civil and Political Rights (<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>)".

The October 2020 OSCE ODIHR/Venice Commission Joint Opinion is the latest opinion to identify successive failures on the part of the regime to implement its binding international human rights obligations (https://www.forum18.org/archive.php?article_id=2609), or act on recommendations to do this. In September 2017, UN Special Rapporteur on Freedom of Religion or Belief Ahmed Shaheed (A/HRC/37/49/Add.2 (<https://undocs.org/en/A/HRC/37/49/Add.2>)) recommended: "A new law on freedom of religion or belief should be fully compatible with article 18 (<https://www.refworld.org/docid/453883fb22.html>) of the International Covenant on Civil and Political Rights. The new draft law should be open to consultations and comments by the public (https://www.forum18.org/archive.php?article_id=2604), especially civil society, religious and belief communities and international partners, including the United Nations system".

Similarly, among the May 2020 Concluding Observations of the UN Human Rights Committee (CCPR/C/UZB/CO/5 (<https://undocs.org/CCPR/C/UZB/CO/5>)), the Committee stated that Uzbekistan should: "Guarantee the freedom of religion and belief and refrain from any action that may restrict such freedoms beyond the narrow restrictions permitted in article 18 of the Covenant [on Civil and Political Rights]", and should "Expedite the adoption of the new draft Act on Freedom of Conscience and Religion, ensuring its conformity with article 18 of the Covenant, including through the decriminalization of proselytism and other missionary activities, as well as of any religious activity by unregistered religious organizations".

New Religion Law adopted in secrecy

The amended Religion Law was approved in the lower chamber of parliament in the first reading on 15 September 2020 (https://www.forum18.org/archive.php?article_id=2604). The Legislative Chamber of parliament, the Oliy Majlis, approved the new Religion Law in its second reading on 4 May (https://www.forum18.org/archive.php?article_id=2660) and then sent it on to the upper chamber, the Senate. It approved the new Religion Law on 26 June (https://www.forum18.org/archive.php?article_id=2669), the Senate website announced the same day.

The new Law was then sent to President Shavkat Mirziyoyev for signature, Senator Batyr Matmuratov told Forum 18 from Tashkent on 28 June. The President usually signs laws between several days or weeks after the Senate has approved them.

The drafting and adoption of the new Religion Law took place almost entirely in secret, with only infrequent public announcements of progress. The draft text of the new Religion Law was made public on the parliamentary website in Uzbek and Russian on 19 August 2020 "for public discussion". The website gave a parliamentary email address for those wishing to submit comments. However, it gave no deadline for when comments needed to be submitted by. Parliament gave no indication subsequently whether it had taken account of the submitted comments.

Among the recommendations UN Special Rapporteur on Freedom of Religion or Belief made following his October 2017 visit to Uzbekistan, he recommended (A/HRC/37/49/Add.2 (<https://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", as well as that "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".

Members of religious communities and human rights defenders have repeatedly 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. (https://www.forum18.org/archive.php?article_id=2576)

Once the draft Law entered parliament, the public was given no access to any texts after August 2020. Even after the Religion Law

Law had completed passage in the Senate on 26 June 2021, no text of the newly-adopted Law was made public, even though it is now awaiting presidential signature. After the Religion Law was sent for presidential signature, a human rights defender commented that: "The state wants total control (https://www.forum18.org/archive.php?article_id=2669) and even discussion of the Religion Law is in secret." They added that: "This breeds extremism."

Despite numerous calls between 28 June and 5 July, no official of the Senate, the Presidential Administration, the Justice Ministry or the state Religious Affairs Committee would discuss with Forum 18 why the new Religion Law violates Uzbekistan's international human rights commitments and why the Law was adopted in near-secrecy.

Akmal Saidov, the first deputy chair of the Legislative Chamber, the lower chamber of Parliament requested a Joint Opinion from the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) on the draft Religion Law (https://www.forum18.org/archive.php?article_id=2609), which was published on 12 October 2020.

The secrecy and lack of consultation with the population who will be governed by the Religion Law is in defiance of the Joint Opinion's recommendation that: "the public authorities are encouraged to ensure that the Draft Law is subjected to inclusive, extensive and effective consultations, including with civil society and representatives of various religious or belief communities, including minority religious or belief communities, offering equal opportunities for women and men to participate." (END)

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

For more background, see Forum 18's Uzbekistan religious freedom survey (https://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 (https://www.forum18.org/archive.php?article_id=1351)

Follow us on Twitter @Forum_18 (https://twitter.com/forum_18)

Follow us on Facebook @Forum18NewsService (<https://www.facebook.com/Forum18NewsService>)

All Forum 18 text may be referred to, quoted from, or republished in full, if Forum 18 is credited as the source.

All photographs that are not Forum 18's copyright are attributed to the copyright owner. If you reuse any photographs from Forum 18's website, you must seek permission for any reuse from the copyright owner or abide by the copyright terms the copyright owner has chosen.

© Forum 18 News Service. All rights reserved. ISSN 1504-2855.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY