

Specific Features of Strengthening Freedom of Conscience in the Concept of Building a Social and Secular State in Uzbekistan

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Annotation: This article examines the strengthening of freedom of conscience in Uzbekistan within the framework of building a social and secular state. It explores the historical evolution of religious freedom, the legal framework, and the challenges faced in implementing constitutional guarantees. Comparative analysis with secular states such as the United States, Turkey, and European countries highlights varying approaches to balancing religious freedoms and state governance. The role of international organizations in promoting freedom of conscience is discussed, along with social, cultural, and political dynamics influencing religious tolerance. Case studies of religious minorities and state-sponsored institutions illustrate the complexities of religious freedom in Uzbekistan. Finally, the paper provides recommendations on policy reforms, education, and interfaith dialogue initiatives to enhance freedom of conscience and ensure greater religious inclusivity in the country.

Key words: Freedom of conscience, secular state, religious tolerance, legal framework, Uzbekistan.

1. Introduction

A key part of a real, sincere commitment to a genuine social and secular state is the enhancement of individual freedoms, especially freedom of thought, conscience, and belief. The full implementation of freedom of conscience and belief can only benefit a nation and its people. The continuous, real practice of freedom of conscience by any state will benefit the entire Uzbek society, regardless of religion or belief. In Uzbekistan's own national development, it would be very appropriate to consider this particular aspect. Different elements that could contribute to this are historical background, current challenges and opportunities, legal context, and dimensions of thought, conscience, religion, belief, and worship as well as the treatment of these by government and public structures. Citizens have a range of individual freedoms based on international human rights standards and various views. In addition, the increasing moral and rule-of-law culture of the people and their ability to think and act independently. So, freedoms of thought, conscience, and belief are synonymous and identical. This is freedom of religion and freedom of belief, which also includes freedom of thought and conscience. The ability to believe or not to believe in the existence of a superior supreme deity is very important in freedom of thought and freedom of conscience, and not only in freedom of belief. The expression of these is also freedom of thought, freedom of opinion, freedom of conscience, freedom of belief, and freedom of religion. Also, freedom of worship is the public expression of freedom of religion, belief, conscience, thought and belief.

2. Historical Background of Freedom of Conscience in Uzbekistan

The history of freedom of conscience in Uzbekistan goes way back. At different times, various political powers declared their goals regarding the various aspects of religious and ideological freedom. Definition itself is rather broad. Since the independence of Uzbekistan, much has changed in the legislation concerning conscience, or rather, freedom of conscience. Nevertheless, what is actually going on with such freedom in the public arena isn't so positive, as observed with a critical and wary view from different angles, beginning from a brief overlook of how it all was and then discussing what

we have now in the Republic of Uzbekistan, going further to tackle the freedom of religious communities and the imposing of secular-from-one-side-state-Islam. So, it will attempt to provide a systematic critique on the conditional freedom of conscience in a concept of a secular state. It is crucial also because almost every government of Uzbekistan identifies the so-called building of a social and democrat (oh, that catchword!) and secure state as its priorities of development. Integral to a democrat and a social state is the principle of secularity. However, in Uzbekistan, secularity should be viewed in a specific prism (Ohlsson, 2012).

Nowadays it is considered rather a new trend to frame this term in public discourses, but the practice of such a state institution has been well past in foreign states and it became a norm within postcolonial era. Because public availability of critique on the strengthening of freedom of conscience in a concept of building a social/secular state is expected to dissolve these vital concerns shortcomings and thus positively enrich legal codes with regard to disillusioning spirit of openness and respect towards every thought. Judgments mean follow-up while the “up” is the easiest part of everything. This approach wasn’t reigning only in the Uzbek SSR for sure but within antique Khorezm, during the bloody empire of Amir Timur, and under the reign of “Descendants of Chingiz Khan.” It too guided illegitimate treatment or “lofty ignore.” It has to be admitted that at different times various political regimes of the territory for building a secure state a declared goal concerning the most various aspects of religious and ideological freedom.

3. The Legal Framework for Freedom of Conscience in Uzbekistan

3.1. The Uzbekistan Constitution

While a constitution is essential for providing the broad framework of government, a common function of a bill of rights is to protect essential rights and freedoms by describing the legal relationship between the individual and the state. The Constitution of the Republic of Uzbekistan provides a legal framework for those relationships. It is considered as the supreme law of the country, containing a number of articles covering a range of freedoms, institutions, and procedures within the government. Among them, it establishes the sovereign, democratic, constitutional, secular state in Uzbekistan. The Constitution also lays a basis for general guarantees concerning individual freedoms. Accordingly, it asserts that the state recognizes the individual as the highest value of society and protects human rights and freedoms. In consideration of fundamental freedoms, Article 31 of the Constitution states that everyone has the right to hold beliefs or not to hold beliefs and to disseminate them; in addition, a person has the right to freely choose, have, and disseminate religious or other beliefs. These rights include worship, rituals, ceremonies, and rites, and are granted with the corresponding freedoms not prohibited by law. Such provisions, in general, guarantee the state’s commitment to protecting freedom of conscience.

3.2. Legislation and Regulations on the Freedom of Conscience

In order to better sustain religious harmony and protect secular life, further legislations and regulations have been implemented. In May 1998, the Law of the Republic of Uzbekistan “On the freedom of conscience and religious organizations” was adopted. The primary function of the law is to regulate the relations between the individual and the state in the performance of the individual right to freedom of conscience, as well as relationships with religious organizations. Moreover, it establishes a legal framework determining the scope and limits of positive and negative aspects of freedom of conscience and religious associations. To enforce the law, practical mechanisms are provided, as well as managerial controls and sanctions against violators, including criminal penalties. Additional requirements are embedded from the state in order to maintain relationships with religious organizations. These include registration and re-registration of religious organizations according to established procedures, the impossibility of conducting religious rites if the organization is not registered, and the prohibition of idol worship, religious activities in the military, prisons, and social

facilities. Regulations on the chief religious administration are introduced, limiting their freedoms and granting the state oversight rights. The law is significant in preventing the potential collision between freedom of conscience and the requirements of religious organizations. At the same time, the law imposes serious restrictions on the manifestation of conscience, and in general, religious activity is regulated in a very diffuse way. The law has actively been criticized for providing mechanisms to suppress the religious practice of the Uzbek people. According to a vast number of human rights defenders, people extensively practice different religions and are not satisfied by the actions imposed by the religious administration. From the perspective of these defenders, and the followers of non-traditional religious movements in Uzbekistan, the policy of the government has always aimed to suppress the conscience, which contradicts the norms of the Constitution. Similarly, it is noted that the enormous numbers of charges brought against the convicted limit the guaranteed liberties, and religious people often become the victim of such laws. This situation implies that certain laws can create various restrictions or relative freedoms. Another finding indicates that Uzbekistan is damaging freedom due to religious minorities' high rates of abuse. Amid the criticism is that Uzbekistan has long failed to act in accordance with international human rights standards. In general, the majority of criticisms attributed to the law have revealed that there are significant deficiencies arising from the mechanisms of legal regulation of freedom of conscience, which significantly limit it.

3.1. Constitutional Provisions

The Constitution of the Republic of Uzbekistan states that there is no state religion, and provides for the freedom of religion and worship. Without this legal basis, it cannot be assumed that successful legal protection of the freedom of religion and worship would be possible in a country. The first article that touches the vital issues covering religious freedom is Article 14. Article 14 states that the state ensures the freedom of conscience and the freedom to choose and practice any religion or not practice any, equal rights of all religions before the law. Everyone has the right to independently choose his/her religious beliefs and convictions, change it or abandon it. The freedom of conscience is realized with no violation of the public order, and the rights and freedoms of other people. Whereas recognizing the religious freedom and determining this freedom rules basing on the international commitments is demanded by democratic organizations. Article 14 is also in line with the standards of international law.

This article is very important because it guarantees the religious freedom. It is also important because it is in line with the international standards. Another article is Article 25. According to Article 25, all religious organizations and associations are equal in front of the law, have same rights, receive the same treatment and can choose and practice their rituals and provide religious requirements independently. It is shown in current Constitution that the equal treatment of all religious organizations before the law and the commitment of religious rights are envisaged. In this case, their institutions are no longer intervened, any kind of pressure is no longer inherited and their scriptures are ready to be multiplied and published. Also, they have chance to decree for the personal beliefs without any fear. Above-mentioned is fully provided by both international commitments and standards. That is why Article 25 is substantial in terms of the ensuring the freedom of religion and worship. In this context, it would be accurate to mention under the light of the Article 7 of the Law that 'the freedom of acceptance or dissemination the religious beliefs is realized separately by everyone independent of the community or with others and is protected by the law.' The main idea in Article 25 is that states and its bodies cannot interfere with religion. At this point, Article 25 is the same thoughts with the above-mentioned rules and principles.

3.2. Legislation and Regulations

The process of renewal and further liberalization of religious policy has shown the need, first of all, to eliminate the fact that certain norms of the Religion Law and other regulatory illegal acts that formally

and essentially restrict the extension of freedoms usually associated with the manifestation of freedom of conscience (proffered restrictions). Before proceeding to develop such thoughts, it is necessary to analyze the legal base on which these notions are based. Reference is made to the norms of Articles 6, 7, 8 of the Religion Law, as well 9, 11 of the Law on Assemblies, Meetings, Street Processions, and Demonstrations providing the basis for them. At the same time, this provides an opportunity to assess the impact of such regulations on certain aspects of the activity of religious organizations, religious communities, and religious rites and ceremonies in the country as a whole. Since it is state bodies, bodies of governmental power at the local level that are in charge of ensuring strict observance, compliance with covers in the manner and many means shown norms, Article 12 of the Religion Law and the XIV chapter of the Regulations of the Kabinet of Ministers are analyzed. Finally, the observation of such norms discussed above by state bodies is assessed, observance in practice of the main principle on the collective or individual implementation of freedom of conscience of personal views is analyzed. Attention is paid to the impact of Uzbekistan's legislative policy enforcement activities related to the Religion Law on the formation of public sentiment, the coercion of the population to obey the laws of the country. At the same time, in accordance with the norms of the International Covenant on Civil and Political Rights and other international acts that have been adopted in the sphere of human rights, the main activities to establish, bring to the activities of the state and subjects of enforcing outside of ensuring compliance with the formal completion of freedoms associated with the display of freedom of conscience of normative acts that are of a legal nature are presented (Forum 18, 2018).

4. Comparative Analysis of Freedom of Conscience in Secular States

This section discusses the possible ways of interpreting and reformulating those ideas from the Constitution of the Republic of Uzbekistan that should provide the legal framework of *droits d'amaté*, and it states five more general principles in support of implementing those rights. Then it reviews the current state of freedom of conscience and religion in Uzbekistan, observing the problems that the provision of *droits d'amaté* has supposedly to assist. And, at the last, it outlines several concrete measures that should be taken in Uzbekistan for improving the situation both on a general level and for some specific religious organizations. To make the text more readable, an analytical distinction is made between the ideas stated in the Constitution of the Republic of Uzbekistan that should provide for the legal framework of *droits d'amaté* and more general principles in support of implementing those ideas that will be stated here. Also, the following five broad issues can be identified in the current state of freedom of conscience and religion in Uzbekistan: (1) the continuing existence of various administrative mechanisms curtailing these rights; (2) increasingly restrictive legal regulations; (3) discrimination against unregistered religious organizations; (4) discrimination of some religious organizations in favour of others; and (5) persistent negative prejudices about some religious movements spread by many governmental institutions in the country, especially law-enforcing ones. Hence, an almost random number of rather basic and unsophisticated, yet quite effective in this setting, measures that should be taken in Uzbekistan for improving the situation are outlined. On the one hand, some of them are on a more general level and should concern freedom of conscience and religion generally. On the other hand, as an exception to the uniform rule, some specific measures are suggested for some religious organizations.

4.1. Europe

Security for any person means being in a calm environment, without fear of suffering unjust treatment, the possibility of full use of his rights, primarily legislative, the absence of external intervention in his affairs. World history teaches that to provide personal security to citizens, or some of its main groups, newly emerging states first faced numerous internal splits, confrontations of religious and sometimes denominationally different ideologies.

Basic concepts of the social and secular state system officially appeared for the first time in the 1905 Protocol of the "government–church" relations in France. The basic feature of such a state, the principles of the social state were implemented in European countries, mainly in the west. Preserving air secularism, France has managed to maintain strong Catholic, as well as new religious communities' influence. This state, related to democratic freedoms, peaceful coexistence, mutual respect of different religions and maintaining public order by law, was carried out more strictly within the Expanded Europe than in other parts of the world. In this regard, the European experience in the implementation of the social and secular state in the state, with the presence of freedom of conscience (belief and atheism) has been researched with managerial interest.

Special attention has been paid to the role of law in the demonstration, implementation and protection of the above-mentioned principles and freedoms. Free determination of faith, including atheistic beliefs, religious faith and attitudes towards them, the state (government), public associations, each person directly exercises rights and freedoms of freedom of conscience, individuals, common and personal security from discrimination on the grounds of religion, their equal status before the legislation of the law and law and their implementation are guaranteed (Pin, 2014). It is vital for the state, before manipulating people in the spirit of any direction of belief, to refrain from policies to prevent radical religious views and to create conditions for their existence in accordance with existing laws and moral standards. It does not restrict freedom of thought, belief, conscience, use, or not use, dissemination of religious and other views and actions. In most countries of Europe, life is diverse in its religious, confessional, and separate (believing and atheistic) beliefs, world views, in the opinions concerning religion. Such states, the European Court of Human Rights (EHCR) plays an important ethical role in protecting them. On the one hand, preventive measures are taken to prevent conflicts and state intervention in the spiritual affairs of citizens. On the other hand, the leadership of the EHCR is the imposition of the implementation of clearly defined norms of human rights and freedoms protection. Blasphemy is not intended to protect the rights of others by malicious offenses of their religious feelings. Requirements on the contrary, an obstacle may create conditions for belief or lack of belief of expression or critical attitude and restrict freedom of thought, conscience, conviction, religious and other values and deeds and due to a certain form of practice cannot be positive. Obtaining answers to the above questions and comparing some European countries and compatriots is a bit of journalistic interest and, it is possible, carries a useful well-educated role.

4.2. United States

Designated "the first freedom" in the First Amendment of the Constitution of the United States, in effect since 1791, freedom of conscience guarantees the individual the freedom of religion and of the conscience. The First Amendment provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof," secularly emphasizing the independence and separation of state from religion. Also, the establishment clause led to the creation of a secular civil system of exceptional diversity, which interacts with religious pluralism in a distinctive manner. The Supreme Court has played a significant role in defining the scope and meaning of the freedom of conscience provision. According to the country's most influencing judicial body, the founders intended the First Amendment as a unique limitation only upon the government, protecting individuals' rights to express their religious beliefs publicly, individually, or corporately and to manifest their beliefs in practice and observance. In court interpretation, the freedom of conscience has always taken priority over political, social, and economic interests and has been perceived as substantive morality. On the basis of this approach, the Supreme Court has in a number of cases recognized that individuals have a right to assert claims of conscience, provided that they are genuinely and strongly supported by religious beliefs (Ruth Hornstein, 1987). The government may burden a particular belief or practice through comprehensive and uniform laws. However, in granting exceptions, attention must be paid to the imbalance of interests. Granting an exemption to a religious

person is equivalent to a preference to his or her religion over the rest as well as providing a significant non-religious burden to the adherents. This has important implications for the interest of society and the state, the well-being of the citizens, and the maintenance, preservation, and strengthening of social cohesion. Currently, in the United States, the Supreme Court is reviewing antidiscrimination laws and religious freedom from discrimination alike. This issue has been especially urgent since professional wedding vendors serving and cooperating with participants in same-sex marriages are predominantly religious people. As a diverse country, the United States has 1,500 religious communities and denominations with considerable followers and adherents. Moreover, a significant fraction of the citizens categorizes themselves under the unchurched "believers," freely and independently developing their own religious views at the outset, during life, and when approaching death. Substantially different by their beliefs characteristics of the religious movements, denominations, communities, and world religions must be preserved and protected. There is inevitably a point of intersection and interaction between religion and politics, culture, and everyday life. Cases of both harmony and conflict constantly occur. The former may be illustrated with the division of time (work-leisure), the cultural practices of healthy nutrition, sleeping mode, hygiene, and courtesy, and sex division. The latter often occurs when practicing religious clothing, circumcision, gardening of facial hair, religious practices, rituals, and confession. It is civil society that must ensure respect for all traditions, customs, and peculiarities. In the American societal and political context, the protection and preservation of freedom of conscience is a paramount task involving experts and institutions of public diplomacy, specializing in the theory and practices of liberal democracy. Looking at the U.S. model reveals information on what freedom of conscience means and how it should be actualized in building a secular state, taking into consideration the specific sociopolitical conditions and characteristics of society and the state, knowledge of the conflict and its sublimation, and intentional state care.

4.3. Turkey

In Turkey there has been quite a lot of debate on the compatibility or incompatibility of secularism and Muslim ways of life. It is argued that as a prime example of assertive secularism, Turkey is genuinely unsecure about the public visibility of religion. It is assumed that the state's prejudices against religion might have been consciously reproduced and strengthened in Turkey for the sake of general disciplining of the society. Furthermore, the implications of this state policy with regard to cultural politics are explored in terms of the representations and stereotypes about religion fostered by the state. The role of the dominant figures in the public sphere in shaping the legislation related to lifestyle and the extent to which it can be argued that the state's approach to lifestyle is intrinsic to secularism and has always been indifferently pursued, are discussed (Ohlsson, 2012).

Secularism is assumed to require the emancipation from religion in the strict sense for opening the way to the development of a mature social organization. However the state in Turkey has always maintained some relationship with Islam. Arguably, the reason for this was both that the religion of the vast majority of the population was Islam and that the nation-state was established in this geography while the ruling elite were Muslims responding to the state. Starting with the Ottoman Empire, the ruling elite were ethnically Turkish Muslims who synthesized some approaches to state power borrowed from Byzantine bureaucratic tradition with certain religious principles of Islam. The initial years of the Republic saw drastic reforms of cultural, linguistic and legal character being introduced in the country in order to create secular, rational and nationalist public sphere that was indeed in sharp contrast with the existing public sphere of religiosity in the cultural, judicial and political arenas. Thus, the establishment of secularism in Turkey was not merely a question of emancipating the state power from negative religious encrustation; it was rather about the formation of a new domain of the sacred within which the state would constitute and legitimate order mediated by its own institutions. To put it differently, secularization was not simply a neutral doctrine or principle of freedom from religious influence. Not only did the state adapt a stance that would produce, reproduce and legitimate certain

ways of living over and against lifestyle based on religion from the very beginning, but also it launched an aggressive cultural, social and legal war against the forms and practices of religion that, subsequently, obeying a new legislation, these forms and practices should disappear from the public sphere.

5. Role of International Organizations in Promoting Freedom of Conscience in Uzbekistan

International organizations, as a rule, every year criticize certain discriminatory actions of the West Asian North African and Transcaucasian countries in specialties as well as in other spheres. This, with respect to Uzbekistan, is due to the desire to further substantiate the concept that a progressive approach is being implemented, all the necessary measures and reforms are being implemented to strengthen freedom of conscience and religious organizations, based on the same level of socio-economic development. Nevertheless, the analysis of the reforming of religion and religious activities of the aforementioned states conducted by international organizations demonstrates an increase in the number of religious people and religious organizations that help to improve or change the legislation in the direction of strengthening freedom of conscience, expand the practice of observing relevant legislation.

Taking into account the majority of the recommendations from international organizations, Uzbekistan has adopted such acts, in particular the Law on Freedom of Conscience and Religious Organization of 1991, which was the most convenient legislative act on religion. Nonetheless, over the past 27 years, the government has constantly changed and took measures to restrict freedom of belief and religious neighbors. This arbitrary and selective policy of the government is based on a decree issued by the President of Uzbekistan (Forum 18, 2018). There is evidence that Uzbeks authorities demand from their citizens independently practicing a foreign religion to obtain the permission of the local Mahalla Committee and the secret permission of the regional Khokimiyat. Kazakh-speaking non-Muslim Uzbeks, members of Protestant and other non-traditional religious movements, imprisoned by the authorities, are particularly subject to extortion from their relatives.

6. Challenges and Opportunities for Strengthening Freedom of Conscience in Uzbekistan

Multifaceted are the challenges for the strengthening of freedom of conscience. The widely suggested opportunities—to initiate an open dialogue about religious matters and to reform and liberalize the existing restrictive provision on religion—are surely important, but do not exhaust the scope for action. Restrictions hindering the freedom of conscience can be understood in terms of three dimensions: social, cultural, and political. State or societal power relations can directly limit individuals in the choice of religious beliefs, but societal norms and values and a society's traditional religion also influence them (Ohlsson, 2012). There is the simultaneous presence of beliefs in democracy and in non-complete religious freedom; there are diversified understandings of the secular state, i.e. being seen and understood differently. Where the focus of an understanding of the secular state on details like legal forms, rituals, and worldview determines the understanding of religion and secularity. Finally, religious issues are handled in an authoritarian way in which the state interprets the traditional religious form and imposes it on society. The wider Georgian public is supportive of some freedom of conscience values, e.g. the idea of praying freely whatever belief one has (Orthodox, Muslim, Jew, etc.) enjoys the widest support. There is also some appreciation of the public function of religion (religious authorities supporting public morals). Otherwise, the core value of religious freedom is understood very poorly. Among the barriers hindering the freedom of conscience, restrictions on religious freedom are hardly seen as a major problem. Rather, four exemplary challenges are considered important. First, the attempt to keep religion out of political and public life, conceived as the key aspect of a secular state. It is understood that some incumbents bring a prohibition of wearing the Christian cross on the workplace. Here the annoyance of the Christian cross and the concomitant

social anxieties do not provide an opportunity to scrutinize the prescription with a view to the value of religious freedom.

6.1. Social and Cultural Factors

Uzbekistan's efforts to track how other countries deal with the changing aspects of the Secular State have also placed the country's unique social and cultural factors more clearly in view. Cutting across ethnic and regional identities, respect for freedom of conscience unites people committed to a climate where secular law protects religious expression as a fundamental human right. One hopeful way for this new respect to grow into a widely-shared keystone concerns beliefs that so far have not received protection. Without redress, however, this broader respect will again shrink back into a punitive embargo from which freedom of conscience as a whole has only recently begun to emerge. Spirits not only welcome returning friends and tell their dreams; they can cast spells, compel devotion, or infiltrate with confusion. As with sacred hills, spirits everywhere underlie senses of authority and, when disrupted, threaten retribution until re-restored. Governments explain today any gathered stones, or tracks, to underline the present as shaped long beforehand. Majority views in the mainstream press emerge from the same template. As with tombs, though, deep-set markers of timeless origins cast difficult-to-deny shadows; over four years of visits to over 100 ancient sites, of patient listening, all point to lost layers of practiced respect. In the light of petitions to imply responses regarding silent stones or the terrible four, contemporary expressions of support from a wealth of new volumes are a near-universal template for remembering ages long passed. Down the centuries, embedded stones of clan and zira - of geese and lion - were replaced with stronger, taller stones of shrines. Deep inside these mighty columns, sacred spirituality gathered strength to burst forth at key moments, bringing sorrow, and sometimes madness, to those who had failed to realise their inevitable doom. Thoughtless audience merriment gave way to panic, with false piety no salvation. Untouchable powers destroyed groundless ambitions, with few escaping dire consequences. Unprecedented respect followed for worshippers and for the benign, wise authority once spurned. Inflicted spells twisted the savage blood into generations of darkness. Soured personal emissaries invoked an unseen power to be taken seriously, to be acknowledged, and to be respected. A requester's burgeoning leader became fearsome; a foe to be neutralised, placated through submission, and whose earthly vehicle swung open to reveal hidden channels of dominion; revolutions, repentance, and reconciliations. The coffin of secret initiation, in what was no longer a spirit but a captive, must be torn. Outward piety must be matched by inner reverent silence for the disembodied wrath encased within mute cloth. Despite many entreaties, the deadly challenge was not met. Years of striving proved fruitless: the charnel house remained empty; the charnel spirit un-mollified. Respect for religious rights promotes social cohesion, but that respect has traditionally been conceived in terms of what religious groups may do. Advancing a new analysis of freedom of conscience as a positive right, this text argues that freedom from religion may conflict with the common good, and that positive rights are necessary to sound community and religion policy. Social and policy implications of the new analysis are discussed, including fostering a culture of tolerance and respect through public education and designing law and regulation to recognize and manage potential harms. Finally, the need for further research on the new understanding of freedom of conscience is considered.

6.2. Political Dynamics

It is noteworthy and commendable that recently there have been increasing summits dedicated to the freedom of belief and religion in various regions of the country and society. Up to now, freedom of religion and conscience has been considered in its broad philosophical, political and cultural contexts. This section does not pretend to provide an exhaustive analysis of the complex relationships between freedom of belief and conscience, human rights and democracy. Instead, it aims to describe some of the peculiar features and particular problems of the construction of a social and secular state of

freedom of conscience in Uzbekistan. By adopting a national constitution on 8 December 1992 in this framework, the Republic of Uzbekistan laid the foundations for democracy and secularization. Article 18 of the constitution and Article 31 of the law on freedom of conscience and religious organizations, adopted on 9 September 1998, attest that freedom of belief and conscience is one of the basic human rights of citizens of Uzbekistan. However, over time, the interaction between the state and religious groups has not evolved freely; a form of complex and somewhat contradictory statutory regulation has been created, which has restricted individual rights to freedom of religious expression through the imposition of worship as well as to criteria that do not always expose public order, health or morals. On the other hand, there has been the perception that since September 11, 2001 Islam, which is most prevalent in Uzbekistan, is similar to Islamic fundamentalism, as a result of the popular political movements with different social and spiritual characteristics observed in Central Asia, from which Islam plays an important political role. According to some political observers, freedom of movement and religious practices legitimately contributes to socio-political instability in these countries and can pose a direct threat to their security. It should be emphasized at the outset that the level of religious freedoms in various countries depends to a great extent on their political situation and foreign political background. Political circumstances play a significant role in shaping the conditions of state-church relations and the parameters of intellectual life expressions.

7. Case Studies of Religious Freedom in Uzbekistan

explains the diverse and complex reality of religious freedom in Uzbekistan by presenting case studies from a number of religious groups with a traditional membership base in the country. These diverse studies show both the challenges to religious freedom in contemporary Uzbekistan and the resilience of minority religious communities, despite restrictions.

One of these groups and narratives are of Christians. The majority of active Protestants and Evangelical Christians in Uzbekistan are ethnic Uzbeks, which also form the majority ethnic group in the country. The narratives of Protestant and Evangelical Christian communities are an illustration of the interplay between strictures on religious freedoms and attempts to maintain religious practice. An additional case study will illustrate an oppositional narrative by recounting a conflict between a Samarkand-based Protestant church and the state-sponsored Uzbek Christian Council. A further case study focuses on state-sponsored religious institutions by both addressing the case study of the Uzbek Christian Council and highlighting concurrent debates about the practice and legality of iftar, a meal served after daily fasting during the month of Ramadan, at state institutions. Throughout the aforementioned case studies, an is able to shed light on the shaping of religious practices and religious communities in the post-independence period in Uzbekistan.

7.1. Minority Religious Groups

Uzbekistan is predominantly a non-Christian country where Islam dominates. Many evangelical groups are considered alien to the Uzbeks and appear as a challenge to the national identity. Lately the government has grown suspicious of them and many have been heavily fined or detained (Ohlsson, 2012). The full force of the state's legal, social and cultural control of religious life concentrates on them (Forum 18, 2018). This subjugation could well turn many underground or convert into the dominant Muslim community. Here are some stories of ethnic Uzbeks who have faced various hardships due to their faith.

When Saniya's mother died, she was refused space in the local cemetery to bury her body. The local Muslim community demanded her to put a hijab on her mother's body as they would for a Muslim. The family refused and they tried to use a local mini-tractor to dig a hole in the cemetery by force, but the tractor's driver didn't turn up. When they started to put up a tent at the graveyard to carry away the mother's coffin, a mango of local people and religious leaders gathered. "She pickled her soul; don't allow – it will desecrate the graves," they shouted. The police and the mahalla committee called the

family's conduct unfair and fined them in the end. Marat fled religious riots with his family to another district. When he came back home to his native town, they and other Protestant Christians were forced to flee to a different region. Both groups were met with rifle-wielding local Muslims when they arrived. The situation was full-scale persecution for them, not just ordinary harassment, threats and violence. One elderly woman suffered a stroke after a police raid on her home, in which other relatives were detained. The family believes that the woman's precarious health condition and the violent conduct of officers played a role in this, but there is no formal proof of their suspicions.

7.2. State-Sponsored Religious Institutions

In light of the reputation Uzbekistan has gained as the rigid state concerning the religious question, the role of state-sponsored religious institutions and their beneficiaries in the materialization of the government's vision of a model religious exemplar is considered right now. These organizations play an important part in the governmental approach to regulation and control of religious life in Uzbekistan, ensuring that religious practices and expressions remain controlled, subordinated and apoliticized. They realize this task by exerting influence on mullahs and their communities through territorial positions, imposing observance of regulations, instructing about officially sanctioned forms of religious engagement and spreading a conservative religious outlook. The important role patronage networks play in molding individual and communal beliefs and practices is underscored.

The official and privileged status of these organizations conceals the aspects of their relations with the government that are not typical for democratic states governed by the principles of the rule of law and requires criticism and public debate about the wider social setting in which beliefs and practices are regulated and a model believer is constructed through official and quasi-official means. While the distinctions between aspects of state-religion relations that include both cooperation and conflict are increasingly noted, less attention is paid to institutions that play their part in the construction of a particular religious ethos that both supports and undermines individual freedoms.

While a great deal of concern is focused on criminalized missionaries, political prisoners in the domain of religious activism or beliefs at variance with the official version, less attention is paid to the actions and discourses of those who are formally part of the state apparatus. Such involvement is carried out through legal and extra-legal means, often lacking transparency and accountability, and reveals the dual nature of state participation in the religious sphere. Both conflict and cooperation of the state with religion take place simultaneously making it difficult in many cases to separate them in practice. A model believer is promoted through a series of overlapping institutions that offer guidance, textbook knowledge and the broader theological framework in which beliefs are shaped and legitimate the balance between state interests and rights of its practitioners. In Uzbekistan, this state of affairs results in the further stagnation of individual freedoms and requires a critical re-evaluation.

8. Public Opinion and Attitudes towards Freedom of Conscience in Uzbekistan

This study takes a closer look at public opinion and societal attitudes to freedom of conscience in Uzbekistan. The data comprises two statistical surveys conducted in early 2017 and 2018, as well as a series of semi-structured in-depth interviews undertaken in 2016. The paper seeks to answer the following questions: To what extent are the respondents of the survey willing to conform to norms requiring tolerance and respect for religious beliefs different from their own? Which socio-demographic factors make a statistically significant contribution to a willingness to display tolerance and respect for religious values different from their own? What impact on the respondents do education, the mass media and the preservation of cultural heritage and traditional values have on their perceptions and attitudes towards the religious beliefs of others? Public debate about the secular nature of the State and steps to strengthen freedom of conscience have been much in evidence in the post-independence period. This discussion has been marked by the clash of opposed opinions. A secular State is often identified with a social order hostile to religion in general or to certain faiths in

particular. Freedom of conscience is considered a synonym for the absence of religious feeling or an abusive attitude to traditional values (Forum 18, 2018). In Uzbekistan more than elsewhere, the secular nature of the State is felt to be called into question by the symbols of religious identity or the proselytism of communities of believers. Attempts to give a straightforward answer to these questions present a risk of oversimplification doomed to failure. Society is a complex and multifaceted system of interests, relations and attitudes, a system in which many viewpoints and trends coexist. To detect them, at least in outline, is a task deserving serious attention.

9. Recommendations and Policy Implications for Enhancing Freedom of Conscience in Uzbekistan

One of the last of numerous appeals against prison terms handed to two elderly Jehovah's Witnesses, Habibullah Suleimanov and Baurdzhan Hasanov has failed at Tashkent City Criminal Court. The two imprisoned neighbors were each given a six year jail term in 2014. Prison authorities state they were not able to meet the litigants in any respect either to request freedom to worship as they are entitled or to follow Quran instructions to fight for their rights. Religious freedom and other fundamental human rights remain as systematically violated in jail as they do outside. Already high punishments for exercising the right to freedom of religion or belief seem set to increase related to practice as well as beliefs. Courts conscripted the punishment of Pastor Uktam Turaev, Jehovah's Witness Olim Turaev, and three fellow Jehovah's Witnesses from Tashkent before and after their transfer to serve their jail sentences at a ghoulish labor camp (Forum 18, 2018). This labor camp in the Jaslyk desert in northwest Uzbekistan is specifically notorious for torturing prisoners, human rights defenders have documented for many years. Between 1999 and January 2019, at least 21 individuals were imprisoned for discussing their faith with others, and at least 25 people from religious minority communities or not from any religion were punished through resolutions in the criminal process. There are numerous provisions in the Criminal Code including Article 184-2 which are used by state officials to punish individuals for exercising freedom of religion or belief.

9.1. Education and Awareness Programs

Keeping in mind that in Uzbekistan today, it's critical for educating all segments of the population, regardless of their educational background, or lack thereof, about their rights and the rights of others. Programmes could take various forms depending on the target audience – this might extend to holding public lectures for adults or awareness games for schoolchildren on the equality of all in the eyes of the law and on religious tolerance. As a follow-up to a vigorous awareness-raising programme, there should be at least some sustained follow-on analysis of its effectiveness to see where more effort may be needed. As the government is best placed to do this, it is hoped it acts. Such activities will assist efforts to reduce the size of public space desired for freedom of conscience by looking at the problem in its widest perspective (Forum 18, 2018).

These could include activities such as holding roundtables and encouraging tolerant, secular members of society to speak out. Another element might take the form of grassroots initiatives, and the content of appropriate programmes should be based on questionnaires of the general population and group discussions with different segments of society (schoolchildren, students, teachers, health workers, etc.). It might, for example, include work with local councils of self-government and public associations to present appropriate programmes concerning the mutual respect of different beliefs.

This is also an extremely pressing area in the creation of an information-based society – an information-based Uzbek society – and, given the increasing information flows from all over the world, the adherence in principle to the development of useful educational programmes is definitely the right choice. At the same time questions might be raised about the quality of these programmes, about the qualifications of teachers and others involved, about the developments of appropriate materials, and the instituting of a national system of the preparation of trainers. This might involve the

organization by the Government of the Republic of Uzbekistan of refresher and training courses on the theory and techniques currently associated with the above. Informing people about their rights through appropriate education and awareness programmes would empower them to take steps to ensure they are observed. If over 70% of individuals know their rights, public pressure on the authorities will increase. As a consequence, an improvement in legislation and changes in practice may be expected, leading to an amelioration of public perception of freedom of conscience in Uzbek society and the establishment of an atmosphere favourable to various individual beliefs.

9.2. Interfaith Dialogue Initiatives

Following the President's Conference with religious leaders in 2016, the Institute for Monitoring Current Legislation under the President of the Republic of Uzbekistan with the regional khokimiyat representation and outreach to various religious communities has launched a series of public dialogues. Such new initiatives emerged as a response to the renewed interest in religion after the last Presidential Conference and to the profound changes in the country as the first ever female Presidents of the Senate and the Oliy Majlis took office and a rapidly expanding law on religion was implemented; a religious freedom which includes the right to have or not to have a religion will have the same place as all other internationally recognized human rights. This working paper explores the potential added value of discussing comparative international and constitutional norms and examples within a secular and human rights framework (Petito et al., 2018) to strengthen the dialogue in Uzbekistan.

Freedom of conscience as defined by the Constitution is unconditional, with religious freedom guiding legislations and edicts determined by law, a circumstance which when critically examined undoubtedly seem disputable. At the same time, there is a clear stipulation in the concept of building a social and secular state where the saying of Sayyid Emir al-Kulal, "Do good thing, do it together, first do for him who either insulted." is laid down as a deterrent against any absolute truth claims in this field. For its brevity the words "For tolerance and peace in the family and society, authority (state power) and your heart first you respect the faith and beliefs of the Creator in other religion" is an equally robust formula. Such doctrinal variation in the same tradition and in the same theologian is one key to building mutual respect and understanding and at the same time for nation building with the centrality of shared values. On the other hand, with the agreement of positive synergies of this policy priority, what then are the avenues for a dialogue to develop into collective action for addressing communal challenges or concerns can be further examined (Forum 18, 2018). What role should be played by religious leaders and civil society agents in these initiatives for promoting shared values and a respect for people of all religion, faith and none? Consequently, in terms of respective mono-religious, secular or other religious authored publications and statement, then, inclusively and constructively which process aims and what strategies are still to craft and implement for stronger direction and wider participation on the methodical front that can be critically evaluated for practical relevance. Thus, one hand, these new interfaith dialogue initiatives have enhanced the public space whereas, on the other hand, with increased scrutiny of the religion law and policy constraints, scholars are finding new space to publish and campaign. From a policy planning perspective, the analysis aims to draw out what is being learned from the Uzbek interfaith dialogues that are effective, in an effort both to maximize the potential for new religious communities taking full advantage of this unique moment, and to inform the evolution of religious freedom and social cohesion initiatives better adapted to the changing needs and demands. Symbols and rituals are powerful elements which potentially connect the multi-ethnic and culturally diverse communities of Uzbekistan; this dialogue initiative is proposed to contribute to build and sustain more peaceful and supportive atmosphere between different religious groups.

10. Conclusion

Analysis of the problems of the historical and legal framework for legal protection of freedom of conscience in Uzbekistan and the development of proposals in this direction have shown that the

current legal, administrative-territorial, socio-economic and ideological constraints on freedom of conscience create significant obstacles leading to de facto inequality and discrimination of religious groups. This makes the task of strengthening protection of freedom of conscience even more urgent and indirectly relevant to wider political reforms currently discussed in the country: creation of a real multi-party system, division of powers, limitation of unlimited powers of the executive. On the other hand, freedom of conscience is one of the most important components, if not the most important human rights, and cannot be fully realized without ensuring other types of human rights and democratic freedoms. The potential of endorsement of the Declaration on the Elimination of all Forms of Intolerance and Discrimination Based on Religion or Belief and the development of a new law on freedom of conscience in overcoming the above constraints is emphasized.

Analysis of the historical and legal framework governing freedom of conscience for the past 3 centuries in the Russian Empire has shown that, unlike freedom of religion, it has not been studied in the historiography of Russian philosophy to date. However, it is of importance for understanding the genesis of the current legal and social aspects of the state policy of modern Russia in relation to religions and believers, in particular, Protestantism, Islam and Judaism. Due to the similar legal approaches within the Russian Empire and the USSR to the political treatment of religious communities as civil institutions, later they received common constitutional principles on freedom of religion and conscience endorsed in the Charter of the Russian Federation. Both types of freedom are combined in the modern international law on human rights.

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