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### **Religious Liberty in Central Asia :**

### **Recent Developments**

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CSCE Digest (May 1999)/HRWF (22.07.1999) – website : <http://www.hrwf.net> – email : [info@hrwf.net](mailto:info@hrwf.net) - As participating States of the OSCE, all the Central Asian republics (Uzbekistan, Turkmenistan, Kazakstan, Kyrgyzstan, and Tajikistan) have committed to ensuring that religious liberty is respected in law and in practice. For example, in section 16.3 of the Vienna Concluding Document, the participating States have committed to grant legal status to religious communities to practice their faith. The Helsinki documents affirm the right of the individual to freedom of expression, including the right to hold opinions and to receive and impart information and ideas without interference by public authorities. (See Copenhagen Concluding Document, Section 9.1) This right covers all communication, whether political, philosophical, or religious in nature. Participating States have further agreed to respect the right of believers to acquire and use sacred books in the language of their choice. In addition, religious organizations have the right to produce, import and disseminate religious publications and materials. (See Vienna Concluding Document, Sections 16.9 and 16.10)

Unfortunately, the Central Asian republics, though to varying degrees, routinely violate, flout or ignore these commitments. The following survey of the religious liberty situation in each of the Central Asian Republics includes reports that have come to the attention of the Helsinki Commission. This survey is by no means exhaustive, and further investigation is ongoing.

## **Uzbekistan**

In May 1998, a new law regulating religion was enacted, ostensibly in response to religious extremism, specifically "Islamic extremism," which government officials refer to as "Wahabbism." Other minority religions, however, are also affected by this new governmental attempt to restrict religious freedom. The law requires, among other things, that religious groups number 100 in order to register with the government, and that any group that is not registered must cease all activities. Religious leaders who fail to comply are subjected to criminal liability, including heavy fines, prison sentences, and confiscation of church property. The legislature has approved an amendment to the Criminal Code that makes membership in non-registered religious organizations punishable by 5 to 15 years in prison--more than even the old Soviet code provided. Very few religious communities meet the numerical requirements and the prohibition on religious activity outside of a

registered group makes it virtually impossible to organize legally in order to create a legal entity under the law.

The fear of Islamic extremism has led to blatant violations of human rights, particularly in the Ferghana Valley. Muslim religious teachers Obidkhon Nazarov, Rahim Otagulov, and Olinjon Glofurov have been harassed, evicted and arrested by government authorities repeatedly over the past two years. Islamic teaching institutions that are not recognized by the government have been forced to close. There are also reports that men wearing beards or women wearing the hijab (headscarf) are targeted for official harassment and detention merely for their appearance.

Under the new law, registration entails submitting a complex set of documents to the Ministry of Justice, many of which require several government officials' signatures. The deadline for registering was August 15, 1998. For those religious groups who managed to register successfully, the new law forbids several aspects of religious free expression, including proselytism. Religious groups must also present to the government quarterly and annual accounts verifying their activities. The government can cancel a group's registration at any time. These provisions are in clear violation of OSCE commitments.

Reports indicate that many religious groups are unable to register due to the discretion, often obstructionist, of local government officials. For example, government officials in Navoiy had until recently blocked registration of a Seventh-Day Adventist congregation. Only after President Karimov intervened

on behalf of the church, was the church's application for registration successfully processed.

There have also been recent reports indicating that the Uzbek Government is cracking down on Protestant Christians who are attempting to register under its law. There have been two reported cases this year of arrests premised on false drug charges. In each case, those arrested were active in a religious group that was attempting to register.

Numerous provisions in the 1998 law on religious associations violate Uzbekistan's OSCE commitments on religious liberty, freedom of association, and freedom of expression. Where the government has reason to suspect criminal violations, due process and fair procedures must prevail; however, all too often reports have indicated that religious believers are the target of criminal proceedings based on trumped-up charges because of their membership in a particular religious group.

## **Turkmenistan**

Turkmenistan is the most repressive former Soviet republic in all areas of civil society, including freedom of religion. Under Turkmenistan's law, religious groups need at least 500 members to apply for registration. Many groups meeting the 500-member threshold, however, have been denied registration. Reports indicate that unregistered groups, including Baha'is, Baptists, Jehovah's Witnesses and Pentecostal Christians, have been harassed for holding unregistered religious gatherings.

The government denies registration in several ways: 1) refusing to accept registration forms because of grammatical/technical mistakes; 2) intimidating the religious group's members who sign the registration forms, which causes many members to remove their names from the registration form; 3) requiring

that all members of the religious group submit their passports for verification, which is untenable because passports are needed in order to collect salaries; and 4) requiring that a religious group have 500 members in the city in which it wants to register (so that while a given religious group has over 500 members in the country, the government now requires that it has 500 hundred members in each city in which it hopes to register).

The law also contains vague provisions strictly punishing religious groups that issue propaganda that threatens the state or stirs up religious tensions. For example, there have been recent reports that Seventh-Day Adventists are facing harassment, intimidation, and denial of their rights to religious worship and other minority religious groups have reported similar problems. On March 25, 1998, an Adventist pastor and his fellow church worker were detained by secret police and religious materials were confiscated. Their money was also confiscated as a fine for practicing their religion without being properly registered. In the town of Bezmein, Adventist members were warned not to have any further meetings until they are officially registered.

Turkmenistan has committed to "fostering a climate of mutual tolerance and respect" and "grant[ing] upon their request to communities of believers . . . recognition of the status provided for them in their respective countries" (1989 Vienna Concluding Document). While OSCE commitments do not specifically address the issue of registration, the manner in which the Government of Turkmenistan registers or fails to register groups constitutes a violation of religious liberty found in the OSCE documents, specifically the 1989 Vienna Concluding Document.

## **Kazakstan**

Kazakstan was the latest Central Asian republic to attempt to increase government control and regulation of religious associations. A draft bill amending the 1992 Law on Freedom of Conscience and Religious Associations was written earlier this year by the Kazak Ministry of Information and Social Accord. According to NGOs, the Government of Kazakstan stated that it was modeling its draft law after the 1997 Russian law on religious associations. Due to concerns raised by national NGOs, international observers, and foreign governments, Kazakstan recently withdrew the draft with an official statement that the issue of religious liberty was too delicate an area to legislate at this time.

The vague provisions in the draft could have diminished religious freedoms, as the loosely worded amendments easily allowed for interpretations that would grant the state far-reaching regulatory and intervention powers. The apparent goal of this draft law was the prevention of ethnic and religious conflict between Kazaks of Muslim background and Slavs of Christian background. Unfortunately, in an effort to prevent possible religious and social unrest, many of the new provisions in the draft seemed to target minority or non-traditional religious groups to prevent them from gaining full legal status.

One such provision required religious groups to have existed for over 10 years in a given geographic locality before being granted full legal status. In addition to the 10-year requirement, groups seeking registration would also have to present a long, costly, and exhaustive list of documents. These would have included, but would not have been limited to, a list of people in the religious association, a report on its attitude toward the family, marriage, and education, and an explanation of the association's religious teachings and practices. While neither the 1992 law nor the new draft amendments specifically outlawed unregistered religious activity, there was concern regarding government treatment of religious groups that have not successfully registered. A religious group that lacks legal status would not have been allowed to publish religious literature and would probably have been unable to acquire property.

Kazakstan should be commended for its withdrawal of the draft law on religion.

## **Kyrgyzstan**

Although Kyrgyzstan remains the most liberal country in the region, its early reputation as a model new democracy and leader in individual rights has been tarnished since the mid-1990s. Recent reports of police abuse, religious persecution, trafficking of women, and violations of the right to free expression have raised concern in the international community.

In Kyrgyzstan, all religious organizations are obliged to undergo official registration with a state commission. As of mid-December 1998, there were 217 registered religious groups in Kyrgyzstan. The majority of the groups, about 188, are Christian. There are seventeen Muslim organizations, ten Baha'i organizations, a Jewish organization, and some Buddhist groups.

The Kyrgyz Government has launched a methodical and deliberate campaign against Muslim extremists, which it calls "Wahhabis." In late 1997, special government units under the control of the Ministry of National Security (MNS) were set up to find, stop, prevent, and control "Wahhabi" activities. Throughout 1997 and 1998, there were repeated incidents of alleged "Wahhabi" supporters being expelled from Kyrgyzstan. Examples of outright discrimination against Muslim groups include the following accounts: (1) The Muslim Spiritual Board, the government-controlled Muslim organization, forced the Islamic Center to close after it accused Sadykjan Kamalov, the Center's leader, of being a "Wahhabi"; (2) the expulsion of 20 "Wahhabi" supporters in 1997; (3) the arrest of about 20 ethnic Uighurs in April and May of 1998 on the charge of possessing "Wahhabi" video tapes.

Reports surfaced in early 1998 that Kyrgyzstan was considering a new law on religion. The ambiguous text of a proposed draft have led some to conclude that the law could be used to harass and intimidate nontraditional religious groups. As written, the law would extend rights primarily to traditional religious groups, excluding nontraditional religious groups from disseminating their ideas in schools, in public places, or through the media. Religious groups would be allowed to import religious literature, but only if such literature does not stir up ethnic hatred or social unrest, in the opinion of government authorities.

## **Tajikistan**

Religious groups in Tajikistan, other than Islam, have experienced relative openness from the government, although religious groups remain insecure as the viability of the current regime remains unclear. While the government does not appear to be curtailing minority groups outright there have been reports of Christians being beaten or threatened by citizens--and by the police--for practicing their faith. The government appears to be interested in protecting the dwindling Russian minority, which entails special protections for the Russian Orthodox Church.

The Baptist Church is active and no reports have been received regarding official repression of their evangelistic activities. A branch of the Bible Society has also received registration and is active in the country. Islamic groups--80% of the population is Sunni Muslim and 5% are Shi'a--have not enjoyed the same tolerance, largely due to fear on the government's part of Islamic extremists and their political aspirations. The neo-communists in the government strongly oppose the Islamic Renaissance Party which briefly held a key role in the regime before being ousted. A peace agreement was signed in Moscow in June 1997 between the Tajik Government and the Islamic opposition, but implementation of the accord, given residual animosity and distrust, has been slow and problematic.

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