

26 November 2021

UZBEKISTAN: Religious freedom survey, November 2021

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

Freedom of religion and belief, with interlinked freedoms of expression, association, and assembly, remains severely restricted in Uzbekistan. Forum 18's survey analysis documents violations including: jailing and torturing prisoners of conscience whose only crime is to exercise their freedom of religion and belief; banning education and worship meetings without state permission; complete state control of all expressions of Islam; and religious literature censorship and destruction.

Freedom of religion and belief, with interlinked freedoms of expression, association, and assembly, remains severely restricted in Uzbekistan. Forum 18's survey analysis of freedom of religion and belief documents among other issues:

- the regime's election to the United Nations (UN) Human Rights Council, despite ignoring multiple recommendations from the UN Universal Periodic Review, the UN Special Rapporteur on Freedom of Religion or Belief, and the UN Human Rights Committee, among others;
- a harsh 2021 Religion Law, adopted in secrecy and against recommendations to bring the Law into line with the regime's legally binding international human rights obligations from the UN, the Council of Europe's Venice Commission, and the Organisation for Security and Co-operation in Europe's (OSCE) Office for Democratic Institutions and Human Rights (ODIHR). The Law also ignores multiple recommendations from the people the non-freely elected regime rules to stop making the exercise of freedom of religion and belief illegal;
- proposals to adopt a new Criminal Code from 2022, which in the only draft so far released also continues to make the exercise of human rights a crime;
- attempts to impose complete state control of all expressions of Islam, including banning all public manifestations of Islam outside the state-controlled Spiritual Administration of Muslims (the Muftiate), the targeting for surveillance of devout Muslims, barring Shias from opening more mosques, barring under-18-year-olds from attending mosques, especially during Ramadan, with the use of police agent provocateurs jailing and torturing Muslim men who meet informally to discuss Islam and learn to pray, and corruption and restrictions on the haj pilgrimage;
- banning religious teaching without state permission, and severe restrictions on the teaching which the state might permit;
- the imposition of state censorship of all religious texts, with wide-ranging literature bans and bans on public discussion of religious topics;
- a complex and arbitrary process of applying for state registration or permission for religious communities to exist, which provides multiple opportunities for officials to seek bribes and appears designed to discourage applications;
- jailing and torturing prisoners of conscience whose only crime is to exercise their freedom of religion and belief.

Context

Uzbekistan has the third largest surface area of the five Central Asian states and, with around 35 million people, the largest population. Government statistics state that over 83 per cent of the population are ethnic Uzbeks (regarded as being of mostly Sunni Muslim background), with about 9 per cent from other Central Asian ethnicities (regarded as being of mostly Sunni Muslim background). Russians and other ethnicities (regarded as being of mostly Christian Orthodox background) are thought to make up around 7 per cent.

President Shavkat Mirziyoyev has run Uzbekistan since September 2016, and has (like his predecessor Islam Karimov) never won an election judged free and fair (<https://www.osce.org/odihr/elections/uzbekistan>) by reputable international observers. Local and international human rights defenders have documented cases of electoral fraud, corruption, and many violations of human rights and the rule of law. Despite large mineral and other resources, much of the population remains in poverty.

The regime's basic approach appears to be that society must be under state control and so human rights – including the freedom of religion and belief - may only be exercised with state permission. Former UN Special Rapporteur on Freedom of Religion or Belief Heiner Bielefeldt noted in his August 2016 report (A/71/269) (<https://undocs.org/A/71/269>) that this freedom is linked to other freedoms, including freedom of expression and freedom of peaceful assembly and association. "There can be no free religious community life without respect for those other freedoms, which are closely intertwined with the right to freedom of religion or belief itself," he observed. "This is exactly what worries authoritarian Governments and often causes them to curb freedom of religion or belief."

Freedom of religion or belief is restricted by both published law and the long-standing actions of the regime and its officials to arbitrarily and with impunity violate human rights. Women exercising their freedom of religion and belief are particularly vulnerable to targeting by male officials in this highly patriarchal society, with strong social pressures against women speaking out about such human rights violations.

Corruption remains endemic (<https://www.uzbekforum.org/category/our-programs/corruption/>), including within business life and the ties of influential business figures with the regime. Many are reluctant to discuss corruption as a factor in the human rights violations they experience, yet there appears to be a strong connection between human rights violations and corruption (<https://www.equalrightstrust.org/sites/default/files/ertdocs/Defying%20Exclusion%202021.pdf>).

It was suggested confidentially to Forum 18 that corruption may have been a factor in a long-threatened demolition by a private company of Tashkent's Ashkenazi Synagogue and 2020 claim for "compensation" from the Jewish community. As the Jewish community could demonstrate that it had owned the land and synagogue since 1973, it is unclear why a court in 2017 gave the company a building permit to demolish the synagogue. No official was willing to explain how a company could be handed property that belongs to a religious organisation whose ownership is recorded on the State Land Registry. The threat to the synagogue was only withdrawn in August 2020 after the case attracted international attention.

Uzbekistan scores poorly on Transparency International's Corruption Perceptions Index, in 2020 ranking 146 out of 180 countries (<https://www.transparency.org/en/cpi/2020/index/uzb>).

"Legal" framework a symptom not a cause of human rights violations

Numerous articles in the Religion Law, Criminal Code and Code of Administrative Offences are used to restrict and punish anyone exercising their freedom of religion and belief and related human rights without state permission. Legal charges brought against people do not necessarily reflect what they actually did. This can lead to people being charged using laws punishing the exercise of freedom of religion and belief, when this freedom is not involved in the actions they actually carried out.

Accusations can also be terrorism-related (typically against devout Muslims) without any credible evidence. A symptom of this attitude is the long-standing involvement of police "Struggle with Extremism and Terrorism Department" officers in human rights violations against people of all beliefs.

Trials are often conducted unfairly, and officials who violate laws appear to be never prosecuted or punished. The United Nations (UN) Special Rapporteur on the Independence of Judges and Lawyers, Diego Garcia-Sayán, stated in September 2019 that "substantial threats against judicial independence and the rule of law remain". He pointed to the heavy and constant presence of the security services throughout society and in state institutions. He was also concerned about prosecutors' broad powers in criminal proceedings which limit the independence of judges.

There are credible claims made of fabricated evidence and flagrant violations of due process in trials. Unclear terminology - such as "extremism" – is used to violate international human rights law and leaves much room for frequently exercised arbitrary official interpretations.

A new 26 March 2020 Criminal Code Article 244-5 ("Dissemination of knowingly false information about an infectious disease") was introduced in the coronavirus pandemic. Doctor Alimardon Sul'tonov, a Muslim trauma surgeon known for discussing Muslim freedom of religion and belief issues, on 30 March questioned why local authorities had publicly stated that there were no coronavirus cases in his area. "I had access to the statistics centre database", Dr Sul'tonov noted, "and have read that the number of deaths was 20." After Dr Sul'tonov called, five police, Interior Ministry, and State Security Service (SSS) secret police officers came from the regional capital Nukus to question him, confiscate a computer with religious texts, and then open a criminal case against him using Article 244-5 and other articles. The restricted freedom sentence he was given and subsequent threats focused on public discussion of Muslims' freedom of religion or belief, not on infectious diseases.

Officials monitor all exercise of freedom of religion and belief. The SSS secret police carries out both covert and open surveillance of all religious communities. Members of a variety of religious communities have told Forum 18 of hidden microphones in places of worship, the presence of SSS secret police agents during meetings for worship, and the recruitment of spies within communities – including among leaders.

One Christian noted that the SSS uses "a vehicle with tinted windows, and 10 minutes before the end of the service they wind down the window enough to allow them to film everyone leaving." Another religious community member stated that the SSS "especially tries to recruit among the leaders, trying to find out how what's going on within each community, who is going where, how much money each gets, where the community gets its money from." The SSS has refused to tell Forum 18 why it spies on religious communities.

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

Uzbekistan was on 13 October 2020 elected to the UN Human Rights Council. The Council oversees the Universal Periodic Review (UPR) of member states' implementation of their legally-binding human rights obligations, and the regime was elected despite ignoring UPR recommendations on freedom of religion and belief it claimed in 2018 it accepted (https://www.upr-info.org/sites/default/files/document/uzbekistan/sesion_30_-_mayo_2018/uzbekistan_2rp.pdf).

The regime has, among other recommendations, also ignored: September 2017 recommendations from the UN Special Rapporteur on Freedom of Religion or Belief (A/HRC/37/49/Add.2 (<https://undocs.org/en/A/HRC/37/49/Add.2>)); May 2020 Concluding Observations of the UN Human Rights Committee (CCPR/C/UZB/CO/5 (<https://undocs.org/CCPR/C/UZB/CO/5>)); and an October 2020 Joint Opinion ([https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2020\)002-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2020)002-e)) from the Council of Europe's Venice Commission and the Organisation for Security and Co-operation in Europe's (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) on the draft Religion Law. Many of these recommendations have also been previously made by human rights defenders and others the regime rules.

After the Religion Law came into force on 6 July 2021 (see below), on 29 July five UN Special Rapporteurs made a joint statement (OL UZB 4/2021) (<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26562>) strongly criticising both the Law's multiple violations of international human rights law, and the disregard of both Uzbek citizens and international actors in the "consultation" process. The Special Rapporteurs on: freedom of religion or belief; the promotion and protection of the right to freedom of opinion and expression; the rights to freedom of peaceful assembly and association; minority issues; and the promotion and protection of human rights and fundamental freedoms while countering terrorism, also jointly called for the Religion Law to be brought into line with "Uzbekistan's obligations under international human rights law" and for "implementation of the recommendations by human rights mechanisms, international and regional organisations".

Summarising Follow-Up to its Joint Opinion after the new Law was adopted, the Venice Commission noted that "important recommendations have not been followed". Among other things it criticised many of the new Law's provisions: "The Law doesn't refer to freedom of thought in its title, bans unregistered religious or belief activities and communities; foresees the notion of 'illegal religious activity', imposes stringent and burdensome registration requirements; various prohibitions or strict limitations regarding the exercise of the rights to freedom of religion or beliefs are still in place such as on religious education which cannot be practiced in private without authorisation." It also noted "vague and overbroad wording" in much of the Law.

The regime repeatedly ignores its legally-binding obligations under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (<https://www.ohchr.org/en/professionalinterest/pages/cat.aspx>), which Uzbekistan acceded to on 28 September 1995. This defines torture as: "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity".

Under Article 6 of the Convention, Uzbekistan is obliged to arrest any person suspected on good grounds of having committed torture. Under Article 4, Uzbekistan is obliged to try them under criminal law which makes "these offences punishable by appropriate penalties which take into account their grave nature". No such arrests or prosecutions are known to have happened in cases where people have been tortured for exercising their freedom of religion or belief. Many victims of torture choose not to complain or make their experience public, because of the traumatic nature of their experiences and fear of state reprisals.

2021 Religion Law adopted in secrecy, ignored people the regime rules

The drafting and adoption of the 2021 Religion Law took place almost entirely in secret, with only infrequent public announcements of progress. It came into force on 6 July 2021, and only then were the people the regime governs allowed to read the text of the law the regime imposed on them.

Members of religious communities and human rights defenders repeatedly expressed their frustration to Forum 18 about the secrecy of the drafting process, and the regime's lack of willingness to end restrictions violating human rights obligations. No official of the Senate, the Presidential Administration, the Justice Ministry, or the Religious Affairs Committee would discuss this with Forum 18.

A Protestant who wished to remain anonymous for fear of state reprisals told Forum 18: "We do not understand why a 2021 Religion

Law is needed if the current Law is not going to be improved in any of its essential points." A Muslim who asked to remain anonymous for fear of state reprisals told Forum 18: "We need to understand that the draft Religion Law is only an advertisement for Uzbekistan aimed at international organisations and foreign states. If the authorities wanted real freedom for the people, then the draft Law would have been very different from what it actually is."

Among the excuses the regime used, Afzal Artykov, Head of the International Relations Section of the Senate, claimed to Forum 18: "88 per cent of the population are Uzbeks. We need to take into account their wishes and desires first of all, and our historical context and the national mentality." He did not explain why his claim to "take into account" the alleged "wishes and desires" of some of the population led to ignoring human rights defenders and members of religious and belief communities, as well as not holding free and fair elections.

Among the many changes the people the regime rules would like to see in the Religion Law and a proposed draft Criminal Code (see below) are:

- an end to compulsory state registration as a requirement for religious communities to exist and the intrusive controls it brings, in line with the regime's international human rights obligations;
- an end to the requirement for communities allowed to exist to give advance notice of meetings and the participants and topics discussed;
- an end to the ban on Muslim women wearing the hijab or other religious headscarf;
- an end to the ban on Muslim men wearing beards at work place or places of education;
- an end to the ban on teaching religion privately, an end to the ban on private teaching of Islam to children or opening new madrassahs [religious schools];
- an end to the ban on opening mosques which not run by the state-controlled Spiritual Administration of Muslims (the Muftiate);
- and an end to the ban on praying with others outside state-registered places of worship in homes.

The 2021 Religion Law

The latest 2021 Religion Law rests on the regime's hostility to the rule of law and the exercise of freedom of religion or belief and other human rights, revealed in the underlying claim that human rights can be exercised only with state permission. This hostility is also revealed in what the Venice Commission and OSCE ODIHR October 2020 Joint Opinion ([https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2020\)002-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2020)002-e)) 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".

Article 5 describes one of the regime'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 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".

Criminal Code Article 156, Part 2 punishes: "Deliberate 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 been used against members of smaller religious communities. As Protestants within Uzbekistan have noted, the regime's own incitement of religious intolerance and hatred violates this part of the Criminal Code. No officials are known to have been prosecuted under this Article.

Religion Law 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".

The regime has produced no evidence of these problems existing, and the bans are already included in laws of general applicability which cover such actions by anyone.

- Wide-ranging bans on "illegal" exercise of freedom of religion and belief continue

Religion Law Article 3 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 ban on the exercise of freedom of religion and belief without state permission, along with severe restrictions on what might be permitted, is underpinned by various articles in the Criminal Code and the Administrative Code.

Administrative Code Article 240 ("Violation of the Religion Law"), Part 1 punishes: "Carrying out of unauthorised religious activity, evasion by leaders of religious organisations of registration of the charter of the organisation, and the organisation and conduct of special children's and youth meetings, as well as vocational, literature and other study groups not related to carrying out worship". Punishments range from fines of 50 to 100 base units (5 to 10 months' average wage) to being jailed for up to 15 days.

Criminal Code Article 216-2, Part 1 punishes: "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." Punishments range from a fine of between 50 and 100 base units (5 to 10 months' average wage), community service, between one and three years' restricted freedom, or up to three years in prison.

Holding meetings for worship without state permission is also punishable under Administrative Code Article 201, Part 2 ("Violation of the procedure for holding religious meetings, street processions, or other religious ceremonies"). Punishments are fines of 80 to 100 base units (8 to 10 months' average wage) or imprisonment for up to 15 days.

This "crime" is also punishable under Criminal Code Article 216 "Illegal establishment or reactivation of illegal public associations or religious organisations, as well as active participation in their activities".

- Exercise of freedom of religion or belief in venues without state permission still banned

Religion Law Article 9 specifies where registered religious communities are allowed to conduct unspecified "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. There is no information about who makes such decisions, what the criteria may be, and whether any appeal is possible.

This provision – which repeats the wording of the previous Religion Law - bans individuals and religious communities from organising meetings for worship or other religious purposes anywhere without state permission for the location. For example, the Joint Opinion notes that this might be used to ban "any activity at home".

Registered religious communities must give advance notice of meetings and other activities, as well as information about the participants and topics discussed. Article 12 requires registered religious organisations "to notify the Justice bodies on the conducting of events (conferences, seminars and others, with the exception of [undefined] religious rituals and ceremonies) for provision of support for their free conduct".

Under Article 3, all such events are illegal unless officials have given advance permission.

The Religion Law continues the requirement set out in a June 2018 Justice Ministry Decree, under which 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. 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.

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.

Administrative Code Article 202 already punishes: "Granting to the participants of gatherings, meetings, and street demonstrations without state permission premises or other property (means of communication, copying and other machines, equipment, transportation), or the creation of other conditions for conducting such activity". Punishments are fines of between 50 and 100 base

units (5 to 10 months' average wage) for ordinary citizens, and between 70 and 150 base units for officials.

- Religious teaching without state permission still banned

Article 3 of the Religion Law defines "illegal religious activity" as including "engaging in religious educational activities privately outside religious educational institutions". A "religious educational establishment" is defined 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".

Only these institutions can provide such education, which must lead to specific roles. Individuals who wish to learn about a particular faith without taking up an official role, as well as religious communities who may wish to offer informal non-certified education, are barred from doing this.

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 "expert analysis" from the Religious Affairs Committee. The Committee has no obligation to provide reasons or a way to appeal if the "expert analysis" is not favourable.

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, cannot even try to register a religious educational establishment. Nor could several communities of different religious communities set up a joint religious educational establishment.

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".

- Sharing beliefs with others and other undefined other activities still banned

Article 3 of the Religion Law defines "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". "Proselytism" is defined as "a form of missionary activity, expressed in the conversion of believers from one denomination to another".

Article 7 bans "carrying out missionary activity and proselytism", and claims that the regime "acts as a guarantor of the peaceful coexistence of confessions".

Article 7 also bans undefined "activities which offend the religious feelings of believers". This potentially allows officials to arbitrarily ban almost any exercise of the freedom of religion or belief, or the interlinked freedom of expression.

Criminal Code Article 216-2, Part 2 punishes: "Attracting believers of one faith to another (proselytism) and other missionary activity, after the application of penalties under the Administrative Code for similar activities" with punishments of a fine, community service, one to three years' restricted freedom, or up to three years in prison.

Sharing beliefs is also punished by current Administrative Code Article 240, Part 2 ("Attracting believers of one confession to another (proselytism) and other missionary activity"). Punishments are fines of 50 to 100 base units (5 to 10 months' average wage) or imprisonment for up to 15 days.

- Religious censorship continues

The Religion Law continues the prior compulsory state censorship 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".

Article 10 states 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."

Such alleged "expert analyses" are routinely used as an excuse to confiscate any book the regime decides to confiscate, as well as mobile phones. Court verdicts seen by Forum 18 have ordered that such literature – including Muslim books or Christian Bibles - be destroyed, which is often carried out by burning.

The regime imposes total censorship of all printed and electronic religious literature, and police often confiscate books which have passed the regime's compulsory censorship. This is backed by various Criminal and Administrative Code articles.

Criminal Code Article 244-3 punishes: "Illegal production, storage, import or distribution of religious literature". It carries – if there has been a previous Administrative Code conviction – punishment of a fine of between 100 and 200 base units (10 to 20 months' average wage), or up to three years' corrective labour.

Administrative Code Article 184-2 already punishes "Illegal production, storage, or import into Uzbekistan, with the intent to distribute or actual distribution, of religious materials by physical persons".

Criminal Code Article 244-1 punishes: "Production, storage, distribution or display of materials containing a threat to public security and public order". Its Part 2 punishes: "Dissemination of materials containing ideas of religious extremism, separatism, and fundamentalism, calls for pogroms or violent eviction, or aimed at creating panic among the population, as well as the use of religion for 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 public order".

The Article's Part 3 punishes this "crime" with prior planning or by groups of individuals, Part 3 (b) punishes it by officials, Part 3 (c) punishes it "with financial or other material aid from religious organisations, as well as foreign states, organisations, and citizens", and Part 3 (d) punishes "criminal" activities "using the mass media or telecommunication networks, as well as the world wide web".

Possible punishments are fines of up to 400 base units (40 months' average wage) or imprisonment (if as part of a conspiracy, of between 5 and 8 years). It is normally only used against Muslims exercising their freedom of religion and belief.

- Burdensome and arbitrary registration procedure continues

Without state registration, religious communities do not have state permission to exist and it is illegal for them to exercise freedom of religion and belief collectively. Religion Law 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 "expert analysis" from the Religious Affairs Committee. 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. This gives the Committee veto powers over any application, without any need for the Committee to give any reasons for its decisions. Decisions can therefore be arbitrary.

Article 23 states that registration applications can also be rejected if the regime does not recognise the applicant as "religious", without any explanation of what "religious" means or how the regime makes its decision. This allows much space for arbitrary rejections of applications.

Local religious communities also need an "assessment" from the regional administration where they are located "with the attachment of a conclusion on the appropriateness under local planning norms of the immovable property of a local religious organisation which it proposes to use as its postal address". No specific standards or procedures are laid down for producing this "assessment", and without state registration it is impossible for a religious community to itself own a building. The regime has used alleged non-fulfillment of conditions arbitrarily imposed by the Fire Brigade, Sanitary-Epidemiological Service, Housing and Planning Departments, Tax Inspectorate, and other state agencies as excuses to reject applications at the local level. Objections by local officials of the state-controlled Muftiate have also been used as excuses to reject applications made by other religious communities. This gives local administrations veto powers over any application, without any need for local administrations to give any reasons for their decisions. Decisions can therefore be arbitrary.

This "assessment" has normally been provided by mahalla (local district) committees, which are theoretically independent but in practice under state control. The 2014 Law on Prevention of Violations of the Law gives wide-ranging powers to state bodies, including mahalla committees, as well as non-state and non-commercial public organisations and ordinary citizens. The Law allows individuals punished for or suspected of exercising freedom of religion or belief to be placed on the Preventive Register, and to be subjected to a wide range of restrictions. The normal targets for this are devout Muslims (see below).

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 freedom, not allow forced propagation of religious views, consider other questions related to observance of the Religion Law".

Under the Religion Law, religious community registration applications must include full identification documentation for all of the organisation's founders and all members of its governing body, documentation including voting information on decisions at the

founding meeting. Many have been reluctant to identify themselves publicly as associated with a religious community, for fear of state reprisals. This acts as a hidden barrier to obtaining state registration.

Centralised and local organisations must also provide a document confirming that the leader has appropriate religious education, unless the community does not routinely give religious leaders education. The founding charter of the religious community must be provided in the state language of Uzbek. Alleged grammatical errors have been used as excuses to refuse applications.

Under Article 24, the Justice Ministry is to include details of registered religious communities in a publicly-accessible electronic register. Human rights defenders and members of religious communities stated in November 2021 that it does not yet appear to be available, and no register appears on the Justice Ministry website. The Religion Law states that 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 regime for fear of state reprisals.

The number of adult citizens needed to apply to register a local religious community was reduced from 100 to 50, all of whom must (unlike in the previous Law) live in one town or district. Even with a lower number of necessary founders, officials have many possibilities to reject applications from communities they do not like, as has frequently happened. No community with fewer than 50 adult citizen members can exercise freedom of religion or belief collectively.

The October 2020 Venice Commission and OSCE ODIHR October 2020 Joint Opinion ([https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2020\)002-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2020)002-e)) on the draft Law questions why religious communities require a higher threshold for registration than public associations, which in Uzbekistan require 10 adult citizens. The Joint Opinion suggests that two people should be enough, and states that: "It is recommended to remove the requirement of citizenship and simply require permanent residence in Uzbekistan, and not in a specific district/city."

Registration applications from non-Muslim communities have been and continue to be frequently refused, and applications from Muslim communities such as Shias and those who wish to operate outside the state-controlled Muftiate have also been refused (see below).

If a registration application is successful, the religious community must submit an annual report on its activities to the Justice Ministry or regional Justice Departments.

Article 15 of the Religion Law notes that the registration process (described 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.

Article 21 reduces the maximum time the Justice Ministry or regional Justice Departments are allowed to consider registration applications 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.

- State-enforced liquidation still possible

Article 25 of the Religion Law allows officials to seek the liquidation of registered religious organisations through the courts. 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 exercise of freedom of religion and belief by members of such communities becomes illegal and punishable under the Criminal or Administrative Codes.

- Independent mosques still banned

The Religion Law does not specifically ban Muslim communities not controlled by the state-controlled Spiritual Administration of Muslims (the Muftiate) from seeking state registration. However, officials have always refused to register independent mosque communities without giving any reason based on published law for why independent mosques not controlled by the Muftiate cannot exist.

The last provision of Religion Law Article 14 – which specifies which documents must accompany registration applications - states: "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 state-controlled Muftiate (or

Orthodox church without the approval of the Russian Orthodox Church's Tashkent Diocese) from seeking state registration.

- Restrictions on religious leaders continue

Article 11 of the Religion Law states: "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."

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.

Under a May 2018 Decree, religious communities seeking registration must provide:

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 2018 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.

Article 16 requires leaders or employees of a registered religious organisation who are foreign citizens to be approved by the Justice Ministry.

New Criminal Code to come?

In early 2021, the regime revealed plans to introduce a new Criminal Code to come into force on 1 January 2022. The regime issued a draft text on 22 February 2021. As of late November 2021, no further drafts had been published and the regime has not said whether it is pursuing plans to change the current Criminal Code.

The February 2021 draft Code continues existing punishments for exercising freedom of religion or belief without state permission (https://www.forum18.org/archive.php?article_id=2644), and moves several punishments from the current Criminal Code to the Administrative Code. The regime has not yet revealed a draft new Administrative Code.

Members of religious communities and human rights defenders told Forum 18 that "many people are not even aware that a draft new Criminal Code has been published, or that it is being discussed in Parliament".

The February 2021 draft Code was "a disguised old Criminal Code with no real changes", various Protestants, who asked to remain unnamed for fear of state reprisals, told Forum 18 in March 2021. They pointed out that it still contained criminal punishments for possessing religious literature, for meetings for worship without state permission, and other normal parts of exercising the freedom of religion and belief.

Muslims who asked not to be named for fear of state reprisals agreed. "The draft new Criminal Code Law is essentially the same as the current Criminal Code. They just change some phraseology and the numbers of articles," several commented. One Muslim described the February 2021 draft Code as "the same old, the same old. It is our government's old tricks. They promise they will improve laws and our lives, but in fact they continue as they always do."

Human Rights Watch stated in its 10 March 2021 analysis of the draft Criminal Code (<https://www.hrw.org/news/2021/03/10/uzbekistan-draft-criminal-code-offers-little-meaningful-reform>) that it offered "little meaningful reform".

An official who refused to give his name, who answered the phone of First Deputy Chair of parliament's lower chamber and National Human Rights Centre Director Akmal Saidov, refused to answer Forum 18's questions about why the draft Criminal Code still violated international human rights obligations. "You have no competence to ask for such changes," the official claimed before putting the phone down.

Restrictions on the largest religious community

Islam, because it has the largest number of followers, is the community the regime is most interested in controlling. Much of this control is from the inside, including by appointing all permitted leaders and banning all public manifestations of Islam outside the state-controlled Spiritual Administration of Muslims (the Muftiate). The state through the Muftiate also controls what imams preach, and the number and location of mosques.

The state completely controls the selection, education and nomination of imams, in defiance of Article 61 of the 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." It is virtually impossible for any potential imam to graduate from a madrassah (Islamic religious college) if they are thought by the state to be critical of the regime. The SSS secret police has informers and agents among students, and students have told Forum 18 that the SSS periodically summons them to be questioned about whether any student is making critical comments about the regime.

Human rights defenders, who asked not to be named for fear of state reprisals, have told Forum 18 that from about August 2018 the regime began rotating Imams. "Regional religious affairs officials and Imams say this was a Religious Affairs Committee decision to stop Imams becoming influential," a human rights defender stated. The Religious Affairs Committee also decided that Tashkent Imams should periodically travel to regions to conduct Friday prayers.

The regime suppresses criticism of the Muftiate by Muslims, and is hostile to expressions of Islam it does not control. A 33-year-old Tashkent Imam, Fazliddin Parpiyev, had to flee Uzbekistan in December 2018, two months after he appealed to President Mirziyoyev over violations of freedom of religion or belief for the country's Muslims. Religious Affairs Committee, SSS secret police, ordinary police, Prosecutor's Office, and Muftiate officials immediately pressured and threatened him and his father. He was fired from his post as imam and banned him from speaking about freedom of religion and belief issues. In September 2018, state-run television broadcast a programme attacking Imam Parpiyev which, he told Forum 18, had influenced people against him. In December 2018 Tashkent Prosecutor's Office again summoned Imam Parpiyev for another warning and "made threats against me demanding that I must not make further public statements or talk to independent media or human rights defenders about freedom of religion and belief," Imam Parpiyev stated. "I had to leave the country [in December 2018] because I was afraid for my safety", he told Forum 18.

On 8 April 2019 Tulkun Tashmuradovich Astanov (born 25 April 1971) had a meeting with Deputy Chief Mufti Abdulaziz Mansur to ask among other things why the hijab is banned, why imams have to be appointed by the state and preach sermons prepared for them by the state, and why the Muftiate does not help Muslims when their freedom of religion and belief is violated. Deputy Chief Mufti Mansur accused Astanov of being a "hooligan", and being disrespectful to the Muftiate's alleged "spiritual leadership". The same day Astanov was arrested and jailed for 15 days. In October 2019 he was given a five year suspended prison term. After repeatedly defending the freedom of religion and belief of Muslims, including demonstrating outside President Mirziyoyev's residence, Astanov was on 27 November 2020 jailed for five years. He has been tortured for praying in prison (see below).

On 26 June 2021 Fazilkhoja Arifkhojayev, a Muslim known for his criticisms of the regime's religious policies, attended Tukhtaboy Mosque in Tashkent to hear visiting preacher Abror Abduazimov preach and lead a discussion on Islamic topics. Arifkhojayev asked Abduazimov why he insulted Muslims on social media, and called Abduazimov a "hypocrite". He was arrested and a Religious Affairs Committee "expert analysis" found what it claimed to be "religious fundamentalism" on his phone. Two days later, a Tashkent court sentenced him to a 15-day jail term. As prisoner of conscience Arifkhojayev began his sentence his beard was shaved off, and he was tortured by being given poor food, being kept in solitary confinement, and being denied a shower and fresh clothing. Officers from Tashkent Police "Struggle with Extremism and Terrorism Department" came to Arifkhojayev's cell "regularly to insult and threaten him with physical torture when he asked to see his lawyer."

On 14 July 2021 a court ordered prisoner of conscience Arifkhojayev held in pre-trial detention, where he is still being held in November. Judge Sanjar Makhmetov claimed that Arifkhojayev photoshopped photos of Abduazimov and other "respected Uzbek scholars" and "depicted them in police uniform". Police stated that the photoshopping was done by another person, but that Arifkhojayev's claimed sharing of it was "a threat to public security".

A human rights defender who wished to remain anonymous for fear of state reprisals told Forum 18 that "the regime wants to shut people up and does not want citizens to freely exchange their thoughts or ask questions about Islam." They commented that "this will not lead anything good but will lead to extremism," noting that "we need real reforms and freedoms, including freedom of religion and belief, if we do not want extremism."

Preventative Register targeting devout Muslims

Ordinary Muslims and human rights defenders have told Forum 18 that the regime adds Muslims who regularly attend mosques and who are thought to be influential to the Preventative Register. This was created under the 2014 Law on Prevention of Violations of the Law (see above).

The Prevention Law automatically places people convicted by the courts on a Preventive Register, subjecting them to a variety of police "preventative measures" for one year or more. Many state-run organisations, from health care to nature protection agencies, are able to initiate placing individuals on the Preventive Register, including allowing many possibilities for officials to arbitrarily arrange for people to stay on the Register for many years. The Law also gives mahalla committees wide powers to among other things with police "take measures to prevent the activity of unregistered religious organisations". It also "legalises unofficial informers" a legal expert from Tashkent noted to Forum 18.

Article 29 of the Prevention Law specifies "prevention measures" used against individuals, including: prophylactic talks; official warnings; "social rehabilitation"; placing on the Preventive Register; referral for compulsory treatment; and administrative supervision.

Under Article 31 individuals are required to sign any written warning they are given. If the individual refuses to sign, this is also noted. The official issuing the warning can also inform the individual's employer (if they are working), their educational establishment (if they are studying), and the mahalla committee where they live.

Article 34 states that those on the Preventive Register are subjected to a range of preventive measures from the police aimed at "correcting them and warning against the conducting of repeat offences". Those subjected to the Preventive Register include former prisoners, as well as those convicted of a wide range of Administrative Code offences.

If an individual has been punished for more than one separate crime or offence, they are listed on the Preventive Register separately for each reason. "Muslims on watch lists, including those who were on these lists in the past, are periodically summoned to police stations and mahalla committees for talks and warnings," one human rights defender told Forum 18.

One source used to identify Muslims for surveillance and warnings has been state-run competitions to find Koran Hafizes, who have memorised the Koran. The SSS secret police then questioned winners, a practice that Imam Parpiyev strongly criticised. Other Imams have also told Forum 18 that some of the competition winners were fined, but declined to give details for fear of state reprisals.

One Muslim, who asked not to be named for fear of state reprisals, told Forum 18 in February 2019 that "the authorities monitor video cameras in mosques, identify persons who are active and regularly attend mosques, and put their names in those lists".

No more mosques for Shias

Shia Muslims have nationwide only four registered mosques of their own, two in Bukhara Region and two in Samarkand. The capacity of these mosques is inadequate to meet demand, and on religious festivals worshippers "overflow into the street", a Muslim who remains anonymous for fear of state reprisals told Forum 18.

In Bukhara Region, seven Shia mosques operated from the early 1990s until 2008, when officials closed all but two. "Shia Muslims say that without enough Shia mosques, many Shias - particularly young people - are forgetting Shia traditions and faith," a Muslim explained. Officials closed the five Shia mosques using the excuse that the mosque buildings had no property documents.

Bukhara Muslims repeatedly state that many Shias would like the five closed mosques to be reopened, to accommodate the demand for more capacity than the currently open mosques can provide. Local mahallas (district administrations) have allowed the mosque buildings to decay into a state of poor repair. Some have been rented out for use as carpenter's workshops or storage depots. In autumn 2020, Religious Affairs Committee and other officials "clearly said that they will not give permission to exist to a community if buildings where meetings for worship will be held are in poor repair," a Muslim who remains anonymous for fear of state reprisals told Forum 18.

Shia Muslims in Bukhara District have themselves repaired the Khoji Bakhrom Mosque building, which could accommodate up to 200 worshippers, and collected the details of the 100 founders required by the Religion Law then in force. However, in early 2021 officials "verbally told community members that unless they repair a separate smaller damaged building that was used by women visiting the mosque, they will not receive permission to use the mosque". Shia Muslims are trying to decide whether to repair or demolish the building, but do not have the funds for either.

In Samarkand local Muslims say that Shias face similar problems, but have not approached the regime about opening mosques as "they are afraid of the authorities and do not want to act independently of the imams of the open mosques". The Muslims described imams as "acting together with the authorities as they were appointed with their endorsement".

Ramadan

Each year the Muslim holy month of Ramadan sees stricter than usual controls on Islamic communities. Officials continue to express hostility to people – including children – attending mosques.

On 18 April 2021, the regime-controlled media broadcast a discussion between Interior Minister Pulat Bobojonov and Prime Minister Abdulla Aripov in which among other issues they discussed what they saw as a problem of people attending mosques, in particular people under 18. "Two thousand mosques were attended by 800,000 people, and unfortunately 22,000 children attended Tarawih prayers [congregational prayers in Ramadan]," Interior Minister Bobojonov told Prime Minister Aripov, who was seen to nod his head in agreement. Bobojonov added that "we will gradually and significantly cut down the number of children attending not by ordering them but by explanatory work with their parents."

The interview was allegedly to discuss coronavirus measures, however a human rights defender observed to Forum 18 that the interview did not mention night clubs. Unlike mosques, the human rights defender has observed night clubs freely functioning in Tashkent throughout 2021 without police stopping people attending and without any social distancing.

Targeting children and young people

Teaching religion has long been banned without state permission, with religion teachers requiring written permission from the headquarters of a religious community that has state permission to exist. The Religion Law bans religious education without state permission, and the regime uses a wide range of tools to target this exercise of freedom of religion and belief. These include raids by the ordinary police and SSS secret police on those teaching the Koran and prayer in their home or in a mosque.

Criminal Code Article 229-2 punishes: "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". Punishments range from fines of 50 to 100 base units (5 to 10 months' average wage), community service, corrective labour, restricted freedom or imprisonment for up to three years.

Administrative Code Article 241 already punishes "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". Punishments are fines of 5 to 10 base units (half to 1 month's average wage) or imprisonment for up to 15 days.

Article 241 rather than Criminal Code Article 229-2 has been the preferred law used by officials when targeting the teaching of religion – even teaching adults, or teaching under-18-year-olds with the consent of parents or guardians.

The regime has also often targeted children and young people attending places of worship. Children and young people are not formally banned from attending meetings for worship, but officials frequently pressure parents and communities of all faiths not to allow them to attend.

In the southern Bukhara Region the ordinary police and SSS secret police have openly watched people who go to mosques, especially during Friday prayers, and stopped males under the age of 18 attending. Official imams have complained that they cannot teach Islam to children. Non-state controlled religious education is forbidden.

In May 2021 the ordinary police and SSS secret police raided the Khoja-Ziadin Mosque in the north west of Samarkand Region, just as worshippers were preparing to read the Koran and pray. Asliddin Khudaiberdiyev was teaching at the mosque. "With the knowledge of the parents, in the Mosque he teaches five boys aged between eight and 15 and six adult men how to read the Koran and how to say the namaz prayer," a local Muslim told Forum 18. An officer who was not wearing uniform took out an Arabic alphabet book from the bag one of the boys had, and began asking the boy why he is in the mosque and why he had the book. The boy was only eight years old, a local Muslim said, "and he was frightened as the police questioned him without his parents". All 11 men and boys were then taken to a police station for questioning by the police "Struggle with Extremism and Terrorism Department".

Two days later, Khudaiberdiyev was summoned to the local mahalla committee, where police officers were waiting to take him to begin a 15 day jail sentence. Without his knowledge he had been tried in his absence and sentenced under Administrative Code Article 241 ("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"), and Article 195 ("Resisting the orders of police officers"). Judge Aziz Akramov refused to explain to Forum 18 why he jailed Khudaiberdiyev in his absence.

Human rights defenders who wish to remain anonymous for fear of state reprisals have told Forum 18 that throughout Uzbekistan, including in Tashkent, Bukhara, Karakalpakstan, and Samarkand, police have made school headteachers call parents to tell them not to take their children and young people to mosques. Imams of the state-controlled mosques have told fathers to stop their children from attending mosques.

One human rights defender observed an apparent increase in such restrictions from early 2021, and that under 18s and their families are reluctant to discuss this for fear of state reprisals.

In April 2021 the Deputy Headteacher of a Bukhara school rang Muslim parents to say that the ordinary police and the SSS secret

police had visited to ask "how religiously devout families and children are". Parents were warned of unspecified consequences if they teach Islam to their children, or any of their children wear the hijab.

People under 18 and their parents and guardians attending mosques during Ramadan have long been particularly targeted. In May 2021, a police officer in Bukhara pressured a Muslim not to take his school-age son into a mosque to pray and celebrate the end of Ramadan, the man's brother told Forum 18. "My brother went to a mosque with his 16-year old son, but the police officer who was standing at the entrance stopped them and asked 'is it necessary for your son to go in?' As my brother didn't want any problems with the state he asked his son to go home and pray there."

The Bukhara Muslim explained that there was plenty of free space for social distancing, and that "coronavirus measures have nothing to do with the restrictions on under-18s attending mosques". A human rights defender, who asked not to be identified for fear of state reprisals, told Forum 18: "In some cases, the ordinary police and SSS secret police have directly questioned children and young people in mosques about why they are there."

Trapping and jailing Muslims who discuss Islam

Various Criminal Code articles have from March 2020 been used to jail groups of Muslim men who met informally to pray and discuss their faith. These include: Article 159 ("Attempts to change the constitutional order"), Article 244-2 ("Creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations"), and Article 244-1 ("Production, storage, distribution or display of materials containing a threat to public security and public order"). Common factors in known cases have been unsubstantiated attempts to link the men with violence and the use of police agent provocateurs.

In March 2021 a Tashkent court punished five men with sentences ranging from six years in a labour camp to (in one case) a fine equivalent to about one and a half months' average salary. In 2019 the men had started meeting together to learn how to pray the namaz (Muslim daily prayers), and to discuss Islamic topics such as prayer, fasting, peaceful jihad, good deeds and other matters. They met for their discussions in cafes and teahouses, and two or three times a week attended the state-controlled Umar ibn Khattob Mosque in Tashkent's Olmazor District. A man who is thought by some local Muslims to be a police informer was also present, and he filmed the meetings, and created a Telegram channel for the group to continue to discuss Islamic topics during the coronavirus lockdown.

Police, including "Struggle with Extremism and Terrorism Department" officers, raided the homes of all five men in September 2020 and without evidence accused them of having material allegedly "similar to thoughts of terrorist movements". Film of the meetings that the suspected police agent provocateur had taken, along with testimony by him, was used in court to jail and fine the five men.

Corruption and restrictions on haj pilgrimage

Every able-bodied healthy adult Muslim who can afford to do so is obliged to make a Haj pilgrimage to Mecca once in their lifetime. Yet the regime seriously restricts the numbers of pilgrims, and imposes multiple obstacles against potential pilgrims joining the long pilgrimage waiting lists. The regime's methods include using exit ban lists to bar devout Muslims from leaving, arbitrarily altering who can go on the pilgrimage and when they can go, and imposing a high financial cost for going on the pilgrimage.

The Haj is controlled and organised by three separate and interlocking state structures: the Haj Committee, the Haj Board, and the Haj Council, all of which involve the SSS secret police, the Muftiate, and the Religious Affairs Committee.

The regime routinely imposes severe restrictions on how many pilgrims could take part in the annual haj pilgrimage, including an "unwritten instruction" banning would-be pilgrims under the age of 45. Between 2017 and 2019, Uzbekistan allowed only 7,200 haj pilgrims a year, roughly one quarter of the number of pilgrims the regime would be allowed to send by pilgrimage quota setter Saudi Arabia. (Pilgrims from Uzbekistan could not take part in the haj in 2020 and 2021 because Saudi Arabia restricted participation because of coronavirus.)

Haj pilgrims who did not wish to be named for fear of state reprisals have observed that the complexity of the process and the many officials involved provides many opportunities for bribery. For example, Haj pilgrims have identified the "charitable works" requirement as one focus for extortion and bribery. This requirement provides for officials to ask pilgrims to perform "charitable works" at both the district authority and local mahalla committee level. Such works include making donations for the repair or upgrading of roads, laying electricity lines, allegedly helping poor families, or donations for the unspecified welfare of the mahalla. These donations are commonly made in cash, for example to mahalla committee chairs, and there is no transparency or accountability for how such money is spent or by whom.

Obtaining medical certificates is one of the regime's requirements for potential Hajj pilgrims, and it is thought that at least some – possibly 20 per cent or more – of medical certificates are obtained through bribery. These bribes can add between roughly 10 per cent and 30 per cent to the cost of the haj. "Officials do not openly ask for bribes, but in reality, bribery is what happens," one Muslim commented to Forum 18.

Another Muslim commented that "believers are afraid because of the obstacles at so many levels that they will not be put on the waiting lists, or be removed from the lists arbitrarily," one told Forum 18. "So, they are willing to pay up to the officials." As another Muslim told Forum 18, "if you bribe the authorities you will have no waiting problem. If you don't, you may wait for years and years, because they will keep putting your name at the bottom of the list all the time."

Muslims also stated that people do not wish to discuss such cases "fearing for their safety", adding that "this is found in all spheres of life, that officials create obstacles and big queues so people have to pay bribes to get things done".

Registration restrictions on non-Muslim communities

The regime's primary interest in non-Muslim communities is (unlike Muslim communities) not total internal control, but to keep them within closely restricted geographic and activity related boundaries. No religious community is allowed to exist without state permission. If communities apply for permission to exist, the regime places multiple obstacles in the way of gaining this.

The complex process of applying for state registration provides multiple opportunities for officials to seek bribes. Members of religious communities, who wished 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." Although the regime registered some non-Muslim communities in late 2019, several sources told Forum 18 that officials demand bribes during the process. Fearing reprisals, the sources declined to give examples of communities which paid bribes to gain state registration.

Protestant, Jehovah's Witness, and Catholic religious communities have all had recent applications to exist refused or had no replies to applications. In many cases the excuse used has been refusals by local authorities to provide documents as part of the complex, time-consuming and expensive application process. "Nothing has changed," one Protestant church which has applied for registration told Forum 18 in June 2021. It meets for worship in a building, but is afraid that officials could stop this at any moment. "Churches face a lot of bureaucratic obstacles to overcome when collecting registration documents, as it can take several years before the authorities provide the necessary certificates," another Protestant told Forum 18. "Even when they apply, they still may not receive registration".

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.

Censorship

State censorship of all religious literature is severe, and the import and production of literature – including the Koran and the Bible - is strictly controlled. This includes material on mobile phones, tablets, personal computers, memory sticks and other electronic devices and media, with compulsory prior censorship by the Religious Affairs Committee. Protestants told Forum 18 in July 2021 that "we currently publish religious materials online without interference. But we think that the regime may now punish us for this anytime they choose to do this".

Criminal Code Article 246, Part 1 punishes "Smuggling, that is carriage through the customs border .. without the knowledge of or with concealment from customs control .. materials that propagandise religious extremism, separatism, and fundamentalism". This is punishable by imprisonment for between 10 and 20 years.

Along with other Criminal Code articles, from around 2013 it has been used by the regime to jail or fine Muslims (including foreign citizens) found with the Koran and Muslim sermons on their mobile phones. Officials often search mobile phones and other electronic devices in the hunt for religious materials.

In July 2021, a Tashkent court handed 47-year-old Odilbek Khojabekov a five year labour camp sentence in absentia to punish him for returning from haj pilgrimage with Islamic literature. A Religious Affairs Committee "expert analysis" of Islamic texts and his mobile phone claimed that the books "can lead to confusion and misunderstanding among the population, and therefore their import to Uzbekistan is banned". No reason is given for these claims, and officials refused to answer questions. A first trial in 2019 gave Khojabekov a suspended sentence which was later removed for good probation behaviour.

A criminal case was in 2020 opened against Khojabekov for the same "crime", as he was claimed to have erased a short Muslim text from his mobile phone before he went on the haj. He read and erased the text a long time beforehand, but the SSS secret police restored the text of the book from the mobile phone's cache files in autumn 2019. The text criticises what it sees as unnamed atheists and unnamed governments who the text says view Islam as "a religion that impedes progress", and "a danger to security". It also criticises unnamed governments which do not allow Muslims to exercise freedom of religion and belief, and is especially critical of bans on wearing the hijab. The SSS secret police then pressured ordinary police, prosecutors, and others into giving what the family insists is false testimony at a second hearing which ordered him jailed. He is in hiding fearing for his safety.

Only registered communities can seek permission to print or import material, which is often refused. Relatively little literature about the majority Islamic faith is allowed to be published, and none is imported officially. Some previously published Islamic books are now regarded as banned, such as the ninth century Islamic scholar Imam Muhammad ibn Ismail al-Bukhari's book "Sahih al-Bukhari". This is a collection of hadiths which Sunni Muslims regard as the most authentic compilation.

On 25 December 2019 the Religious Affairs Committee harshened the existing severe state censorship system for all religious texts by approving an updated list of "extremist" texts. Around 200 texts from a wide range of Muslim backgrounds were included, including all texts by the late Turkish theologian Said Nursi (readers of whom have in the past been jailed), all texts by adherents of the Tabligh Jamaat Muslim missionary group, and all texts by Ahmadi Muslims. A wide range of other Islamic authors are also banned.

Apparently to allow officials the maximum flexibility in imposing arbitrary bans the document states: "Religious texts which were not included in this list are not authorised, but are subject to further expert analysis. The list of banned books will be regularly updated. Texts in the list and their translations into other [non-Uzbek] languages as well as their electronic copies are also banned." Among the imprecise reasons given for the wide-ranging bans are "violation of the constitutional order and of security", "incitement of religious enmity and insulting religious feelings", "teaching of religious separatism and sectarianism", "attracting under-18-year-olds into religious organisations", and "texts by banned Muslim religious movements".

The regime particularly targets Shia Muslim texts. In December 2020, Samarkand Police "Struggle with Extremism and Terrorism Department" opened a case against Shia Muslim Rashid Ibrahimov. The case was opened the same day that Traffic Police stopped Ibrahimov as he was taking his children to a doctor's appointment. Officers questioned him twice at a police station, without a written summons, and copied all the material on his mobile phone. In March 2021 he was fined about two weeks' average wages for having Shia texts on his phone, and the phone was ordered to be confiscated.

One Muslim, who wished to remain anonymous for fear of state reprisals, commented to Forum 18 that the SSS secret police "puts Muslims in a dangerous place. They want to read about their faith, but the authorities ban religious texts. Muslims will be punished as in the past for reading or carrying religious texts on their electronic devices."

On 21 June 2021 courts fined journalists and editors from Azon.uz and Kun.uz for publishing articles on religious themes without Religious Affairs Committee permission. One of the articles the Committee objected to was about the New Zealand Police adopting the hijab as part of police uniform, which Kun.uz sourced from a BBC report. The Religious Affairs Committee "ruled that the contents of the materials were not illegal". However, the article "should not have been published". Every article which the Religious Affairs Committee might be interested in must be sent to them for pre-publication "expert analysis". A human rights defender observed to Forum 18 that articles the Religious Affairs Committee might object to were no longer being published.

The regime is also targeting ordinary members of religious communities who express their views. Officials warned Shia Muslims in Bukhara and Samarkand in June 2021 "not to publish religious materials on their social media". One human rights defender stated that "after the warning many deleted their accounts, or deleted religious materials." A human rights defender noted that "some even stopped talking to or associating with people who had been warned".

The November 2020 trial of prisoner of conscience Astanov (see above) used a report by the Agency of Information and Mass Communications under the Presidential Administration (AIMC), which President Mirziyoyev established in February 2019, to "monitor the national information space" among other tasks. The AIMC report, signed by its Deputy Director Gairat Bozorov, claims that Astanov follows "sources of biased news such as Radio Free Europe", that he criticised the actions of the SSS secret police, the ordinary police, prosecutors, the judiciary and prison guards, and claims that Astanov published "unsubstantiated and exaggerated" information on the activity of the regime's agencies. The AIMC refused to discuss its claims with Forum 18.

Human rights defenders in regions across Uzbekistan have told Forum 18 in 2021 that there is blocking of some websites, including Forum 18's and those of religious communities the regime dislikes such as Jehovah's Witnesses. Attempts to access blocked sites produce a notice in Uzbek, Russian and English stating that "access to the information resource was restricted according to Cabinet of Ministers decree No. 707 from 5 September 2018 on Measures of improvement of information security in World-Wide Web – Internet." Jehovah's Witnesses say the regime allowed access to their website in May 2020.

Prisoners

Thousands of Muslims have been imprisoned on accusations of belonging to terrorist, "extremist" or banned organisations, or related to exercising freedom of religion and belief. The nature of the Uzbek "justice system", in which the planting of evidence and torture is normal, makes it unlikely that the regime knows how many of its prisoners are only guilty of exercising their freedom of religion and belief. In October 2021, the United States Commission on International Religious Freedom estimated that there were over 2,000 such jailed Muslims (<https://www.uscirf.gov/publication/report-uzbekistans-religious-and-political-prisoners>).

Prison conditions are harsh, with unsanitary and dangerous living and working conditions, beatings by guards, and criminal gangs having a ruthless hold over other prisoners. Freedom of religion and belief is denied to all prisoners. Prison and labour camp

conditions are harsh, and even religious communities the regime allows to exist – such as the state-controlled Muftiate and the Russian Orthodox Church – appear to have only limited access to prisoners.

Human rights violations within prisons include torture, denials of medical care, and denials of the possibility to read sacred texts and pray openly. In one of a number of recent cases, in November 2020 prison guards tortured a Muslim man for praying the namaz (Islamic daily prayers). "The prison officers beat him up really badly, leaving bruises on his body and face," family members who wished to remain anonymous for fear of state reprisals told Forum 18. "Why did the authorities punish him simply for praying the namaz? What day and age do we live in?"

Prisoner of conscience Tulkun Astanov, jailed in 2021 for defending Muslims' freedom of religion and belief, has been put under special surveillance. Prison authorities removed copies of the Koran, Constitution, and Criminal Code from the prison library when they realised he wanted to read them. He has been tortured by being "beaten on his body on 30 June 2021 for praying the namaz in prison". His wife told Forum 18 that "he has lost 25 kg of weight since he was jailed". Prison authorities also send prisoners – such as Astanov - to prisons far from their homes as an apparent part of their punishment.

A human rights defender told Forum 18 of "a scandalous visit by a foreign delegation" to Astanov's prison. Prison officials claimed that "religious extremism" meant "saying Allahu-Akbar aloud". This phrase is used by Muslims as they say the namaz prayers five times a day. The official then told the delegation that prisoners are not allowed to read the Koran or pray the namaz as, the official claimed without evidence, "those prisoners either tend to create chaos in prison or commit suicide". The human rights defender stated that "the delegation did not correct the officials," and prisoners "gained the impression that important visitors support policies against devout Muslims".

Against Uzbekistan's binding international human rights obligations under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, no official suspected of involvement in torture of people who exercised their freedom of religion or belief is known to have been arrested and put on criminal trial for torture.

Despite this, Aziza Kenzhayeva of the International Section of the Interior Ministry's Chief Directorate for the Enforcement of Punishments claimed to Forum 18 in February 2021 that "there are no problems in Uzbekistan's prisons today".

State control and impunity

The regime systematically violates intertwined fundamental rights in its quest to control the society it rules. Without fundamental change - especially genuine independently verifiable implementation of international human rights obligations – it is likely that fundamental human rights will continue to be violated by the regime's officials with impunity. (END)

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

Previous Forum 18 Uzbekistan religious freedom surveys (<https://www.forum18.org/analyses.php?region=33>)

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