

Baseline Impact Assessment of FORB situation in Central Asia

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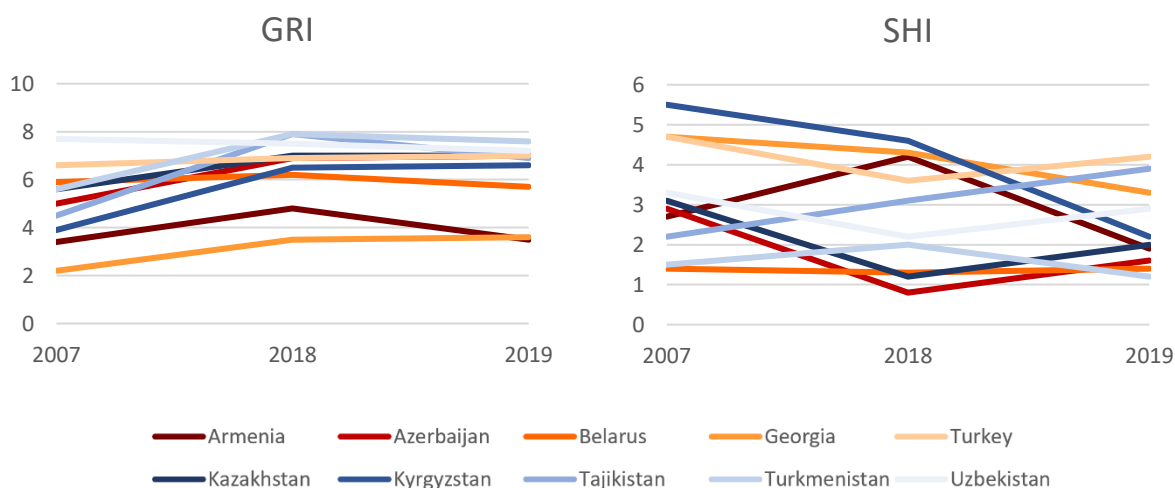
Introduction

This assessment examines the region of Central Asia and Caucasus including the countries: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Turkey, Turkmenistan and Uzbekistan. FORB restrictions in the region varies much from low restrictions in Georgia and Armenia, moderate in Kyrgyzstan, high in Azerbaijan, Belarus, Kazakhstan, Turkey and Uzbekistan to very high in Tajikistan and Turkmenistan. Generally, the five Central Asian countries and Azerbaijan share similar dynamic, but with different levels of restrictions and discrimination. Except for the predominantly Christian Armenia, Belarus and Georgia, approximately 88-96% of the populations in Central Asia and Caucasus are Muslim. Interestingly, in the Muslim countries, there is a strong anti-religious agenda, and the Muslim populations are exposed to harsher government restrictions justified by security concerns.

The region is influenced by former Soviet atheist policies that sought to eliminate all religions. Currently, most countries allow mainstream religious groups, but non-mainstream religions still experience restrictions and social hostilities in several countries in the region. In several of the countries in the region national identity is conflated with religion with the consequence that members of religious minorities and converts are considered foreign.

In this region, the governments are the principal aggressors with the main FORB violations being arrests and imprisonment based on terror- and security related charges, registration of religious communities, banning of religious literature and limitations on missionary activity. Across the region, religious minorities are also vulnerable to government restrictions and social hostility.

In Freedom House’s ranking where 0 is not free and 4 most free, Armenia, Georgia and Kyrgyzstan have 2 points, Belarus and Kazakhstan 1 and Azerbaijan, Tajikistan, Turkmenistan, and Uzbekistan 0. PEW’s studies have similar results. Government restrictions have been increasing slightly across the



region since 2007 but have been stable from 2018 to 2019. Except for Armenia and Tajikistan where GRI scores sank with 1.3 and 1.0 points respectively, scores from the other countries in the region have moved 0.5 points or less. There is more movement in both directions in the social hostilities in this region with scores increasing up to 0.8 points and sinking by 2.4 points.

Legal restrictions on FORB

The right to have a religion

In all the countries in this region, the respective constitutions grant the freedom of thought, belief and religion, more specifically to profess any religion or no religion. In Kazakhstan, these rights are limited to “traditional” religions which in practice means major and historic faith communities in Kazakhstan. All these countries also give prominence each to one religion, either by law or practice. Moreover, the actual respect and promotion of the more specific aspects of this human right varies.

The right to change one’s religion

Formally, no laws in the region prohibit conversion to another religion. However, society may not look favorably on conversions. Moreover, most of the countries in the region have some form of regulation of proselytization and missionary activities or foreign missionaries or funding, for example administrative registration procedures or full bans.

The right to manifest religion

By law, all the countries in the region allow for manifestation of one’s faith as a starting point, but they impose both legitimate and illegitimate limitations of this right. Prevalent challenges across the region are registration of faith communities, obtaining permissions for houses of worship, and the education of religion to children.

All the countries in Central Asia and Caucasus require religious communities to register in order to become a legal entity. However, in most of the region, conducting religious activities without a registration is subject to fines or charges. Consequently, denying religious communities’ registration, effectively hinders the communities from organizing religious activities. Religious minorities and non-traditional minority fractions of the majority religion are particularly exposed to such violations. A notable exception is Georgia where unregistered religious groups may conduct religious activities but will not enjoy the legal status or benefits of registered groups. Several governments also require that religious communities only organize religious activities in premises that are specifically designated for such use. In Kyrgyzstan, the administrative penalty for violating these provisions ranges from fines of \$880-\$1800 or up to 15 days’ imprisonment.

All the countries in the region restrict the import or distribution of religious literature and materials to some extent. Main restrictions are requiring governmental approval and examination before import and distribution, and banning specific materials based on concerns for security or extremism.

The education of children about religion is a contentious issue in this region. One aspect is the parents’ rights to raise their children in accordance with their religion and to teach their children about their faith. In Kazakhstan, the law grants no interference in parents’ rights to raise children consistent with their religion unless such upbringing harms the child’s health or rights. In Tajikistan, the law specifically prohibits children under 18 from participating in public religious activities including worship. In Uzbekistan, the state authorities go even further and actively pressure parents to avoid talking about religion with their children. IRF report that school administrations have warned parents about unspecified consequences if they teach their children about Islam or allow

them to wear hijab. Similarly, in Turkmenistan, obtaining religious education in private settings is prohibited and subject to legal action. This discouragement of teaching religion to one's children effectively hinders the transfer of faith from one generation to another and ensures that the number of believers is reduced over time.

Another related aspect is the education of religion in schools and whether participation in the state religion is mandatory. In Armenia, in schools that include educational courses in Armenian Orthodox Christianity in their curriculum, participation is mandatory for adherents to the Armenian Apostolic Church and non-adherents regardless of parental objections. Yezidi community representatives reported dissatisfaction with the mandatory religion courses, terming them "religious indoctrination" (IFR, 2021). In Turkey the Constitution mandates compulsory religious instruction in schools. Religion classes are two hours per week from fourth to twelfth grade. Only students who are designated "Christian" or "Jewish" in their national identity cards may get an exemption from such classes while other minorities are rarely granted exemptions.

Several of the governments in Central Asia have adopted a security lens when dealing with religious communities, particularly conservative Muslim groups. The legal frameworks include broad and vague formulations of the concepts of extremism and incitement of social, class or religious hatred, allowing the authorities leeway to silence civil society actors, human rights defenders and peaceful believers. In 2020, Forum 18 reported that 24 prisoners of conscience are serving sentences in Kazakh prisons. 23 of these are Sunni Muslims who are punished for exercising their freedom of religion or belief. One of these, Dadash Mazhenov, was jailed for having reposted teachings of Islam that while peaceful, differed from the official interpretation of the mufti of Kazakhstan. The government has deemed this propaganda of terrorism or public calls to commit terrorism.

In Kazakhstan, those convicted of terrorist charges are almost always added to the Finance Ministry Financial Monitoring Committee List of individuals "connected with the financing of terrorism or extremism". Being added to the list means that all bank accounts of that individual are blocked with no further legal process. Moreover, these individuals cannot be employed, receive services from the state or even have legal representation or challenge any violations in the court. Individuals remain on the Financial Monitoring Committee List for six or eight years after their sentence has expired as they are deemed still to have a criminal record.

Restrictions for women

Few restrictions targeting women specifically can be identified in this region. In all the predominantly Muslim countries in Central Asia and Caucasus, the authorities have at some point, and on some level, banned the use of headscarves in schools. In Kazakhstan, the Ministry of Education and Science continues to prohibit headscarves in schools throughout the country during in-person schooling, but media reported the ban was not strictly enforced during online instruction necessitated by the COVID-19 pandemic.

Finally, while government restrictions may affect women and men more equally in Central Asia, society has different expectations for women and men. For example, partners in Kazakhstan and Kyrgyzstan stated that Muslim women in more rural areas would not *de facto* have the same access to divorce and rights provided by law.

Harassment and violence against religious minorities

In Caucasus, minorities are vulnerable to harassment and violence from state and society, while in Central Asia, also the religious majority is targeted. Certain minorities are more vulnerable, in

particular Jehovah's Witnesses, Jews, Baha'is, followers of Hare Krishna and non-traditional Christians and Muslims such as Protestants, Pentecostals, Sufis and Ahmadiyyas.

Harassment and discrimination

Human rights organizations report consistently that authorities in the region continue to use religion and security laws to harass and restrict minority and majority religious groups with fines and limitations on their activities. Violations include attending worship meetings not approved by the state, importing or selling religious literature, sharing or teaching faith, wearing religious attire or beards and violating procedures for praying. In Georgia and Armenia, minorities experience more reactions from society, while other countries in the region arrest, imprison and fine individuals for exercising their religion or belief peacefully. In Central Asia, Muslims receive the harshest sentences.

As mentioned above, while laws in the region does not prohibit conversions, converts experience reactions from society. OpenDoors World Watch List for 2021 explains that because Tajikistan's ethnic and national identity is directly tied to Islam, Christians who have converted from Islam face criticism and pressure of reconversion from family, friends and community. Similarly, Turkish converts to Christian Protestant groups from Islam or from Christian Orthodoxy may experience social ostracization from their families, friends and colleagues after learning of the conversion. Christian groups in Turkmenistan also reported that Turkmen who converted from Islam experienced government scrutiny and were subject to discrimination for example that converts were denied government jobs or fired from jobs based on their religion.

Discrimination

In most Caucasus countries, adherents of the official state religion enjoy certain privileges. In contrast, religious minorities lack free access to registration, proselytization, production and distribution of religious literature, religious education of their own choice and more. In Central Asia and Azerbaijan, the state prefers secularism or the officially approved interpretation of religion while alternative interpretations face harsh reactions, justified by concerns of security and terrorism. Minorities are also experiencing discrimination.

Violence

Hate speech: Religious minorities across the region continue to suffer from hate speech and negative portrayals of their communities, mostly from society, but also from government officials in some countries. While hate speech contributes to the isolation of religious minorities, it does not necessarily lead to physical attacks on members of the minorities. All the countries score less than 5 on Pew's social hostility index, and only Turkey, Uzbekistan and Georgia score higher than 3. This indicates that social hostilities in the region are relatively low.

Violence: In Turkey, religious minorities have seen several violent attacks on Christians in the past. In 2007, three employees of the Bible publishing Zirve Publication House were tortured and murdered by five Muslims. The assailants were given life sentences while two military personnel were found guilty of aiding the murders and sentenced to 13 and 14 years in prison. Even though Turkish gendarmerie had conducted extensive surveillance of the Zirve Publication House, the court found that claims of involvement by a clandestine group within the armed forces were not substantiated and ruled out examining the question further. The three victims were Protestant Christians and two of them were converts from Islam. Several plans for assassinations of Protestant Christians have also been uncovered in the past years.

In 2020, an elderly Catholic Chaldean couple was abducted, and the body of the woman was later found. The couple had received several threats in the past from Turkish and Kurdish residents.

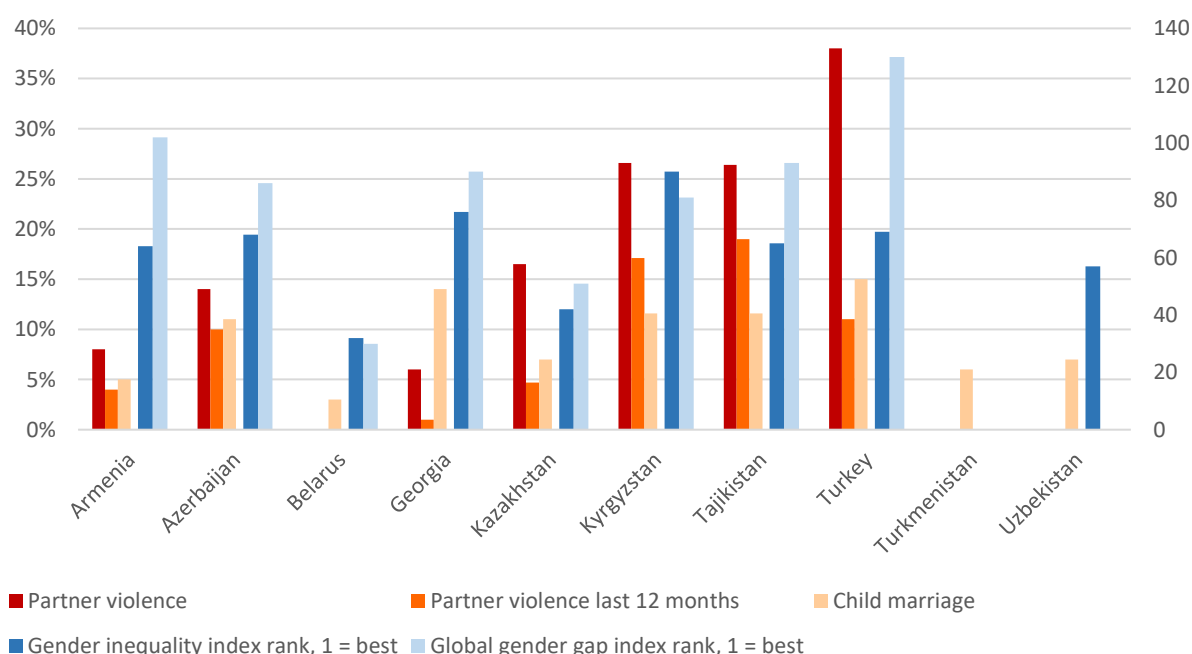
Assyrian activists believe that the abductors’ aim is to frighten the remaining Christians in the area into leaving their ancestral land. Human rights organizations report of vandalism of places of worship and cemeteries as well as hate speech targeting minorities including Christians, Jews and Alevis.

Harassment and violence against women

During conversations, partners in former Soviet countries have expressed a strong belief that women and men have equal FORB restrictions in their societies. The view of gender equality in society may be inspired from the Soviet Union where women were considered an untapped source of labor and were given wide-ranging rights to encourage them to work. Within a few years after the Russian revolution in 1917, women were granted the right to vote, divorce and have abortions. Women were given equal rights to insurance, paid maternity leave and health and safety protection at work. The position that women had under the Soviet Union may have contributed to an impression that men and women are affected by restrictions equally. This may be true, but this view may also hinder identifying actual gender issues and having more nuanced discussions about the different roles, needs and concerns that women may have in former Soviet countries.

The analyzed reports contain no information about minority women from being targeted specifically, but if we look at the societies, women do experience harassment and violence across the region in general. Women who are already targeted as part of religious minorities or even majorities, become even more vulnerable through such multi-layered discrimination. Common violations against women in Central Asia and Caucasus are domestic violence, bride kidnapping in Kyrgyzstan and harassment against women wearing hijab.

UN Women’s Global Database on Violence Against Women provide comparable data per country and can provide an overview of the violence against women in the region. In this chart, the red columns are measured in percentages on the left axis while the blue are measured in rank on the right axis.



More than 35% of women in Turkey and more than 25% in Kyrgyzstan and Tajikistan experience partner violence. Several countries in both Central Asia and Caucasus have a fairly high ranking in both the Gender inequality index and the Global gender gap index. Turkmenistan and Uzbekistan

have missing data entries, but there are no indications that these two countries would score better than their country neighbors. Turkey scored markedly worse than the other countries on the gender gap index. Unfortunately, the poor score of Turkey reflects the grave situation of women's human rights in the country. According to the Turkish Minister of Family and Social Services, 336 women were killed in 2019 as a result of gender-based violence, 267 were killed in 2020, and 95 in the first four months of 2021. Other organizations believe the true figures to be higher and that these numbers represent only the tip of the iceberg as many incidents of violence against women and children are not reported in the media. Despite of these huge human rights challenges, in 2021 Turkey chose to withdraw from the Istanbul Convention, a human rights treaty of the Council of Europe against violence against women and domestic violence.

Although prohibited by law, the practice of kidnapping women and girls for forced marriage is commonplace in Kyrgyzstan. In 2018, the United Nations estimated kidnappers forced 13.8% of girls under the age of 24 into marriage. In the recent years two women were killed by their kidnappers when attempting to resist marriage. Men married to kidnapped brides are more likely to abuse their wives and limit their pursuit of education and employment. The negative effect of the practice extended to children of kidnapped brides. Observers report that there was a greater frequency of early marriage, polygamy, and bride kidnapping in connection with unregistered religious marriages.

In Central Asia women wearing hijabs are subjected to harassment and discrimination, and religious women are stigmatized in the media. In Tajikistan, local police and ruling party activists organize surprise public inspections of women wearing hijabs, requiring them to remove their headwear. Moreover, female patients wearing hijabs are refused treatment in public health clinics and face restricted access or are denied entrance to educational establishments and administrative buildings.

Conclusion

Building on the developments illustrated in the PEW study from 2019, government restrictions in the region of Central Asia and Caucasus have increased slightly, and there are reasons to believe that this situation will continue or deteriorate slightly. In social hostilities, there is unified trend and predicting the future development is more challenging.

There are a number of factors and drivers that may lead to improvement and deterioration of FORB in the region. Currently, the most important factor seems to be the development in Russia, the war in Ukraine and the securitization of FORB. While Russia has been excluded from this analysis, the country is undoubtedly the single most influential foreign power in Central Asia and Caucasus. The negative development of centralizing power and discriminating religious minorities in Russia will have ripple effects, particularly in Central Asia, but also Caucasus. The current events with the Russian invasion into Ukraine threaten to create massive polarization between the West on one side and Russia and countries under strong Russian influence on the other. The development and outcome of this situation can potentially be a determining factor for the political situation in Central Asia and Caucasus, including the respect and protection of FORB.

As mentioned previously, several governments in the region, especially in Central Asia, apply a security lens when dealing with religious communities and FORB. The FORB situation will persist or deteriorate as long as governments continue to look at religious communities and minorities as potential threats to security and state power, instead of ensuring their human rights to reduce grievances and facilitate their participation in society.

At the same time, there are positive developments. First, Georgia has an Ombudsperson who effectively addresses human rights violations in the country, including violations of FORB. Second, in the past years, Uzbekistan seems to have opened the door to gradual reforms and improved rights, though they have a long way to go. Finally, there has been some positive development in Kazakhstan who seem to have realized the need to address grievances of religious minorities through improved legislation.

Sources

Amnesty International. 2021. *Turkey, turn words into actions: Duty-bound to end violence against women*. Retrieved at: <https://www.amnesty.org/en/wp-content/uploads/2021/12/EUR4451092021ENGLISH.pdf>

Association of Protestant Churches. 2021. *2020 Human Rights Violation Report*. Retrieved at: <http://www.protestankiliseler.org/wp-content/uploads/2021/02/2020-Human-Rights-Violation-Report-.pdf>

CSW. 2020. *Body of Catholic priest's missing mother found*. Retrieved at: <https://www.csw.org.uk/2020/03/25/press/4591/article.htm>

Freedom House. 2021. *Freedom in the World*. Retrieved at: <https://fot.humanists.international/countries/>

Human Rights Watch. 2022. *World Report 2022*. Retrieved at: <https://www.hrw.org/world-report/2022>

Humanists International. 2022. *Freedom of Thought Report 2021*. Retrieved at: <https://fot.humanists.international/countries/>

Northrop, Douglas. 2004. *Veiled Empire: Gender and Power in Stalinist Central Asia*.

Pew Research Center. 2021. *Globally, Social Hostilities Related to Religion Decline in 2019, While Government Restrictions Remain at Highest Levels*. Retrieved at: https://www.pewforum.org/wp-content/uploads/sites/7/2021/09/PF_09.30.21_religious_restrictions-Full_PDF.pdf

United States Commission on International Religious Freedom. 2021. *Annual Report*. Retrieved at: https://www.uscirf.gov/sites/default/files/2021-04/2021%20Annual%20Report_0.pdf

United States State Department. 2020. *International Religious Freedom Reports*. Retrieved at <https://www.state.gov/reports/2020-report-on-international-religious-freedom/>

UN Women. 2022. *Global Database on Violence against Women*. Retrieved at: <https://evaw-global-database.unwomen.org/en>

World Watch Monitor. 2016. *UPDATE: Malatya murderers re-arrested over fears they may flee Turkey*. Retrieved at: <https://www.worldwatchmonitor.org/2016/10/update-malatya-murderers-re-arrested-over-fears-they-may-flee-turkey/>