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UZBEKISTAN

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Introduction

1. ADF International is a faith-based legal advocacy organization that protects fundamental freedoms and promotes the inherent dignity of all people.
2. This report brings attention to the situation of freedom of religion and expression in Uzbekistan, with particular attention to persons belonging to religious minorities. Notably, it highlights the barriers related to the registration and operations of unregistered religious groups. It also expresses concern at laws criminalizing peaceful proselytism and the sharing of religious materials, as well as the other overbroad restrictions on the exercise of freedom of expression. Finally, it draws attention to cases of violence, abuse and intimidation suffered by persons belonging to religious communities at the hands of state and non-state actors alike.

(a) Freedom of Religion and Expression

3. Uzbekistan is a predominantly Muslim country with small Christian and other religious minority communities. According to the official government register, as of March 2023 there are a total of 2329 registered religious organizations in the country, of which 2137 (91.8%) are Muslim, 175 (7.5%) are Christian, and the remaining 17 represent Jewish, Bahai and other religious minority groups.¹
4. Article 31 of the Constitution of Uzbekistan states that “Freedom of conscience shall be guaranteed to all. Everyone shall have the right to profess or not to profess any religion. The forced imposition of religion shall be impermissible.”²
5. Furthermore, Article 29 guarantees freedom of thought, speech and convictions, including “the right to seek, obtain and disseminate any information except that which is directed against the existing constitutional system and some other instances specified by law.”³
6. Despite the abovementioned constitutional guarantees, the ability of individuals and communities to freely practice their religion or belief remains severely limited both in law and in practice.

Uzbekistan’s Law on Religious Organizations

7. In July 2021, an amendment to Uzbekistan’s Law on Freedom of Conscience and Religious Organizations (hereinafter, the “Law”) was adopted. While some improvements were made, including a reduction in the number of signatures required for a religious community to obtain registration from 100 to 50, and the lifting of the ban on religious clothing, most of the Law’s problematic and restrictive elements remained.⁴
8. These include the definition of “illegal religious activities”, in Article 3, as including any activity carried out by unregistered religious groups, the activities of registered groups

¹ Ministry of Justice of the Republic of Uzbekistan ‘1-014-0019 Register of religious organizations’ (March 2023) *Open Data Portal* <https://data.egov.uz/eng/data/6107d5b52a2e256d868e8706>.

² Constitution of the Republic of Uzbekistan, <https://constitution.uz/en/clause/index>, art. 31.

³ *Id.*, art. 29.

⁴ F. Corley, M. Bayram, ‘UZBEKISTAN: President to sign restrictive new Religion Law?’ (5 July 2021) *Forum 18*, https://www.forum18.org/archive.php?article_id=2670.

outside of their designated spaces, and as well as private religious educational activities. The law also defines “missionary work” as “activities for the forced imposition of religious views”, thereby labeling all such practices as inherently unconstitutional.⁵

9. Article 7 of the Law establishes the State as the “guarantor of the peaceful coexistence of confessions”. On the basis of this provision, all missionary work and proselytism, “religious fundamentalism and extremism, actions aimed at opposing and exacerbating relations, inciting hostility between different confessions”, as well “activities that offend the religious feelings of believers” are prohibited.⁶ Regrettably, the formulation of this provision opens the door to the arbitrary application of the law to suppress legitimate religious beliefs, practices and expression.
10. Article 8 further prohibits the teaching of religious disciplines, except in designated religious educational institutions. It also restricts citizens from studying at such institutions unless they have completed secondary education.⁷
11. Article 9 of the Law allows rites and ceremonies to be performed by registered groups only within their respective religious grounds and subjects any activities outside of the designated spaces to prior government approval.
12. Article 10 similarly requires that the production, import or distribution of religious materials be approved by a state-designated religious expert, “in order to prevent the spread in society of ideas and views that contribute to the violation of interfaith harmony and religious tolerance”.⁸
13. Articles 14-24 establish the procedure for registration of religious organizations.⁹ In particular, Article 17 outlines the documentation required for the registration of a religious organization, including a document containing the signatures of at least 50 adult Uzbek citizens. In light of the prohibition of all unregistered religious activities, this requirement also continues to restrict the freedom of religion of small religious groups who are unable to gather sufficient signatures.
14. In response to the adoption of the amendment, a joint letter issued by five UN Special Rapporteurs to the Uzbek government expressed concern at the Law’s incompatibility with the State’s international human rights obligations, citing in particular the broad ban on peaceful missionary activity, the criminalization of religious offenses, the requirement of state approval for religious materials as well as all religious education, and the continued barriers to religious registration, coupled with a blanket ban on the activities of non-registered religious groups.¹⁰

Other Legal Restrictions on Freedom of Religion and Expression

⁵ Law on Liberty of Conscience and Religious Organizations – unofficial translation (June 2021) <https://lex.uz/docs/6117508>, art. 3.

⁶ Id., art. 7.

⁷ Id., art. 8.

⁸ Id., art. 10.

⁹ Id., arts. 14-24.

¹⁰ UN Special Procedures Mandate Holders ‘Letter to Uzbekistan’ (29 July 2021) OL UZB 4/2021, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26562>.

15. In addition to the abovementioned law, the Criminal Code of the Republic of Uzbekistan further restricts these fundamental freedoms.
16. Article 156 criminalizes “incitement of national, racial, ethnic or religious hatred”, including “deliberate actions degrading national honor and dignity, insulting the feelings of citizens in connection with their religious or atheistic convictions, committed with the aim of inciting enmity, intolerance or hatred towards groups of the population on national, racial, ethnic or religious grounds”.¹¹
17. Article 216-2 provides penalties for the “violation of legislation on religious organizations”. In particular, carrying out unregistered religious activities, as well as the “conversion of believers of one confession to another (proselytism) and other missionary activities” carry a punishment of up to three years imprisonment.¹²
18. Article 244-1 prohibits the production, storage and distribution of information or materials “containing ideas of religious extremism, separatism and fundamentalism...”. Article 244-2 similarly prohibits the creation or leadership of, or participation in “religious extremist, separatist, fundamentalist or other prohibited organizations”. More broadly, Article 244-3 criminalizes the production, storage, import or distribution of any “materials of religious content” without state approval.¹³
19. In February 2022, in her report following her visit to Uzbekistan, the Special Rapporteur on the promotion and protection of human rights while countering terrorism expressed particular concern at Articles 244-1 and 244-2 and related laws on “extremism”, noting that the concept “could be used to unduly restrict freedom of religion, expression, assembly and association.”¹⁴

Government Restrictions on Freedom of Religion and Freedom of Expression

20. In addition to the legal barriers to church registration, unregistered religious groups have reported facing discrimination and harassment by local authorities, as well as the threat of criminal penalties for participating in “illegal” religious activities.
21. In 2019, Bimurzaev Baurjan, who served as a Pastor for a non-registered church of the Uzbek and Kazakh ethnic groups in Azadbash village located in the Tashkent region, was fined the equivalent of 150 US Dollars for engaging in religious activities. Another member of the same church was also fined 150 US Dollars. In 2020, several members of a small house group located in the Nukus region were likewise fined up to 300 US Dollars for practicing their Christian faith and for having renounced their adherence to Islam.¹⁵
22. Discrimination against religious communities often carries an ethnic dimension, with indigenous Uzbek Christians, particularly recent converts from Islam, being particularly

¹¹ Criminal Code of the Republic of Uzbekistan (last amended 19 October 2022) <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/63802/64051/F308522370/UZB-63802.pdf>, art. 156.

¹² Id., art. 216-2.

¹³ Id., art. 244-1 – 244-3.

¹⁴ UN Special Rapporteur on the promotion and protection of human rights while countering terrorism, ‘Visit to Uzbekistan’ (25 February 2022) <https://undocs.org/A/HRC/49/45/Add.1>, 22.

¹⁵ Direct report from Pastor Dosjan, Galazkent, Tashkent region.

targeted.¹⁶ In 2020, a Christian group meeting in a newly constructed church in Gazalkent city of the Tashkent region was denied registration as a religious organization by the Ministry of Justice for Religious Affairs. The Ministry cited the absence of Slavic ethnic representation among the church's membership as a justification for the dismissal of their application. The majority of the church's members belong to Uzbek and Kazakh ethnic groups.¹⁷

23. In January 2022, Fazilkhoja Arifkhojayev, a Muslim man, was convicted and sentenced to a term of seven and a half years in a labor camp after publicly voicing criticism towards a state-appointed imam. He was charged for alleged "extremism". The hearing was not open to the public. It has been reported that Mr. Arifkhojayev was repeatedly subjected to torture, even after his defense lawyer lodged a formal complaint regarding his treatment.¹⁸
24. In June 2021, a district court in Tashkent fined employees of news outlets Kun.uz and Azon.uz for allegedly publishing religious material without having submitted it to the government's Committee on Religious Affairs (CRA) for prior approval. The articles in question included commentary on foreign relations as well as international news.¹⁹
25. In March 2021, five Muslim men were arrested for attending regular meetings to discuss Islam. Four were given sentences of up to six years imprisonment in a labor camp while the fifth was fined. Similarly, in March and April of 2020 respectively, small groups of young Muslim men were arrested and imprisoned for privately discussing their faith, on charges of supporting terrorism or extremism. All these arrests allegedly took place with the help of a police informant who sought, on police instructions, to incite the group into expressing support for terrorist causes.²⁰
26. Also in 2021, the government clamped down on citizens' ability to pursue religious education abroad, requiring prospective students to obtain permission from the CRA. An estimated 1,500 students were recalled from religious schools in Egypt and Turkey over a period of several months.²¹
27. In early 2019, Protestant Christians in Urgench and the Namangan region reported instances of police conducting raids and searches of homes without warrants, as well as exerting pressure on individuals to sign false statements against them. Following

¹⁶ Open Doors 'Uzbekistan: Full Country Dossier' (December 2022) *World Watch Research*, <https://www.opendoors.org/persecution/reports/Full-Country-Dossier-Uzbekistan-2023.pdf> , p.5.

¹⁷ Direct report from Pastor Dosjan, Galazkent, Tashkent region.

¹⁸ M. Bayram, 'UZBEKISTAN: Latest prosecution for teahouse Islam discussion' (8 April 2022) *Forum 18*, https://www.forum18.org/archive.php?article_id=2730.

¹⁹ Committee to Protect Journalists 'Uzbek news websites Kun.uz and Azon.uz fined for allegedly publishing 'religious material' without approval' (24 June 2021) <https://cpj.org/2021/06/uzbek-news-websites-kun-uz-and-azon-uz-fined-for-allegedly-publishing-religious-material-without-approval/>.

²⁰ M. Bayram, 'UZBEKISTAN: Jailed for learning to pray and discussing Islam' (20 October 2021) *Forum 18*, https://www.forum18.org/archive.php?article_id=2692.

²¹ B. Pannier 'Uzbek Religious Students Recalled From Egypt, Turkey In New Crackdown' (20 June 2021) *Radio Free Europe*, <https://www.rferl.org/a/uzbekistan-religious-students-crackdown/31317289.html>.

formal investigations in both locations, claims of police misconduct were dismissed by the authorities. Instead, members of the church now face potential punitive measures.²²

28. In January 2019, a Christian man was fined for giving away a copy of the New Testament as a gift, after his home was illegally broken into and searched.²³

29. Since 2018, the Ministry of Interior has required all mosques in Uzbekistan to install surveillance cameras on their premises. In early 2022, this requirement was extended to all registered non-Muslim religious places of worship. Unregistered groups have also had cameras installed near their meeting places, including pointed directly at their entrances. The intrusive nature of this surveillance has made it difficult for worshippers to meet for the fear of being monitored and subsequently targeted by the government.²⁴

Social Hostility Against Religious Minority Communities

30. Christians and other religious minorities in the country continue to face social hostility and violence. According to the 2023 World Watch List, which ranks the top 50 countries where it is most difficult to be a Christian, Uzbekistan is placed 21st.²⁵

31. In 2022, a local family of Christian converts was forced to flee their village due to hostility against their house church from neighbors, who had destroyed their greenhouse and threatened to burn their home and kill them.²⁶

32. In 2021, at least 64 individuals were reported to have faced pressure and violence from their communities due to being converts from Islam. In the majority of cases, the threats they experienced were instigated by family members.²⁷

33. In 2020, the management staff of a cemetery, at the behest of the local Mullah, refused to bury the remains of a seven-year-old Christian girl on their premises, due to her renunciation of Islam. The pastor of the church of which the girl was a member reported the issue to the Ministry of Justice for Religious Affairs and the police. However, the Mullah incited the neighbors against the family and reported the church's address to the police, accusing them of illegal activities related to religious conversion and constructing a new church without government approval. The police subsequently arrested the pastor and the construction workers without due process and subjected them to threats and humiliations for betraying Islam before releasing them. The girl's remains were eventually buried in a Muslim cemetery.²⁸

Freedom of Religion and Expression in International Law

²² M. Bayram 'UZBEKISTAN: "Investigations" don't stop police illegal actions' (29 January 2019) *Forum 18*, https://www.forum18.org/archive.php?article_id=2445.

²³ M. Bayram 'UZBEKISTAN: Fined for giving New Testament away' (30 January 2019) *Forum 18*, https://www.forum18.org/archive.php?article_id=2446.

²⁴ Open Doors Youth 'Uzbekistan: Surveillance extended to churches' (16 May 2022) <https://opendoorsyouth.org/news/uzbekistan-surveillance-extended-to-churches/>.

²⁵ Open Doors 'Uzbekistan: Full Country Dossier' (December 2022) *World Watch Research*, <https://www.opendoors.org/persecution/reports/Full-Country-Dossier-Uzbekistan-2023.pdf>, p.5.

²⁶ *Id.*, p.7.

²⁷ Open Doors 'Uzbekistan: Full Country Dossier' (December 2021) *World Watch Research*, <https://opendoorsanalytical.org/wp-content/uploads/2022/01/Uzbekistan-Full-Country-Dossier-December-2021.pdf>, p.7.

²⁸ Direct report from Pastor Dosjan, Galazkent, Tashkent region.

34. Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which Uzbekistan ratified without reservations in 1995, guarantees the right to freedom of thought, conscience, and religion for everyone. This includes “freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching”.²⁹
35. Furthermore, Article 26 of the ICCPR imposes an obligation upon States to “prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination,” including on the basis of religion.³⁰ Article 27 of the ICCPR further guarantees that “[i]n those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group... to profess and practise their own religion.”³¹
36. Article 18 also asserts that “no one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.”³² In its General Comment No. 22, the Human Rights Committee has interpreted “coercion” to entail “the use of threat of physical force or penal sanctions” and policies and practices that restrict “access to education, medical care, [and] employment.”³³ To prevent or punish one person or group for playing a role in another person’s or group’s conversion effectively denies the enjoyment of the fundamental right to freedom of religion or belief, and creates an atmosphere of intimidation that represses dialogue about religious ideas.
37. Article 19 ICCPR enshrines the right to freedom of opinion and expression. Limitations on the exercise of this right are permitted only where necessary “for the respect of the rights and reputations of others” or “for the protection of national security, public order or public health or morals.”³⁴ Article 20(2) of the ICCPR calls on States to prohibit “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility, or violence.”³⁵
38. General Comment No. 34 of the Human Rights Committee makes it clear that restrictions on the right to freedom of expression “should not go beyond what is permitted in paragraph 3 [of Article 19] or required under article 20,” and that relevant laws “must provide sufficient guidance to those charged with their execution to enable them to ascertain what sorts of expression are properly restricted and what sorts are not.”³⁶ The criminalization of peaceful proselytism and of insults to religious or atheistic feelings, as well as the overbroad prohibition of “incitement to hatred”, do not meet this threshold.
39. During the previous cycle of the UPR, Uzbekistan received eight recommendations relating to the issue of freedom of religion, ranging from the revision of criminal and administrative laws relating inter alia to religious registration and religious extremism,

²⁹ International Convention on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR), art. 18.

³⁰ *Id.*, art. 26.

³¹ *Id.*, art. 27.

³² *Id.*, art. 18.

³³ UN Human Rights Committee ‘CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)’ (30 July 1993) CCPR/C/21/Rev.1/Add.4, 5.

³⁴ ICCPR, art. 19.

³⁵ *Id.*, art. 20.

³⁶ UN Human Rights Committee, General Comment No. 34 (2011) CCPR/C/GC/34/Rev.1/Art. 19, 49.

to the release all prisoners of conscience held in arbitrary detention on account of their faith.³⁷ It also received six recommendations concerning the protection of freedom of expression.³⁸ While all these recommendations were accepted, the government of Uzbekistan has yet to make significant progress in the implementation of these fundamental human rights.³⁹

(b) Recommendations

40. In light of the aforementioned, ADF International suggests the following recommendations be made to Uzbekistan:

- a. Amend the Law on Freedom of Conscience and Religious Organizations to remove the prohibition on unregistered religious activities and any undue restrictions on religious education and the production, import or distribution of religious materials;
- b. Decriminalize the organization and participation in activities of unregistered religious associations, as well as religious proselytism and missionary activities;
- c. Repeal all criminal and other legal provisions that unduly restrict freedom of religion and expression;
- d. Remove burdensome and oppressive registration requirements and rescind intrusive governmental practices, including monitoring and raiding, which infringe upon the right to freedom of religion or belief;
- e. Remove criminal prohibitions on religious or belief communities operating on an unregistered basis;
- f. Release all prisoners of conscience incarcerated or arbitrarily detained on account of their faith, and ensure the right to a fair and public hearing for all without discrimination;
- g. Ensure the prompt and effective investigation and sanctioning of all human rights violations committed against persons belonging to religious minorities, including those involving state actors, with a view to ensuring accountability for perpetrators and justice for victims;
- h. Increase efforts to protect Christians and other religious minorities from all forms of violence, harassment and discrimination;

³⁷ UN Human Rights Council 'Report of the Working Group on the Universal Periodic Review: Uzbekistan' (9 July 2018) UN Doc A/HRC/39/7, rec. 101.96, .98, .106-.111.

³⁸ *Id.*, rec. 101.93, .97, .101-103, .122.

³⁹ UN Human Rights Council 'Report of the Working Group on the Universal Periodic Review: Uzbekistan - Addendum' (10 September 2018) UN Doc A/HRC/39/7/Add.1.



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