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UZBEKISTAN: New Decree gives "legal" basis to existing censorship

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

Books and other materials encouraging individuals to change their beliefs or which, in the state's opinion, "distort" beliefs are now specifically banned under a sweeping new censorship Decree, Forum 18 News Service notes. The Decree, which came into force on 27 January, gives a "legal" basis for the severe state restrictions on production, sale, distribution and import of religious materials. The Decree contains numerous violations of the conventions the country has under international human rights law promised to implement. Returning pilgrims – such as from Mecca – will have their literature seized for checking. Further punishments for breaking the censorship regime may be introduced. Officials of the state Religious Affairs Committee – which implements the compulsory prior state censorship – and the office of Deputy Prime Minister Adkham Ikramov – who is supervising the Decree's implementation – refused to discuss its provisions with Forum 18.

Uzbekistan has further formalised its existing de facto restrictions on the freedoms of expression, religion and belief by establishing a "legal" basis for its long-established de facto severe state restrictions on religion or belief-related literature, films, recordings, websites and other materials, Forum 18 News Service notes. The new Decree contains numerous violations of the conventions the country has under international human rights law promised to implement.

Entitled "Measures to improve order in the production, import and distribution of religious materials", a new Decree imposes sweeping controls on the production, distribution and import of all such materials. It bans their distribution anywhere apart from in fixed commercial points of sale equipped with cash registers. Such materials, including those for personal use, cannot be imported without prior state permission.

The Decree also bans the production, storage or distribution of materials intended to encourage people to change their beliefs. It also bans works which, in the state's interpretation, "distort religious canons". The word "canons" is not defined in the Decree, but means the content of beliefs.

Shavkat Mirziyoyev, the Prime Minister, signed the Cabinet of Ministers Decree on 20 January. It came into force on its official publication on 27 January.

The Decree gives the state Religious Affairs Committee "together with interested ministries and agencies" one month to prepare changes to other laws to enforce provisions of the Decree. Supervision of implementation of the Decree was assigned to Deputy Prime Minister Adkham Ikramov, who covers cultural issues.

The Decree – which formalises the implementation of provisions in the 1998 Religion Law - tightens the already severe censorship regime (see Forum 18's Uzbekistan religious freedom survey at http://www.forum18.org/archive.php?article_id=1862).

When the government ordered the preparation of a new Decree in July 2013, it was originally aimed at censorship of religious materials produced abroad and imported into Uzbekistan (see F18News 16 December 2013 http://www.forum18.org/archive.php?article_id=1907). But the January 2014 Decree also covers material produced in Uzbekistan.

No comments

Officials from Prime Minister Mirziyoyev's office and the Religious Affairs Committee refused to discuss the Decree on 12 February.

The office of Deputy Prime Minister Ikramov referred Forum 18 to one of its officials, Arifkhon Zakirov. Asked for comments on the new Decree and asked what or when changes to other laws will be introduced, Zakirov asked Forum 18 to call back in half hour since "I am in a meeting". Called back later, his phone went unanswered.

Officials at the Religious Affairs Committee, including the Chair Artykbek Yusupov (through his Assistant) and Chief Specialist

Begzod Kodyrov, refused to talk to Forum 18 and told it to send questions in writing.

Decree on printed, electronic and audio-visual religious materials

The Decree has two main Appendices: the first specifies controls over the production, distribution in and import into Uzbekistan of religious materials, while the second covers the compulsory "expert analysis" of such materials by the Religious Affairs Committee "experts".

The Decree has two other Appendices. One depicts the hologram with the name of the Religious Affairs Committee which must be placed on religious materials that have successfully passed the Committee's censorship. The other has a schematic table of the Committee's religious "expert analysis" procedure.

Point 16 of the second Appendix on the compulsory "expert analyses" requires the Religious Affairs Committee no less than twice a year to submit to the relevant state organs a list of materials whose production, distribution or import into Uzbekistan is banned.

So-called "expert analyses" are frequently used by courts to justify the destruction of books or magazines (see eg. F18News 17 September 2012 http://www.forum18.org/Archive.php?article_id=1743). Legal procedures are often violated, the official who produced one such "expert analyses" allegedly managing to within one working day read 1,300 books, 2,100 brochures, 450 leaflets, 50 magazines, watch 200 videos, and listen to 350 audio cassettes. "This beats the Guinness Book of Records", a local Protestant observed to Forum 18 (see F18News 29 November 2012 http://www.forum18.org/Archive.php?article_id=1773).

Interference in religious communities' internal affairs

Although the Decree ostensibly only concerns religious materials, it makes it formally possible for the Religious Affairs Committee and other state organs to directly interfere in the internal affairs of registered religious organisations.

Point 11 of the second Appendix gives the Religious Affairs Committee the right to inquire and receive from other state organs, civil and religious organisations information to investigate religious communities "on questions within its purview". Point 12 gives the Committee the right to visit religious and social organisations.

Further punishments to follow?

Point 20 declares: "Persons responsible for violating the provisions of the Decree shall be responsible in the established way."

The Code of Administrative Offences' 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". Punishments are a fine of up to 150 times the minimum monthly wage, "with confiscation of the religious materials and the relevant means of their production and distribution".

Criminal Code Article 244-3 punishes "illegal production, storage, import or distribution of religious literature". It carries – if there has been a previous administrative conviction - a maximum sentence of three years' imprisonment (see Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

As the Decree requires the Religious Affairs Committee "together with interested ministries and agencies" to prepare changes to other laws to enforce the Decree, changes and further punishments may be introduced to the Administrative Code and possible also to the Criminal Code.

Obstacles to production, distribution and import of religious materials

Points 8, 12 and 17 formally enforces the existing major obstacles to the free use of religious materials as the prior consent of the Religious Affairs Committee is required for the production, import and distribution of them.

Point 8 declares: "Production of materials in Uzbekistan is allowed only after a [positive] expert opinion is given on them within ten working days."

Point 12 declares: "The Religious Affairs Committee in no more than 10 working days from the date when it received an advance copy of religious materials, shall present its expert opinion for a further decision on the import of the material into Uzbekistan."

Point 17 declares: "Religious materials can be distributed in Uzbekistan when a positive state religious expert opinion is given for a specific item."

In August 2011, Uzbekistan's Bible Society was finally allowed to bring through Customs 2,800 Russian-language Bibles which had been confiscated in 2010. It was forced to re-export a larger number of other Bibles confiscated both then and in 2008 (see F18News

Other obstacles to distribution of materials

According to Point 14: "Distribution of materials in Uzbekistan is carried out by legal or physical persons at fixed sales points with electronic cash registers or payment terminals, provided all income from sales must be banked on a daily basis. Sales or distribution of materials at non-commercial sales points is banned."

This appears to prohibit registered religious communities from giving out religious literature to its members and non-members outside their legal addresses. However, it is not clear whether or not they will be able to do so inside their legal addresses. Unregistered organisations are banned under the Religion Law and so cannot distribute literature.

An independent legal expert from Uzbekistan, who wished to remain unnamed for fear of state reprisals, indicated to Forum 18 that even at fixed sales points the authorities are likely to create obstacles. "This will allow the tax authorities to fully control the distribution or sales of religious materials. They will at first force religious communities or believers to buy cash registers, and later will systematically carry out control of their [cash register's] serviceability," as well as "control of the sale of religious materials", the expert thought.

Point 3 requires those intending to distribute religious materials to receive prior Religious Affairs Committee consent to the number of copies to be produced or imported. Sales data collected by the tax authorities will make it possible for the authorities to punish those exceeding the quotas given to them.

In addition to requiring religious materials to have undergone the Religious Affairs Committee censorship, Point 3 requires products to be marked with "the full name and contents of a religious material, names of the author and producer, date and place of production, number of copies and other information in the state language". This formalises the Religious Affairs Committee's power to, for example, limit the number of copies of a book.

It is also not clear what will happen to the distribution of the Bible, or any other widely accepted religious books, which containing calls to readers to change their beliefs. According to Point 18 of Chapter 4, materials intended to encourage people to change their beliefs cannot be distributed.

Article 5 of the Religion Law already states that: "Actions aimed at attracting believers of one confession to another (proselytism) are forbidden, as is other missionary activity." Administrative Code Article 240 ("Violation of the Religion Law") Part 2 bans "attracting believers of one confession to another (proselytism) and other missionary activity". Punishments are fines of between 50 and 100 times the minimum monthly salary, or administrative arrest for up to 15 days.

Another ambiguous issue in the same provision is that "materials containing information inciting religious enmity, insulting or humiliation of religious feelings of believers cannot be distributed" (see Forum 18's Uzbekistan religious freedom survey at http://www.forum18.org/archive.php?article_id=1862).

Countrywide censorship of religious information

According to Point 15, libraries across Uzbekistan whether state or non-state, including the Alisher Navoi National Library in the capital Tashkent, as well as information resource centres, are "banned from receiving religious materials from foreign producers without a positive prior expert analysis from the Religious Affairs Committee".

Point 16 specifies that the "Religious Affairs Committee and other relevant organisations shall carry out joint actions to detect and prevent illegal distribution of materials."

How can advance copies of religious literature be produced?

Point 6 demands that "an advance copy and all necessary information for the production of a religious material must be presented to the Religious Affairs Committee before its production for its religious expertise."

It is not clear how the advance copy of an item of literature – to be presented to the Religious Affairs Committee for endorsement – will be produced in Uzbekistan since the production of any literature without the Committee's authorisation is banned under the current Decree, and nothing is said on the production of advance copies.

"It is possible for the publisher or producer to be punished by the authorities for the production of an advance copy, especially if the Committee then bans it," the legal expert pointed out to Forum 18.

The expert also indicated to Forum 18 that Point 7 is contradictory since "the Religious Affairs Committee limits the number of copies of publications religious Communities may receive or produce," but the provision states that "Materials produced by legal or

physical persons after prior expertise shall have information on the author and name of the material, address of the producer, number of copies, short content or interpretation as well as the date of production.". The legal expert noted that "the person ordering the production of religious literature cannot independently decide how many copies should be produced, since they must first ask the Religious Affairs Committee."

The legal expert also indicated that the Decree does "not specify where exactly DVD and CD disks may be produced or more specifically if they may be produced by private persons who do not have a legal address of a publisher."

Import of materials formally obstructed

Customs authorities' frequent confiscation of all religious literature – whether for personal or community use – appears to have been legalised by this Decree. Among many such seizures was the confiscation of about 30 religious books in May 2013 from four individuals returning from neighbouring Kazakhstan (see F18News 30 May 2013 http://www.forum18.org/archive.php?article_id=1843).

Point 9 "religious materials entering Uzbekistan seized by customs officials shall be in a timely manner sent to the Religious Affairs Committee for expert analysis," and according to Point 12, religious materials intended to be imported into Uzbekistan must receive prior expert opinion of the Committee.

Point 11 formalises the de facto difficulties of importing personal religious books difficult, even if they are not banned. It states that the "import into Uzbekistan of materials by physical or legal persons for personal use no more than three copies of each title, shall be allowed after their expert analysis." More than three copies will not be allowed for personal use, and it is not clear whether it will be allowed to bring in Uzbekistan an edition of a book, which consists of 4 or more volumes or a data carrier with records of more than three samples of a piece of literature.

Courts routinely order that confiscated Muslim, Christian, Jehovah's Witness or other religious materials - including items which are not banned such as the Bible or Koran - be destroyed. In January a Tashkent Judge who fined an individual also ordered the destruction of 593 leaflets and 119 Christian books, booklets, magazines, and notebooks with personal notes. The books had been bought from the Bible Society (see F18News 6 February 2014 http://www.forum18.org/archive.php?article_id=1925).

Point 10 declares: "All banned materials, after their expertise shall be confiscated by customs or other state border organs,"

Point 13 formalises tight censorship of Muslim religious materials when haj or umra pilgrims return to Uzbekistan from Mecca in Saudi Arabia. The Decree states that "the Religious Affairs Committee and customs officials will jointly carry out censorship of religious materials during mass events of pilgrimage for the purpose of protecting the interests of Uzbekistan's citizens."

Also the legal expert pointed out to Forum 18 that it is "not clear what the authorities will do when items considered as sacred objects by Catholics or the Russian Orthodox are brought into Uzbekistan, since the Decree says nothing about them."

Broad definition

Point 3 of the second Appendix covering the "expert analyses" by the Religious Affairs Committee gives a broad definition of religious materials requiring "expert analysis": "books, magazines, newspapers, leaflets and other printed matter, audio-visual productions (such as TV, cinema and video films, music videos, records of concerts, cartoons, and etc.), electronic carriers of information (diskettes, CD and DVD discs, materials placed on the internet and other sources), which reflect on the foundation, history, ideology, teachings and commentaries as well as the practice of rituals of various religions of the world".

However, it does not specify whether or not religious symbols such as framed Koran suras (verses), crescents, crosses and icons are religious materials subject to prior compulsory censorship. It is also not clear whether or why Uzbekistan citizens will be responsible for religious materials placed on the internet.

"Distortions" and "deviations" banned

Point 3 states that the Religious Affairs Committee carries out theological study of religious materials with the participation of specialists, experts and representatives of religious organisations. The Committee produces a written opinion on whether or not the materials "contain deviations from or distortion of religious canons, which is necessary for permission of the production, import or distribution of those materials". The word "canons" is not defined in the Decree, but means the content of beliefs.

The international human rights standards and conventions Uzbekistan has formally undertaken to implement ban state interference with the content of beliefs.

According to Point 6, the Religious Affairs Committee "may establish an expert council of scholars, experts and specialists in the area of religious studies or theology."

The legal expert noted to Forum 18 that Point 3 does not allow a so-called "expert council", but Point 6 contradicts this by allowing it.

Can individuals publish religious materials?

According to Point 8, if legal or physical persons wish to produce, import or distribute materials, they must present to the Religious Affairs Committee copies of a registration certificate and charter, as well as a document confirming ownership of a publishing house, printing press or other production facility.

"This is nonsense: a physical person does not have such documents by definition, so how can a physical person present them?" the legal expert told Forum 18. (END)

For a personal commentary by a Muslim scholar, advocating religious freedom for all 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=1862.

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 compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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