

**“Status of Freedom of Religion in Central Asia”
Comments by Talal Eid,
the U.S. Commission on International Religious Freedom
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“The Assault on Freedom of Religion in Central Asia”**

Introduction

U.S. Commission on International Religious Freedom is separate and independent U.S. government commission established by Congress to monitor religious freedom worldwide and make policy recommendations to the executive and legislative branches. In its work, the Commission is guided by international legal commitments to uphold freedom of religion or belief. Since it was established in 1998, the Commission has been active in the OSCE process, as well as on a number of countries in the OSCE region. More information on the Commission is available at www.uscirf.gov.

As the U.S. Commission on International Religious Freedom noted in a press release on October 3, 2008, “All five Central Asian countries, as well as the United States, belong to the OSCE, which has developed significant expertise in assessing the human rights impact of impending legislation and has already commented on several of the pending religion laws in Central Asia – though so far, its recommendations have met mostly with deafening silence.” As the Commission also noted, “The United States should encourage the Central Asian governments to cooperate more fully with the OSCE -- particularly with the recommendations on draft legislation of its Panel of Experts on Freedom of Religion or Belief -- to find ways to maximize rather than hobble vital protections on religious freedom, especially since Kazakhstan is due to chair the organization in 2010 and will serve as an example for the other 22 OSCE states.”

Law and Policy on Religion

The post-Soviet Central Asian governments constitutionally have secular status, but their governments control and interfere in the practice of religion. For example, these majority-Muslim Central Asian states, have official Muslim structures which attempt to control Islamic practice. The official government structures to regulate relations with religious groups are granted power to censor religious literature and control its importation. Moreover, the official media frequently attacks minority religions. The religion laws in Central Asia include numerous restrictive registration requirements before the state will grant legal status to religious groups. Central Asian religion laws, for example, restrict children’s participation in religious services.

Judicial Practice

The Central Asian states lack fair and impartial judicial systems. Their laws and procedures on evidence are easily manipulated or ignored. Therefore, individuals -- including many devout Muslims or members of minority faiths -- are often ruled guilty for alleged membership in officially-proclaimed extremist groups, rather than for their involvement in violent or other criminal acts. In some countries, official charges are brought against entire families on the basis of flimsy or fabricated evidence.

Conditions of Confinement

The conditions of confinement in most Central Asian states threaten the health, if not the lives, of prisoners. Those who attempt to practice their religious beliefs are often subjected to additional penalties and punishment.

Kazakhstan

In late 2008, Kazakhstan's parliament passed highly restrictive amendments to the country's religion law. The amendments established restrictive registration procedures and required re-registration; banned proselytism and production of religious literature; prohibited public worship facilities; and increased penalties for violations of the law. Reportedly, these amendments originated in the Kazakh Presidential Administration office. Kazakhstan's Constitutional Council declared the amendments unconstitutional in February 2009. Nevertheless, certain Kazakh officials act as if the overturned amendments are valid. Moreover, consideration of a new religion law is on the official Kazakh parliamentary calendar for December 2011.

Tajikistan

President Rakhmon signed a highly restrictive new religion law in March 2009 under which private religious education is prohibited and proselytism is banned. Moreover, the preamble to the new law notes the "special role of the Hanafi school of Islam" in Tajik culture, ignoring the country's Ismaili Shia tradition; 15,000 congregants are required to organize a new Friday prayer mosque; and worship locations are limited to the interior of mosques, homes and cemeteries, and does not include places of employment.

The new law also requires that the legal founders of a religious organization seeking registration must present a document from their local government that they have lived in the area for at least five years and adhered to that religion. A 2004 *fatwa* that bans women from praying in mosques remains in effect. Since 2007, the Ministry of Education has banned girls from wearing the *hijab*, at public schools and universities. In June 2009, *hijab*-wearing students expelled from Dushanbe University were readmitted by the Ministry of Education.

Turkmenistan

The Commission continues to recommend that Turkmenistan be designated by the Secretary of State as a "country of particular concern," or CPC, for its systematic, ongoing, and egregious violations of religious freedom. Despite the Commission's repeated recommendations, however, the U.S. government has never designated Turkmenistan as a CPC.

Under the late Turkmen President, the country's public life was dominated a quasi-religious personality cult. While the new Turkmen president has dismantled much of that earlier cult, there are signs that a new presidential personality cult may be growing in Turkmenistan, although so far without religious overtones.

The 2003 Turkmen religion law is highly problematic, including a ban on worship in private homes for unregistered groups; a ban on the public wearing of religious garb except by religious leaders; and severe restrictions on public and private religious education. In late 2008, a Turkmen government representative noted that a proposal had been sent to parliament to amend the religion law, but to date, no known proposal has been sent to the parliament.

Uzbekistan

The Commission recommends that the Secretary of State continue to designate Uzbekistan as a “country of particular concern,” or CPC, as the country has been since 2006. The Uzbek government continues to arrest Muslim and other individuals and harshly repress those groups and mosques that do not conform to government-prescribed practices or that the government claims are associated with extremist political programs. This policy has resulted in the imprisonment of thousands of persons in recent years; reportedly many are denied due process and are subjected to torture.

As of 2007, according to the State Department, at least 5,000–5,500 such persons were in prison and psychiatric detention; reportedly their main “crime” was performing daily prayers and studying Islam. The State Department has also noted that Uzbek “authorities made little distinction between actual members [of the extremist group *Hizb ut-Tahrir*] and those who have attended its Koranic study sessions. Though security threats do exist in Uzbekistan, including from members of *Hizb ut-Tahrir* and other extremist groups that claim a religious linkage, these threats do not excuse or justify the scope and harshness of the government’s ill-treatment of religious believers.

Kyrgyzstan

In November 2008, the Commission issued a press release which was critical of various aspects of the Kyrgyz draft religion law signed later that month. The statement noted the legal requirement at least 200 were needed for a religious group to register and a ban on distribution of religious materials in public places. The Commission statement also noted, “the draft law poses an existential threat to small denominations.”