

Uzbekistan: The issues in improving the religious policy regulation system



Today one of the key directions of the reform strategy is liberalisation of the state policy in the sphere of religion, development of the culture of tolerance and humanity, strengthening of inter-confessional harmony, as well as creation of necessary conditions for meeting religious needs of believers. The existing articles of national legislation in the religious sphere make it possible to significantly guarantee and safeguard the interests of citizens, irrespective of their ethnic or religious affiliation, and to effectively counteract manifestations of discrimination on the grounds of nationality or attitude to religion, writes Ramazanova Fariza Abdirashidovna - leading research fellow of the Institute for strategic and regional studies under the President of the Republic of Uzbekistan, Independent Researcher of the Higher School of strategic analyse and foresight of the Republic of Uzbekistan.

Positive changes in the area of religious policy and the guarantee of freedoms are evident. At the same time, current legislation and regulations have aspects that are vulnerable to outside observers and are reviewed below. Some areas of ensuring religious freedoms in Uzbekistan are always subject to criticism, especially by external observers and experts. But they do not take into account the changes of the last 3-4 years and the conditions of the emergence of current restrictions as a result of negative experience of the past years. From these issues we have selected the most important and most discussed in the context of international criticism. It should be said that the highlighted problems are relevant not only for Uzbekistan, but for all Central Asian countries because these parts of legislation and by-laws are the same for the whole region. So, these are the following issues:

- A).** Procedures for registration, re-registration and termination of religious organizations (including missionary organizations);
- B).** The norms regulating the issues of religious dress and religious dress code and appearance in educational and state institutions;
- C).** Ensuring freedom of religious education of children by their parents, as well as children's attendance of mosques;
- D).** Religious literature and religious items (admissibility of examination);
- E).** The issue of liberalization of laws on countering religiously motivated extremism and terrorism, administrative and criminal liability for crimes in the area;
- F).** Humanization instead of victimization (release of "prisoners of conscience", cancellation of "black lists", return of compatriots from conflict zones of operation "Mehr").

A. Procedure for registration, re-registration and termination of religious organizations (including missionary organizations).

According to the definition, religious organizations in Uzbekistan are voluntary associations of Uzbek citizens formed for the joint practice of faith and the performance of religious services, rites and rituals (religious societies, religious schools, mosques, churches, synagogues, monasteries and others). Current legislation provides that the establishment of a religious organization is initiated by at least 50 Uzbek citizens who have reached the age of 18 and are permanently resident in the country. In addition, the registration of the central governing bodies of religious organizations is carried out by the Ministry of Justice in consultation with the SCRA under the Cabinet of Ministers.

This is the provision, which is being constantly criticized, especially by U.S. experts and politicians who

insist on the complete cancellation of registration requirements for religious organizations[5]. Local legal scholars, and especially by law enforcement or SCRA officers think this criticism is exaggerated, and the cancellation of registration is premature for several reasons. Firstly, as our interviewees remind us, registration procedure is extremely simplified (number of people applying, amounts for registration etc.). Secondly, many unregistered missionary religious groups are de facto active and there is no criminalization of their activities. Thirdly, the authors of this report see obtaining permission from civil authorities, mahalla as the main obstacle. They must approve the activities of missionary or other religious groups in their territory. This condition is not a restriction tool, but a requirement of the local community. Their demands cannot be ignored by the authorities and law enforcement agencies based on past experience (late 1990s - early 2000s), when radical Islamic groups, operating without registration, created serious problems that led to open conflicts with local Muslim communities. The arisen problems always required intervention by law enforcement agencies and the removal of entire families of affected missionaries from their homes, etc.

In addition, for the Ministry of Justice (hereinafter referred as "MoJ"), registration of religious institutions is a way to record and protect religious minorities, including their property, legally regulate their relations with the local Muslim community, and obtain legal grounds to protect the complex rights and freedoms of these religious groups, but not their limitations. The legal system in the area of regulation of religious policy is structured in such a way that the legal protection of a religious organization requires the status of a legal entity, i.e., registered with the MoJ.

These arguments may be subject to criticism, but local legal scholars and law enforcement officials believe that without taking these arguments of "legal practitioners" into account, it is not appropriate to allow complete abolition of registration of religious organizations. Especially considering continued underground activity of radical groups that may take advantage of the lifting of the ban for improper purposes, for example by legalizing their own group under the banner of an educational and humanitarian institution.

The situation with clandestine activities of radical groups is indeed aggravated if one bears in mind that their material (video or audio production, electronic texts, etc.) has long been obtained in digital rather than paper form.

Another aspect of criticism of the registration process of religious institutions is the mandatory approval of the head of the registered religious organization by the SCRA. This condition does indeed look like state interference in the affairs of the religious community. However, according to a senior SCRA official, this rule remains in the new version of the Law due to the fact that the leaders and founders of a number of Muslim non-traditional communities, mosques or madrasas (registered) were individuals who called on their followers to violence, hatred against foreigners, etc. In addition, over the past 15 years, the SCRA has not once rejected the candidacies of nominated religious community leaders.

Despite a reasonable explanation, this clause remains subject for criticism and discussion as it violates the constitutional rule of non-interference by the State in the activities of religious organizations.

Another weakness of the legal provisions in force in Uzbekistan regarding the actual exercise of religious freedoms can be assessed by the fact that the legislation does not clearly establish the ownership status of religious associations. This applies, for example, to land and temples considered to be World Heritage sites of the country's architectural heritage. However, in Article 18 of this Law, a community may claim the right to a specified or indefinite use, without damaging the monument.

Nevertheless, the liberalization of the Law is a requirement of today. In 2018, the procedure for the registration of religious organizations and the conduct of their activities was significantly improved and simplified in connection with the new decree "On adoption of regulations for the registration, re-registration and termination of the activities of religious organizations in Uzbekistan" approved by the Cabinet of Ministers, (31 May 2018, No. 409).

At the same time, on May, 4th of 2018, the Parliament of Uzbekistan adopted the Road Map on the real safeguarding of freedom of conscience and religion, the beginning of the process of reviewing legislation on freedom of religion and further simplifying the registration of religious organizations.

Measures are currently being taken to improve and liberalize national legislation on religion. The development of a new version of the Law on Freedom of Conscience and Religious Organizations has almost been completed. More than 20 new articles have been introduced to the draft law, which regulates the sphere of religious freedom through the introduction of effective mechanisms of direct action.

B. The norms regulating the issues of cult dress, religious dress code and appearance in educational and state institutions.

The prohibition of wearing religious garments in public places, except for religious figures, is the most conservative and even archaic aspect of the law, and therefore widely discussed and criticized. It is worth reminding that the same norm exists in many countries of the world, including European ones. This norm is set out in article 1841 of the Administrative Code. It is fair to say that de facto this law has not worked for a long time. At least for the last 12-15 years it has not been applied at all. For example, many women walk freely in hijabs everywhere, and religious clothing in public and other places is not uncommon either.

The situation is different with educational institutions. In recent years these institutions have been places of conflict related to religious attires (such as hijabs, niqabs, so-called "deaf" or "Arabic" forms of clothing) between the leadership of schools and higher education institutions of the country. There have been cases when parents have filed complaints with the courts against school principals and university provosts who, according to the Charter of these educational institutions (approved by the Ministry of National Education), prohibited wearing hijabs in educational institutions. This is legally formalized by the Cabinet of Ministers Decree No. 666 of 15 August 2018 "On measures to provide modern school uniforms for students in public education institutions". The paragraph # 7 of this decree prohibits the wearing of uniforms with religious and interfaith attributes (crosses, hijabs, kip, etc.). In addition, the dress code and the appearance of pupils and students are defined in the internal charters of the state agencies and ministries in the field of education.

Firstly, the existing prohibitions on wearing the hijabs only applied to secular educational institutions, which are guided by the rules (Charters) of the educational institutions themselves (there were no problems with wearing the hijabs in public places). **Secondly**, restrictions on religious dress codes were de facto lifted in November of 2019. Though the issue is still relevant now, since the majority of society, which adheres to the national forms of hijab (ro'mol), sharply objected to the "Arabic" forms of hijabs in educational institutions and defended the national forms of Islamic dress, for which there were no prohibitions. This part of the public also posted their complaints about the so-called "Arabic hijab" on the Internet and insisted on observance of the charters of educational institutions and filed complaints with the public education institutions, authorities and law enforcement agencies.

Law enforcement officials and the authorities have found themselves in a very difficult situation, which is causing legal conflicts. They are urging opponents to ensure that tolerance is mutual. Consequently, part of Uzbekistan's society, while not objecting to the freedom of religious dress codes as a sign of religious freedom, believes that it is not worth ignoring or trampling on the rights of other believers who carry different codes and national subcultures and prefer the religious dress that has been formed over the centuries among the local community of believers.

C. Ensuring freedom of religious education for children by their parents, as well as children's attendance of temples.

1. Secular and religious education, religious education institutions.

Under the Constitution, everyone has the right to education (art. 41). Under the Education Act, everyone is

guaranteed equal rights to education, irrespective of sex, language, age, race, ethnic background, beliefs, attitude towards religion, social origin, occupation, social status, place of residence or length of residence (art. 4).

As it is in all secular and democratic countries, according to international standards, the main principles of state education policy are: consistency and continuity of education, the obligatory general secondary education, etc.

At the same time according to the Law on Freedom of Religion and Religious Organizations (art. 7) the education system in Uzbekistan is separate from religion. It is prohibited to include religious subjects in the curricula of the education institutions. The right to secular education is guaranteed to Uzbek citizens regardless of their attitude towards religion. This does not apply to the study of the history of religion or religious studies.

Under article 9 of the Law on Freedom of Conscience and Religious Organizations, religious education must be provided after secondary education (except for Sunday schools) and providing religious teaching in private is prohibited. Teaching is the prerogative of registered religious organizations, which must be licensed.

The largest changes due to the reforms have been introduced in the sphere of religious education. Its liberalization is obvious and has removed almost all previous restrictions, with the exception of remote monitoring of the educational process in order to prevent the teaching of religious intolerance, inter-ethnic hatred or other subjects with the propaganda of the VE ideology. At least this is the reason why the Ministry of Justice justifies keeping the requirement of obtaining licenses as a tool of control. The procedure for obtaining a license for religious education is established in the Resolution of the Cabinet of Ministers "On approval of the regulation on licensing the activity of religious educational institutions" (March 1, 2004, No. 99). Only legal entities may apply for a license. Standard (simple) licenses are issued for the right to carry out activities in the sphere of religious education. The license for the right to carry out activities in the sphere of religious education is issued without any limitation of its duration (Quote from the above-mentioned law: "It is not permitted to teach minors religious education against their will, against the will of their parents or persons in place of parentis (guardians), as well as to include propaganda of war, violence in the process of education...").

The introduction of religious education in schools is currently under active discussion. However, according to comments on various Internet platforms, the majority of society is against this initiative, which comes from Muslim imams and theologians.

At the same time, in recent years, many registered (licensed) training courses were reactivated or started. Teenagers can safely attend these courses outside of school hours to learn languages, the basics of religion, etc.

The liberalization, strengthening and expansion of religious education is often regulated through administrative instruments. For example, about a year ago the Decree of the President of the Republic of Uzbekistan "On measures to radically improve the activities in the religious and educational sphere" was adopted. (April 16, 2018, № 5416). The decree is mainly of an ideological-propaganda nature, designed to encourage tolerance and the use of the positive aspects of religions as an educational component and as a tool to counter the ideology of VE. At the same time, it has legitimized a number of special courses for those who want to study the Sacred Books in their religions, including teenagers with the permission of their parents or guardians.

2. The issue of visiting temples by teenagers. This issue was especially painful a few years ago, when teenagers' attendance of mosques had certain restrictions, including by the Spiritual Board of Muslims of the Republic of Uzbekistan. By the way, both in the recent (pre-reform) past and now, the Uzbek legislation does not prohibit minors from visiting mosques. This ban was used as an administrative tool to restrict

conservative forms of post-Soviet Islamization.

As a result, teenagers in mosques are no longer uncommon, though they mostly represent religious families. Minors freely participate in festive prayers (Ramadan and Kurban Khayit), accompanied by their parents or close relatives. In other faiths, this problem (visits by adolescents to temples) has never occurred.

According to the opinion of certain schools' teachers, mosque attendance by adolescents raises a number of cognitive, communicative, psychological and social problems. For example, it causes local conflicts with classmates with mutual insults. The reason for conflicts emerging among such children is that the form of their identity encounters not only with the mentality of the rest of the students, but also the themes of the curricula of secular educational institutions. Religious pupils often refuse to attend certain classes (chemistry, biology, physics). The teachers who participated in the survey see the main social problem in loss of the basics of rational thinking of pupils from religious families.

At the same time, this issue also faced a number of provisions in legislation, sometimes irrelevant to religion. For example, the legislation provides for the obligation of parents (as in most countries of the world) to ensure the attendance of their children in educational institutions. However, the schedule of lessons coincides with midday and Friday prayers. Pupils from religious families leave the classes without explaining anything, and attempts to organize additional classes for them have also failed, as these pupils do not attend additional classes. In such cases, teachers, public education officials and State bodies monitoring the implementation of laws on the rights of the child have been at an impasse and have insisted that State bodies adopt laws restricting pupils from attending mosques. However, this issue has also been the subject of external criticism as a sign of a suppression of religious freedoms.

At least this kind of example also makes it necessary to be extremely cautious about different manifestations of religiosity, to the detriment of existing laws. Once again, it is necessary to take into account the extreme complexity of the whole set of issues related to the actual implementation of religious freedoms in Uzbekistan.

D. Religious literature and objects of religious use (admissibility of expertise).

Another vulnerable issue of the republic's legislation, often criticized by foreign partners of RU, is the mandatory expertise of imported and distributed religious literature, as well as control over this type of publications on the territory of the country.

According to international recommendations, religious communities should have the right to produce, purchase and use, to an appropriate extent, necessary items and materials related to the rites or customs of a particular religion or belief.

However, under Uzbek law, these areas are also strictly regulated and controlled by the State. The law authorizes the central governing bodies of religious organizations to produce, export, import and distribute religious items, religious literature and other information materials with religious content in accordance with the procedure established by law (see below for conditions and references). Religious literature published abroad is delivered and sold in Uzbekistan after the examination of its content, conducted in accordance with the procedure established by law. The governing bodies of religious organizations have the exclusive right to produce and distribute religious literature, subject to the appropriate license. However, "illegal production, storage, import of religious literature and printed material in Uzbekistan for the purpose of distributing or disseminating religious information", without an expert examination of its content, entails administrative liability (article 184-2 of the Administrative Code and article 244-3 of the Criminal Code).

Even on a brief acquaintance with the articles of the abovementioned Law, it becomes obvious that it is only aimed at literature or digital media products of exclusively extremist content. For example, it is

stipulated that the production, storage and distribution of printed publications, film, photo, audio, video and other materials containing ideas of religious extremism, separatism and fundamentalism are subject to punishment under the law. For example, Administrative Code states that, "production, storage for distribution or dissemination of materials promoting national, racial, ethnic or religious enmity" (art. 184-3); and the Criminal Code says, that "production, storage for distribution or dissemination of materials propagandizing national, racial, ethnic or religious enmity" (art. 156), "production or storage for distribution of materials containing ideas of religious extremism, separatism and fundamentalism, etc."(article 244-1).

In accordance with paragraph 3 of the Regulation on the procedure for the production, import and dissemination of materials of religious content in Uzbekistan, approved by Cabinet of Ministers Decision (No. 10 of 20 January 2014), the production, import and dissemination of materials of religious content in Uzbekistan are permitted only after a public religion expert review.

The only State body responsible for carrying out the religious scrutiny is the SCRA. In accordance with paragraph 12 of the Regulations on the SCRA, approved by Cabinet of Ministers of the Republic of Uzbekistan (November 23, 2019 № 946), the Committee carries out an examination of religious products published in the country or imported from abroad (printed and electronic publications, audio and video mediums, CD, DVD and other types of memory storage) and coordinates this activity.

The regime of forced examination of religious literature raises several problems. First, religious expertise is carried out by one Department of Expertise under the SCRA (Tashkent). There are no branches in other regions. The department does not cope with materials throughout the country, which causes many problems in the production of religious literature. Second, the official results of the expertise by SCRA is often used as the basis for administrative or criminal case initiation. However, when the Department of Expertise is overloaded, their decision on seized material (e.g., at Customs) takes a long time. Third, the Department of Expertise works without clear and specific legal definitions to accurately classify the content of seized literature as "extremist". This leaves room for flaws in the work and makes it difficult to pass fair judgments in courts. By the way, the Tashkent Board of Judges think that having its own independent experts in its offices (attached to the city and oblast chambers) might be a good solution and will allow it to quickly and clearly determine the degree of guilt of those held accountable.

E. The issue of liberalizing laws to counter religiously motivated extremism and terrorism, administrative and criminal liability for crimes in the field of VE.

The Law on Freedom of Conscience and Religious Organizations (1998) contains both positive aspects and those requiring revision. The Law stipulates that the state is obliged to regulate issues of mutual tolerance and respect between citizens who profess different religions and do not profess, must not allow religious and other fanaticism and extremism, and prevent incitement of hostility between different faiths (Articles 153, 156, etc.). The state does not assign religious organizations the performance of any state functions and must respect the autonomy of religious organizations in ritual matters or religious practice.

Citizens have the right to perform alternative military service based on their religious beliefs, if they are members of registered religious organizations whose creed does not allow the use of weapons and service in the Armed Forces (Article 37). For example, at present, citizens of the Republic of Uzbekistan, who are members of the following religious organizations, enjoy the right to undergo alternative service: "Union of Evangelical Christian Baptist Churches" "Jehovah's Witnesses", "Seventh-day Adventist Church of Christ", "Council of Churches of Evangelical Christian Baptists", etc.

In connection with the adoption of a resolution of the Cabinet of Ministers "On approval of the regulation on the registration, re-registration and termination of activities of religious organizations in the Republic of Uzbekistan" (dated May 31, 2018, No. 409), the procedure for registering religious organizations and carrying out their activities has been significantly improved and simplified. In particular:

- the registration fee for the central governing body of a religious organization and religious educational institution is reduced from 100 minimum wage (MW). (\$ 2,400) per 20 MW. (\$ 480) (5 times), registration of another religious organization reduced from 50 MW. (\$ 1,190) per 10 minimum wages. (\$ 240);
- the number of documents required for registration of a religious organization has been reduced (henceforth, the submission of documents such as a declaration-act on the source of funds, a copy of the certificate of registration with the khokimiyat of the name of a religious organization is not required);
- the religious organizations registered with Government authorities are required to submit a report to the justice authority only annually, compared to quarterly earlier;
- the procedure for issuing duplicates of constituent documents in the event of their loss or damage to the certificate of state registration or constituent documents is regulated.

Also, the power of the registering authority to take a decision on the liquidation of a religious organization in case of violation of the requirements of the law or the charter of the religious organization itself was transferred to the judicial authorities.

At the same time, on May 4, 2018, the Parliament of Uzbekistan adopted a "Road Map" for ensuring freedom of conscience and religion, reviewing legislation on freedom of religion and simplifying the registration of religious organizations, in accordance with the mentioned Decree of the Cabinet of Ministers No. 409.

The Law on Freedom of Conscience and Religious Organizations has some flaws as well. The main reason for the contradictions that arise is that the Law establishes the regulatory status of the state and prescribes restrictions, instead of real ensuring religious freedoms. In addition, the Law on Freedom of Conscience and Religious Organizations (Article 5) and the Constitution stipulate that religion is separate from the state and the state does not interfere with the activities of religious organizations if it does not contradict the law. However, state bodies (primarily the KPDR) continue to control the activities of religious organizations, but interfere in their activities from the moment that their activities are contrary to national law.

Among religious scholars and human rights activists, the question often arises of why religious activity should be legal or illegal. After all, this is a fundamental and inalienable right of every person. For this reason, the discussion (which has not yet ended) of the draft amendments to this law is currently being actively discussed among jurists and the public. It is expected that the new edition will eliminate the mentioned disadvantages.

F. Humanization instead of victimization (release of "prisoners of conscience", annulment of "black lists", repatriation from the conflict zones, "Mehr" programs).

The main outcomes of the reforms in liberalization of the religious policy, which are positively perceived in the country and by international observers, are as follows:

Firstly, elimination of the so-called "List of unreliable", drawn up by the MIA. It included those persons who had been noticed in connections with radical groups, or recently amnestied. The mechanism of drawing up the list was unclear, which opened up space for possible abuses.

Secondly, in the past three years, more than 3,500 citizens have been amnestied and released from detention facilities. The practice of release continues and is usually timed to coincide with holidays. The practice of artificially adding terms to detention facilities has been discontinued.

Thirdly, citizens of Uzbekistan who have found themselves deluded into terrorist, extremist or other prohibited organizations and groups are exempt from criminal liability. In September 2018, a procedure was approved for exempting such persons from criminal liability (the relevant forms are submitted to a

specially established interdepartmental commission addressed to the Prosecutor-General through Uzbek diplomatic missions abroad). In this framework the programs of repatriation of women and children from Middle East conflict zones have been organized: «Mehr-1» (May 30, 2019) repatriated 156 individuals (48 women, 1 man, 107 children. Of them 9 were orphans); «Mehr-2» (October 10, 2019) repatriated 64 orphan children and adolescents (39 boys and 25 girls, of them 14 are children below 3 years old).

At the same time, the State has taken the responsibility to provide assistance (including financially) to the amnestied and repatriated citizens. Special commissions have been set up in the country's regions and cities from among local executive authorities and law enforcement, religious and voluntary organizations. The aim is to encourage cooperation of public and voluntary organizations to promote social and economic reintegration of these citizens.

The reintegration of repatriated women has encountered a number of legal conflicts. Firstly, formally they were lawbreakers (illegal immigration from the country, illegal border crossing, assistance to terrorist organizations, etc.). Secondly, all of them lost or destroyed their passports, were homeless, had no profession and no livelihood, etc. To get a job, loans, etc., they needed documents. Lawyers were in a difficult situation, as there were almost no precedent. By presidential decree, these problems have been overcome. All adult women underwent judicial investigation and were eventually pardoned and amnestied according to the Presidential Decree ("On Approving the Regulation on the Procedure for Granting Pardon"). Also, the documents of the repatriates were restored, the rights to credit, monetary assistance, etc. were granted.

It seems that this important experience should be consolidated in the legislation, as the positive solution of the mentioned problems has been found purely with administrative resources and tools.

Conclusion. Thus, there are a number of problems in the legislation and in the real implementation of religious freedoms. They are related not only to the wording of the legislation, but also to the existence of a serious "burden of the past", meaning long-established laws that need to be revised in the spirit of the time and Uzbekistan's international obligations.

The continuing complexity of the religious situation and both, latent and open conflicts of religious norms (mainly Muslim) on the one hand, and the existing legislation on the other, impact the nature of implementation of religious freedoms in Uzbekistan. Added to this are the dangers of radicalization (primarily of young people), challenges in the sphere of cyber-security (open and mass recruitment to radical groups through cyber networks), lack of experience in building communication strategies in cyberspace, and the use of "soft power" in stabilizing the religious situation, etc.

At present, there is no unified understanding of the essence of extremism and extremist crimes. Lack of clear definitions and differentiation of extremist crimes create difficulties in law enforcement practice. It is important not only to determine the illegality of certain extremist acts and their punishment, but also to form a clear conceptual apparatus, hierarchy of principles and subjects of counteraction to this phenomenon. To date, legal practice does not stipulate exact distinctions between the concepts of terrorism, religious extremism, separatism, fundamentalism, etc., which does provide right approach to law enforcement agencies in their work on prevention and suppression of such activities. It also does not allow to properly identify if a socially dangerous act took place or not, to what extent the perpetrator is guilty, and other circumstances that are important for the correct resolution of the case.

The composition and quality of the Muslim community in Uzbekistan is very diverse. Believers (primarily Muslims) have their own - most often mutually exclusive - views on religious freedoms, dress codes, norms and rules of relations between the state and religion and other issues. The Muslim community in Uzbekistan is characterized by intense internal discussions (sometimes reaching into conflicts) on all the issues mentioned at the article. Thus, the regulation of complex relations within the Muslim community also falls on the shoulders of law enforcement agencies, the authorities and society itself. All this

complicates the situation and makes one extremely cautious in choosing strategies for religious policy and legal regulation of religious freedom, as well as in seriously discussing with society the norms of legislation.

All these circumstances require a very well-thought approach to initiation and implementation of legal norms when it comes to religious communities, some of which do not always take a positive view of the dominance of law. Therefore, not only law enforcement and regulatory bodies, but also the believers themselves, at least the most active part of them, should undergo their own journey to recognition of laws as the only tool for regulating religious-state relations.

Unfortunately, external evaluations do not take these complexities into account and offer a one-sided and extremely limited view of the problems or rely on outdated data. These conditions, associated with the serious dispersion of opinions within society and among legal scholars in relation to the "Law on Freedom of Conscience and Religious Organizations" revised in 2018, seriously delay the necessary consensus among the public and legal scholars. This has led to a delay in the adoption of this document. In addition, international experience suggests that such documents should be oriented not only to the declarations on freedom of religion adopted in other countries, but also to the peculiarities of their own domestic situation. The adoption of such an instrument without achieving the necessary public and legal consensus, without taking into account one's own cultural and historical traditions, as well as international experience, can lead to unpredictable consequences.

Reforms are transforming old rigid religious situation control patterns and activity of religious organizations. Reforms have also touched upon the scope of legislative initiatives and law enforcement. The easing of restrictions and liberalization in these areas are evident.

At the same time, a number of problems of a legal nature that hamper the liberalization of religious freedoms remain. These problems are solvable and cannot be justified by references to a difficult situation. In particular, the existing laws use some terms (e.g. "fundamentalism") which are not formulated as legal terms containing a clear definition of their social danger or as a form of encroachment on the constitutional order. Other terms ("extremism", "radicalism") have not essentially changed their definitions since the pre-reform era, nor differentiated them (e.g. as violent and non-violent forms, in the case of extremism). This leads to the fact that in sentencing/giving judicial verdict, judges do not have the possibility to differentiate the punishment according to the seriousness of the act.

The positive impact of the reforms should also be assessed by the fact that government agencies start to realize that problems in the religious sphere cannot be solved by means of only one-time administrative and legal acts (for example, in the form of presidential decrees and decisions). In addition, for a number of reasons, Uzbekistan tries to respond to external criticism regarding the implementation of religious freedoms, which is associated with the obligation to implement signed international treaties and declarations, improve the investment climate, increase stability as a guarantor of tourism development, etc.

Source