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UZBEKISTAN: "No real public discussions" of draft Religion Law

By Felix Corley, Forum 18 (<https://www.forum18.org>)

On 15 September Uzbekistan's parliament passed the draft Religion Law on its first reading. Yet Muslims and Protestants have told Forum 18 that "no real public discussions have taken place". Officials have refused to explain why the draft is not in line with international human rights standards, as proposed by people in Uzbekistan and UPR recommendations the regime accepted in 2018.

On 15 September Uzbekistan's parliament, which has not faced free and fair elections, passed the draft Religion Law on its first reading. Yet as independent Muslim blogger Alimardon Sultonov told Forum 18, "no real public discussions have taken place", commenting that "the authorities may claim so many discussions, but who did they really meet and where?"

Protestants from Namangan, Samarkand and Tashkent regions in late August and early September sent the Oliy Majlis comments on the draft Religion Law. Despite this, "the draft Religion Law is not much different from the current Religion Law (http://www.forum18.org/archive.php?article_id=2314)" a Protestant who wished to remain anonymous for fear of state reprisals told Forum 18. "There has been no real public discussion of the Religion Law," the Protestant said. "When are they going to do discuss it?" (see below).

On 25 September the regime invited only religious communities with state permission to exist to a meeting to discuss the draft Religion Law. Protestants, some of whom asked to remain anonymous for fear of state reprisals, told Forum 18 that no members of religious communities without state permission to exist were invited (see below).

Akmalkhan Shakirov of the state-controlled Muftiate, which did take part in the meeting, refused to say why the regime did not consult Muslims who do not work for the Muftiate (see below).

Uzbekistan announced in April 2020 its candidacy for membership for 2021 to 2023 of the United Nations Human Rights Council, which oversees the Universal Periodic Review (UPR) of member states' implementation of their legally-binding human rights obligations. However, the draft new Religion Law does not implement UPR recommendations Uzbekistan said it accepted in 2018, nor does it implement May 2020 Concluding Observations of the UN Human Rights Committee. The draft Religion Law also does not implement the September 2017 recommendation of UN Special Rapporteur Ahmed Shaheed: "A new law on freedom of religion or belief should be fully compatible with article 18 of the International Covenant on Civil and Political Rights" (see below).

People in Uzbekistan have called for the draft Religion Law to be in line with international human rights law. Andrey Serin of the Council of Churches Baptists, for example, told Forum 18 that "if they must have a Law then it should give freedom to religious believers to register or not register. Registration must not be a condition for existing." Dr Sultonov commented that "even the so-called improvements are not a solution" (see below).

Deputy Shukhrat Bafayev, Head of the lower chamber's Committee on Democratic Institutions, Non-Governmental Organisations and Citizens' Self-Government Bodies, refused to explain to Forum 18 why the first reading of the draft Law was passed before the Oliy Majlis has received an expert opinion by the Council of Europe's Venice Commission and the Organisation for Security and Co-operation in Europe's (OSCE) Office of Democratic Institutions and Human Rights (ODIHR), due to be adopted on Friday 9 October.

Deputy Bafayev also refused to explain why the draft ignores UPR recommendations and UN Special Rapporteur recommendations. He claimed however that "we are still ready to accept their opinion" (see below).

"No real public discussions have taken place"

After UN Special Rapporteur Shaheed's September 2017 visit to Uzbekistan, he recommended (A/HRC/37/49/Add.2 (<http://undocs.org/en/A/HRC/37/49/Add.2>)) that: "The new draft law should be open to consultations and comments by the public, especially civil society, religious and belief communities and international partners, including the United Nations system".

Yet two independent Muslim bloggers, Alimardon Sultonov from Karakalpakstan and another who asked to remain anonymous for fear of state reprisals, told Forum 18 that they are not aware of open public discussions of the draft Religion Law.

Dr Sultonov told Forum 18 on 28 September that "no real public discussions have taken place", commenting that "the authorities may claim so many discussions, but who did they really meet and where?" He said that he is "not aware of any discussions on TV or radio or the internet. Only a few Muslim bloggers and some human rights defenders have expressed their discontent on social media."

Members of a range of religious communities have expressed their frustration to Forum 18 about the secrecy of the drafting process, and that the regime does not appear ready to end restrictions on the exercise of freedom of religion or belief which violate the country's international human rights obligations. (http://www.forum18.org/archive.php?article_id=2576) Officials' statements about a draft text do not match the concrete changes people in Uzbekistan have said they would like to see in a new Law.

"Civil society is expecting systemic changes in human rights from the government," human rights defender Shukhrat Ganiyev told Forum 18 in June (http://www.forum18.org/archive.php?article_id=2576). "Only this and real reforms can guarantee no return to the repressive past."

"Even the so-called improvements are not a solution"

The Council of Europe's Venice Commission is, together with the OSCE, preparing an Opinion on the draft Religion Law at the request of the Uzbek Parliament (see below). The Venice Commission published its own 9 September English translation of the draft Law ([http://www.venice.coe.int/webforms/documents/?pdf=CDL-REF\(2020\)065-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-REF(2020)065-e)) on its website.

Talking about the current draft, Sultonov said that "even the so-called improvements are not a solution". For instance, he noted that parents now may be given the right to teach their own children religion – as is their already existing right in international law (<http://www.osce.org/files/f/documents/d/b/13993.pdf>). But this still will not end the current ban on the private teaching of religion and the Koran (http://www.forum18.org/archive.php?article_id=2314) by anyone other than parents.

"Not all parents, and not even the majority can teach their children the Koran or religion properly," Sultonov explained. "Essentially, they are not religiously literate." He observed that this religious illiteracy and the absence of freedom of religion and belief made young Uzbeks vulnerable to the influence of extremist and terrorist movements (http://www.forum18.org/archive.php?article_id=338). "So this change allowing only parents to teach religion will not solve the problems."

Dr Sultonov also pointed out, as Yelena Urayeva who chairs the Human Rights Alliance has also noted (http://www.forum18.org/archive.php?article_id=2596), that under the Constitution, religion is separate from the state. Yet the Religious Affairs Committee still interferes in the activity of religious communities, including by censoring what Muslims can and cannot read (http://www.forum18.org/archive.php?article_id=2564). "They take on the role of a court or parliament on this issue, which are in normal countries those who decide such issues."

"So constitutional rights are and will be directly violated by the very existence of such a state agency," Dr Sultonov commented.

"I am sure that the Oliy Majlis will not even consider any real proposals to make the Religion Law normal and corresponding to the needs of religious believers," Dr Sultonov added.

"Dissemination of knowingly false information about an infectious disease"

Dr Sultonov is known for publicly discussing Muslims' freedom of religion and belief. In his work as a doctor, he called the local medical emergency service on 31 March to ask whether there were any coronavirus cases in Karakalpakstan. Officials came to the hospital to question him about whether he had any religious texts, and later detained him before putting him under house arrest (http://www.forum18.org/archive.php?article_id=2564).

Dr Sultonov has already been charged under a new Criminal Code Article 244-5 ("Dissemination of knowingly false information about an infectious disease"). Interior Ministry officials told him that "those who wear a beard are terrorists". He is currently also accused of illegal storage or distribution of religious literature for having Muslim sermons on his phone (http://www.forum18.org/archive.php?article_id=2599).

The trauma surgeon was under house arrest for three months until 29 September. His criminal trial is taking place at Ellikala District Criminal Court (http://www.forum18.org/archive.php?article_id=2614).

"No real public discussion", draft "not much different"

Protestants from Namangan, Samarkand and Tashkent regions in late August and early September sent the Oliy Majlis comments on

the draft Religion Law in response to the request for comments posted on the parliamentary website along with the draft text on 19 August (http://www.forum18.org/archive.php?article_id=2596).

Despite this, "the draft Religion Law is not much different from the current Religion Law", a Protestant who wished to remain anonymous for fear of state reprisals told Forum 18 on 24 September.

"There has been no real public discussion of the Religion Law," the Protestant said. "When are they going to do discuss it?" The Protestant noted that "the authorities already adopted the draft [in the first reading] on 15 September".

The Protestant also commented that not many religious communities knew that the regime was to hold a meeting to which some religious communities would be invited on 25 September.

Only those with state permission to exist consulted

On 25 September the regime invited religious communities with state permission to exist to a meeting – some by videolink - to discuss the law. Among those who took part were the state-controlled Spiritual Administration of Muslims (or Muftiate), the Jewish Community, the Russian Orthodox Church, the registered Seventh-day Adventist, Baptist and Pentecostal churches, and the Catholic Church, the Hare Krishna community and the Baha'is.

The meeting was chaired by First Deputy Chair of the lower Oliy Majlis chamber Akmal Saidov, and Justice Ministry and Religious Affairs Committee officials also took part.

Deputy Saidov did not answer his phones between 24 and 29 September.

A member of a registered community which participated in the 25 September meeting told Forum 18 that those present raised concerns with the authorities over several key points of the draft Law. These included continuing the current compulsory registration of communities to exist with a membership threshold which particularly affects small communities, censorship and other restrictions on religious literature and its import into Uzbekistan, as well as literature production and distribution in the country under the strict control of the Religious Affairs Committee, and the ban on missionary activity.

(http://www.forum18.org/archive.php?article_id=2314)

"All religious communities wish to share their faith with others, but this very easily can be evaluated as banned missionary activity," the community member told Forum 18 on 30 September. "And one of the ways to share one's faith is through religious literature, which also is under strict state control."

The community member added: "We have given our proposals to ease or remove these controls from the Law. We have to wait and see what the authorities will decide."

Protestants, some of whom asked to remain anonymous for fear of state reprisals, told Forum 18 that no members of religious communities without state permission to exist were invited. For example, Andrey Serin of an unregistered Baptist Church in Tashkent told Forum 18 on 30 September that the authorities did "not ask our opinion about the draft Law, and we have not been invited to any discussions".

"If they must have a Law then it should give freedom to religious believers to register or not register," Serin insisted. "Registration must not be a condition for existing (<http://www.osce.org/files/f/documents/9/9/139046.pdf>)."

Bishop Jerzy Maculewicz of the Catholic Church, who was invited to the meeting, told Forum 18 on 30 September that the Church made two proposals for the draft Law. He did not wish to discuss the proposals, but hoped they would be accepted.

Akmalkhan Shakirov, Head of the state-controlled Muftiate's (http://www.forum18.org/archive.php?article_id=2314) International Relations Department, refused to say on 30 September why the regime did not consult Muslims who do not work for the Muftiate.

"When the bill was submitted for public discussion, more than 500 proposals were received from individuals, educational and religious institutions, and representatives of various religious organisations," the parliament website claimed. "Most of them approved the amendments to the new version of the bill."

Ignoring UN pledges and recommendations, yet wanting membership of Human Rights Council

Uzbekistan announced in April 2020 its candidacy for membership for 2021 to 2023 of the United Nations Human Rights Council, which oversees the Universal Periodic Review (UPR) of all UN member states' human rights record. However, the current (http://www.forum18.org/archive.php?article_id=2314) and the draft new Religion Law, as well as numerous other laws, contradict Uzbekistan's own promises made during its last UPR in 2018

(http://www.upr-info.org/sites/default/files/document/uzbekistan/sesion_30_-_mayo_2018/uzbekistan_2rp.pdf).

Among UPR recommendations Uzbekistan claimed to accept but has not implemented in the draft Religion Law or earlier were two from Ghana: "Ensure that the right to manifest one's religion in private or in public is fully protected and realized"; and "Consider removing burdensome and oppressive registration requirements, and rescind intrusive government practices, including monitoring and raiding, which infringe on the right to freedom of religion or belief".

Uzbekistan also claimed to accept but has not implemented in the draft Religion Law or earlier a recommendation from Canada: "Revise provisions in the country's criminal and administrative codes relating to freedom of religion or belief, so as to conform with article 18 of the International Covenant on Civil and Political Rights (<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>)".

This accepted but not implemented UPR recommendation follows the September 2017 recommendation of UN Special Rapporteur Shaheed (A/HRC/37/49/Add.2 (<http://undocs.org/en/A/HRC/37/49/Add.2>)) that: "A new law on freedom of religion or belief should be fully compatible with article 18 (<http://www.refworld.org/docid/453883fb22.html>) of the International Covenant on Civil and Political Rights".

Similarly, among the May 2020 Concluding Observations of the UN Human Rights Committee (CCPR/C/UZB/CO/5 (<https://undocs.org/CCPR/C/UZB/CO/5>)), the Committee stated that Uzbekistan should: "Guarantee the freedom of religion and belief and refrain from any action that may restrict such freedoms beyond the narrow restrictions permitted in article 18 of the Covenant [on Civil and Political Rights]", and should "Expedite the adoption of the new draft Act on Freedom of Conscience and Religion, ensuring its conformity with article 18 of the Covenant, including through the decriminalization of proselytism and other missionary activities, as well as of any religious activity by unregistered religious organizations".

First reading

The lower chamber of the Oliy Majlis (parliament), which has never faced a free and fair election (<http://www.osce.org/odihr/elections/uzbekistan>), stated on 15 September that it had that day adopted the draft new Religion Law on its first reading. According to reports on the Oliy Majlis's website between 14 and 15 September, Justice Minister Ruslanbek Davletov and unnamed deputies from two of the state-controlled parties spoke during the discussions.

[The Venice Commission has published its own 9 September English translation of the draft Law ([http://www.venice.coe.int/webforms/documents/?pdf=CDL-REF\(2020\)065-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-REF(2020)065-e).)]

The Oliy Majlis website claimed that: "Deputies spoke about the draft Religion Law, the requirements of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other international documents, the recommendations of the UN Human Rights Committee, the OSCE on the human dimension, [Uzbekistan's] centuries of history and religious values, and the reality of today." It did not say what deputies said about international human rights standards.

The Oliy Majlis also claimed that "the procedure for state registration of religious organisations was eased and a number of restrictions in the [existing] Religion Law have been removed. The draft Religion Law also provides a number of additional guarantees for religious organisations, in particular that the activities of religious organisations that violate the Religion Law can only be suspended by a court. They then have up to 6 months to address the shortcomings."

"The adoption of the draft Religion Law is in the interests of ensuring inter-religious tolerance and interethnic harmony in the country," the website claimed, "as well as the reliable protection of the religious rights and interests of citizens."

"Far from being ready" for second reading

Deputy Shukhrat Bafayev, Head of the lower chamber's Committee on Democratic Institutions, Non-Governmental Organisations and Citizens' Self-Government Bodies, did not specify to Forum 18 on 24 September when the second reading of the draft Religion Law will take place, but claimed that "it is far from being ready".

After first readings of draft laws in the lower chamber, they are then sent to a committee for article-by-article review before returning for second reading in the lower chamber. After this a draft law is returned to the committee before a lower chamber third reading. If passed, a draft law is sent to the upper chamber, and if passed by that chamber is sent for signature by the President.

"I cannot hear you well"

Deputy Bafayev refused to explain why, for example, the draft Religion Law demands that religious communities must be registered to exist, bans the teaching of religion privately, ignores the many critical comments that people in Uzbekistan have made, and does not bring Uzbek laws and actions into line with international human rights standards. "We are still ready to take written complaints or proposals from the communities, the public, or international partners," he claimed.

Bafayev also refused to say what will happen if communities such as the Council of Churches Baptists continue, as is their right in international law (<http://www.osce.org/files/f/documents/9/9/139046.pdf>), to refuse to seek state registration. "They will have to register like all other religious confessions," he stated.

He repeatedly refused to discuss the refusal of the regime to follow UN UPR recommendations, the recommendations of UN Special Rapporteur Shaheed, and calls by citizens for the regime to bring the draft Law into line with international human rights standards. Deputy Bafayev then put the phone down, saying "I cannot hear you well."

"Ready to accept their opinion"?

Officials have stated that the draft Religion Law was sent for review to the United Nations Special Rapporteur on Freedom of Religion or Belief, Ahmed Shaheed, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), the Council of Europe's Venice Commission in Strasbourg, "and others".

Akmal Saidov, the First Deputy Chair of the lower chamber of the Oliy Majlis, requested an Opinion from the Venice Commission on the draft Religion Law, the Venice Commission announced on its website on 6 August.

The draft Opinion will be adopted by the Venice Commission on Friday 9 October, and will be a joint Opinion with the OSCE ODIHR, Tatiana Mychelova of the Venice Commission told Forum 18 on 30 September.

Deputy Bafayev refused to explain to Forum 18 why the Oliy Majlis asked for the opinion of the Venice Commission and other international organisations, but then passed the draft in the first reading on 15 September without waiting for the opinion. "We have our own regulations," he claimed in response. "But we are still ready to accept their opinion." (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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