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UZBEKISTAN: Planned new punishments for parents allowing children's religious education

By Felix Corley, Forum 18 (<https://www.forum18.org>)

The regime's non-freely-elected parliament has adopted in the first reading a draft law to allegedly "further strengthen the rights of children". The draft Law would ban and introduce punishments for parents or guardians who allow their children to receive "illegal" religious education before the age of 18. Many of the people the regime rules have expressed strong opposition to the draft Law. The regime is also planning to tighten the existing state censorship with a new Information Code.

On 25 June, the Legislative Chamber (lower chamber) of the non-freely-elected parliament, the Oliy Majlis, adopted in the first reading a draft law to allegedly "further strengthen the rights of children", according to the parliamentary website. The draft Law would ban and introduce punishments for parents or guardians who allow their children to receive "illegal" religious education before the age of 18.

Existing laws target those who teach religion to under-18s, not the parents or guardians targeted by the draft Law. However, parents and guardians who facilitate their children's religious education have long been targeted by regime oppression (see below).

The planned amendments to existing laws would impose fines of over one month's average wages or jail terms of up to 15 days on parents or guardians who allow or arrange "illegal" religious education for under-18-year-olds (see below).

The Interior Ministry claims that the draft Law would prevent children from falling under the influence of terrorist groups. The regime has often made allegations of alleged "terrorism" (typically against devout Muslims) without any credible evidence. Interior Ministry officials refused to answer Forum 18's questions about the planned amendments (see below).

Many of the people the regime rules without ever being elected freely and fairly do not agree with the regime. For example, when the regime introduced more repressive measures in its 2021 Religion Law, individuals told Forum 18 that they would among other changes like to see an end to the ban on teaching religion privately, an end to the ban on private teaching of Islam to children or opening new madrassahs [religious schools] (see below).

The Legislative Chamber published the text of the draft Law to "further strengthen the rights of children" on its website on 26 June 2024 for public discussion lasting just a week. Comments were almost universally hostile. "I'm against it," one typical comment read. "Parents should decide how to educate and raise their children .. this draft Law limits the people's choice and desire. Legal religious education for our children!" (see below)

Another comment included the remark: "What kind of parents are parents if they do not give religious education to their children?"

Many also expressed concern on social media that the draft new Law would further restrict freedom of religion or belief. "What we found is that religious radicalism and fanaticism are on the rise! If it is on the rise, shouldn't religion be taught more deeply? Can bans work?" the writer Alisher Nazar commented. Stressing what he regards as the importance of religion in life, he noted: "how can I not become a Muslim before the age of 18? How can I call myself a Muslim if I don't know anything about Islam until this age? The most important features in human life: manners, honour, modesty, chastity are not formed until the age of 18?" (see below).

The draft Law to allegedly "further strengthen the rights of children" is now being reviewed by the Legislative Chamber's Committee on Democratic Institutions, Non-Government Organisations and Citizens' Self-Government Bodies, Rakhmatjon Umarov of the Legislative Chamber's Information Department told Forum 18. When Forum 18 pointed out the many negative comments about the draft Law, Umarov conceded that many were negative. "We are aware of the comments. We will study and discuss them" (see below).

The regime-controlled Human Rights Commissioner or Ombudsperson's press secretary Fotima Madrakhimova insisted to Forum 18 that "the rights of parents are not infringed here," adding "so what does the Ombudsman have to do with it?" (see below).

The regime is also planning to introduce a new Information Code, which would increase censorship of broadcasting and other media companies, and websites. It has been strongly criticised in a legal review by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE Representative on Freedom of the Media. The Joint Review criticises the use of vague and overbroad language, as this "could make the implementation of the restrictions unpredictable as they may be open to varying interpretations and potentially subject to arbitrary application" (see below).

The Joint Opinion stresses that "there is no consensus at the international level on a normative definition of 'extremism'/extremist', 'violent extremism' or 'fundamentalism'. ODIHR, the Venice Commission and other international bodies have raised concerns pertaining to 'extremism' and 'fundamentalism' as legal concepts and the vague and imprecise nature of such terms."

The Joint Opinion also notes that "the findings of international human rights monitoring mechanisms, which point to persistent problems, in particular, with so-called 'extremism' charges and the implications on the rights to freedom of religion or belief, expression, association, and peaceful assembly as well as the occurrence of unlawful arrests, detention, torture and other ill-treatment" (see below).

Tokhtasin Gaibullayev of the International Department of the Agency of Information and Mass Communications, which drafted the proposed Code, confirmed that it had received the OSCE Joint Opinion. "We are considering the OSCE recommendations and will prepare a new version of the Code," he told Forum 18. He declined to comment on individual provisions, insisting that he is not a lawyer (see below).

Planned new punishments for parents allowing children's religious education

On 25 June, the Legislative Chamber (lower chamber) of the non-freely-elected parliament, the Oliy Majlis, adopted in the first reading a draft law to allegedly "further strengthen the rights of children", according to the parliamentary website. The draft Law would ban and introduce punishments for parents or guardians who allow their children to receive "illegal" religious education before the age of 18.

No election in Uzbekistan has ever been found to be free and fair (<https://www.osce.org/odihr/elections/uzbekistan>) by Organisation for Security and Co-operation in Europe (OSCE) election observers.

Existing laws target those who teach religion to under-18s (https://www.forum18.org/archive.php?article_id=2699), not the parents or guardians targeted by the draft Law. However, parents and guardians who facilitated their children's religious education have long been targeted by regime oppression. This includes being warned by the State Security Service (SSS) and ordinary police of unspecified consequences (https://www.forum18.org/archive.php?article_id=2658) if they teach Islam to their children, or any of their children wear the hijab.

An addition to Article 47 of the Administrative Code ("Non-fulfilment of the obligations for the upbringing and education of children") would specify punishments of a fine of 10 to 15 base units for parents or guardians who allow their children to receive "illegal" religious education. Repeat "offences" within a year would face a fine of 15 to 25 base units or a short-term jail term of up to 15 days. Parents or guardians would also face punishment for sending their children to unregistered religious education establishments.

A fine of 10 base units (3,400,000 Soms) represents more than one month's average wage.

A proposed addition to Article 23 ("Guarantee of the right of the child to education") of the 2008 Law on Guarantees of the Rights of the Child reads: "Illegal involvement of a child in the process of religious education by parents or their guardians, that is, at the discretion of unregistered or unlicensed organisations or individuals who do not have special religious education and religious organisations which provide religious education without the permission of the central governing body of Uzbekistan, is not allowed or to transfer them for education there."

The Interior Ministry claims that the draft Law would prevent children from falling under the influence of terrorist groups. A Deputy Interior Minister Ramazon Ashrapov, who presented the draft Law to the Legislative Chamber, argued that the number of groups engaged in religious education without a licence "increases day by day" and that the number of people falling under the influence of terrorist organisations is increasing.

The regime has often made allegations of alleged "terrorism" (https://www.forum18.org/archive.php?article_id=2699) (typically against devout Muslims) without any credible evidence. A symptom of this attitude is the long-standing involvement of police "Struggle with Extremism and Terrorism Department" officers in human rights violations against people of all beliefs.

The regime's planned new restrictions violate its legally-binding international human rights law obligations. As Article 18 ("Freedom of Thought, Conscience or Religion") of the International Covenant on Civil and Political Rights (ICCPR) states, "The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions."

The United Nations Human Rights Committee's General Comment 22 (<https://www.refworld.org/docid/453883fb22.html>) on ICCPR Article 18 notes: "The freedom from coercion to have or to adopt a religion or belief and the liberty of parents and guardians to ensure religious and moral education cannot be restricted."

Officials in the office of Deputy Interior Minister Ashrapov would not put Forum 18 through to him on 11 July and would not answer any questions on the draft Law.

Rare dispute

A rare dispute took place in the non-freely-elected Legislative Chamber (<https://www.osce.org/odihr/elections/uzbekistan>) during discussion of the draft Law, Radio Liberty's Uzbek Service noted (<https://www.ozodlik.org/a/bosh-vazir-aripov-ro-yxatdan-o-tmagan-masjidlarni-buzish-yoki-tadbirkorga-berishni-topshirdi---manbal-ar/33011335.html>).

Deputy Oktam Islamov of the regime-loyal Democratic Party of Uzbekistan Milliy Tiklanish (DPU) warned that the draft Law may violate individuals' constitutional rights. He pointed out that individuals can receive professional religious education only after completing secondary education, that is after reaching the age of 18. He therefore argued that introducing punishment for illegal religious education without the possibility of legal professional religious education for children is illogical, Radio Liberty's Uzbek Service noted.

The regime already bans religious teaching without state permission (https://www.forum18.org/archive.php?article_id=2699), and imposes severe restrictions on the teaching which the state might permit.

Deputy Daniyov Ganiyev of the ruling Liberal Democratic Party of Uzbekistan (LDPU) warned that the draft Law could be a basis for holding parents responsible for the religious education of their own children, and suggested that it be reconsidered.

Deputy Alisher Kadyrov, head of the regime-loyal DPU, actively supported the draft Law. He stressed that it is aimed not only at teaching religion, but also at teaching religion "incorrectly."

"Our country has created all conditions for studying religion," Kadyrov claimed. "Both for a young child and for learning from a professional perspective. Therefore, there is no need to raise this dispute. Is it illegal for parents to mention the Koran to a one-year-old child? Of course not. That's why we need to properly explain this law to society when we introduce it."

The regime has identified Muslims for surveillance and warnings using state-run competitions to find Koran Hafizes (https://www.forum18.org/archive.php?article_id=2699), who have memorised the Koran. The SSS secret police then questioned winners. Imams have told Forum 18 that some of the competition winners were fined, but declined to give details for fear of state reprisals.

Deputies Islamov, Ganiyev and Kadyrov did not answer their phones when Forum 18 called on 11 and 12 July.

Long-standing regime hostility to religious education and involvement of under-18s

Teaching religion without state permission has long been banned (https://www.forum18.org/archive.php?article_id=2699). Religion teachers require written permission from the headquarters of a religious community that has state permission to exist. The Religion Law bans religious education without state permission, and the regime uses a wide range of tools to target this exercise of freedom of religion and belief.

For example, mosques and non-Muslim places of worship have had surveillance cameras controlled by the regime to be installed. The police are interested, among other things, in whether any under-18-year-olds and their parents are present at meetings for worship. "The surveillance cameras make it easy to find the parents and to punish them," one community commented (https://www.forum18.org/archive.php?article_id=2736).

Mosques have been raided and those who teach boys and adult men how to read the Koran and pray have been jailed (https://www.forum18.org/archive.php?article_id=2660). Increased restrictions across the country on under-18s being taught Islam (https://www.forum18.org/archive.php?article_id=2658) and attending mosques have also been implemented.

Almost universally hostile public comments on draft Law

Many of the people the regime rules without ever being elected freely and fairly (<https://www.osce.org/odihr/elections/uzbekistan>) do not agree with the regime. For example, when the regime introduced more repressive measures in its 2021 Religion Law (https://www.forum18.org/archive.php?article_id=2699), individuals told Forum 18 that they would among other changes like to see an end to the ban on teaching religion privately, an end to the ban on private teaching of Islam to children or opening new

madrassahs [religious schools].

The Legislative Chamber published the text of the draft Law to "further strengthen the rights of children" on its website on 26 June 2024, giving just one week for public discussion. By the closing period of 2 July, 6,490 comments had been submitted. Comments were almost universally hostile.

"I'm against it," one typical comment read. "Parents should decide how to educate and raise their children. The state should deal only with the elimination of the factors that threaten it. And this draft Law limits the people's choice and desire. Legal religious education for our children!"

Another comment included the remark: "What kind of parents are parents if they do not give religious education to their children?"

Many also expressed concern on social media that the draft new Law would further restrict the freedom of religion or belief enshrined in the Constitution.

"What we found is that religious radicalism and fanaticism are on the rise! If it is on the rise, shouldn't religion be taught more deeply? Can bans work?" the writer Alisher Nazar commented on Facebook.

Stressing what he regards as the importance of religion in life, Nazar noted: "how can I not become a Muslim before the age of 18? How can I call myself a Muslim if I don't know anything about Islam until this age? The most important features in human life: manners, honour, modesty, chastity are not formed until the age of 18?"

Mubashshir Ahmad, a human rights defender and religious blogger now in exile in Istanbul, called for an example to be taken from Turkey's experience. "Schoolchildren are on vacation in Turkey now. That's why they are widely involved in 'Summer Koran courses'. Believe me, Turkish children are more modern and ambitious than our children," he wrote on Facebook. "Therefore, it is far from extremism and radicalism."

Ahmad was the founder of Azon.uz, which had an online television and radio channel, as well as pages on social media, covering news and comment from a Muslim perspective. On 21 June 2021 journalists and editors from Azon.uz and Kun.uz were fined for publishing articles on religious themes (https://www.forum18.org/archive.php?article_id=2673) without Religious Affairs Committee permission. One of the articles the Committee objected to was about the New Zealand Police adopting the hijab as an optional part of police uniform, which Kun.uz sourced from a BBC report.

The regime has told staff that every article which the Religious Affairs Committee might be interested in must be sent to them (https://www.forum18.org/archive.php?article_id=2673) for pre-publication "expert analysis". The Religious Affairs Committee refused to answer Forum 18's questions on the case. Azon.uz abruptly closed without explanation (https://www.forum18.org/archive.php?article_id=2864) and deleted all its online platforms in August 2023.

"The law does not specify what constitutes giving one's children over to illegal religious education," a human rights defender told Forum 18 from Tashkent on 9 July 2024. "They say that under the new draft Law it would be possible to punish even parents who teach their own children religion at home. This would violate the Constitution, as under the Constitution parents have the right to educate their children in accordance with their religion."

"We are aware of the comments. We will study and discuss them"

The draft Law to allegedly "further strengthen the rights of children" is now being reviewed by the Legislative Chamber's Committee on Democratic Institutions, Non-government Organisations and Citizens' Self-Government Bodies, Rakhmatjon Umarov of the Legislative Chamber's Information Department said.

"The Committee will be considering the issues that deputies raised," Umarov told Forum 18 from Tashkent on 11 July. "It will prepare a response and maybe there will be amendments before the draft Law is presented for the second reading." He said it was not clear how long it would be before the draft Law is presented for the second reading.

When Forum 18 pointed out the many negative comments about the draft Law on the parliamentary website, Umarov conceded that many were negative. "We are aware of the comments. We will study and discuss them."

"Rights of parents not infringed here"

The telephone of the regime-appointed Oliy Majlis Human Rights Commissioner or Ombudsperson, Feruza Eshmatova, was not answered on 11 July.

The Global Alliance of National Human Rights Institutions (GANHRI) has found that the Human Rights Commissioner does not comply with the Paris Principles (<https://ganhri.org/accreditation/>) for national human rights institutions, as among other problems it

is not independent of the regime.

Asked the same day about the proposed punishments for parents who give their children religious education and what Eshmatova would do to defend the rights of parents, Ombudsperson press secretary Fotima Madrakhimova insisted that the law includes a norm that parents must take account of children's wishes.

"The rights of parents are not infringed here," Madrakhimova told Forum 18 from Tashkent on 11 July. "So what does the Ombudsman have to do with it?"

Telephones at the regime's Religious Affairs Committee in Tashkent were not answered each time Forum 18 called on 11 July.

Proposed tighter censorship of the media, websites

The regime is also planning to introduce a new Information Code, which would impose tighter censorship of broadcasting and other media companies, and websites, including who could own or operate them. The draft Code was prepared by the Agency of Information and Mass Communications under the Presidential Administration (AIMC). The draft Information Code was initially issued in December 2022, and published for comments on the government's draft legislation website.

The regime already imposes state censorship of all religious texts (https://www.forum18.org/archive.php?article_id=2699), with wide-ranging literature bans and bans on public discussion of religious topics.

The AIMC is one of the regime's censorship agencies, and on 26 November 2020 it produced a report based on social media activity (https://www.forum18.org/archive.php?article_id=2631) claiming that prisoner of conscience Tulkun Astanov follows "sources of biased news such as Radio Free Europe", and published "unsubstantiated and exaggerated" information. No official was prepared to discuss the claims with Forum 18.

The draft Information Code was revised in 2023. The revised text does not appear to have been published within Uzbekistan for public comments.

In September 2023, the regime sent a request for a legal review of the draft Information Code to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE Representative on Freedom of the Media (RFoM). In January 2024, the regime sent the OSCE an English translation (<https://legislationline.org/sites/default/files/2024-07/Draft%20Information%20Code%20of%20Uzbekistan.pdf>) of the draft Code.

Article 65 of the draft Information Code would ban a number of organisations, including religious organisations, from running television and radio organisations.

Article 128 of the draft Code would ban media, websites "or other information resources, including bloggers" from promoting "war, violence, terrorism, and the ideas of religious extremism, separatism, and fundamentalism". The same Article would also ban dissemination of information inciting hatred, including religious hatred.

OSCE criticism of draft Information Code

The OSCE Joint Opinion (<https://www.osce.org/odihr/572518>), issued on 29 May 2024, criticised the vague and overbroad language in Article 128 of the draft Information Code around a ban on disseminating information inciting hatred. The Joint Opinion proposes a more specific amended version in line with Article 20 of the International Covenant on Civil and Political Rights to ban "advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence".

The Joint Opinion also criticised the proposed ban on promoting "war, violence, terrorism, and the ideas of religious extremism, separatism, and fundamentalism". "Limitations formulated in vague and overbroad terms will not satisfy the ICCPR requirement that restrictions need to be 'prescribed by law', as this means that laws need to be formulated with sufficient precision and foreseeability. Some of the terms used in Article 128 are vague or broad and could make the implementation of the restrictions unpredictable as they may be open to varying interpretations and potentially subject to arbitrary application."

The Joint Opinion stresses that "there is no consensus at the international level on a normative definition of 'extremism'/extremist', 'violent extremism' or 'fundamentalism'. ODIHR, the Venice Commission and other international bodies have raised concerns pertaining to 'extremism' and 'fundamentalism' as legal concepts and the vague and imprecise nature of such terms."

The Joint Opinion notes in general "the findings of international human rights monitoring mechanisms, which point to persistent problems, in particular, with so-called 'extremism' charges and the implications on the rights to freedom of religion or belief, expression, association, and peaceful assembly as well as the occurrence of unlawful arrests, detention, torture and other ill-treatment".

"We are considering the OSCE recommendations"

The draft Information Code has not yet been presented to the non-freely-elected Parliament (<https://www.osce.org/odihr/elections/uzbekistan>), Umarov of the Legislative Chamber's Information Department told Forum 18.

Tokhtasin Gaibullayev of the International Department of the Agency of Information and Mass Communications (AIMC) confirmed that it had received the OSCE Joint Opinion on the draft Information Code.

"We are considering the OSCE recommendations and will prepare a new version of the Code," Gaibullayev told Forum 18 from Tashkent on 12 July. He said the Agency's lawyers are now working on this. He did not know when they would complete work on a new version.

Gaibullayev declined to comment on specific provisions in the draft Code, such as the ban on religious organisations running television or radio stations. "I am not a lawyer," he told Forum 18. (END)

More reports on freedom of thought, conscience and belief in Uzbekistan (<https://www.forum18.org/archive.php?country=33>)

For background information, see Forum 18's Uzbekistan religious freedom survey (https://www.forum18.org/archive.php?article_id=2699)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (https://www.forum18.org/archive.php?article_id=1351)

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