CONSOLIDATED REPORT ON THE RESULTS OF ANALYSIS OF THE LEGAL FRAMEWORK FOR FREEDOM OF RELIGION AND BELIEF: KAZAKHSTAN, TAJIKISTAN AND UZBEKISTAN

Consolidated report on the results of the analysis of the regulatory framework on freedom of religion and belief in the Republic of Kazakhstan, the Republic of Tajikistan and the Republic of Uzbekistan.

This consolidated report reflects the main methodological guidelines, key issues in the field of the right to freedom of religion and the results of the analysis of the legal framework on freedom of religion and belief in the Republic of Kazakhstan, the Republic of Tajikistan and the Republic of Uzbekistan. The report highlights the most controversial issues in this area, draws conclusions and offers recommendations for improving legislation and law enforcement practice, areas of activity Search for Common Ground (hereinafter Search) taking into account the peculiarities of the religious situation and national legislation.

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Summary

This consolidated report is a summary of the main results of an analysis of the legal framework for freedom of religion and belief in the Republic of Kazakhstan. As a result of the analysis, the report identifies strengths and weaknesses of regulatory legal acts in the field of freedom of religion and belief, assessed their compliance with international legal acts and standards, shown the impact of issues of extremism and terrorism on freedom of religion and belief, identified stakeholders in promoting freedom of religion, emphasized challenges in the sphere of realization of the right to freedom of religion and instruments for the protection of religious freedom and prepared recommendations for the SFCG and its partners.

The author concludes that religion and related institutions are still viewed cautiously by both society and the state, which is explained by the long years of violent atheism, the reluctance of the state to develop religious institutions with the formal recognition of religious values, the association of religion with extremism and terrorism and the limiting of any private activity, including religious. In such conditions, restrictions on the religious freedoms of citizens are considered as completely permissible and even desirable on the part of the state and a large part of the population. The country’s international obligations in the field of religion and belief are not considered important and subject to unconditional adherence. Therefore, the issues of improving and liberalizing legislation in the field of religion and beliefs are associated not only with a change in the legal framework, but also with a change in the attitude of various subjects (citizens, society, the state) towards religion, believers and religious associations.
INTRODUCTION

Freedom of religion and belief became the subject of discussion in the legal framework after the collapse of the USSR and Kazakhstan’s independence. Despite the fact that freedom of conscience was proclaimed in the Soviet constitutions, in real life, believers and religious associations were practically outside the legal space. The whole regulation process was carried out with the help of bylaws with a high degree of discretion, political and ideological considerations. The existing bylaws (subordinate legislation) contained a huge number of restrictions and prohibitions and placed religious associations under the total control of state bodies. Believers and religious associations were deprived of any legal protection.

The situation has changed after the collapse of the Soviet Union. The state began not only to formally recognize rights and freedoms, including religious ones, but also to create conditions for their implementation. On January 15, 1992, the first law in the history of Kazakhstan, directly devoted to the activities of religious associations, was adopted: The Law on Freedom of Conscience and Religious Associations. In accordance with these and some other laws, religious associations received the right of a legal entity, the right to be owners and to participate in various legal relations. Believers and religious associations began to be allowed into the public sphere, they were able to freely conduct religious rituals, and engage in missionary activities.

Despite a more liberal attitude towards believers and religious associations in the first post-Soviet decade, the state continued to be wary of religious issues. Many state leaders came from a communist party system that rejected religious factors. The population, after more than 70 years of atheism promotion, also generally did not welcome the development of religious activity, especially when it was not about the titular (Islam and Orthodoxy) religions. The formal recognition by many citizens of themselves as believers was not accompanied by involvement in the life of the religious community. Opinion polls showed that citizens in the late 90s demanded more serious state control over the religious sphere.

As part of the Islamic world, Kazakhstan has not avoided manifestations of the politicization and radicalization of Islam. Muslim missionaries arrived in Kazakhstan from Saudi Arabia, UAE, Jordan, Egypt, Turkey and other Islamic countries. Some of them were associated with radical and fundamentalist Islamic centers and offered political and ideological alternatives to the existing state structure and political regime in Kazakhstan.

The issues of securitization of religion, terrorism and extremism have had a serious impact on the issues of freedom of religion, belief and the regulation of religious activity. The state explicitly indicated that the regulation of such activities is explained by the need to protect national security. Since the late 1990s, religion has come to be seen as a threat to national security.

These issues and other reasons influenced the change in state policy in the religious sphere and issues of freedom of religion in the first decade of the 21st century. In 2005, Kazakhstan introduced a requirement for the mandatory registration of religious associations and a state religious examination. In the same year, the Committee for Religious Affairs was created within the Ministry of Justice. In 2011, the Law on Religious Activities and Religious Associations was adopted, which contains many prohibitions and restrictions in relation to the conduct of worship, missionary activities, the distribution of religious literature and religious education.
First of all, the authorities are seriously concerned about unauthorized Islamic activity, since it is seen as a threat to the existing political regime. Various government programs dealing with the prevention of religious radicalism are aimed primarily towards the Islamic community. The state takes care of and controls the activity of Muslim organizations in every possible way. Moreover, since 2004, Kazakhstan began the practice of banning religious associations. By decisions of various courts, organizations can be designated either as terrorist or extremist, which means a ban on their activities. Today, out of 23 banned religious organizations\(^1\), only one is not affiliated with Islam. Any contact with such organizations may serve as a basis for criminal prosecution.

Changes in government policy, legislation and law enforcement practice since 2004 have led to an increase in instances of prosecution and discrimination based on religion. The main problems concerning the realization of the right to freedom of religion are related to the mandatory registration of religious associations and missionaries, restrictions on places for holding services and other religious events, censorship of religious literature, complicated procedures for registering religious associations and state interference in matters of religious autonomy.

**BRIEF DESCRIPTION OF THE METHODOLOGY**

The methodology includes a variety of targeted methods that are applicable to research questions using extensive information. The analysis used qualitative data collection methods, including theoretical reviews (legislation, law enforcement practices, media information, reports from various organizations) and surveys.

Research tools included an analysis of national legislation and law enforcement practice (judicial and administrative), evaluation of reports (government and non-government bodies), and a comparison of national legislation and law enforcement practice with Kazakhstan’s international obligations. Data collected in the process of theoretical research and surveys formed the basis of this analysis.

**RESULTS**

1. **Strong points of regulatory legal acts:**
   - The creation of a legal space in which believers and religious associations can operate.
   - The creation of certain rules for relations between the state and religious associations.
   - The provision of rights to believers and religious associations in religious and other spheres of public life.
   - The regulation of specific actions by the state administration in relation to religious associations, even considering the high degree of discretion of such actions.
   - The possibility of using legal instruments of protection in case of encroachments on freedom of religion.

2. **Weak points of regulatory legal acts:**
   - The purpose of the act is not to guarantee religious freedoms, but rather to regulate and curb religious activity.
   - The dominance of prohibitions, restrictions, and conditions for the activities of believers and religious associations, and other administrative and legal impacts.

\(^1\)https://egov.kz/cms/ru/articles/religion/zaprewennye_ordanizacii
- The creation of obstacles for the individual and collective performance of religious rites, services, ceremonies and other cult activities such as the obligatory registration of religious associations, restrictions on places of worship and other religious activities.
- The creation of obstacles for the spread of religious beliefs by requiring mandatory registration of missionaries.
- The restriction of activities related to religious literature and religious items related to state religious expertise and the restriction of places where religious literature and religious items are distributed.
- The restrictions on religious upbringing and education like prohibiting the participation of minors in activities of a religious association if one of the parents objected.
- Obstacles in matters of religious autonomy (provision on the obligatory structure of governing bodies, the impossibility of creating regional and republican religious associations by local religious associations);
- The complicated registration procedures that do not allow obtaining the status of a legal entity for believers, which could provide them with numerous legal opportunities.


The following provision of the Constitution does not comply with international legal obligations and standards: the activities of foreign religious associations on the territory of the Republic, as well as the appointment by foreign religious centers of leaders of religious associations in the Republic are carried out in agreement with the relevant state bodies (paragraph 5 of Article 5).

The following provisions of the Law on Religious Activities and Religious Associations (2011) do not comply with international legal obligations, standards and the Constitution of the Republic of Kazakhstan:

Prohibition of the activities of unregistered organizations (paragraph 11 of Article 3);
- A ban on the participation of minors in the activities of a religious association if one of the parents objected (paragraph 16 of Article 3);
- Total state religious expertise of religious literature, information materials of religious content, charters of religious associations, materials used in missionary activities, etc. (Article 6);
- Restrictions on places where religious services and ceremonies can be held (Article 7);
- Compulsory registration of missionary activity (Article 8);
- Restrictions related to the distribution of religious literature and objects of religious purposes (Article 9);
- The status of religious associations influencing the issues of religious autonomy (Article 12);
- Complex procedures for the creation and registration of religious associations (Article 13 and 14).

The following provision of the Law on Non-Commercial Organizations (2001) does not comply with international legal obligations, standards and the Constitution of the Republic of Kazakhstan: a unified system of governing bodies in all non-profit, including
religious, associations, which does not allow creating their own governing systems (paragraph 1 of Article 39).

4. Countering extremism and terrorism and freedom of religion

The issues of countering extremism and terrorism greatly affect the freedom of religion.

The state directly indicates that the strict regulation of religious activity is justified to protect national security and resist the spread of extremism and terrorism in the country. For the most part, this applies to Islam and Islamic organizations. Various state programs and laws affecting the issues of countering extremism and terrorism mainly address the Muslim community.

In practice, the state’s activity is directed not only at potential extremists and terrorists, but also at law-abiding organizations and believers. The right to freedom of religion and the need for the state to observe it are often sacrificed when it comes to forming a framework for countering extremism and terrorism and regulating religious activity or relevant law enforcement practice. For example, many mandatory registration and other administrative procedures related to religious associations (mandatory registration of religious associations and missionaries, permits for conducting services outside religious buildings, etc.) are explained by the need to ensure public safety and control religious activity to prevent extremism and terrorism. At the same time, no attention is paid to the right of citizens to profess a religion without state permission due to mandatory registration, to freely spread their beliefs and express their opinions, state religious examination of religious literature, and to gather peacefully i.e. requirements to obtain permission to hold services outside religious buildings.

In the system of internal affairs bodies, special units have been created to counter extremism and terrorism. These units often check the activities of registered religious associations that have nothing to do with extremism and terrorism and initiate proceedings on administrative offenses. For example, they initiate proceedings for holding religious events outside religious buildings or distributing religious literature in unidentified places.

A very serious problem is the prosecution for participation in the activities of illegal or prohibited organizations (Articles 404, 405 of the Criminal Code) or for the so-called incitement of religious hatred (article 174 of the Criminal Code). These constituent elements of a crime (corpus delicti) are related to extremism. However, citizens are condemned for their own opinion, dissemination of their religious beliefs, criticism of other religions, discussions on a religious topic, sharing materials with religious topics on social networks, etc.

Extremist and terrorist threats (which definitely exist) are often demonized. This allows the state to remind citizens that freedom of religion can be restricted. At the same time, the opinion that respecting religious freedom can also reduce the risks of extremism and terrorism is not considered.

5. Stakeholders in promoting religious freedom and their cooperation with the state

- Believers and Religious associations
- Non-religious associations created by Religious groups:
- Human Rights Organizations
6. Challenges to the realization of the right to freedom of religion
- The wary attitude of the state towards any non-state activity, including religious.
- The non-perception of religion and religious institutions as an important part of modern life both on the part of the state and on the part of society.
- The fear of politicization of religious activity, mainly Islamic.
- The mixing issues of extremist and terrorist threats with religious activity.
- The centralization of religious activity.
- The lack of experience in legal regulation of the activities of religious associations, lack of understanding of the specifics of the regulated sphere.
- The restrictive enforcement of laws in practice.
- The ignoring of international obligations and the need to fulfill decisions of international bodies.

7. Instruments of protection in the field of religious freedom
   A. Out-of-court instruments of protection in the field of religious freedom:
      - Appeals to state bodies for religious affairs and other state bodies (Committee on Religious Affairs of the Ministry of Information and Public development, local executive bodies);
      - Appeals to higher state bodies;
      - Appeals to local and foreign human rights organizations;
      - Appeals to human rights pro-government state organizations;
      - Appeals to associations of religious incorporations;
      - Appeals to clubs of leaders of religious associations;
      - Appeals to the media and social networks.

   B. Judicial instruments of protection in the field of religious freedom:
      - In case of violations of the right to freedom of religion, individuals and legal entities have the right to apply to various courts and initiate civil, administrative or criminal proceedings.

   C. International legal instruments in the field of religious freedom:
      - Appeal to the UN Human Rights Committee.
      - Submit of reports to international organizations;
      - Visits from representatives of international organizations.

**DISCUSSION**

The legal regulation of issues related to the right to freedom of religion has its own history in Kazakhstan. In different periods of development of the post-Soviet Kazakhstani state, there were different attitudes towards this regulation: from liberal (1991-2004) to prohibitive (2004-2019).

Current legislation on freedom of religion does not meet international obligations and creates many problems for believers and religious associations. The legislation is also accompanied by restrictive law enforcement practices.

At present, there is a rethink of the state’s attitude towards believers and religious associations. State bodies are beginning to understand that problems in the religious sphere cannot be solved using only administrative and legal instruments, constant pressure, and the criminalization of actions that do not pose a public danger.
Rethinking is also influenced by:
- International obligations, which are often reminded to Kazakhstan by international organizations and foreign governments.
- Reputation and investment issues. Kazakhstan cares about its reputation, places in various international ratings, investment attractiveness, which, among other things, is influenced by the state of human rights.
- Regional competition, especially from Uzbekistan, which is also taking measures to liberalize the religious sphere.

**CONCLUSION AND RECOMMENDATIONS**

It can be assumed that the confrontation between liberal and prohibitive approaches will continue for the foreseeable future. However, every opportunity should be used to improve the situation with freedom of religion, including at the present time, when the government of Kazakhstan is ready to discuss delicate religious issues and search for new models of relations between the state, believers and religious associations.

Key recommendations include:
- The creation of platforms for discussing problems related to Kazakhstani legislation and its compliance with international standards.
- The rendering of assistance in preparing proposals for improving legislation.
- The preparation of materials that can help in religious activities and in relations between the state, believers and religious associations such as the comments on the Law on Religious Activities and Religious Associations, relevant articles of the Code of Administrative Offenses and the Criminal Code, and the analysis of judicial practice.
- Educational projects on freedom of religion among various groups and the preparation of educational courses for universities on freedom of religion and state-confessional relations.
- Regional Central Asian projects for the exchange of country experience and the development of proposals to improve the situation in the region.
ANALYSIS OF THE LEGAL FRAMEWORK FOR FREEDOM OF RELIGION AND BELIEF IN TAJIKISTAN. BY RUSTAM AZIZI PHD, SHERALI RIZOYON PHD, TAJIK NATIONAL UNIVERSITY, FARRUKH SALIMOV PHDM TAJIK NATIONA UNIVERSITY.
Summary

This consolidated report is a summary of the main results of an analysis of the legal framework for freedom of religion and belief in the Republic of Tajikistan. The report analyzes normative legal acts related to the freedom of religion and belief and their implementation by state and non-state actors, highlights the situation in the field of freedom of conscience and religion, and recommendations were made for SFCG and its partners.

The authors note that the Republic of Tajikistan, possessing unique historical and cultural conditions and, implements its own model of state-religious and inter-confessional relations. The current legislation in the field of freedom of conscience and religion should be developed in context with Tajikistan’s history. A maximalist interpretation of the principle of freedom of conscience and excessive liberalization in the field of state-confessional relations can lead to negative consequences for society.
INTRODUCTION

The issues of freedom of conscience and religion are closely connected with political, legal, and moral processes taking place in Tajik society. The Republic of Tajikistan, at the dawn of its independence, faced a confrontation between secular and religious political forces, which led to a long civil war (1992-1997).

The post-war peacebuilding process, as well as the activities of a religious political party in the political system of the state, had a significant impact on the formation of state policy in the field of freedom of conscience and religion, including its liberalization. This, along with other factors, ultimately led to the spread of numerous religious movements and ideologies of extremist content in the Republic of Tajikistan.

Subsequent events related to political competition between the authorities and the opposing Islamic Renaissance Party of Tajikistan in context with the growth of extremist and terrorist threats from neighboring regions led to a gradual restriction of religious freedom in society, which was perceived as necessary to prevent the growth of extremist and terrorist ideologies and groups.

An urgent issue is the determination of the place of religion in society and the effective implementation of state policy in regard to religion. Policy analysis shows that the artificial removal of the religious component from the life of society contributes to the degradation of the most important spiritual and moral values, unification, and desacralization of legal culture. However, the maximalist interpretation of the principle of freedom of conscience and excessive liberalization in the field of state-confessional relations also lead, in the final analysis, to negative consequences for society by depriving the state and legal policy of moral legitimation.

The principle of the separation of religious associations from the state, on which modern Tajik legislation in the religious sphere is based, does not mean that religious associations are in complete isolation from society, nor does it exclude them from various forms of cooperation and interaction with state or local self-government. However, state control over the creation and activities of religious associations, as well as the establishment of legislative restrictions on this freedom, is not excluded.

In the process of implementing the norms between state and religious associations relationships, theoretical and practical problems arose in relation to the absence of an uniform understanding of concepts and terms and the implementation of these norms, the recent growth and activation of non-traditional ideas in Tajikistan’s religious environment Tajikistan, and trends and movements that have a political-propaganda aspect which causes concern in society.

Currently, legislation prohibits the incitement of hatred, enmity or conflicts on religious grounds, as well as offending the religious feelings of other citizens. The law defines extremism as the actions of individuals or organizations aimed at destabilizing society, violating constitutional order, or seizing power. This definition also includes incitement of religious hatred.

The Committee on Religious Affairs, Regulation of National Traditions, Celebrations and Rituals (CRA) under the Government of the Republic of Tajikistan has very broad powers, including the mandatory registration of religious associations, resolving issues with the construction of religious buildings, the participation of children in receiving religious education, and the distribution of religious literature.

In 2018, two significant security events took place, which gave the government even more reasons to suppress religious freedom in the country. First, in July 2018, in Khatlon region, a group of Tajik citizens sympathetic to Islamic State ideology attacked
a group of foreign cyclists and killed four of them, including two American citizens. Furthermore, on November 8, a riot broke out in a maximum-security prison near the city of Khujand, which held many prisoners convicted of terrorism and extremism. The government announced the deaths of 21 inmates and two guards, while unofficial sources indicated that the death toll was up to 50 inmates and six guards.

Beginning in 2014, the Tajik government provided amnesty to persons involved or suspected of extremism that voluntarily returned to the country and repented. This, along with the indisputable advantages and achievements in the de-radicalization and reintegration of citizens, created additional risks associated with the possible intensification of radical propaganda or, conversely, the stigmatization of former radicals.

Over the past five years, fewer detentions and oppression of Christians have been recorded, which can be assessed as a positive trend. Although there is no official ban on proselytism and missionary activity in Tajikistan, over the past five years there has been a decline in the activity of Christian organizations, except for the Russian Orthodox Church. Jehovah’s Witnesses, whose official registration in the CRA has not been extended since 2007, are subject to the greatest restrictions. Men of military age who are Jehovah’s Witnesses face the threat of imprisonment for conscientious objection to military service.

In December 2018, customs officials at Dushanbe airport destroyed 5,000 Baptist calendars with New Testament verses. The calendars were confiscated after a «linguistic examination» (state religious expertise) by the Ministry of Culture.

Adherents of the Baha’i faith, which in Tajikistan is estimated at 1,000 people, are registered as a recognized religious community and have the opportunity to conduct services. However, in 2018, some of its members reported growing hatred from the traditionally minded religious segment of Tajik society.

Since 2009, a number of changes have been made to the normative legal acts in the field of freedom of conscience and religion, including a ban on the activities of the political Islamic Revival Party of Tajikistan in 2015.

Following President Emomali Rahmon’s 2017 criticism of the proliferation of beards and hijabs, some local self-government have interpreted this as guidance to pressure women wearing hijabs and men wearing beards. Representatives of the authorities in their speeches urged women to abandon “non-traditional or alien” clothing, including religious attire.

**BRIEF DESCRIPTION OF THE METHODOLOGY**

The methodology utilizes qualitative research and desk review to prepare an analytical report based upon the research results.

The desk review includes a legal overview analysis of regulatory legal acts, an overview analysis of the implementation of these acts by state and non-state actors, and an analysis of international reports and research on freedom of religion in Tajikistan.

The qualitative research includes 7 expert interviews and interviews with key informants.

The data collected during the desk review and qualitative interviews were used to analyze the situation and identify narratives related to religious freedom and tolerance issues.

**RESULTS**

Analysis of regulatory legal acts in the field of freedom of religion and belief

The Republic of Tajikistan, possessing unique historical and cultural conditions and the specifics of the religious sphere, implements its own model of state-religious
and inter-confessional relations. The fundamental characteristic of state-religious and confessional relations is the constitutional norm of secularism in the Republic of Tajikistan. Part 1 of Art. 8 of the Constitution stipulate that “the ideology of any party, public and religious association, movement or group cannot be recognized as state ideology”. The secular nature of the state is also enshrined in the provision of the separation of religious associations from the state and the impossibility of interference by religious associations in state affairs (part 3 of Article 8).

The Republic of Tajikistan guarantees the right of citizens to unite, i.e. creation of public associations (including religious ones). However, in order to establish religious tolerance and tolerance in society and in relations between religions and confessions, the Constitution of Tajikistan prohibits the creation and operation of public associations and political parties that promote religious hatred (part 4 of Article 8).

According to the Constitution of Tajikistan, the creation of parties of a religious nature is also prohibited (part 5 of Article 8). This ban was introduced into the Constitution as a result of a nationwide referendum on May 22, 2016, in consideration of the threats and challenges associated with modern religious radicalism, as well as the realities of the political life of Tajikistan. From 1999 to 2015, the creation of political parties of a religious nature was allowed. During this time the Islamic Renaissance Party of Tajikistan operated officially, however the Supreme Court of the Republic of Tajikistan declared the party as a terrorist and extremist organization for its participation in a bloody coup d’état attempt in September 2015.

The right to freedom of conscience and religion is guaranteed by Art. 26 of the Constitution of the Republic of Tajikistan, which states that «everyone has the right to independently determine their attitude to religion, separately or jointly with others to profess any religion or not to profess at all, [and] to participate in the administration of religious cults, rituals and ceremonies.»

Constitutional provisions are developed and reflected, first of all, in a sectoral special law, as well as in other regulatory legal acts of the Republic of Tajikistan. One of the first legislative acts after gaining independence was the December 1, 1994 Law of the Republic of Tajikistan «On Religion and Religious Organizations», which outlined the basic principles of the country’s religious and confessional policy. For the first time, this Law created equal and favorable conditions and opportunities for determining and expressing one’s attitude to religion, to the convictions corresponding to this, to unhindered professing or not professing a religion, performing religious rituals, as well as spreading religious beliefs.

The main result of the 1994 Law was the creation of an effective legislative framework which minimized inter-religious and confessional conflicts.

On March 26, 2009, a new Law on Freedom of Conscience and Religious Associations was adopted in Tajikistan. The adoption of the Law made it possible to update and improve the legal framework regarding religious activity, to create the necessary legal conditions for the functioning of religious associations, conducting state religious expertise, disseminating religious literature, performing religious ceremonies and rituals, and carrying out missionary activities, etc.

The reference in the preamble of the 2009 law to the Hanafi Islamic school of thought is based upon national, cultural, and spiritual traditions. The main provisions and features of Hanafism contributed to the formation and preservation of the unity and identity of the Tajik people, and today they can be effectively used to curb religious radicalism, fanaticism, and extremism.

The law formulates the concepts of freedom of religion and freedom of conscience, guarantees the right to freely choose, promote and change any religious and other beliefs,
as well as act in accordance with them. Foreign citizens and stateless persons were also granted the right to participate in religious rituals.

Separate articles of the Law are also devoted to:
- Principles such as the separation of religious associations from the state, the separation of state education from religious associations, legality, and other issues of relations between the state and religious associations.
- The forms and types of religious associations and the procedure for their registration.
- Places of religious activity, receiving religious education, and property issues.
- Organizations where the creation of religious associations is prohibited.
- The grounds for suspension, liquidation or prohibition of religious associations.

Articles affecting believers or religious associations are also contained in other acts: the Civil Code, the Labor Code, the Family Code, the Criminal Code, the Code of Administrative Offenses, the Code of the Execution of Criminal Sentences, the Law on Responsibility of Parents for the Education and Upbringing of Children, legislation on state service, etc.

An important regulatory legal act in Tajikistan on freedom of religion is the Decree of the President of the Republic of Tajikistan dated April 4, 2018 «On the Concept of State Policy of the Republic of Tajikistan in the field of religion.»

The Concept reflects Tajikistan’s position on modern challenges to the freedom of religion: outlines issues related to the populations’ increased religiosity; strengthens state supervision over humanitarian support, the prevention of religious hatred; the involvement of religious associations in secular state-building, in addition to solutions for economic, social and cultural problems in society.

The Concept’s main goals are to create favorable conditions for strengthening creative cooperation between the state and religious associations, implementing constitutional guarantees for the freedom of conscience, ensuring religious and confessional equality and tolerance, preventing the spread of ideas and beliefs of radical movements and trends in religious environments, and creating an atmosphere of tolerance and mutual understanding in the society of Tajikistan.

In order to strengthen counter extremism and terrorism efforts, President of the Republic of Tajikistan decree on November 12, 2016, the «National Strategy of the Republic of Tajikistan on Countering Extremism and Terrorism for 2016-2020» was approved. The decree defines the goals, objectives, and main directions of state policy on countering extremism and terrorism, as well as the role of religious associations in preventing these phenomena.

Another important regulatory legal act is the Law of the Republic of Tajikistan «On Countering Extremism» dated January 2, 2020, defines the organizational and legal framework for countering extremism in order to protect human and civil rights and freedoms, the foundations of the constitutional order, and ensuring the country’s sovereignty, integrity and security. The law formulates the concepts of extremism and extremist materials in addition to defining the objects and subjects of extremist activity. However, the current legislation does not provide for the concept of «religious extremism», which has become widespread in society and has significant political implications.

Analysis of the implementation of regulatory legal acts by state and non-state actors

An analysis of the content of regulatory legal acts and law enforcement practices regarding freedom of religion is outlined in the CRA reports, the last five Annual Reports of the United States Commission on International Religious Freedom (USCIRF) for Tajikistan, comments on the draft law «On freedom of conscience and religious associations» prepared by the OSCE / ODIHR Advisory Council on Freedom of Religion.
or Belief, the Report of the UN Special Rapporteur on Freedom of Religion and Belief, etc. An official document reflecting the Republic of Tajikistan’s position on these issues can be found in the “Answers to the questions of the UN Human Rights Committee regarding the third periodic Report of the Republic of Tajikistan on the International Covenant on Civil and Political Rights”.

A. Legislative initiatives and adopted normative legal acts.

The following laws are perceived ambiguously by local and international human rights organizations:

The Law «On the Regularization of Traditions, Celebrations and Rituals in the Republic of Tajikistan» (2007) regarding the regulation of private ceremonies (weddings, funerals, birthdays) with the establishment of restrictions on the number of guests, control over gifts and rituals, a ban on traditional animal sacrifice, the obligation to respect the foundations of the national culture, and the exclusion of wearing the hijab. Critics point out that these provisions are a believer, non-believer or a religious organization’s internal affair and that clauses of this law could be interpreted as an «unjustified interference with private life.»

The Law «On the responsibility of parents for the education and upbringing of children» (2011) in terms of prohibiting children under 18 from attending mosques, including Friday prayers.

B. “Politically motivated” decisions.

Politically motivated decisions usually include:

- The banning of IRPT activities, adding it to the list of extremist and terrorist organizations and persecuting its followers.
- The official recognition of the Hanafi madhhab, which is regarded as the state’s protectionist attitude towards one religious movement and discrimination against others.

C. Regulatory and restrictive practice in the area of freedom of conscience and religion.

The greatest concern of local and international human rights organizations is caused precisely by the practical implementation of legal norms and regulatory measures of local authorities in the field of ensuring freedom of conscience and religion. Most often, the following points are highlighted:

- refusal to register, violation of registration procedures;
- closure or suspension of mosques due to lack of documents;
- video monitoring in mosques;
- prohibitions for minors to participate in religious activities, receive religious education, and wear religious clothing;
- dependence of the circulation of religious literature by a religious examination conducted at a low level;
- prohibitions for women to pray in the mosque;
- Restrictions on wearing and displaying religious attributes in public places and educational institutions.

D. Rights and freedoms of religious minorities.

Once again, there are administrative and bureaucratic obstacles to registration. In addition, the prohibition of Jehovah’s Witnesses is often mentioned. However, this statement does not correspond to the real state of affairs, since there is no official ban on any Christian organization, including Jehovah’s Witnesses. However, the unofficial obstacles and restrictions in relation to their activities should be noted.

Another point of criticism is the prosecution for refusal to military service. The
current legislation does not provide for the right to refuse compulsory military service for religious and other convictions.

Respect for freedom of religion and the role of key actors.

The leading role in the observance of freedom of religion is played by the authorized state body, the CRA and the Council of Ulema of the Islamic Center of Tajikistan. The participation of representatives of religious organizations themselves is limited and this process is associated to a greater extent with the civil war. Nevertheless, the following can be noted:

- cooperation between state bodies and religious organizations in the field of religious practice and ensuring freedom of conscience and confession;
- Active participation of religious leaders in the prevention of negative phenomena, first of all, extremism and terrorism among the population and especially among young people.
- organization of educational events by the Ministry of Education and Science in the regions;
- Cooperation between religious organizations and civil society institutions.

DISCUSSION

The country has formed the necessary conditions for the realization of the fundamental rights and freedoms of citizens related to the freedom of religion and belief. Despite this, according to experts, researchers and human rights defenders, there are problems and challenges, the solution of which can play a positive role in ensuring the implementation of freedom of religion and belief in Tajikistan:

- Tajikistan’s population is traditionally considered to be religious and has an emotional attitude towards issues related to religion.
- The growth of religious feelings of the population, especially amongst young people, has increased after 2010. This is especially evident on social networks.
- Under the cover of the Hanafi madhhab, radical views and Shiism, which is traditional for Iran, are spreading.
- The politicization of religion exacerbated by the activities of the non-systemic opposition located abroad.

CONCLUSION AND RECOMMENDATIONS

Based on the analysis of results, the following conclusions can be drawn:

1. From the first days of independence, the Republic of Tajikistan officially adhered to the policy of non-interference in the religious sphere, while coordinating the processes regarding the freedom of religion by forming constitutional and legal prerequisites for the full exercise of freedom of religion, as well as for the activities of religious associations. In general, the favorable position of the state on the religious issue has created the preconditions for a significant increase of religious associations in the republic.

2. The Republic of Tajikistan, in its civilizational choice of its own policy of freedom of religion, follows the path of the enduring values of all humankind.
- dialogue and concord, harmony of interests, peaceful, creative life, well-being and prosperity.

3. The current legislation regarding the freedom of conscience and religion is based upon constitutional provisions, including provisions on the secularity of the state. Within these provisions, the freedom of conscience and freedom of religion should be ensured and developed in context with Tajikistan’s history, while also taking into account the function of religion and religious consciousness in a democracy. The legal essence and secularity of the state is attributed to the sphere of the spirituality of the individual, which indicates the apolitical nature of the legislative provision related to the freedom of religion in the Republic of Tajikistan.

4. The data and facts of various reports do not always reflect the reality and there are errors associated with inaccurate translations, incorrect statistical and factual data, references to canceled, amended or changed norms, low competence of the authors and experts of the report, incomplete coverage of the material, and sometimes data manipulation and falsification.

5. In the official responses of state bodies to criticism, the emphasis is not on the legal aspect, but on the political expediency and validity of various measures, which reduces the level of their objectivity and relevance.

6. Tajikistan has improved the legal framework regarding freedom of conscience and religion. A working group for Hajj is being set up at the government level. The Islamic Institute of Tajikistan has the status of a state higher educational institution and training programs are coordinated with the Ministry of Education and Science. All schools teach the subject «History of Religions», which provides general balanced and neutral information about all modern religions.

7. The government’s initiative of to bring home students who studied in unofficial foreign religious educational institutions, played a positive role in preventing the recruitment of new members of extremist organizations.

8. In public discourse, there is no discussion on improving the regulatory legal framework to ensure and protect freedom of religion and belief in the country. This is associated with the lack of specialized public organizations that could carry out high-quality, competitive and acceptable work in Tajikistan.

9. The leading role in the observance of freedom of religion is played by the authorized state bodies, - the CRA and the Council of Ulema of the Islamic Center of Tajikistan. The participation of representatives of religious organizations themselves is limited, which is largely due to the effects of the civil war and religious radicalization in the world, including in the Central Asian region.

RECOMMENDATIONS:

1. To effectively organize counter-extremism, including religious extremism, a comprehensive program of rational, systematic and constant involvement society is required. To date, the legislation on countering extremist activities does not yet fully ensure such counteraction. Many materials recognized as extremist by the courts are freely distributed in the information space.

2. Recently, there has been a tendency to strengthen state supervision over the activities of religious associations and restrict their missionary activities, which may lead to restrictions on the rights of religious associations and, ultimately, to restrictions on human rights and freedoms. In this regard, an
An important step in improving the legislation on religious associations could be the exclusion of the provision on the «special role» of the Hanafi madhhab, in the formation and development of spirituality and culture from the preamble of the Law on Religious Activities and Religious Associations. This situation creates legal preconditions for legislative preferences in favor of certain confessions and for violation of the legal principle of formal equality which could also increase interfaith tensions and imbalance in society.

3. It is proposed to change the title of the Law of the Republic of Tajikistan «On freedom of conscience and religious associations», as it does not correspond to its content. The provisions of the law regulates the collective component of freedom of religion (the rights and obligations of religious associations), however, the individual aspect inherent in freedom of conscience is not actually covered in this regulatory legal act. Thus, it is advisable to change the title of the above law to the following: Law “On freedom of religion and religious associations”.

4. A number of restrictive measures on freedom of conscience and religion for citizens should be reviewed and optimized and the ban on religious uniform in educational institutions of the country should be lifted.

5. An integrated approach is required to ensure freedom of religion. Along with restrictions, it is necessary to improve the system of religious education in schools. Education should include not only the study of traditional religious topics, but also destructive trends, as well as their consequences, considering world experience. For this purpose, it is necessary to develop a special curriculum.

6. In order to provide freedom to believers, it is necessary that they have the required level of education. Existing restrictions, in turn, must be clearly justified and understood by the population. With the successful implementation of an education program, this area can be liberalized in stages.

7. Support is required for initiatives to create specialized public organizations and public analytical institutions to analyze freedom of conscience and religion to monitor the situation and develop timely measures and approaches that are acceptable in Tajikistan.

8. It is necessary to consider the issue of allowing and streamlining the process of studying the basics of religion by citizens in mosques. This step will allow to assimilate the basics of religion in a traditional and moderate interpretation and to increase the level of awareness about religion for interested persons in order to have immunity from recruitment into the ranks of radical and extremist movements in the medium term.

9. It is recommended to create joint and interdepartmental and inter structural platforms for an expert study of reports regarding the freedom of religion, as well as the development of effective mechanisms and measures to implement the recommendations made.
ANALYSIS OF THE LEGAL FRAMEWORK FOR FREEDOM OF RELIGION AND BELIEF IN UZBEKISTAN. BY FARIZA RAMAZONOVA, EDITING AND ADDITIONS – BAKHTIYAR BABADZHANOV, PhD
Summary

This consolidated report is a summary of the main results of the analysis of the legal framework for freedom of religion and belief in the Republic of Uzbekistan. The analysis traces the evolution of religious policy and legislation since the acquisition of independence, assesses the current state of affairs in the field of freedom of religion and belief, and shows the main points of legislative reforms in the religious sphere.

Particular attention is paid to the procedure for registration, re-registration and termination of activities of religious organizations, regulations governing cultural attire, religious dress code and appearance in educational and government institutions, ensuring freedom of religious education for children by their parents, as well as children visiting mosques, distribution of religious literature and religious items, and the return of citizens from conflict zones. In addition, recommendations were made for the SFCG and its partners.

The authors conclude that the liberalization of state policy and the improvement of legislation in the religious sphere should be carried out in a balanced manner. At the same time, not only international experience and standards should be considered, but also the peculiarities of the religious situation within the country, including cultural and historical traditions, and religious sentiments should be taken into account. Without public and legal consensus on religious issues among different groups of the population, unpredictable consequences are possible.
INTRODUCTION

By virtue of the recently ongoing reforms in religious policy the problems of law enforcement practice in observing the rights of believers are the most relevant and widely discussed in Uzbekistan in the last three to four years. In Uzbekistan, the absence of broad public discussions of previous problems and the limitation of discussions on the accumulated contradictions in legislation and law enforcement practice induces the political elite and experts to objectively and critically assess the forms of religious policy of the recent and legislative acts of that time.

In these internal discussions of jurists and the public of Uzbekistan, there are no uniform approaches and assessments. Among legislators, law enforcement officers and the political establishment of Uzbekistan, there are unequal assessments of law enforcement practice and its forms. The argument held by opponents of abrupt changes (conditionally «conservatives») in legislation and liberalization in religious policy boils down to the following: the presence of problems in the religious situation (for example, uncontrolled Islamization of the population), religiously motivated terrorist acts that took place in the recent past and are associated with the radicalization of part of the country’s Muslims, and the involvement of the most active part of the Islamists in the global jihad in the Middle East. Their opponents (conditionally “liberals”) believe that the situation has changed now, which should be reflected in religious policy and legislation towards liberalization and will also contribute to the de-radicalization of Islamists.

Laws to counter violent extremism and radicalism have generated fair external criticism and internal debate. These laws were formulated and adopted under the strong influence of similar laws of the Russian Federation. They do not contain legally clear formulations of the concept of «extremism», including the definition of «religiously motivated extremism.» This leads to legal uncertainty, especially with legal and judicial classifications of unlawful acts, and the lack of differentiated approaches towards crimes of different severity.

BRIEF DESCRIPTION OF THE METHODOLOGY

First, the analysis is based on a critical assessment of the evolution of legal norms in Uzbekistan during the period of Independence concerning the forced and permissible limits of restrictions on the rights of believers. Legal norms are formed in a certain political, social, historical and cultural space, which cannot be the same in different countries and is informed by the past, from which legislation cannot get rid easily.

Secondly, the methodological approach utilized in this report takes into account that since 2016 the discussion of new editions of laws on freedom of religion is taking place in the context of reforms/ In Uzbekistan, these reforms have caused unprecedented and heated discussions among lawyers, politicians, religious leaders, and ordinary citizens. International NGOs are also actively involved in the discussions. Reviews and analyzes of laws are placed in the context of these complex internal discussions and external criticisms.

Thirdly, the analysis of national legislation was carried out in comparison with international regulatory legal acts in order ascertain the compliance or contradiction with international standards.

Fourthly, to determine opinions about religious freedoms in different strata of society, information obtained during personal conversations with lawyers, politicians, mosque imams, and ordinary citizens was used.
RESULTS

State policy in relation to religion, believers and religious associations has gone through two stages, which can be conditionally called repressive and liberal.

The repressive policy phase spanning from the late 1990s until 2016 is mainly the result of the following issues which have caused serious concern among both the authorities and the population. The revival of Islam as a result of the collapse of Soviet ideology and consequences of the 1979 Soviet War in Afghanistan. The formation of a radical trend of Islamists, which has created de facto parallel power and legislation alongside the forcible seizure of mosques, the refusal to register, and the refusal of any manifestation of secularism. These actions have unleashed real conflicts and have created the basis for new conflict situations.

The June 14, 1991 law «On Freedom of Conscience and Religious Organizations” was intended to formulate both new relationships between the state, believers and religious associations after years of domination by atheistic ideology, and to preserve the institutional control of the religious sphere. The law is an accumulated of the contradictions of perestroika (reformation) period) and the beginning of a turbulent era with the revival of Islam in Uzbekistan. It contained unequivocal bans on political religious activity and did not live up to the Islamists’ expectations. The Islamists had hoped to gain complete freedom in order to set up their organizations without hiding their claims to power and the establishment of Sharia law. Attempts to revive in politics by mainstreaming Islam in authority/ base ruling the state, the violent seizure of power, and the abolition of secular laws elicited a response from the political elites of Uzbekistan and directly contributed to the tightening of legislation in the religious sphere. Full observance of religious freedoms was out of the question. Various amendments to the 1991 Law were also introduced in context of the rise of various religious extremist organizations in Uzbekistan. The law banned the activities of all unregistered religious organizations, missionary activities and the teaching of religious education in private. Additionally, all religious literature has to undergo review by state religious authorities. The rules for registering religious organizations have also been seriously tightened. Not only Muslim groups were persecuted, but also Protestant and Jehovah’s Witnesses groups were also put under pressure.

However, as time went on, the inertia of the legislative and law enforcement system, which over the years of stagnation were adapted to a predominantly forceful solution to the emerging difficulties in the implementation of religious freedoms, became the cause of many problems. Very tough laws and the lack of clear definitions for issues like religiously motivated extremism or terrorism have opened the way for illegal persecution and unfair convictions. Any religious activity was totally controlled by the state and law enforcement agencies in Uzbekistan. Strong pressure from the special services and excesses in the conduct of such policy led not only to massive violations of religious rights and freedoms, but also to an obvious increase in protest moods. As a result, many citizens were imprisoned on charges of violating the constitutional order and participation in extremist organizations. Ultimately, this led to a crisis of power and the legal system, but did not lead to a decrease in the degree of radicalization amongst some Muslim identifying groups.

The situation required new approaches both in religious policy and in its legislative support. These new approaches were voiced by the new leadership of Uzbekistan and, first of all, by President Sh. Mirziyoyev, who openly acknowledged the existence of problems associated with legislative acts and law enforcement practice, the need for Uzbekistan to embody the freedom of religion and declared the need to liberalize legislation and promote the humanistic essence of Islam. He also stressed that the fight against religious
extremism solely by force is not justified as most crimes related to extremist activities and violence are committed by people who are less than 30 years old. Therefore, the President proposed as an alternative to the usage of forces would be to educate young people and to create the conditions for their self-realization, which could create a barrier to prevent the spread of the «virus» of ideological violence. As a result, between the years 2016-2019, more than 20 thousand people convicted on religious grounds were pardoned. Additionally, conditions were created for the unhindered fulfillment of the five pillars of Islam and mosques, cemeteries in addition to places of worship were reconstructed, adolescents have been allowed to visit mosques, and compromises have been found regarding the hijab. hijabs.

However, many factors affect the extent to which a liberal understanding of religious freedoms is being promoted. Factors such as the dilemma between maintaining security and ensuring freedom of religion, reforming the law enforcement system, and the difference in liberal and conservative understandings, sentiments and «parallel» norms of law preferences are affected by sentiments relating to Sharia attitudes, especially in regard to issues of marriage, hereditary relations, and the issue of wearing religious clothing and symbols.

Therefore, the planned reforms will be difficult. On the one hand, there is a need for reform and a change in strategy in the liberalization of legislation as a result of the crisis caused by old methods, but on the other hand, the growth of conservative forms of Islamization and similar problems pose pressing issues which must be promptly addressed. At the same time, it is also necessary to enforce laws while being sensitive to the religious feelings of even the most conservative parts of the population. A number of conflicts have been observed related to this issue, which leaves room for the critique of law enforcement agencies as it is quite easy to accuse them of violating the freedom of these groups’ religious customs.

At present, a fundamentally new social atmosphere is being formed in the country, including religion. Reforms in the legislative sphere are top-down orders and are often personally initiated by the President. The President emphasizes the need for a more flexible religious policy and a revision of regulatory legal acts indispensable to observing constitutional norms which takes into account international experiences and improving laws guaranteeing religious freedom. The positions of state bodies are also gradually leaning towards liberalization. The main directions and tasks in this area are the improvement of legislation and law enforcement practice, with the real implementation of freedom of religion, the differentiation of criminal and administrative legislation norms, and the decriminalization of some articles of the criminal and administrative code when it comes to socially harmless acts.

The most important and debated issues in regard to the freedom of religion, in context of international criticism, are:

A. Procedure for registration, re-registration and termination of activities of religious organizations (including missionary organizations).

State bodies are critical of the abolition of the mandatory registration of religious associations for the following reasons: registration is not difficult; many unregistered missionary religious groups carry out their activities de facto and there is no criminalization of their activities; the consent of the makhalla (without which registration is impossible) is an element of local self-government and is a position state bodies cannot ignore; registration of religious institutions is a way to account for and protect religious minorities; underground activities of radical groups which cannot be legalized; the need to control the leadership of a religious association; and the negative attitude towards missionaries held by parts of the population.
The stated reasons force us to be careful with the advancement of legislative initiatives on the free activity (without registration) of foreign missionary movements and sects that are not traditional for Uzbekistan. Given the complex socio-economic problems, such a step by the state and legislative initiative in this regard may lead to unpredictable developments.

B. Regulations governing religious/cultural attire and religious dress code and appearance in educational and government institutions.

Until recently, the main problem was associated with educational institutions, the leadership of which, referring to the Resolution of the Cabinet of Ministers, refused to allow students to wear hijabs. However, in November 2019, restrictions on dress codes based on religion were de facto lifted. Nevertheless, the main part of the society, adhering to national forms of hijabs (ro‘mol), strongly objected to the use of Arab styles of hijabs in educational institutions and came out in defense of national forms of Islamic clothing, on which there were no bans. Law enforcement officials were forced to urge opponents to mutual tolerance.

C. Ensuring the freedom of religious education of children by their parents, as well as the attendance of children in mosques.

The education system in the Republic of Uzbekistan is separated from religion. The inclusion of religious disciplines in the curricula of the education system is prohibited. As far as religious education is concerned, by law, it must be carried out after secondary education (with the exception of religious Sunday schools), and private teaching of religious beliefs is prohibited. Religious education is the prerogative of registered religious organizations, which must be licensed.

Currently, the introduction of religious lessons in schools is being actively discussed. However, the majority of society is against this initiative coming from Muslim Imams and theologians.

At the same time, in recent years, many training courses have been opened, which teenagers can attend outside school hours and learn languages, the basics of religion, etc. The liberalization of laws in religious education does not keep up with the pace of interest in it, which opens the way for the growth of illegal learning. Law enforcement officials identify and shut down courses that say that secular education is optional, that there is a possibility of skipping classes for religious reasons, etc.

The liberalization, strengthening and expansion of religious education is often regulated through administrative instruments. However, at the same time, local lawyers are trying to find compromises, since past experience shows that total bans on religious education are not the best tool for ensuring religious freedom.

On the one hand, issues with teenagers visiting churches have lost urgency due as such visits are permissible. On the other hand, cognitive, communicative, psychological and social problems have appeared: conflicts with classmates with mutual insults, refusal to attend lessons, loss of rational thinking. Examples of this kind also force us to be extremely careful about various manifestations of religiosity, to the detriment of existing laws. We have to take into account the extreme complexity of the entire composite of issues related to the real embodiment of religious freedom in Uzbekistan.

D. Religious literature and religious items (admissibility to state religious expertise).

One of the vulnerable issues within the legislation is the mandatory examination of imported and distributed religious literature, as well as control over publications of the same nature in the country. The forced examination of religious literature raises several problems. Firstly, a state religious expertise is solely carried out by one Expertise Department under the SCRA (Tashkent). There are no branches in other regions. The department cannot cope with the amount of materials throughout the republic. Secondly,
the “expert opinion” of the SCRA is often the basis for bringing to administrative or criminal liability. However, given the Expertise Department’s excessive workload, their «conclusions» on the seized material take a long time. Thirdly, the Expertise Department operates without clear and specific legal definitions that would make it possible to accurately qualify the content of the literature seized for expertise as “extremist”. This leaves scope for flaws in assessment and creates difficulties in passing fair sentences in courts.

E. Humanization instead of victimization (release of «prisoners of conscience», cancellation of «blacklists» and the return of compatriots from the conflict zones of operation «Mehr 1.2»).

The main results of the reforms and the liberalization of religious policy, which were positively received in the country and among international observers, are as follows:

1. The abolition of the «List of unreliable», drawn up by the Ministry of Internal Affairs. It included persons who were seen in connection with radical groups, or who had recently been amnestied. The mechanism for compiling the list was unclear, which led to a lot of abuse by who?.
2. Amnesty of over 3.5 thousand citizens in the last 3 years. The practice of liberation continues, usually coinciding with the holidays. The practice of artificially adding a term in places of detention has been discontinued.
3. Citizens of Uzbekistan who, by mistake, found themselves in the composition of terrorist, extremist or other prohibited organizations and groups, are exempted from criminal liability. Operations were carried out to return women and children from conflict zones in the Middle East. As a result of Operation Mehr-1 (May 30, 2019), 156 persons (48 women, 1 man, 107 children, of which 9 are orphans) were repatriated. As a result of Operation Mehr-2 (October 10, 2019), 64 children and adolescents left without parents were repatriated (39 boys and 25 girls, of which 14 are children under the age of 3).

At the same time, the state has undertaken obligations of assistance (including financial) to amnestied and repatriated citizens. In the regions and cities of the country, Special Commissions have been created from local executive authorities, law enforcement, religious, and public organizations. Their goal is to actively work jointly with state and public organizations for the social and economic reintegration of these citizens.

The reintegration of women repatriates ran into several legal issues. First, formally they had broken the law (illegal immigration from the country, illegal border crossing, and assistance to terrorist organizations, etc.). Secondly, they all either lost or destroyed their passports, found themselves homeless, had no profession and no means of subsistence, etc. To get a job, loans, etc. they needed documents. These problems were overcome by the President’s decree, where all adult women underwent a judicial investigation and were eventually pardoned and amnestied in accordance with the decree. The repatriates’ documents were restored in addition to their rights to credit, financial assistance, etc. were granted.

DISCUSSION

The complex religious situation, latent and open conflicts related to the combination of religious norms (mainly Muslim), on the one hand, and the existing legislation, on the other, makes its own adjustments to the implementation of religious freedoms in Uzbekistan. In addition, there are risks of radicalization (primarily young people), cyber security challenges (open and massive recruitment to radical groups through cyber networks), lack of experience in building cyber communication strategies, and using “soft
power” in stabilization of the religious situation, etc. There are issues with understanding the essence of extremism and crimes of an extremist orientation, terrorism, religious extremism, separatism, and fundamentalism. The lack of clear legal concepts and the differentiation of crimes of extremist orientation lead to difficulties in law enforcement practice. Therefore, it is very important to form a clear conceptual apparatus, a hierarchy of principles, and subjects of counteraction to this phenomenon.

The composition and quality of the Muslim community in Uzbekistan is far from uniform. Believers (primarily Muslims) have their own - most often mutually exclusive - opinions regarding religious freedoms, dress codes, norms and rules of relations between the state and religion, and other issues. Thus, the regulation of the most complex relations within the Muslim community also falls on the shoulders of state bodies and society itself. All of this complicates the situation and forces one to be extremely careful in choosing strategies for religious policy and the legal regulation of religious freedoms. This also forces one to seriously discuss the norms of legislation with society.

These same circumstances also force one to be balanced in matters of initiation and implementation of legal norms when it comes to religious communities that do not always positively perceive the dominant of the law. Consequently, not only law enforcement and regulatory bodies, but also believers themselves, at least their active part, should go their own way of evolution in favor of recognizing laws as the only instrument for regulating relations between «religion and the state».

**CONCLUSION AND RECOMMENDATIONS**

From the point of view of the legislation and actual implementation of legal registration, there are a number of problems that are associated not only with the wording of legislation, but also with the presence of a serious «burden of the past» in the form of old laws that must be revised on account of Uzbekistan’s international obligations.

Unfortunately, external assessments do not account for these complexities and offer a one-sided, limited view of the problems or operate on outdated data. The same conditions in addition to the serious divergence of opinions within society and among lawyers on the Law on Freedom of Conscience and Organization, seriously hinders the necessary consensus among the public and legal scholars. In addition, international experience suggests that such documents should be guided not only by the declarations on freedom of religions adopted in other countries, but also by the specifics of their own situation within the country. The adoption of such a document without reaching the necessary social and legal consensus, without considering their own cultural and historical traditions and international experience can lead to unpredictable consequences.

The reforms are self-adjustment to the strict forms of control of the religious situation and the activities of religious institutions. The reforms also affected the sphere of legislative initiatives and law enforcement. The relaxation and liberalization in these areas are obvious.

A positive consequence of the reforms is that state bodies are beginning to understand that problems in the religious sphere cannot be only be solved with the help of one-time administrative legal acts such as Presidential decrees and provisions. In addition, for a number of reasons, Uzbekistan is trying to respond to external criticism regarding the implementation of religious freedoms as a result of their obligation to fulfill signed international treaties, declarations, improve the investment climate, and increase stability for tourism development, etc.
RECOMMENDATIONS:

The following are proposed as priority recommendations for improving freedom of religion legislation of the Republic of Uzbekistan:

A. Amendments to the Law of the Republic of Uzbekistan «On freedom of conscience and religious organizations» such as:

- The formation of the conceptual apparatus.
- The revision of the provision (towards mitigation) on the mandatory conduct of a religious expert examination in relation to religious literature and information materials of religious significance.
- The revising of the provision on the exclusion of the right of the registering authority to liquidate a religious organization.
- The softening of the requirements for state registration of religious associations.
- The exclusion of the provision on the obligation of all members of registered sects to receive higher and secondary specialized religious education;
- The revision of the provision and specifying the cases in which state registration of a religious organization may be denied.
- The introduction of a suspension of religious organization activities in court for a period of up to six months in case of major violation of the law.
- The revision of the regulation prohibiting the performance of divine services, religious rites, ceremonies and (or) meetings on the territory and in the buildings of state bodies, organizations with the admission of such activities while respecting the rights and freedoms of other citizens, observing the regime of functioning of state bodies and state organizations;
- The exclusion of the provision where the distribution of religious literature, other informational materials of religious content, religious items is allowed only in religious buildings (structures), spiritual (religious) educational organizations, as well as in locations specially designated by local executive bodies of regions, cities of republican significance and capital, stationary premises. The distribution of religious literature should not differ from the distribution of any other literature and should be subject to general legal regulations.

B. The development and adoption of the Concept of the state policy of the Republic of Uzbekistan in the religious sphere to indicate the main directions of state policy ensuring freedom of belief and religion.

C. Amendments to the Law of the Republic of Uzbekistan «On Countering Extremism» (from 2018) regarding the revision of the conceptual apparatus of this law because of the broad and inaccurate formulations of concepts as “extremism”, “extremist activity” or “extremist materials.”

D. Amendments to the Code of the Republic of Uzbekistan on Administrative Liability (dated September 22, 1994) in terms of revising the offenses provided for in Articles 1841 (the appearance of citizens in public places in religious attire), 1842 (illegal production, storage, import or distribution of materials with religious content (for the purpose of dissemination); 241 (violation of the order of teaching religious beliefs, teaching religious beliefs without special religious education and without the permission of the central governing body of a religious organization, and teaching religious beliefs in private).

E. Amendments to the Criminal Code of the Republic of Uzbekistan (dated September 22, 1994) regarding the revision of the offenses described in Articles 145, part 2 (involving minors in religious organizations, as well as teaching them religion against their will or the will of their parents or persons replacing them), 2441, 2442, 2443 (concerning the illegal production and storage of printed and electronic materials).