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Violations of Religious Freedom in Central Asia

Violations of the right to freedom of religion or belief remain a pressing issue in Central Asia. In a general trend, the governments of the region seek to control the exercise of religion by vigorously promoting a uniform practice of Islam and imposing various restrictions on the activities of minority religious communities that are considered “non-traditional.” The legislation regulating religious issues is typically harsh, and at variance with international standards. The situation is further aggravated by the fact that the rule of law remains weak throughout the region, and actual policies toward religious groups are not necessarily guided by existing laws. What is more, efforts to counter terrorism are often used as a pretext for repressive measures with respect to religious activities.

New legislation on combating extremism and enhancing national security that was adopted in **Kazakhstan** in 2005 introduced wide-ranging restrictions on the practice of religion. These laws, which were strongly criticized in advance by human rights groups and the OSCE, expanded the powers of the authorities to control the activities of religious organizations and required all religious communities to undergo state registration, despite a 2002 ruling by the Kazakh Constitutional Court that declared invalid a previous draft law providing for compulsory registration.¹ For the most part, it appears that the new laws have not resulted in any significant changes in the actual situation of religious communities in the country. However, minority religious groups who were subject to pressure by local authorities already prior to the passage of the new legislation have continued to face hostility and some groups have recently experienced growing harassment.² Meetings of unregistered religious groups have been raided, their leaders have been ordered to pay significant fines for conducting unregistered religious activities and they have been the targets of negative coverage in state-controlled media.³ At the same time, the government-controlled Spiritual Administration of Muftis has continued its attempts to establish control over all Muslim communities in the country.⁴

¹ See the chapter on Kazakhstan in IHF, *Human Rights in the OSCE Region: Report 2006 (Events of 2005)*.

² Forum 18, “Central Asia: Religious intolerance in Central Asia,” 18 July 2006, http://www.forum18.org/Archive.php?article_id=815; Forum 18, “Intrusive state registration and massive fine,” 9 June 2006, http://www.forum18.org/Archive.php?article_id=797.

³ Forum 18, “Central Asia: Religious intolerance in Central Asia,” 18 July 2006; Forum 18, “Intrusive state registration and massive fine,” 9 June 2006; Forum 18, “International agreements are nothing to us,” 2 June 2006, http://www.forum18.org/Archive.php?article_id=793&printer=Y.

⁴ For more information, see the chapter on Kazakhstan in IHF, *Human Rights in the OSCE Region: Report 2006 (Events of 2005)*, http://www.ihf-hr.org/cms/cms.php?sec_id=46.

The government of **Tajikistan** put forward a highly repressive draft law on religion in early 2006. This draft, inter alia, introduced compulsory registration for all religious groups, established high thresholds for the number of community members required to qualify for registration, prohibited proselytism, restricted the number of mosques allowed and banned foreigners from leading religious communities in the country.⁵ Following criticism from different religious communities as well as international organizations, a spokesperson of the government committee in charge of the preparation of the draft law announced in May 2006 that the law would not be adopted “in the near future,” but did not specify when consideration of it would continue.⁶ Already in previous years Tajik authorities have interfered with the activities of religious organizations in different ways, for example by imposing fines on unregistered groups although registration is currently not required.⁷ The Tajik government is also attempting to exercise control over the country’s Muslim communities through the so-called Council of Ulems, which is formally independent but in practice acts as an instrument of the government.⁸ An ongoing campaign against the banned Hizb-ut-Tahrir movement, which advocates the establishment of an Islamic state in Central Asia, has indiscriminately targeted activists engaged in only peaceful activities. Scores of people have been imprisoned following processes conducted in violation of international due process standards.⁹

The personality cult surrounding **Turkmen** President Niyazov is increasingly assuming religious proportions, with his spiritual code *Rukhnama* vehemently being promoted as a moral guide for the citizens of the country and religious leaders being encouraged to disseminate his “lofty ideas” as part of worship. The authorities have recently stepped up their efforts to ensure that Islamic religious activity is in conformity with “Turkmen custom” and President Niyazov has introduced a list of “approved” rituals that the country’s Muslims are expected to observe.¹⁰ Minority religious groups continue to face various forms of harassment, such as intimidation, detention, raids of their homes, confiscation of literature and fines. Unregistered religious activity was decriminalized in 2004, but such activity is still often regarded as illegal by local authorities and remains subject to administrative sanctions. Also, despite a recent loosening of the registration rules, registration remains a complicated endeavor and even religious minority communities that have obtained registration have reported experiencing problems. It remains prohibited to hold religious meetings in private homes as well as to organize independent religious education.¹¹ Places of worship continue to be demolished as part of grand reconstruction projects implemented by the authorities and an increasing number of people have been banned from leaving the country because of their religious activities.¹²

⁵ Forum 18, “Most repressive religion law in Central Asia drafted,” 22 March 2006, http://www.forum18.org/Archive.php?article_id=749; Zoya Pylenko, Central Asia – Caucasus Institute, “Tajikistan Mulls New NGO, Religious Laws,” 19 April 2006, http://www.cacianalyst.org/view_article.php?articleid=4174&SMSESSION=NO.

⁶ Forum 18, “Has controversial religion bill been postponed,” 7 June 2006, http://www.forum18.org/Archive.php?article_id=795&printer=Y.

⁷ For more information, see the chapters on Tajikistan in the IHF reports on *Human Rights in the OSCE Region* from different years, at http://www.ihf-hr.org/cms/cms.php?sec_id=46.

⁸ Forum 18, “Council of Ulems – an instrument of state control,” 8 June 2006, http://www.forum18.org/Archive.php?article_id=796.

⁹ For more information, see the chapters on Tajikistan in the IHF reports on *Human Rights in the OSCE Region* from different years, http://www.ihf-hr.org/cms/cms.php?sec_id=46.

¹⁰ Forum 18, “More pressure against Islamic religious practice,” 24 October 2005, <http://www.freedomhouse.org>; Forum 18, *Turkmenistan: Religious freedom survey*, October 2005.

¹¹ Forum 18, *Turkmenistan: Religious freedom survey*, October 2005.

¹² Forum 18, “Demolition of places of worship continues,” 23 May 2006; Forum 18, “Official exit ban list confirmed,” 31 May 2006.

- On 3 May 2006, police broke up a house group meeting of the unregistered Christian Soygi Church in Ashgabat. Police officers entered the house where the meeting was held without a warrant, searched the premises and confiscated Bibles, other Christian literature and personal belongings. The participants in meeting were thereafter interrogated for more than two hours.¹³

The government of **Uzbekistan** has denied all responsibility for the May 2005 events in Andijan, when hundreds of civilian protestors were virtually massacred by police and security forces, and has instead blamed the violence on “religious extremists.”¹⁴ The government has also apparently tried to use a series of trials related to the Andijan events, which began in late 2005 and in which more than 200 defendants have been sentenced to lengthy prison terms in seriously flawed processes mostly conducted behind closed doors, to support its claim that the violence was linked to “religious extremism” and to justify its longstanding campaign against independent Muslims.¹⁵ In this campaign, which has been portrayed as forming part of the international “war on terrorism,” the government has imprisoned thousands of Muslims who practice their faith outside of state-controlled institutions without making any distinction between those who advocate violent methods and those who peacefully express their convictions.¹⁶

- In April 2006, a Tashkent court found eight men guilty of establishing an illegal religious group with the aim of overthrowing the government and establishing an Islamic state and sentenced two of them to two years in a labor colony and the rest to two-three years of corrective labor. The verdict was based almost exclusively on confessions that allegedly had been obtained under torture. During the court proceeding, the defendants revoked their earlier confessions and described how they had been subjected to abuse and named those who they accused of perpetrating it. The judge, however, admitted the confessions and concluded that the men had alleged torture only to avoid responsibility for their crimes.¹⁷

Minority religious groups also face repression in Uzbekistan, such as raids of their meetings, interrogation and fines. The Uzbek law on religion, which is currently the most restrictive in Central Asia, prohibits the activities of religious organizations that are not registered with the authorities, while registration is extremely difficult to obtain and routinely refused on various pretexts. This year has seen a significant increase in the fines imposed for unregistered religious activity, in some case up to 100 times the minimum salary. Proselytism, missionary activities and private religious education are also banned in the country and the production, import and distribution of religious literature are tightly controlled. In practice authorities often do not consider themselves restrained by legal provisions, and the harassment experienced by religious minority groups extends even beyond the scope of the country’s restrictive legislation.¹⁸

¹³ Compass, “Police Break up Church Meeting,” 6 May 2006, distributed by Human Rights without Frontiers (HRWF), <http://www.hrwf.net>.

¹⁴ For more information about the Andijan events and the response by the Uzbek government to these events see the chapter on Uzbekistan in *Human Rights in the OSCE region: Report 2006 (Events of 2005)*.

¹⁵ Human Rights Watch, *The Andijan Massacre: One Year Later, Still No Justice*, May 2006, at <http://hrw.org/english/docs/2006/05/11/uzbeki13336.htm>.

¹⁶ For more information, see the chapters on Uzbekistan in the IHF reports on *Human Rights in the OSCE Region* from different years, at http://www.ihf-hr.org/cms/cms.php?sec_id=46.

¹⁷ Human Rights Watch, “Uzbekistan: Eight Convicted Despite Torture Allegations,” 22 April 2006, <http://hrw.org/english/docs/2006/04/21/uzbeki13240.htm>

¹⁸ Forum 18, “Uzbekistan: Religious Freedom Survey,” 10 May 2006, http://www.forum18.org/Archive.php?article_id=777.

Recommendations

To the governments of **Kazakhstan, Tajikistan, Turkmenistan** and **Uzbekistan**:

- Publicly recognize that international human rights standards, by which they are bound, guarantee the right of everyone to profess their convictions, alone or in community with others, in public or private, irrespective of their faith;
- Make necessary amendments to existing national legislation pertaining to the practice of religion as well as to any pending draft legislation on this issue to ensure that it is in conformity with international human rights standards. In particular, it must not prohibit or establish sanctions for unregistered religious activity, proselytism, missionary activities or private religious education or impose undue restrictions on the conduct of worship, construction of worship places or the production, import and distribution of religious literature;
- Ensure that all religious communities in their countries have the opportunity to obtain legal status, and the rights tied to such a status, through an uncomplicated, transparent, non-arbitrary and speedy process;
- Make clear to authorities at all levels that state registration is not a requirement for the peaceful practice of any religion and that all residents of their countries, irrespective of their faith or the legal status of the religious communities to which they belong, have the right to engage in peaceful religious activities without interference;
- Acknowledge and respect the existence of differences in the practice of Islam and refrain from all attempts to control the peaceful exercise of Islam in their countries in either direct or indirect ways;
- Ensure that no one is arrested, prosecuted or imprisoned in their countries solely for the peaceful exercise of their religious beliefs and immediately release anyone who has been imprisoned on such grounds.