

4 August 2009

UZBEKISTAN: Registration a weapon against freedom of religion or belief

By Mushfig Bayram, Forum 18

One of the most widespread human rights violations committed by Uzbekistan - highlighted by the recent UN Universal Periodic Review - is its ban on and punishments for religious activity without state permission. Forum 18 News Service has found that this is a serious problem for Muslims, Protestant and Catholic Christians, Jehovah's Witnesses and people of other faiths, and that even those who want state registration face systematic obstruction. The Deputy Head of the state-controlled Muslim Board implied to Forum 18 that controlling religious communities is a motivation for this. Discussing small unregistered mosques, he said that "we cannot control what is going on inside those mosques. Forum 18 has asked officials why Uzbekistan creates registration difficulties, and why unregistered religious activity is punished. The state Religious Affairs Committee refused to discuss this with Forum 18. "I don't know," was the answer of a judge who has presided at a trial of Baptists for unregistered religious activity. An official responsible for registration in the capital Tashkent replied that "these are our internal issues, and you have no competence to interfere."

Uzbekistan has recently been through the Universal Periodic Review (UPR) mechanism of the United Nations (UN) Human Rights Council, and its response to recommendations was considered in Geneva on 27 July. Despite this process, religious believers of a wide variety of faiths – including but not restricted to Muslims, Protestant and Catholic Christians, Jehovah's Witnesses - continue to complain to Forum 18 News Service that the country continues to routinely commit serious violations of freedom of religion or belief.

One of the most common violations is the use of registration as a weapon against citizens' religious freedom. The most recent known instance of this were fines imposed on two Baptists, combined with threats that they would face criminal prosecutions unless their church registered within one year (see F18News 31 July 2009 http://www.forum18.org/Archive.php?article_id=1333). The two - Vladimir Khanyukov and Said Tursunov – are members of a Baptist church in Mubarek which belongs to the Baptist Council of Churches. These churches refuse to seek state registration – as is their right under international law – as they fear that registration would enable state interference in their religious activity.

Uzbek claims on registration under the UN UPR mechanism

In response to a recommendation under the UN mechanism (by the Kingdom of the Netherlands) that Uzbekistan "fully respect the freedom of religion or belief", it claimed in part – falsely - that: "As in majority of countries with rule of law, the religious organizations must obtain legal registration and have a transparent accounting" (see document A/HRC/10/83/Add.1 of 13 March 2009).

The Uzbek response to the Dutch recommendation went on to claim that: "As a matter of fact the violation of those rules leads to amenability." The "amenability" claimed may be a reference to the continuing unsuccessful attempts to suppress religious activity without state permission.

Uzbekistan, in defiance of international human rights standards, has made unregistered religious activity a criminal offence. Yet as Professor Malcolm Evans of Bristol University has observed, "requiring faith communities to register is almost impossible to reconcile with international and OSCE [Organisation for Security and Co-operation in Europe] human-rights standards" (see <http://www.osce.org/odihr/57471>). "Unless it is for the purposes of tax benefits or to obtain charitable status, there should be no need for compulsory registration."

Similarly, another recommendation to Uzbekistan (by the United Kingdom) was that it should "introduce a simpler registration process for religious organisations than currently exists". In response, the Uzbek delegation stated that "currently there is an ongoing work on introducing amendments and supplements in the Law On freedom of conscience and religious organisations." This is not the first time there have been indications that Uzbekistan may be planning to change its Religion Law, the last such significant indication being in late 2007 (see F18News 5 November 2007 http://www.forum18.org/Archive.php?article_id=1043). The latest Uzbek response failed to explain how and why any changes to the Religion Law might end arbitrary denials of registration

applications, and simplify the highly cumbersome procedures for submitting applications (see below).

The Uzbek Delegation also claimed that 2,300 religious organisations "of 16 religions or beliefs" exist, including 2,050 Muslim, 179 Christian (including Russian Orthodox, Baptist, Full Gospel, Seventh-day Adventist, Lutheran, Catholic, Armenian-Apostolic Church, Protestant, Jehovah's Witness, New Apostolic, Bible Society), eight Jewish societies, six Baha'i communities, one Hare Krishna community and a Buddhist temple.

It is impossible to verify these figures independently, and the totals of communities given add up to 2,245, not 2,300 as the Uzbek Delegation claimed. The state Religious Affairs Committee refused on 31 July to discuss the issue with Forum 18. However, religious believers of a wide variety of faiths have often complained to Forum 18 that such official statements mask violations of freedom of religion or belief (see eg. F18News 16 February 2007 http://www.forum18.org/Archive.php?article_id=913).

Registration of Muslim communities under pressure

Uzbekistan devotes great attention to controlling all religious communities, with the majority Muslim communities being subject to tight internal and external controls (see the latest F18News Uzbekistan religious freedom survey http://www.forum18.org/Archive.php?article_id=1170).

Many mosques are reportedly either being closed or stripped of their registration in rural areas, an independent human rights defender – who wished to remain anonymous for fear of state reprisals – told Forum 18 on 29 July. "The government is against establishing mosques in kishlaks (villages)," he complained. "Not only it is difficult to register independent small mosques in rural areas, but also those which have registration are being stripped of it." The human rights defender gave the example of a small mosque in Gulistan mahalla (a residential area) in the southern Kashkadarya Region's Nishan District, built by the local Muslims on their own initiative several years ago. This mosque was stripped of its registration in June. "I personally talked to the local Muslims," the human rights defender stated. "They were 'advised' by the local Justice Department to re-register the mosque as a tea house."

It is difficult to assess the overall situation of religious communities in Uzbekistan, as many religious believers are not willing to discuss their problems for fear of reprisals from the authorities.

Abdulazim Mansurov, Deputy Head of Uzbekistan's state-controlled Muslim Board, told Forum 18 that on 31 July that registration of mosques is not a "problem." "2,050 mosques currently function, which is far more than the 84 mosques that existed during Soviet times." Asked whether he considers this number to be large enough, as this figure approximates to one mosque for every 10,000 to 15,000 Muslims, Mansurov stated that "not every Muslim attends a mosque."

Asked about the mosque in Kashkadarya's Nishan District, Mansurov said, "I am not aware what exactly happened with that mosque." He added that Uzbekistan does "not need small mosques in kishlaks. We cannot control what is going on inside those mosques. Who knows what kind of dangerous ideas some extremists can teach people in them? We have registered with the Justice Ministry all the large mosques that we need, and they can serve all the Muslims. Muslims from kishlaks can attend bigger, cathedral mosques in neighbouring areas. We can control what is going on inside the big mosques. We appoint imams for all the registered mosques."

Mansurov of the Muslim Board confirmed that work was taking place on the current Religion Law. "Of course laws should be constantly worked on, because times change and the situation changes" he stated. Asked if anyone from the Muslim Board was involved in this, he stated that "our lawyers take part in it." He added that he did not know what parts of the law were being worked on.

Other state-permitted faiths denied registration of their communities

Congregations which do not seek state registration, such as those of the Baptist Council of Churches, are not permitted to "legally" operate anywhere in Uzbekistan. However, even congregations of non-Muslim faiths who are permitted to operate in some parts of the country face great difficulties in registering their communities in other parts of the country.

There are seven Catholic parishes in Uzbekistan, but two of them – in the central town of Navoi and in the town of Angren near Tashkent – have been unable to gain registration, Bishop Jerzy Maculewicz – who leads the Catholic Church in Uzbekistan – told Forum 18 on 30 July. Bishop Maculewicz did not want to discuss details, but said that "the main difficulty is to find places in those towns to build the church buildings" and where the communities could be officially registered.

During his visit to the Holy See in October 2008, for his regular "ad limina" five-yearly meeting with the Pope, Bishop Maculewicz told the Vatican newspaper 'L'Osservatore Romano' of the "many difficulties" in officially opening these two parishes. St Joseph's Parish in Navoi lodged its registration documents with the local authorities in March 2006. The Parish bought a private flat from a parishioner in 2000 and had worshipped there, but this became impossible. Since 2006, Catholics wanting to attend Mass have had to travel 120 kms (75 miles) to Bukhara [Bukhoro] or 150 kms (95 miles) to Samarkand [Samarqand], the nearest registered

Catholic parishes. The Angren Parish – which bought a small one-storey house from a parishioner in 2006 – does not have the 100 adult citizen members required to apply for registration.

Bishop Maculewicz also told the 'L'Osservatore Romano' that the authorities had not given permission to found a branch of Caritas, the Catholic charity, in the country. However, nine nuns of the Missionaries of Charity order founded by Mother Teresa of Calcutta support prisoners and the poor in Tashkent, and individual parishes conduct small-scale charitable activity. He added that Catholics had asked to be allowed to open a home for people leaving hospital who need care during convalescence, but after a year and a half have still received no response from the government. Charitable work by religious believers has sometimes come under suspicion from the authorities (see F18News 10 October 2006 http://www.forum18.org/Archive.php?article_id=852).

Baptists from the Baptist Union told Forum 18 that, of the 60 congregations in the Union, only about 20 have been able to gain state registration. "All the rest are in a position of illegality," Baptists told Forum 18. They complain that since 1998 "not one congregation" has been able to gain registration. "The authorities always find various pretexts to refuse registration."

Registration for Russian Orthodox Church "not a problem"

In contrast, the Russian Orthodox Diocese in Tashkent told Forum 18 that gaining registration for new parishes when required is "not a problem." "We simply provide all the necessary documents," an aide to the bishop, Metropolitan Vladimir (Ikim), told Forum 18 from Tashkent on 16 July. The aide said that some 40 parishes now have registration in Uzbekistan, including a relatively new parish in Nukus where a church building is now being constructed.

The aide also pointed to an old church that has been returned in the small town of Yangi Chinaz in Tashkent Region. "We hope we will soon get registration." The aide told Forum 18 that, despite this Parish not yet having registration, priests can travel to it on Sundays and religious festivals to celebrate the Divine Liturgy.

How can communities gain state registration?

To gain state registration, communities must first have 100 adult Uzbek citizens willing both to be identified as founders and to supply their personal details to the authorities. Then, religious organisations must submit two letters of guarantee: one from the district Hokimat, confirming that the organisation to be registered has a building which corresponds to public health and fire safety requirements; and one from the mahalla committee, stating that other mahalla residents do not object to the organisation. Public health, fire safety and similar requirements are sometimes used to provide excuses to harass religious organisations (see eg. F18News 11 January 2006 http://www.forum18.org/Archive.php?article_id=714).

Mahalla committees are used by the authorities as a key instrument in their attempts to control Uzbek society (see eg. F18News 1 December 2005 http://www.forum18.org/Archive.php?article_id=698). Uzbek officials wrongly claim that the alleged unwillingness of local residents allows the state to, under international law, stop religious organisations from operating (see eg. F18News 9 January 2008 http://www.forum18.org/Archive.php?article_id=1068).

Even when a religious community has followed the state's demands and obtained permission to exist from a local authority, registration – and hence permission to carry out any religious activity - can still be refused. This has happened in the case of the Eskhol Full Gospel Church in the capital Tashkent, which has repeatedly been denied state registration. Officials have claimed that the Church's "letters of guarantee", or formal permission to function in a geographic area, from the Hokimat (local administration) of Tashkent's Chilanar district and from the First Katta Mahalla (residential district) Committee did not correspond to official requirements (see F18News 8 August 2008 http://www.forum18.org/Archive.php?article_id=1169).

However many religious communities do not get as far through the application process as this. When Jehovah's Witnesses in the town of Kagan, on the outskirts of Bukhara [Bukhoro], tried to register between 2006 and 2008, they faced harassment, a police raid and the ten community members were threatened with death and each given fines of five years' minimum wages. Bailiffs have made repeated visits to seize property to pay the fines (see F18News 9 January 2008 http://www.forum18.org/Archive.php?article_id=1068).

Similarly, the latest registration application of a Jehovah's Witness community in Tashkent's Sergeli District was rejected in February 2009. The community has repeatedly lodged applications each year for many years, with no success.

Can communities keep state registration?

Even if a community has managed to become registered, there is no guarantee that it will be able to keep this status – even if it complies in full with all the authorities' formal demands. The Jehovah's Witness congregation in the eastern Fergana [Farghona] Valley was closed by the authorities, even though the congregation repeatedly insisted over the months in which the authorities moved to close it that it and its members were fully compliant with Uzbek law (see eg. F18News 5 May 2006 http://www.forum18.org/Archive.php?article_id=774 and 15 February 2007 http://www.forum18.org/Archive.php?article_id=912).

The one remaining congregation of Jehovah's Witnesses in the country – in Chirchik [Chirchiq] near Tashkent – comes under occasional attack from the authorities. If this congregation loses its registration, all Jehovah's Witness activity in the entire country will automatically be banned under Uzbek law (see F18News 8 April 2009 http://www.forum18.org/Archive.php?article_id=1282).

Why does Uzbekistan create problems?

A leader of a Protestant Church in Tashkent, who wished to remain unnamed for fear of reprisals from authorities, told Forum 18 that "in 2005 our leaders were being tried by courts for having meetings at a private home." The Protestant complained that "we told the court that we did not have minimum of 100 people, but we are a community and want to exercise our faith. We were given small fines, and were forced to attend an existing registered church." The Protestant added that the authorities are trying to catch small religious groups and force them to dissolve. "When a community grows," the Protestant noted, "there is a need for a new place to worship. But if the number of believers is under 100 then you cannot legally meet in a separate place for worship. This way the authorities want to stop communities from growing."

Forum 18 has asked officials why Uzbekistan creates registration difficulties or totally denies this possibility, and why unregistered religious activity results in fines or even imprisonment.

The state Religious Affairs Committee refused to discuss these questions with Forum 18.

"I don't know," was the answer of Judge Rajabov, who presided at the most recent known trial for unregistered religious activity (see F18News 31 July 2009 http://www.forum18.org/Archive.php?article_id=1333). "Those communities which are denied registration may complain against the Justice Departments," he added.

Asked the same questions, Zukhra Muzaffarova, Deputy Head of Tashkent City Department of the Justice Ministry, told Forum 18 on 29 July that "you should not draw a parallel between our work and the courts." She warned Forum 18 to "stay away" from Uzbekistan's internal affairs. "These are our internal issues, and you have no competence to interfere" she said brushing off Forum 18's question why her Department refused to register Sergeli District's Jehovah's Witnesses Community. "Religious communities should talk to us not to you about their registration issues," she stated. "Let them apply, and we will register them in accordance with the law." She declined to further discuss the issue with Forum 18. (END)

For a personal commentary by a Muslim scholar, advocating religious freedom for all faiths as the best antidote to Islamic religious extremism in Uzbekistan, see http://www.forum18.org/Archive.php?article_id=338.

For more background, see Forum 18's Uzbekistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1170.

Full reports on freedom of thought, conscience and belief in Uzbekistan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=33>.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806, and of religious intolerance in Central Asia is at http://www.forum18.org/Archive.php?article_id=815.

A printer-friendly map of Uzbekistan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=uzbeki>.

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY