
29 April 2019

UZBEKISTAN: Supreme Court challenge to student hijab ban

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

Two women are awaiting Supreme Court hearings in their challenges to the ban on female students wearing hijab in Tashkent's International Islamic Academy and its secondary school. The Academy expelled Luiza Muminjanova in 2018, while Abdukakharova was allowed back after appealing. The state created the state-run Academy in 2018 from pre-existing state-run Muftiate and state institutions.

Uzbekistan's Supreme Court in the capital Tashkent is preparing to hear the appeals of two Muslim women, Luiza Muminjanova and Nazimakhon Abdukakharova. Muminjanova is appealing against her expulsion from Tashkent's state-controlled International Islamic Academy for insisting on wearing a hijab (Islamic headcover) to classes. Abdukakharova is appealing against the ban on wearing a hijab in the Islamic secondary school attached to the Academy.

No date has yet been set for the Supreme Court hearings, Muminjanova told Forum 18 from Tashkent on 29 April.

Between September and December 2018, the Islamic Academy forced at least six other female students to leave for insisting on wearing hijab to classes, Yelena Urlayeva, an independent human rights defender from Tashkent who chairs the Human Rights Alliance, told Forum 18 on 16 April (see below).

"Muminjanova was officially expelled for her extended absence from classes, and others were compelled to write their own requests to the Islamic Academy to leave, allegedly for lacking finances and other reasons," Urlayeva told Forum 18.

A Tashkent Muslim who wished to remain anonymous for fear of state reprisals, and who knows the female students who were forced to leave the Islamic Academy, told Forum 18 on 16 April that "the Academy threatened that otherwise it will report them to state agencies."

"Muscular men and women", likened by one Tashkent Muslim to Soviet-era civilian militia, prevented female students wearing hijab from entering the Academy (see below).

Before the expulsions, the Academy had warned students several times that while attending the Academy they must abide by the secular dress code for secondary and higher education institutions the Government adopted on 15 August 2018 (see below).

Abdukakharova was allowed to continue wearing hijab while attending the Academy's secondary school after launching her appeals (see below).

From 1 April 2019, both the Academy and its secondary school have allowed female students to wear a headscarf, but still not hijab (see below).

More than a thousand students, mostly from within Uzbekistan, currently study at the Academy.

Religious education under tight state control

Religious education is under tight state control. Only state-recognised religious communities with centralised religious bodies (such as the state-controlled Spiritual Administration of Muslims (the Muftiate), Russian Orthodox diocese or Baptist Union) are allowed to run their own educational establishments. Those who conduct religious education outside these officially-approved organisations are fined or jailed. (http://www.forum18.org/archive.php?article_id=2314)

President Shavkat Mirziyoyev created the state Committee for Religious Affairs-run International Islamic Academy with a 16 April 2018 Presidential Decree. This merged the Tashkent Islamic University and the Imam Al-Bukhari Islamic Institute. Mirziyoyev also decreed the creation of a Hadith School in Samarkand.

The University was founded as a state-run institution by then-President Islam Karimov in April 1999. The Imam Al-Bukhari Islamic

Institute was run by the state-controlled Muftiate from December 2017. The April 2018 merger had the effect of ending Muftiate control of the Academy which it had controlled from January.

The state-controlled Muftiate still runs the Imam al-Bukhari Islamic Institute in Tashkent, founded in 1971, as well as 10 madrassahs in various cities. Independently-run Islamic education is banned.

"Young women in madrassahs [Muftiate-controlled Islamic secondary schools] and students of the Islamic Institute are allowed to wear the hijab," Muminjanova told Forum 18. "However, not many can study in the few existing madrassahs because of the limited numbers of places - and the Islamic Institute only accepts those who graduated from a Madrassah." (Previously, the Islamic Institute also enforced a hijab ban.)

Muslim activist Tulkun Astanov faces criminal charges launched by the SSS secret police. He completed a 15-day jail term on 23 April, and had been jailed the same day Deputy Chief Mufti Mansur accused them of being a "hooligan" and disrespectful to Muftiate "spiritual leadership". (http://www.forum18.org/archive.php?article_id=2471)

Court challenges to ban on hijab

Two Tashkent Muslim women, Luiza Muminjanova and Nazimakhon Abdukakharova, filed complaints against the bans on hijab imposed in 2018 by the International Islamic Academy and its secondary school. But both Tashkent City's Shaykhantaur District Court (first instance) and Tashkent City Appeal Administrative Court between February and March supported the ban.

The two women appealed to the Supreme Court on 28 March. "The Supreme Court is studying the cases and has two months to hear the appeals," Abduvokhid Yakubov, Abdukakharova's father, told Forum 18 on 10 April. Yakubov also is the legal representative in the Court for both Abdukakharova and Muminjanova (who is originally from Urgench).

"Although my daughter was allowed to attend classes in hijab from the end of November 2018," Yakubov added, "when we began complaining about the ban on hijab to the authorities, we still pressed on with the complaint against the ban because other students are not allowed to wear it."

He explained that "they permitted my daughter to wear hijab but others were not allowed to do so. The students were told that it is because my daughter challenged the ban in the courts."

Yakubov told Forum 18 that "not all the students appealed against their expulsions because they are afraid of the authorities."

New secular dress code

A government decision of 15 August 2018, signed by Prime Minister Abdulla Aripov, imposed a secular dress code in all educational institutions. This meant a de facto ban on female students covering their heads by wearing hijab.

Muminjanova stated that soon after she was accepted to the Academy in September 2018, she found out that she could not attend classes in hijab. The Academy cited the government's new secular dress code, she told Forum 18 on 15 April 2019.

"My daughter also could not at first attend her secondary school because of the same government dress code," Yakubov, Abdukakharova's father, stated. He explained that the dress code does "not explicitly mention hijab but the model photo presented in the dress code has a knee-high dark skirt and a white blouse without any head cover, where legs, arms, neck and head are seen."

The Academy put up several signs outside its building in late 2018 illustrating what clothing was and was not acceptable for male and female students, based on the government decision. The signs showed that female students must wear knee-length skirts and the head must be uncovered. The examples of photos of women in long dresses covering their legs and head scarves covering their neck and head were crossed out with red lines, indicating that such dresses were not allowed.

The stands were removed on 16 April 2019, Muslims from Tashkent told Forum 18.

"Muscular men and women" enforce hijab ban

Muminjanova told Forum 18 that in September 2018, the Academy held several meetings and threatened students who insisted on wearing hijab to classes with expulsion from the Academy.

A Tashkent Muslim, who wished to remain unnamed for fear of state reprisals, said women and men stood in front of the Academy, stopping female students wearing hijab from entering. "These were muscular men and women who acted like civilian militia during the communist [Soviet] times," the Tashkent Muslim told Forum 18 on 17 April. "They used obscene words and shouted at the young women who wore hijab."

Eviction from dormitory was first punishment

The first punishment for Muminjanova was her own "forcible eviction" from the Academy dormitory, she told Forum 18.

Later, the Academy stopped allowing Muminjanova to attend classes, and officials prevented her from entering the Academy building at the entrance. "After many unsuccessful attempts to enter the Academy building, I was informed that it had sent a letter of notification to my parents that I was expelled for many absences."

Other female students besides Muminjanova were forced to leave the Academy. These included Aziza Sayfullayeva, Munisa Mirilyosova, Shakhnovoz Godirova and Shakhlo Almatova, all first year students, and Fotima Isroilova, a third year student.

"Another third year female student in December 2018 took academic leave because of the hijab ban," the Tashkent Muslim told Forum 18.

"I heard rumours that up to ten students may have been expelled because their parents also received warnings," human rights defender Urayeva told Forum 18. "Many other female students, fearing expulsion, took off their hijabs and began wearing long wigs of artificial hair to the Academy to cover their hair and heads," Urayeva added.

First suit fails

Both Abdulkakharova and Muminjanova lodged suits to court, challenging the hijab ban. Both suits were heard in Tashkent's Shaykhantaur District Administrative Court.

Abdulkakharova's suit against the hijab ban and her expulsion from the Academy was the first to reach court.

Judge Sharof Muminov of Shaykhantaur District Administrative Court on 15 February heard Abdulkakharova's suit against the hijab ban enforced by the Academy's secondary school.

Participating in the case were Shaislom Akmalov, Lutfullo Abdulkadirov, Legal representatives of the Islamic Academy; Ulugbek Bozorov, Legal representative of the government's Secondary and Higher Education Ministry; Sobitjon Sharipov, Legal representative of State Committee for Religious Affairs (SCRA); as well as Ikramjon Mardonov, Legal representative of the Muftiate.

Sharipov of the SCRA told the Court the Academy's secondary school is subject to secular dress code under the auspices of the Islamic Academy.

At the end of the 15 February hearing, Judge Muminov rejected Abdulkakharova's suit, according to the decision seen by Forum 18.

Judge Khasanov of Tashkent City Court on 13 March rejected Abdulkakharova's appeal against Judge Muminov's decision, according to the decision seen by Forum 18.

Judge Muminov on 26 April refused to discuss the case with Forum 18. Asked why Abdulkakharova or other young women are not allowed to wear hijab to classes to a secondary school which teaches Islam, Judge Muminov brushed it off, "I do not need to answer you. Also we are not authorised to give comments on our decisions over the phone."

Second suit fails, rights defender and witness not allowed in Court room

Judge Sardor Rakhmudinov of Tashkent's Shakhantaur District Administrative Court heard Muminjanova's suit on 20 February.

Participating in the case were Shaislom Akmalov, Lutfullo Abdulkadirov, Legal representatives of the Islamic Academy; Ulugbek Bozorov, Legal representative of the government's Secondary and Higher Education Ministry; Sobitjon Sharipov, Legal representative of State Committee for Religious Affairs (SCRA); as well as Ikramjon Mardonov, Legal representative of the Muftiate.

Sharipov explained to the Court that the Islamic Academy is an "independent from the Muftiate secular education Institution based on the Government's 22 June 2018 decision No. 466." He stated to the Court that "based on the 15 August 2018 decision No. 666 of the Government, the dress code of the Academy is the common secular dress code for all secular education institutions."

On the orders of Shavkat Zulunov, Chair of the Shakhantaur Court, human rights defender Urayeva was not permitted in the Court room as an observer at the 20 February hearing of Muminjanova's suit, the human rights defender told Forum 18. "When I was able to enter the yard of the Court building, the Police officers present there expelled me by force."

Shakhlo Almatova, one of the expelled first-year students, "waited at the Court doors for several hours to be called upon as a witness, to tell it how the Faculty of the Islamic Academy pressured the female students not to wear hijab," Urlyayeva told Forum 18. "In the end she was not allowed to enter the Court room."

At the end of the 20 February hearing, Judge Rakhmudinov rejected Muminjanova's suit by qualifying the Academy decision to expel her as "correct", according to the decision seen by Forum 18.

The Court's Chancellery official (who did not give his name) refused to put Forum 18 through to Judge Rakhmudinov, who had heard Muminjanova's suit. "He will not talk to you anyway," he told Forum 18 on 26 April, and then put the phone down.

Judge Kholmamat Khasanov of Tashkent City Administrative Court on 25 March rejected Muminjanova's appeal against Judge Rakhmudinov's decision, according to the decision seen by Forum 18.

Tashkent City Administrative Court's officials (no names given) on 26 April refused to say why Judge Khasanov upheld both decisions given against hijab or put Forum 18 through to any other officials who could speak to Forum 18. The official (who did not give his name), who answered Judge Khasanov's number on 26 April, also refused to comment on the decisions or put Forum 18 through to the Judge.

Academy dress code "totally against Islamic norms"

The Shaykhantaur Court decisions "explicitly say that female students must be dressed according to the model photos of the dress code", Yakubov noted.

"Shukhrat Yovkochev, Rector of the Islamic Academy and its faculty as well as the leadership of the Muftiate, in grave violation of Islamic canons, support secular dress code for women," human rights defender Urlyayeva told Forum 18.

Exiled Uzbek Imam Fazliddin Parpiyev, human rights defender Urlyayeva and Yakubov emphasised to Forum 18 that according to Islamic tradition, women must cover their heads, hair, shoulders, breast, which is why Muslim women traditionally wear hijab. "Muslims must live according to the moral principles from the Koran," Urlyayeva said. Yakubov stated that "The enforcement of the dress code for the Academy is totally against Islamic norms."

"No one was expelled for wearing hijab"

Asked about the ban on hijab and expelled students, the Academy official, who answered the phone of Rector Shukhrat Yovkochev on 23 April (who did not give his name), referred Forum 18 to Bakhodiy Akhmedov, Yovkochev's Assistant.

"No one was expelled for wearing hijab," Akhmedov insisted to Forum 18 the same day. "But some students were expelled for missing classes." However, he refused to specify which students were expelled. When Forum 18 insisted and said that Muminjanova and others were not allowed into the territory of the Academy for wearing hijab and asked why the Academy did so, he replied: "Because of the Government's 15 August 2018 dress code."

Asked why the dress code photo examples indicate that dresses that cover women's legs and scarves covering the head and neck are not acceptable, Akhmedov said: "It is the Government's decision, and we are a secular state education institution." He refused to answer Forum 18 when asked why the institution is named the "Islamic" Academy.

Told that the case is now with the Supreme Court, and asked whether the Academy would permit hijab and restore students who were expelled if the Supreme Court rules in favour of the plaintiffs, Akhmedov responded: "I don't know. It is up to the appropriate authorities." He then declined to talk further to Forum 18.

Asked about the ban on hijab and his February insistence to Forum 18 that the state had imposed no ban on the hijab (http://www.forum18.org/archive.php?article_id=2451), Otabek Bazarov, Chief of the Higher Education Ministry's Ethical Issues Department, on 24 April, claimed to Forum 18 that "I did not know that the students were not allowed to wear hijab under the government decision. However, the Islamic Academy is a secular institution, and I do not see a problem here."

Asked why then the Academy is advertised as the Islamic Academy, and why its name is not changed to a secular name, Bazarov could not answer.

Asked why students of the Islamic Academy cannot wear hijab to classes, and if this is not an ethical problem, Bazarov referred Forum 18 to the State Committee for Religious Affairs (SCRA). He then declined to talk further.

Will hijab ban for Islamic Academy and secondary school be lifted?

Yakubov and Muminjanova told Forum 18 that "as of 1 April the Academy and its secondary school began allowing female students to wear traditional Uzbek scarves or head-wear covering their heads but not the neck."

"We do not know if this is an indication that hijab will be allowed in the Academy or its secondary school," Yakubov said. "We complained in court against the dress code, and for its annulment for the Academy and its secondary school." (END)

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

For more background, see Forum 18's Uzbekistan religious freedom survey (http://www.forum18.org/archive.php?article_id=2314)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments
(http://www.forum18.org/archive.php?article_id=1351)

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