

1. Ahead of the Universal Periodic Review of Uzbekistan by the United Nations (UN) Human Rights Council in April/May 2013, Forum 18 News Service has found no improvement in the country's record on freedom of thought, conscience and belief compared to the previous review in December 2008. The Uzbek government's 13 March 2009 response to the UPR recommendations made no acknowledgment that it violates the right to freedom of thought, conscience and belief and made no commitment to end such widespread, systematic violations.

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

### *State controls on religious believers and communities*

3. Officials claim that Uzbekistan is a Muslim country, and so does not oppress Muslims. Islam is primarily controlled from inside its state-run structures, through the complete control of the selection, education and nomination of imams in defiance of Article 61 of the Constitution: "Religious organisations and associations are separate from the government and equal before the law. The government does not interfere in the activities of religious associations." The state also controls the number and location of mosques and the formal religious education of Muslims. This has brought the Muslim clergy almost completely under the authorities' control, with the Islamic religious leadership (the Spiritual Administration of Muslims or Muftiate) being de facto a state-controlled agency.

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

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

6. Numbers of haj pilgrims are restricted to about 5,000, perhaps a fifth of the Saudi quota. All pilgrims need approval from local authorities, the NSS secret police and the Haj Commission, which is controlled by the state Religious Affairs Committee and the Muftiate.

7. Religious communities – whether Muslim or of other faiths – are not able to buy, build or open places of worship freely. Some places of worship have been confiscated. Open and hidden surveillance of religious believers and communities by the secret police is widespread. The NSS has hidden microphones in places of worship, sent agents to monitor worship, and recruited spies within communities. State officials are acutely interested in controlling all religious activity.

8. The official committee that runs each mahalla, the district into which towns and cities are divided, is a key unit among state institutions used in repression. Although ostensibly elected and self-governing, mahalla committees are in practice instruments of top-down government control. They must approve any registration applications from religious organisations before they can be processed further and so are used to block registration attempts by religious minorities such as Protestants and Jehovah's Witnesses. They are also used in periodic crackdowns on religious minorities, as well as to monitor members of the majority Muslim community, such as to check up on individuals who want to make the haj pilgrimage. Other public bodies, such as the fire service, have also been used against

religious believers, through inspections allegedly to check whether registered communities are observing fire regulations.

9. Other ways used to repress religious communities and isolate them from their co-religionists abroad include refusals to renew visas – used in 2008 against Uzbekistan's Chief Rabbi – and expulsions - used against Protestants and Jehovah's Witnesses. Two long-term residents of Uzbekistan born in the country but who held foreign passports – Jehovah's Witnesses Yelena Tsyngalova and Oksana Shcherbeneva - were deported in summer 2012 to punish them for discussing their faith with others. Even those who flee the country, such as a Protestant who gained United Nations High Commissioner for Refugees refugee status in Kazakhstan, face Uzbek government attempts to be sent back for trial – in this case with the claim that he was an Islamic terrorist.

### ***Torture***

10. The UN Committee Against Torture found in 2007 that the use of torture by state officials is “routine.” Religious believers and communities are highly reluctant, for fear of further state repression, to publicly discuss the use of torture. But occasionally on the record, and frequently off the record, Forum 18 is told of the threat or use of physical violence, including rape and the use of gasmasks to cut off victims' air supply. Such methods are used to try to force adults and children to renounce their beliefs or to make confessions implicating themselves or others. Such torture and threats usually follow in the immediate aftermath of the frequent police and secret police raids against unregistered religious communities. Following asphyxiation with a gas mask by police in Khorezm Region in July 2012 to punish her for her faith (she was also fined), Jehovah's Witness paediatrician Gulchehra Abdullayeva formally complained about the torture to four state agencies and the United Nations.

### ***Religious tolerance?***

11. Officials claim that religious tolerance flourishes in the country, however state-run TV has repeatedly shown films – which school and university students are strongly encouraged to watch - inciting intolerance and hatred of religious minorities, especially those who are said to share their beliefs with others. Other state-run media, such as newspapers and websites, similarly encourage religious intolerance and hatred. Raids on and fines imposed against members of religious minorities usually accompany such media campaigns, but as such violations of religious freedom are commonplace, it is unclear whether there is a direct link.

### ***Legal framework a symptom of official attitudes***

12. When the harsh 1998 Religion Law was adopted, President Islam Karimov claimed it was necessary to counter "Wahhabi" Muslims - a term widely used in Central Asia to denote anyone from peaceful devout Muslims to Islamist militants. Karimov stated in a 1 May 1998 speech broadcast nationwide that "such people must be shot in the forehead. If necessary, I'll shoot them myself." Officials have repeatedly claimed that Uzbekistan is planning further amendments to the Law, with many religious believers fearing even tighter restrictions.

13. Numerous articles in the Religion Law, Criminal Code and Administrative Code are used to punish peaceful religious activity. President Karimov's remarks illustrate that the problems that religious believers and communities face are not limited to particular laws or articles, but rather to the oppressive actions of state officials, of which the laws are a prominent symptom.

14. Unregistered religious activity is banned under Article 8 of the Religion Law. Registration – the only way in which communities may obtain legal status – is via the Justice Ministry. However, the experience of many communities, registered or unregistered, is that repression can occur at any

time, with no regard for whether or not a community is registered. The ban on unregistered religious activity is underpinned by articles in the Criminal Code and the Administrative Code. Under Article 240 (breaking the law on religious organisations) of the Administrative Code, unlawful religious activity is punishable by fines, or administrative detention of up to 15 days.

15. Registration of new communities or communities which have long existed but which the government does not like remains almost impossible. Between 2000 and 2006, some Protestants calculated that 38 of their congregations were stripped of legal status by the state. One Jehovah's Witness, one Hare Krishna and one Baha'i community have also lost registration in the past decade. Over 100 religious communities of various faiths reportedly have tried unsuccessfully to gain registration. The Religious Affairs Committee asserted in February 2007 that "there are no restrictions on or hindrances to registration."

16. Fines for a wide range of religious activity - including unregistered religious activity - are generally 50 to 100 times the minimum monthly wage. The numbers and scale of raids and fines imposed on religious minorities appear to be increasing. Raids are usually accompanied by the seizure of all religious literature police can find, while participants are often threatened or beaten. Many raids on religious communities - including a July 2012 Sunday morning raid on a Protestant family singing hymns with a friend in their own home - are justified as "anti-terrorist activity," although police - if prepared to comment - are often unable to specify to Forum 18 what threat such raids are supposed to stop.

17. In addition to fines, administrative punishments for "illegal" religious activity often involve short-term detention of between 3 and 15 days, which has been used against Protestants, Jehovah's Witnesses and Baha'is. Forum 18 knows of 25 such imprisonments in 2009 and at least 22 in 2010, with further cases since then. Before her June 2012 deportation, Jehovah's Witness Shcherbeneva was sentenced to 15 days' imprisonment (costs of imprisonment to be deducted from her).

18. Although members of religious minorities are often fined, they are not - unlike Muslims - frequently brought to criminal trial and jailed. An exception is Tohar Haydarov, who received a ten-year sentence on drug-related charges in March 2010 which his fellow Baptists insist were fabricated to punish him for his religious activity. Pentecostal pastor Dmitry Shestakov was freed in January 2011 after completing a four-year sentence for leading an unregistered religious community. Also imprisoned have been Jehovah's Witnesses.

19. Sharing beliefs is punishable under Article 216-2 of the Criminal Code, which states that the "conversion of believers belonging to a certain religion to other religions (proselytism) and other missionary activities, will, after the application of penalties under Administrative Law for similar activities, be punished by a fine of between 50 and 100 times the minimum wage or up to six months' detention or up to three years in prison." Article 5 of the Religion Law states that: "Actions aimed at turning believers from one faith to another (proselytism) are forbidden, as is any other form of missionary activity."

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

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

22. Reinforcing the bans on sharing beliefs and on religious small groups, "teaching religious beliefs without specialised religious education and without permission from the central organ of a [registered] religious organisation, as well as teaching religious beliefs privately" is punishable under Criminal Code Article 229-2. Similarly, Article 10 of the Religion Law states that "religious educational establishments acquire the right to operate after registering with the Justice Ministry and receiving the appropriate licence. (...) Persons teaching religious subjects at religious educational

establishments must have a religious education and carry out their work with the permission of the appropriate agency of the central administration.”

23. Unregistered Muslim religious activity has been punished under Criminal Code Articles 159 “attempts to change the constitutional order”; 242 “organisation of a criminal society” and Article 156. This article bans “acts intended to humiliate ethnic honour and dignity, insult the religious or atheistic feelings of individuals, carried out with the purpose of inciting hatred, intolerance, or divisions on a national, ethnic, racial, or religious basis, as well as the explicit or implicit limitation of rights or preferences on the basis of national, racial, or ethnic origin, or religious beliefs.” This article has also been used against religious minorities. As Protestants within Uzbekistan have noted, the state's own incitement of religious intolerance and hatred violates this section of the Criminal Code.

### ***Prisoners***

24. Many Muslims have been given long prison terms to punish them for exercising their right to freedom of religion. Mehriniso Hamdamova and two other women were sentenced to up to seven years in jail in April 2010 after being arrested for holding unauthorised religious meetings. Sports journalist and religious commentator Hairulla Hamidov and 18 others were fined and jailed for up to six years in June 2010. Dozens of Muslims who read the works of the late Turkish Muslim theologian Said Nursi have been given long prison terms.

25. Reportedly, thousands more Muslims have been imprisoned, usually on accusations of belonging to terrorist, extremist or banned organisations. The nature of the Uzbek justice system, in which the planting of evidence and torture by the authorities is often credibly claimed, makes it unlikely that the authorities – or anyone else - knows how many of these prisoners are guilty of violence or are only “guilty” of being devout Muslims who take their faith seriously.

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

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

28. In addition to Baptist prisoner of conscience Haydarov, Jehovah's Witness Abdubannob Ahmedov has been imprisoned since 2008 for “illegal organisation of a religious community”. He was given an extra 30 month sentence in June 2012 just a month before his first sentence was due to end. In addition to Shestakov, other recent religious minority prisoners include two Jehovah's Witnesses, both freed in May 2012: Sergei Ivanov and Olim Turaev.

### ***Control of religious literature***

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

30. Censorship of religious literature is mandated under Article 19 of the Religion Law. The article also states that: "Delivery and distribution of religious literature published abroad is done after expert analysis of its contents is carried out in the order prescribed by law." Publication of religious literature within Uzbekistan is also subject to compulsory prior censorship. Under Criminal Code

Article 244-3, "illegal production, storage, import or distribution" of religious publications is punishable for repeat offenders by terms of up to three years in jail. Article 184-2 of the Administrative Code imposes fines and confiscation for a first offence.

31. Either the state's Religious Affairs Committee or - in provincial areas - teachers at local university philosophy departments decide whether religious material should be banned. Uzbekistan's postal authorities actively collaborate in censorship of publications sent from abroad. The official system of internet censorship also blocks access to some foreign religious websites.

32. Religious literature – whether Muslim, Christian, Jehovah's Witness, Baha'i or of other faiths – is routinely confiscated in police raids on places of worship and private homes. Even legally imported materials are confiscated. The state Religious Affairs Committee routinely tells prosecutors and courts that such literature is "extremist", "banned" or "not for use outside a registered religious community". Numerous court verdicts seen by Forum 18 order that such literature – including Muslim books or Christian Bibles - be "destroyed".

***What changes do Uzbek citizens want in religious policy?***

33. Religious believers of various faiths have told Forum 18 that they most want to see Uzbekistan: end raids on peaceful religious worship; end violence and threats against religious believers by officials; end fines on and imprisonment of religious believers who are peacefully practising their faith; end compulsory censorship and destruction of religious literature; end interference in the leadership of the Muslim community; end the ban on unregistered religious activity; end restrictions on religious education of children; and end the confiscation of religious communities' property. (END)