

1. Ahead of the May 2018 Universal Periodic Review of Uzbekistan by the United Nations (UN) Human Rights Council, Forum 18 has found no improvement in the country's freedom of thought, conscience and belief violations after the previous April 2013 and December 2008 UPRs. The regime of President Shavkat Mirziyoyev (who like his predecessor Islam Karimov has never won a free and fair election) has taken no credible, independently verifiable, actions to end its continuing and widespread systemic violations of the right to freedom of thought, conscience and belief, and of interlinked freedoms such as the freedoms of expression, association, assembly, the right to a fair trial, and the right to be free from torture.

2. All exercise of freedom of religion and belief with others without state permission is illegal. Forum 18 has documented human rights violations including: raids, fines, imprisonment and torture; education and worship meetings without state permission being banned; and religious literature censorship and destruction.

Creating fear of the state, torture, women targeted

3. Creating fear of the state is apparently an integral part of a policy of imposing state control of all of society. Physical violence and torture, or threats of this, appears to be a normal experience for anyone subjected to official hostility – it is "routine" as the UN Committee Against Torture (CAT) found in 2007. In December 2013 the CAT's Concluding Observations on the country (CAT/C/UZB/CO/4) noted with concern "numerous, ongoing and consistent allegations that torture and ill-treatment are routinely used by law enforcement, investigative and prison officials" and the absence of the state fulfilling its binding legal obligations to "carry out prompt, impartial and effective investigations into all allegations of torture and ill-treatment and prosecute and punish all those responsible, including law enforcement and prison officials". This leads to a climate of impunity for officials and the absence of the rule of law, where unjust trials with flagrant breaches of due process are normal. It is for very good reason rare for people to publicly document such abuses, for fear of state reprisals.

4. Women exercising their freedom of religion and belief are particularly vulnerable to targeting by male officials in this highly patriarchal society, and there are strong social pressures against women speaking out about such human rights violations. Cultural traditions of "honour" can destroy a woman's reputation if she is known or thought to have been the victim of sexual violence or even if she has been alone – for example overnight - with male police officers who are unrelated to her. Assaults, including the use of sexual violence by male officials, appears to be common, and are known to have been experienced by Muslim, Protestant and Jehovah's Witness women. Men exercising their freedom of religion and belief have also been threatened by police with being forced to witness their wives being raped. In a typical example of official assaults, in February 2016 police and "Anti-Terrorism Police" attempted to coerce four female Jehovah's Witnesses in Samarkand into abandoning their beliefs. The officers were "drunk and very aggressive", pushed the women around, hit them including attempted strangulation, and threatened to rape and expose one woman naked to the view of other police.

5. As this and many similar "Anti-Terrorism Police" cases illustrates, the regime's definition of "terrorism" includes people exercising their human rights.

Surveillance

6. Officials monitor and attempt to control all exercise of freedom of religion and belief. The NSS secret police carries out both covert and open surveillance of all religious communities. Members of a variety of religious communities have told Forum 18 of hidden microphones in places of worship, the presence of NSS agents during meetings for worship, and the recruitment of spies within communities – including among leaders.

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

"Legal" framework a symptom not a cause of human rights violations

7. Numerous articles in the Religion Law, Criminal Code and Code of Administrative Offences are used to punish anyone exercising their freedom of religion and belief and related human rights. Legal charges brought against people do not necessarily reflect what they actually did. This can lead to people being charged using laws punishing the exercise of freedom of religion and belief, when this freedom is not involved in the actions they actually carried out. It can also lead to accusations of violence being made against people without any credible evidence that they carried out or have any sympathy with acts of violence.

8. Vague definitions of the "offences" banned in the regime's laws - such as "proselytism" or "missionary activity" - leave much room for frequently exercised arbitrary official interpretations.

9. Trials are often conducted unfairly, and officials who violate laws appear to be never prosecuted or punished. For example, in the cases of Jonibek Turdiboyev and Mansurkhon Akhmedov who were both jailed for five years in May 2016, "evidence" was falsified and "confessions" extracted under torture. Relatives and human rights defenders insist the two are "guilty" only of being devout Muslims.

10. In April 2016 the regime harshened its Criminal Codes' previously existing restrictions and punishments against people exercising freedom of religion and belief and related fundamental human rights, including allowing imposing jail terms (including between 15 and 20 years jail for involving people under 16 in "illegal" religious organisations) and increased "legal" possibilities to censor electronic media.

No freedom of religion and belief without state permission

11. All exercise of freedom of religion and belief with others without state permission is illegal, including sharing any beliefs with anyone and meeting with others for worship or the study of sacred texts in private homes. For example, on 1 June 2016 four leaders of a Sufi Naqshbandi Muslim community were jailed for 4 years after police raided 15 Sufis in Karakul District who were performing the zikr, a devotional practice of reciting sacred phrases. The following month, 11 other members of the same community were fined up to 4,000,000 Soms each for illegally meeting in homes.

12. People of all beliefs exercising their freedom of religion and belief are similarly frequently targeted for such raids and punishments by "law enforcement" officials. Muslims, Protestants and Jehovah's Witnesses are frequently targeted fined by ordinary police and "Anti-Terrorism Police" for illegal searches of homes without a search warrant. For Protestants and Jehovah's Witnesses, fines of between 50 and 350 or more times the monthly minimum wage, and sometimes jail for between 3 and 21 days can follow for possessing religious literature, meeting together for worship, and the study of religious texts. Muslims can also face long jail terms, as noted below in relation to prisoners. Any religious literature found is normally confiscated and ordered to be destroyed by courts.

13. Punishments can continue and be imposed disproportionately for a long time after the alleged "offence". In 2012 Gulchohra Norbayeva was fired her from her job as a teacher for wearing the hijab (Islamic headscarf). But she subsequently faced police summonses, a house search for religious literature, accusations she was teaching the Koran "illegally", and pressure to sign statements incriminating Muslim men she did not know. She was also placed on the Preventative Register, which allows police to take "preventative measures" such as firing someone from their job.

Islam

14. Islam, because it has the largest number of followers, is the community the regime is most interested in controlling. This control is mainly exercised from the inside, by for example appointing all permitted leaders and banning all public manifestations of Islam outside the state-controlled

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Spiritual Administration of Muslims, or Muftiate. The state through the Muftiate also controls what imams preach, and the number and location of mosques. The state completely controls the selection, education and nomination of imams.

15. Ramadan each year sees stricter than usual controls on Islamic communities. In the 2016 Ramadan, the regime banned shared Muslim iftar (breaking of fast) meals in public in the capital Tashkent. The bans also appear to have covered the three-day Ramazon hayit (Id al-fitr) festival, which marks the end of the month of Ramadan and is marked with prayers and meals. The regime also continued to ban people under 18 from attending mosques, and in Tashkent in 2016 schoolteachers and police were placed at the entrances of mosques to stop people under 18 entering. One Andijan mosque placed a sign outside it banning children and mentally-ill children from entering. A local education official told Forum 18 that the reason for the ban was that "children can be misled in mosques", but would not answer when asked if this was an official opinion or why she thought state-controlled imams would mislead people.

16. Restrictions on how many pilgrims can take part in the annual haj pilgrimage to Mecca are severe. Only 7,200 out of a potential quota of about 30,000 allocated by the Saudi authorities (based on Muslim population numbers) travelled on the 2017 pilgrimage. An "unwritten instruction" bans would-be pilgrims under the age of 45. Waiting times are long. One potential pilgrim told Forum 18 in September 2015 that she would need to live to be 205 years old to reach the top of the waiting list in her mahalla. Her mahalla head told Forum 18 that she "will be able to go in 20 or 30 years". Even successful applicants can be arbitrarily removed and replaced with the friends or family members of officials. Also, "unofficial payments" to officials can more than double the cost of the haj.

17. Pilgrims are officially screened by the regime's mahalla (local district) committee, the NSS secret police, the Muftiate, and the state Religious Affairs Committee. Even successful passage of this process does not guarantee a haj pilgrimage. Uzbekistan uses exit visas to control which of its citizens are allowed to leave the country. Even if President Mirziyoyev's promise to abolish them from January 2019 takes place, the NSS secret police maintains an exit blacklist – for example of human rights defenders – who are not allowed to travel abroad.

Other religious communities

18. For other religious communities, the regime's primary interest is to keep them within closely controlled geographic and activity related boundaries. Communities of all faiths which want to gain state permission to exist – which requirement violates international human rights law - must pass through a complex registration procedure, including having 100 adult Uzbek citizens willing both to be identified as founders and to supply their personal details to the authorities. Even if communities are larger than 100 people, many are unwilling to be so identified to the authorities as founders.

19. Other obstacles to gaining state permission to exist for all religious communities include: paying a non-refundable fee equivalent to 50 times the minimum monthly wage; gaining written authorisations to apply from both the district Hokimat (administration) stating that building health and safety requirements are complied with and mahalla committee (the lowest level of district administration), stating that other mahalla residents do not object to the organisation. These written approvals are necessary before a religious community can even apply for state registration from the Justice Ministry.

20. Registration of new communities, or communities which have long existed but which the regime does not like – such as Jehovah's Witnesses - remains almost impossible. Being granted registration does not guarantee that a community will keep registration and stay open – even if it complies in full with all the authorities' formal demands. Religious communities – whether Muslim or of other faiths – are not able to buy, build or open places of worship freely. Some places of worship have been confiscated, many rural mosques having reportedly been closed or stripped of their registration. Similarly, some Protestant, Jehovah's Witness, Hare Krishna and Baha'i communities

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have been stripped of registration for no known reason.

21. The experience of many communities, registered or unregistered, is that repression can occur at any time, with no regard for whether or not a community is registered.

Censorship, no reading of religious texts allowed in private homes

22. The import and production of religious literature – including the Koran and the Bible - is strictly controlled, with compulsory prior censorship by the state Religious Affairs Committee. Materials in electronic form of all faiths are also targeted, and from around 2013 Muslims in particular have been likely to be jailed for up to 5 years if texts are found on their electronic devices. As with other "crimes", a local Christian leader told Forum 18 in June 2016, "the authorities usually fine or jail for short periods of time Christians and people from other non-Muslim communities".

23. Only registered communities can seek permission to print or import material. Relatively little literature about the majority Islamic faith is allowed to be published, and none is imported officially. Religious literature – whether Muslim, Christian, Jehovah's Witness, Baha'i or of other faiths – is routinely confiscated in police raids on places of worship and private homes and then destroyed. Returning pilgrims – such as from Mecca – have their literature confiscated for checking.

24. Even legally imported materials as well as Uzbek-produced materials that have passed the censorship are confiscated. Police confiscate personal religious literature during raids on homes, including Arabic-language Korans, and Uzbek and Russian-language Bibles and New Testaments. Courts frequently order such religious literature - including Bibles and New Testaments - destroyed. Raids and searches can be on a large scale. In March 2016, 20 NSS secret police and ordinary police officers searched every home in an entire district of the capital Tashkent. Local police told Forum 18 that "we have religious freedoms".

25. Followers of a variety of beliefs are afraid to keep religious literature in their homes, and to their great distress have felt that they must destroy their own sacred texts such as Bibles to avoid state reprisals, a cross-section of people have told Forum 18. Baptists told Forum 18 in June 2013 that "Church members have repeatedly been warned recently that keeping a Bible at home is allowed, but reading it can only be done at specially designated places for carrying out religious rituals".

Children and young people

26. Police and schoolteachers have told children that if they attend any place of worship – including mosques and churches – they will be punished, and officials frequently pressure parents and communities of all faiths not to allow them to attend. Official imams have complained that they cannot teach Islam to children. Non-state controlled religious education is forbidden.

Prisoners

27. Reportedly, thousands of Muslims have been imprisoned on accusations of belonging to terrorist, extremist or banned organisations, or related to exercising freedom of religion and belief. The nature of the Uzbek "justice system", in which the planting of evidence and torture is normal, makes it unlikely that the authorities – or anyone else - knows how many of these prisoners are guilty of crime, or have been jailed without any just cause, such as being "guilty" of being devout Muslims.

28. Among the Muslims who have been given long prison terms to punish them for exercising their right to freedom of religion and belief are Mehrinisso Hamdamova and two other women, who were arrested for holding Muslim meetings without state permission and jailed for up to seven years in April 2010. She was due to be released in November 2016 but, despite suffering from a myoma (a tumour associated with uterine cancer, which relatives said in 2017 is "huge"), was given an additional three-year prison term. In August 2016 her sister Zulhumor who was due to be released in May 2016, also had her prison term extended by three years for alleged violation of prison rules. Both sisters' health has long caused serious concern, and the authorities have denied them medical

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treatment. As with the sisters, other prisoners' jail terms can also be arbitrarily extended. People can also be jailed because of relatives exercising their freedom of religion and belief.

29. Prison conditions are harsh, with unsanitary and dangerous living and working conditions, torture by guards, and criminal gangs having a ruthless hold over other prisoners. Freedom of religion and belief is denied to all prisoners. Even the communities regarded as the main so-called "traditional" faiths – the state-controlled Muftiate and the Russian Orthodox Church – have only limited access to prisoners. Other faiths told Forum 18 they have almost no access. Prisoners are often punished for exercising freedom of religion and belief. Muslim prisoners are also denied the right to openly pray and fast when trying to mark Ramadan. Christian prisoners of conscience who were jailed are also known to have suffered from bans on openly praying and reading religious texts including the Bible.

The future?

30. Without fundamental changes in the actions of officials - especially genuine independently verifiable implementation of the state's international human rights obligations – Uzbekistan is likely to remain a place where fundamental human rights are violated with impunity. (END)