

## **7. Comparison of the Contemporary Role of Religion in Politics**

---

I am interested in the repression of religious groups in Central Asia, and the theoretical framework that the Central Asian states have adopted towards religion is important in this regard. However, the practical measures taken by state bodies to suppress religious groups and individuals are at the centre of my attention. First, I discuss whether or not the countries' constitutions guarantee religious freedom and then I move to the religious laws these countries have adopted in order to minimize extremist influences on Islam. After scrutinizing this theoretical framework I will turn to the implementation of these religious laws. In the second section, I consider which state bodies are involved in countering terrorism and extremism. My interest then turns to considerations of whether detentions are conducted in accordance with the law or take place arbitrarily; whether trials are fair or extorted evidence is used and, finally, whether conditions of imprisonment meet human rights standards.

First I will answer the following questions which focus on the theoretical background:

- Constitutions: do they tend to guarantee freedom of belief? Are they secular?
- Religious laws: do they guarantee freedom of belief?

Then I will turn to the following questions concerning the practical implementation of legal regulations:

- Pre-trial: do arbitrary arrests take place? Do extrajudicial killings take place?
- Trial: are trials fair? Is evidence extorted?
- Prison regime: are basic human rights respected during arrest? Are political and religious prison inmates discriminated against? What are the conditions of imprisonment like?

Resolving these questions requires me to make a comparison of the different countries according to when and how they respect or disregard human rights in the fight against religious extremism. In both sections I will also present the state institutions which are involved with the main issues of my study: religion and security. Finally, in chapter 9 I will elaborate a typology of the state regulation of religion.

## **7.1. FREEDOM OF RELIGION AND THE CONCEPT OF RECOGNITION**

What does Freedom of Religion mean exactly? The Universal Declaration of Human Rights considers the freedom of religion or belief under Article 18:

“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance” (The Universal Declaration of Human Rights, Art. 18).

As we see, in order to fully enjoy the freedom of religion or belief, individuals have the right to practice their religion either alone or with others. Furthermore, it is important to note that:

“Respect for freedom of religion or belief as a human right does not depend on administrative registration procedures, as it has the status of a human right, prior to and independent of any acts of State approval” (Bielefeldt 2011: 1)

However, this freedom of religion is not always stringently adhered to by each state's processes of recognition for religious groups. Heiner Bielefeldt, Special Rapporteur on freedom of religion or belief for the United Nations, clears up "misunderstandings concerning the meaning of 'recognition' and the role of the State in this respect" in a special report (Bielefeldt 2011: 1). This report will help us to gain a more in-depth understanding of the registration processes of religious groups in the Central Asian states. Bielefeldt distinguishes the following definitions of recognition of religion by a state:

"a) Recognition in the sense of the due *respect of the status of all human beings as right holders* by virtue of their inherited dignity, b) Recognition in terms of States providing for the possibility of *obtaining the status of legal personality*, which religious or belief *groups* may need for the exercise of important communitarian aspects of their freedom of religion or belief c) Recognition in the sense of States according a *specific privileged status position to some religious or belief communities*" (Bielefeldt 2011: 1; author's emphases).

Bielefeldt explains that the confounding of these different meanings can "negatively affect the implementation of freedom of religion or belief, or even undermine its status as a universal human right" (Bielefeldt 2011: 1). I will here refer to these categorizations in order to understand and classify the attitudes of the Central Asian states towards religion. As we will see below, all four states recognize the human right of religious freedom in their constitutions as a). However, registration processes for religious organization in order to obtain legal status fall under b), whereas the declaration of a 'special status' to the Hanafi madhab by the Tajik government and the recognition of 'traditional religions' in Kazakhstan fall under c).

## **7.2. SECULARITY IN THE CONSTITUTION**

### **7.2.1. The Human Right to Freedom of Religion**

The preamble of the Swiss constitution reads as follows: "In the name of God, the almighty!" which is not explicitly secular. By contrast, the preambles of the Central Asian states do not include any sort of religiosity with

the slight exception of Kyrgyzstan which aspires to: “root the [...] spiritual development of the people; [...]”.

In fact, the constitutions of Kazakhstan, Kyrgyzstan and Tajikistan prominently declare secularity in their constitutions in the very first article. They read as follows:

- Kazakh Constitution, Article 1, para.1: “The Republic of Kazakhstan proclaims itself a democratic, secular, legal and social state whose highest values are an individual, his life, rights and freedoms.”
- Kyrgyz Constitution, Article 1, para.1: “The Kyrgyz Republic (Kyrgyzstan) is a sovereign, democratic, secular, unitary and social state governed by the rule of law.”
- Tajik Constitution, Article 1: “The Republic of Tajikistan is a sovereign, democratic, law-governed, secular, and unitary state. [...]”

The first article of the Uzbek Constitution states only that “Uzbekistan is a sovereign democratic republic,” but does declare the following with regards to the separation of state and religion in Article 61: “Religious organizations and associations shall be separated from the state and equal before law. The state shall not interfere with the activity of religious associations.” This is similar to the Soviet constitutions.

Surprisingly in light of Soviet religious policies, the 1936 Soviet constitution mentions the freedom of conscience (and the right to atheistic propaganda) only omitting this article in the 1977 constitution.<sup>1</sup> Today, except in the Tajik constitution, where the freedom of conscience is not mentioned, it is explicitly confirmed in all Central Asian constitutions:

- Kazakh Constitution, Article 22, para. 1: “Everyone shall have the right to freedom of conscience.”
- Kyrgyz Constitution, Article 32, para. 1: “1. Everyone shall be guaranteed freedom of conscience and belief.”

---

<sup>1</sup> 1936 Soviet constitution, Article 52 “Citizens of the USSR are guaranteed freedom of conscience, that is, the right to profess or not to profess any religion, and to conduct religious worship or atheistic propaganda. Incitement of hostility or hatred on religious grounds is prohibited.”

- Uzbek Constitution Article 31: “Freedom of conscience is guaranteed to all. Everyone shall have the right to profess or not to profess any religion. Any compulsory imposition of religion shall be impermissible.”

However, there are some constraints that can be imposed upon these rights. For example, article 22 of the Kazakh constitution continues in para. 2: “The right to freedom of conscience must not specify or limit universal human and civil rights and responsibilities before the state.” Furthermore, as the following analysis by the Berkley Center shows, the rights declared in the Uzbek constitution are only guaranteed in so far as they are not at odds with other more important ‘interests of the state’, which are defined in Article 20 of the constitution:

“Citing Article 20, Karimov has sanctioned his government’s crackdown on Muslims by declaring that their ‘Wahhabi’ ideology conflicts with state security. By monopolizing constitutional interpretation, the Uzbek president is effectively ensuring that state policy cannot be limited through constitutional precepts” (Berkley Center e).

Indeed the maintenance of presidential hegemony takes priority over human rights concerns in all Central Asian states. The US State Department’s International Religious Freedom Reports of these countries more or less come to the same conclusion regarding freedom of religion: “The constitution provides for religious freedom; however, other laws and policies restrict religious freedom and, in practice, the government generally enforced these restrictions” (StateDept 2012a: 1).

### **7.2.2. Religion as a Means of Ideological Nation-Building**

Whereas the above mentioned freedom of religion referred to the human right of the individual, now I turn to what Bielefeldt classifies “a specific privileged status position to some religious or belief communities” given by the state (Bielefeldt 2011: 1).

Besides the explicit articles in Central Asian constitutions on secularism, these constitutions also declare that no state ideology or state religion can be established. For example, the Kyrgyz constitution, “[...] prohibits the establishment of any religion as a state or mandatory religion. Further-

more, the government prohibits religious groups and clergy from interfering in the activities of government institutions” (StateDept 2012b: 2). However, such stipulations do not hinder governments from according a special status to some religious organizations. For example, Article 8 of the Tajik constitution explains that:

“In Tajikistan public life is to develop on the basis of political and ideological diversity. No ideology, including religious ideology, is granted the status of state ideology. [...]”

Despite this, it recognizes the special status of the Hanafi school (StateDept 2012c: 2). This has led to some confusion among authors, who have wrongly stated that the Hanafi school is the official state religion of Tajikistan (see as an example Yuldashev 2009a). Special status is also given to the following religious groups in Kazakhstan, which are considered ‘traditional’ and therefore privileged: Islam (represented by SAMK), Russian Orthodoxy, Roman Catholicism, Lutheranism, Judaism (StateDept 2012a: 10). With “a recently adopted law regulating religious relations [...] the state acknowledges the place and the role of Hanafiyah in the spiritual life of our people”, says Nazarbaev (Nazarbaev in TengriNews 2013).

The Muslim Board of Uzbekistan (MBU) – an institution presented in more detail in the next section – runs the shrine complex of Ulli Pir in Khorezm; the museum and a guesthouse near the site are administered by the state-run Centre for Morals and Enlightenment (*Ma’naviyat va Ma’rifat Markazi*) (Kehl-Bodrogi 2006: 243). In Kyrgyzstan, holy places such as Manas Ordo and the Throne of Suleiman are called national, historical or cultural sites by state authorities (Toktogulova 2007: 509). By what means did secular regimes come to maintain such holy places? One explanation might be ideological nation-building. Another could be the state’s desire to have more control over the religious sites.

I already introduced the need of the newly independent started for a new national ideology above: they started to fuse together historical figures, nationalistic and religious ideologies in order to build an ideological base for their nation states. The results of their efforts, as well as the measures taken to implement their respective ideologies, vary distinctly from state to state. The former Turkmen leader Saparmurat Niyazov was an exceptional case in this regard. He authored the book *Rukhnama*, which he raised to the

level of the Quran, and decreed that it had to be read and recited by the Turkmen citizens at many different occasions (Pelkmans 2006). The other Central Asian governments did not go to such lengths to foster the cult of personality but rather capitalized on the cultural symbolism of Islam. As Schoeberlein explains, they “[...] promote historical figures and cultural practices associated with Islam as part of their revival of national culture more broadly” (Schoeberlein 2009: 105). In particular, states’ attitudes towards popular religious traditions have changed since independence. Kehl-Bodrogi shows this citing Uzbekistan as an example:

“In a clear break with the official interpretation of Islam in the Soviet Union, the state now acknowledges popular religious traditions as legitimate expressions of faith and part of the ‘golden heritage’ (*altin meros*) of the Uzbek people” (Kehl-Bodrogi 2006: 238).

Indeed, the shift from an interpretation of Islam which relied mainly on scholarly Sunni Islam also occurred in the other newly independent Central Asian states. Contrary to the policy of the Soviet Union, the newly independent Central Asian states “preferred to recruit among relatively uneducated parallel ex-mullahs rather than among the élite who had been educated in the Arab countries during the Soviet era” (Roy 2000: 158). This was partly due to the fact that after independence, the number of worshippers increased too rapidly for educated imams to meet the new demand (Sal morbekova and Yemelianova 2010: 227). This shortage of educated imams and the acceptance of former parallel mullahs by the Central Asian governments as well as the large scale reopening of village or *mahalla* mosques (which were closed during the Soviet Union) might also have served to strengthen traditional Islam.

Whereas differences between contemporary state Islam and official Soviet Islam can be observed, there are also similarities regarding the understanding of religion and the role of Islam in state politics. The Soviet understanding of culture and identity as well as their ‘nationalization of religion’ played an important role in the formation of national identities of the contemporary states (Khalid 2007: 3; Pelkmans 2006). And just as the Soviets understood religion to be more a symbol of national identity than a matter of spirituality so too do the political leaders of the Central Asian states. They “maintain the Soviet modernist antipathy for religion and would like

to see Islam play only a symbolic role and no political role in their countries" (Schoeberlein 2009: 104). For this end they use Islamic symbols on national flags or banknotes, celebrate Muslim holidays and ceremonies and often use religious expressions (Roy 2000: 159). Indeed, political leaders make conscious use of Islamic symbols in order to strengthen their legitimacy and their rule (Roy 2000: 159; Karagiannis 2010: 15; Yemelianova 2010: 27). Furthermore, all Central Asian countries currently belong to the Organization of the Islamic Conference.

The Central Asian governments today refer to 'traditional Islam' as being officially accepted and mention the Hanafi School and Sufi Islam in this context. In fact, Sufi Islam, persecuted during the Soviet Union, was rehabilitated by the newly independent states, as Kehl-Bodrogi points out:

"The [Uzbek] government is equally supportive of the literary reconstruction of the Sufi tradition [...], and has made the celebration of the lives of medieval Sufi awliya (*avliyo*) a centrepiece of its nation-building agenda." (Kehl-Bodrogi 2006: 238).

The main purpose of this rehabilitation should by now be clear; as Fathi asserts, national leaders have been "building a national Islam to reinforce their policies of national consolidation. Since declaring independence, they have encouraged re-Islamization 'from the top'" (Fathi 2011: 174). For example, "Uzbekistan laid on a major commemoration of Bahauddin Naqshband in Bukhara, and used the fact that both the Ysawiyah and the Naqshbandiyah originated in Central Asia" (Roy 2000: 159), while in Kazakhstan, Ahmet Yasawi, the founder of the Sufi Yasawiyi tariqa, was declared a "figure of national importance" (Khalid 2007: 132).

As Karagiannis points out, the state celebration of Ahmet Yasawi in Kazakhstan shows how attitudes towards Sufism have changed since traditional Islam is now regarded as a useful means of opposing radical Islam: "[...] a few regional governments have attempted to integrate elements of Sufi Islam into their state ideology and have promoted Sufism as an alternative to political Islam" (Karagiannis 2010: 15). However, equating 'traditional Islam' with Sufi practice suggests a very superficial understanding of religiosity. Precisely in Kazakhstan, for example, Sufism is not officially recognized (Berkley Center a) despite its veneration of Sufi leaders. In fact, just recently a prominent Sufi – incidentally a follower of Ahmed Yasawi – was sentenced to fourteen years in prison (RFE/RL 2013).

As for what ‘traditional Islam’ means exactly: this is open to discussion. While common people seem to understand this term to mean merely Islamo-national life-cycle rituals, imams refer to the typical Central Asian interpretation of the Quran (Salmorbekova and Yemelianova 2010: 230f). In any case, the main political function of the introduction of this term seems to be that today foreign influence on Islam is unwanted: official ‘traditional’ Islam has been used to contrast ‘foreign’ extremism. In the local ‘War on Terror’ the authorities’ main argument is that foreign influences contradict traditional Islam, and thereby disunite society.<sup>2</sup> In this sense, traditional Islam is put forward as the main ideological solution to foreign-influenced Islamist movements (Roy 2000: 159). In addition, contemporary regimes have used their definition of Sufism as ‘traditional’ Islam for their own ends, namely to provide a counterweight to the ‘radical’ Islam which leads to terrorism. For example, there is no doubt that the Uzbek state’s “benevolence towards popular religiosity is guided not least by the notion that it is less of a potential threat than scripturalist variants of the faith” (Kehl-Bodrogi 2006: 238). Schoeberlein advances the same view and also implicitly cautions against dangerous ‘foreign’ branches of Islam:

To summarize, all of the four states try to control religion as tightly as possible and “take for granted the right to regulate religious life through formal bureaucratic channels” and “resolutely oppose the wrong kind of Islam” (Khalid 2007: 132). On the one hand the contemporary Central Asian regimes take advantage of and even fear the revival of Islam as an opposition force but on the other, they support it for their own advantage.

### **7.3. CONTENT OF RELIGIOUS LAWS**

At first sight it appears strange that countries with predominantly Muslim populations enact laws forbidding the wearing of headscarves at schools – an issue broadly discussed in Europe. However, as we will see in this section, all four Central Asian states consider schoolgirls’ headdresses an issue. Religious laws not only determine which specific religious groups are allowed to practice in the country, where they might worship, and even

---

2 See “Osh officials hear concerns about uncertified imams”: [www.centralasiaonline.com/en\\_GB/articles/caii/newsbriefs/2012/05/10/newsbrief-16](http://www.centralasiaonline.com/en_GB/articles/caii/newsbriefs/2012/05/10/newsbrief-16) (15.5.12).

what content their literature and materials can comprise, but also limit religious instruction.

The toughening of policies towards Islam started in the mid-1990s. Khalid attributes this to external factors – the civil war in Tajikistan and the gaining of power of the Taliban in Afghanistan (Khalid 2007: 132). General statements on the religious laws, which have become increasingly restrictive over the last few years, have become widespread in the literature on Central Asia. Indeed, since no specific comparison of the diverse religious issues has been conducted yet, I will attempt to do so here. However, this comparison is only cursory in part because I do not have a juristic background and the laws and regulations are changing on a regular basis. At any rate, I will be able to identify and compare the most important means used to control religious practice in the Central Asian states and get an idea of the degree of formally or legally sanctioned restrictions on religion. In addition to the countries' laws on religion, the fatwas of the Council of Ulama or the Muftiate have a binding character (more on these institutions in the next section).

The current law on 'Religious Activity and Religious Associations' was approved in Kazakhstan on October 11, 2011. Nazarbaev explained that the law was necessary in order to protect the country from religious extremism and that "interfaith accord is one of the fundamentals of the unity of the [Kazakh] nation" (Nazarbaev in TengriNews 2011b). In addition to the religious law, the "State Program to Counter Religious Extremism and Terrorism" applies for the period 2013 to 2017. It introduces preventive means, such as a compulsory school subject which provides instruction on "traditional religions" (Corley 2013).

Kyrgyzstan adopted the law "On Freedom of Conscience and Religious Organizations" in 2009. Amendments were made to it in 2012, integrating an article on religious materials. Other amendments discussed in the unicameral parliament concerned the sending of students to foreign religious colleges, stipulating a minimum of 200 citizens for officially sanctioned religious communities and the licencing of foreigners who conduct religious activities (Corley 2012).

The Tajik "Law on freedom of conscience and religious associations" came into force on 26 March 2009. It restricts worship to four locations: mosques, cemeteries, homes, and holy shrines. In addition, it distinguishes itself from the religious laws of the other countries with regards to the tight

control of the religious content of sermons: “[...] government censors now monitor Friday sermons, stepping in when muftis stray from the government line” (Schwartz 2011). Amendments to the Code of Administrative Offences show how the Tajik government ascribes extremism to ‘foreign’ Islam. These amendments define the punishment for “those violating the religion law’s tight restrictions on sending Tajik citizens abroad for religious education, preaching and teaching religious doctrines, and establishing ties with religious groups abroad” (StateDept 2012c: 3). Here too we can observe the aforementioned policy of traditionalization of religion. In addition, in 2004 the Tajik Council of Ulema published a fatwa against women attending mosques, arguing that they should pray at home (StateDept 2011: 1).

Uzbekistan was the first Central Asian state to declare Islamic extremism a major threat to national security when it introduced a new law on religion in 1998. With the law “On Freedom of Conscience and Religious Organizations” the “[...] state policy towards Islam has in fact become increasingly repressive” (Kehl-Bodrogi 2006: 238). Also in Uzbekistan the state “exercises strict control over Islamic worship, including the content of sermons” (Freedom House 2013d). Already in the 1990s and especially after the Andijan events in 2005, Uzbekistan was regarded as the most repressive regime in Central Asia (apart from Turkmenistan) by western observers and human rights organizations. However, Uzbekistan was only the forerunner and the other Central Asian states soon followed up as I can show in the next sections.

### **7.3.1. Religious Clothing, Hijab and Beard**

In their policies towards Islam, the Central Asian states have relied to a great extent on Soviet practice (see for example McGlinchey 2006: 128). If we bear in mind the Soviets’ campaign against the hijab, the contemporary banning of the *hijab* (Muslim headscarf) is easier to understand.

Also in the context of this issue, the ‘traditionalization of religion’ and the special status for ‘traditional’ Islam can be observed. In Kazakhstan and in Tajikistan the national headdress for women is permitted (and even promoted) by each respective government, but ‘foreign’ fashions of wearing the hijab are partially prohibited. Absattar Derbissali, Kazakh Supreme Mufti until February 2013 explained this in the following way:

“Concerning our country’s girls, women: Kazakhs have beautiful national clothes, but it is not hijab. We should not wear Afghanistan’s national clothes. Our people, our women have to dress according to traditions of our ethnicity” (TengriNews 2011a).

We see in this quote again how the Central Asian governments fear foreign influences on Islam and contrast them with their own traditions. The wearing of hijabs is not forbidden in Kazakhstan, but the Head of the Agency of Religious Affairs (ARA) explains that it is not necessary to wear a hijab to show one’s religiosity (TengriNews 2011b). Indeed, it was reported that the education department of Aktobe oblast keeps a list of school students who wear a hijab. Although the Department explains that this is just “done to know their exact number” (TengriNews 2011c), in the context of the political persecution of devout individuals, this might raise concerns.

In Kyrgyzstan the situation seems similarly unclear, which shows that this is a delicate topic. On the one hand, Freedom House reports that two months after the 2009 religious law came into effect, the wearing of headscarves was prohibited in Kyrgyz schools (Freedom House KG 2012). On the other hand, the State Department Report on Religious Freedom of the same year says that so far the Kyrgyz government has banned neither hijabs nor religious clothing in schools (StateDept 2012b: 4). Officially at least, there is no ban:

“Ministry [of Education and Science] officials have adamantly denied a ban, saying the only reason headscarves might not be allowed by some teachers or administrators is because they are not a part of the official public-school uniform for female students” (Schenkkan 2011b).

Nevertheless, some parents have complained about “harassment by teachers and school administrators toward hijab-wearing students” (Schenkkan 2011b). What makes the situation in Kyrgyzstan unique, and distinguishes it from the one in Kazakhstan, is how the Muftiate reacted to this dispute. The Muftiate supported Muslim groups who argued that a ban would violate the constitutional guarantee of religious freedom and “posted a hotline for complaints on its website” (Schenkkan 2011b). By contrast, in Tajikistan the Tajik Ministry of Education (MOE) clearly banned the hijab from

schools and universities in 2005, arguing that this was necessary to safeguard the secular education system (Freedom House 2013c, StateDept 2012: 1). Here, “the Council of Ulemo members have not disputed the MOE dress code banning the hijab in schools and have promoted official government policies, saying that the national head covering may substitute for the hijab” (StateDept 2011: 5). As in Kazakhstan, here too a distinction is made between the hijab and the traditionally tied headscarf: “Women wearing a traditional local head covering, a scarf which covers the hair but not the neck, were allowed to study in schools and universities” (StateDept 2011: 1). Besides the issue of hijab at school, the Tajik MOE prohibits teachers under the age of 50 from wearing beards (StateDept 2012c: 3). More generally, “there were reports that men were not able to obtain a passport if photographed with a beard, and women were not permitted to be photographed while wearing a hijab, unless traveling for the hajj” (StateDept 2011). In Uzbekistan, as usual, the situation is more extreme with religious clothing banned not only from schools but even from public places in general with the exception of those serving in religious organizations (StateDept 2012d: 4).

Another issue newly raised in Kazakhstan is the following: It is reported that at Al-Farabi University in Almaty the names of students who read namaz are collected and that they are interrogated – preventively, in order to be able to control who potentially could leave for Syria to execute jihad there.<sup>3</sup>

### **7.3.2. Religious Instruction**

As I have shown in section 7.1, the right to religious instruction is included in the freedom of religion in Article 18 of the Universal Declaration of Human Rights. I use here the terms ‘religious instruction’ and ‘religious education’ interchangeably, although sometimes the first term tends to be used for the teaching of one particular religion and the second for teaching about religions in general. In the Central Asian context, several different school levels are discussed under the umbrella term ‘Muslim religious education’:

---

3 See <http://rus.azattyk.org/content/spisok-chitayuschikh-namaz-studentov/25173602.html> (8.2.2014).

- *maktab*s provide primary religious education for children at mosques;<sup>4</sup>
- *madrasas* operate at the secondary school level and qualify students for university by teaching them diverse subjects in addition to giving them a Muslim education;
- Islamic Universities which teach Muslim theology;
- private homes where children and adults can receive Quran lessons, where Surahs are recited, Arab scripture and grammar learnt and individual guidance about religion takes place between teacher and student.

Bearing the human right to religious instruction in mind, the question of where children and students today receive religious instruction today presents itself. More specifically:

- Are private religious classes allowed and under what conditions?
- What is the status of religion in public schools?
- What are the officially recognized religious institutes?
- Are students allowed to travel abroad to follow a course of religious instruction at the higher education level?

I will start with the similarities among the Central Asian states before going on to discuss exceptional cases. I will then provide more detailed information regarding the specific countries.

Religious instruction currently tends to be restricted to registered religious communities (see section 7.5.1 for registration processes). For higher Islamic education, the permission of the Ministry of Education (MOE) is needed, which means that tertiary level religious instruction is restricted to government-approved institutions.

Although private religious tutoring for children is prohibited in all four countries, it has a long tradition in Central Asia (Stephan 2010: 471):

“They provide an elementary Islamic education, with the aim of turning young boys and girls into genuine believers and good Muslims [...]. As a result of their connection to the local mosque, their proximity to the households and the local background of the teaching staff, the *maktab* were embedded in urban and rural neighbourhoods,

---

4 The use of the name ‘maktab’ is unclear, as it seems that it is sometimes also used to refer to secular primary education.

and guaranteed the reproduction of local knowledge and local religious authority” (Stephan 2010: 471).

Today, it is common for children to be sent to private religious classes by parents who find themselves in difficult economic and social situations in order to help raise their children as ethical individuals (interview with Kyrgyz expert in Islamic studies; Stephan 2010). This is also true (perhaps even more so) for the many grandparents who look after the grandchildren of parents working abroad as migrant labourers (interview with Kyrgyz expert in Islamic studies).

During Soviet times, besides strengthening the character of children, learning in private homes had an additional purpose: it was one of the primary means by which popular Islam was able to survive. Especially in areas where few or no official mosques existed, an informal system of spiritual education came into being (Naumkin 2005: 21) by means of clandestine prayer houses, which were set up in the homes of Sufi shaykhs. These also became meeting places for general believers and/or for Sufi adepts (Bennigsen and Wimbush 1985: 86f; Salmorbekova and Yemelianova 2010: 216). Private houses furthermore preserved small private libraries; these helped propagate religious knowledge although Central Asia was cut off from the rest of the Islamic world (Roy 2000: 145). Private underground teaching courses were called *hujra*, which is originally the name for a student-room at a madrasa (Naumkin 2005: 21).

Today in Kyrgyzstan and Tajikistan religious tutoring for children mainly takes place during summer holidays when they visit the local mosque a few hours a day to study the Quran. At the official Almaty Central mosque, children are taught the following subjects: Arabic alphabet, Tajwid (the reading of Quran), Quran, Akida (the basics of Islamic creed), Arabic language, Hadith (the sentences of the Prophet), and Fiqh (awareness; the system of knowledge of right behaviour for Muslims) (Mingisheva: 2011).

In Kazakhstan, religious home-schooling is prohibited except in cases of non-religious necessity (StateDept 2012a). There are seven official madrasas in Kazakhstan and one Islamic University, which is in Almaty. Some Kazakhs study theology in Egypt or Pakistan (Mingisheva 2011). However, Kazakh students who want to study theology in Saudi Arabia need permission from the Kazakh government (Lillis 2013). At Kazakh public schools,

courses on religion were proscribed until 2013; but in 2014 ‘traditional religions’ will become an obligatory subject (Corley 2013: 2).

Kyrgyzstan allows public schools to teach lessons on ‘mainstream’ religions (StateDept 2012: 3). Here, many different madrasas operate which are not particularly closely monitored government bodies, and education at madrasas is considered of equal value to that provided at secular secondary schools (interview with a sympathizer of the Gülen movement). Seven official institutes in the country provide higher Islamic education (ARDA KG).

*Image 10: Private Religious Class in Bishkek*



Source: Lisa Harand

I observed a private religious class in Bishkek led by a woman who herself was a student at the Islamic University in Bishkek. Her illegal Quran class comprised around fifteen women who all stem from the same village in South Kyrgyzstan. These women meet once a week in order to discuss religious issues and to learn Islamic subjects such as Arab grammar, reading of Surahs and so on. Their meetings last for several hours with many interruptions for prayers. The teacher has a personal relationship to each of her students and radiates authority. It is interesting to note that the children and husbands of the women in the class meet in their own circles and are instructed by the husband of the woman teacher. The teaching is conservative-Sunni and anti-folk Islam but the women were very open to their west-

ern guests. They said that they do not have any problems with governmental restrictions on religious instruction.

The Tajik government recently closed private religious schools, as “religious home-schooling outside the immediate family was forbidden” (StateDept: 2010 7f). Yet even within the family, religious beliefs can only be taught, “provided the child expresses a desire to learn” (StateDept 2011: 4). Additionally, the “Law on parental responsibility” banned minors from attending regular religious services in mosques (Freedom House 2013c) although registered mosques are allowed to teach children. Despite this, transportation problems sometimes hinder them from participating in these lessons (StateDept: 2010: 8). Further evidence of Tajikistan’s restriction of religious freedoms include the fact that while ‘Friday mosques’ are allowed to operate madrasas (StateDept 2012c: 3),<sup>5</sup> teachers on all levels of Islamic education are vetted by the government (Nabiyeva 2013). As for students who wish to study abroad: they need the permission of the MOE, the Committee on Religious Affairs (CRA) and the Ministry of Foreign Affairs (StateDept 2012c: 1). In 2010 around 1,500 students were recalled from abroad – even from the reputable al-Azhar University in Cairo for fear that they could be trained as extremists and terrorists (StateDept 2011: 7; Freedom House 2013c). Subsequently, the limited capabilities of the Tajik religious institutions have failed to integrate them and “some have faced prosecution” (Freedom House 2013c). Obviously fearing foreign influences in all fields now, “in October 2012, the government banned all university students from attending events or conferences organized by international or foreign organizations” (Freedom House 2013c). This appears almost paranoid.

In Uzbekistan, religious classes are permitted neither at homes nor at public schools (StateDept2012d: 2, 4). Meetings of women who teach Islam to children in their homes “were jeopardized as a result of the toughening of official control over any Islam-related gatherings, especially in Uzbekistan’s part of the [Ferghana] valley” (Salmorbekova and Yemelianova 2010: 228). The Uzbek religious law “[...] limits religious instruction to officially sanctioned religious schools and state-approved instructors” (StateDept 2012d: 4). Apart from the eleven madrasas and two (University)

---

5 See the section on registration for the special categorisation of mosques in Tajikistan.

institutes in Tashkent which provide state approved secondary education, the most populous of the Central Asian countries has “[...] no other officially sanctioned religious instruction for individuals interested in learning about Islam” (StateDept 2012: 4). Graduates of the madrasas are allowed to study at University, because they “provide secondary education on a full range of secular subjects” (State Dept 2012d: 4). The Islamic University in Tashkent is funded by the government (StateDept 2012d: 2).

Traditional religions are allowed or even form part of the compulsory curriculum in Kazakhstan and Kyrgyzstan. While universities and madrasas are under strict state control in all Central Asian countries, Kyrgyzstan is the exception, where a certain diversity of madrasas seems to exist and private religious classes are attended – despite being prohibited – without fear of state reprisals. All of the Central Asian states closely monitor Islamic students abroad, but the Tajik government went furthest on this issue when it recalled hundreds of students. However, as Uzbeks cannot leave their country without an exit visa, such incidents obviously do not occur there. In conclusion, restrictions on religious education can be criticized from a human rights perspective. However, Naumkin’s comment remains true: what began in Soviet times still continues to this day – parallel Islam and political Islamic groups spread their ideology by means of private tutoring. Indeed, as far back as the 1970s, Salafis started recruiting disciples and teaching them privately, as Naumkin explains (Naumkin 2005: 37): “[...] Salafis began to address ‘trusted’ audiences and distribute tapes of sermons and lessons to them. They did not, however, call for jihad or direct struggle against the Soviet regime” (Naumkin 2005: 37). Karagiannis also underlines the importance that informal networks play stating that men-groups which gather for tea or lunch at *chayhanas* (traditional teahouses) or in private houses are important for recruiting HT-members (Karagiannis 2010: 80). In addition, members of the Gülen movement meet once a week to discuss and pray together as well. All this serves to demonstrate that there is some basis for Central Asian governments’ assertion that private religious classes undermine secularity and spread Salafi worldviews (Stephan 2010: 474).

### **7.3.3. Islamic Literature**

The Central Asian states regulate the production, import, export, distribution and content of religious literature to different extents. There are official Muslim publications in all countries. In Kazakhstan, for example, magazines such as 'Iman' and 'Shapaghat-Nur', as well as a monthly journal 'Islam and Civilization' or the Islamic TV channel 'Assyl-Arna' operate in a way acceptable to the government (Mingisheva 2011). Furthermore, there are official websites, such as [www.muftyat.kz](http://www.muftyat.kz) (Muftiat), [www.meshet.kz](http://www.meshet.kz) which provide officially accepted information about Islamic issues.

In Kyrgyzstan religious groups are permitted to "produce, import, export, and distribute religious literature and materials in accordance with established procedures" (StateDept 2012b: 2). However, all religious literature has to be submitted to state experts from the State Committee on Religious Affairs (SCRA). Additionally, "[...] distribution [...] in public locations or by visiting individual household, schools, or other institutions" is prohibited (StateDept 2012b: 2).

The import of religious literature is theoretically allowed in Tajikistan, but religious groups wishing to do so have to hand in copies to the Ministry of Culture in advance (StateDept 2012c: 4). Officials monitor bookstores, newsstands, kiosks and places in front of mosques as well as markets and confiscate unregistered literature (StateDept TJ: 8). The selling of Shia literature, non-hanafi texts and "disks featuring prominent Tajik imams" is impeded (StateDept TJ: 8).

Also in Uzbekistan, law enforcement agencies control bookshops, publishing houses, and border checkpoints in order to detect extremist literature (USDOS). The Uzbek government motivates Uzbek citizens to read only official religious literature:

"One of Uzbekistan's state-run television channels aired a program that urged citizens to read only state-authorized religious books, noting that there are two government authorized publishers of religious literature in Uzbekistan" (USDOS).

Here, the government even maintains a monopoly over religious publications (USDOS). No other Central Asian country goes to such lengths in the control of religious literature.

## 7.4. INSTITUTIONS INVOLVED WITH RELIGION

### 7.4.1. Religious Committees

Theoretically, the official state institutions which deal with religious issues are the state Commissions, Departments and Agencies on Religious Affairs. They prepare religious laws and oversee their implementation. They also analyze religious materials and literature and are responsible for banning them if necessary. In Uzbekistan and Tajikistan the state furthermore distributes official certificates not only to mullahs and dignitaries but also to *otin-oyi* and *bibi-khalife*, female leaders who teach children and other women in their homes about Islam (Fathi 2011: 181).

*Table 15: Religious Committees*

	Kazakhstan	Kyrgyzstan	Tajikistan	Uzbekistan
Name of Religious Committee	Agency for Religious Affairs (ARA)	State Commission for Religious Affairs (SCRA)	Committee on Religious Affairs (CRA)	Council on Religious Affairs (CRA) (and Council for Confessions)

### 7.4.2. Muftiates

In addition to the state agencies and commissions, the independent Central Asian states also adopted the Soviet system of the Muftiate. The Soviet Republics were represented in the SADUM by a *qadi* (except in Uzbekistan, because the SADUM and the Mufti were located there). After independence, each state established its own succession-institution of the SADUM with its own Mufti (chief legal scholar) (Atkin 2009: 308). The SADUM was “tasked with administering mosques, training ulema, and overseeing other Islamic activities within the Central Asian Republics” (Berkley Centre h), and the new institutions inherited these tasks. The internal structure with the election of the Mufti by a council of Islamic clerics (Berkley Centre h) was also adapted from the internal structure of Soviet institutions.

The Kyrgyz Muftiate, for example, consists of 30 clerics and scholars, a Council of Ulema, and its elected head, the Mufit (Berkley Centre 9). All Central Asian states issue fatwas about the correct Islamic practices (for example how to wash before reading namaz and how to wear hijab)<sup>6</sup> as well as about religious and marriage celebrations.<sup>7</sup> They for example also inform if hajj has to be delayed because of cases of avian flue in Saudi Arabia.<sup>8</sup> Fatwas furthermore deal with general issues such as homosexuality, corruption or inform about illegal groups such as Hizb ut-Tahrir.<sup>9</sup>

Theoretically, the Muftiates are not state institutions but independent. However, the contemporary Muftiates are closely controlled by the religious agencies of the independent states, as were the activities of the SADUM by the Soviet Council for the Affairs of Religious Cults. Furthermore, as Roy observes, they are closely controlled and directly subordinated to the Council of Ministers or the presidency (Roy 2000: 158). The Kazakh President Nazarbaev explains the role of the Muftiate as follows:

“The spiritual management that joins together 2,228 mosques became the center of cohesion of Muslims. The conditions were created for consolidation of our people around spiritual values and goals” (Nazarbaev in TengriNews 2013).

Actually, one of the main tasks of the Muftiate is the supervision and coordination of Muslim groups including the individual mosques. Not surprisingly then, mosques have to be constructed under the supervision of the Muftiate.

---

6 <http://azan.kz/article/show/id/2419.html>.

7 <http://www.fergananews.com/articles/1424>.

8 [www.regnum.ru/news/1205674.html](http://www.regnum.ru/news/1205674.html).

9 See [www.muftyat.kz/ru/fatwa/view?id=18](http://www.muftyat.kz/ru/fatwa/view?id=18) (homosexuality), [www.interfax-religion.ru/?act=news&div=45473](http://www.interfax-religion.ru/?act=news&div=45473) (corruption), [www.muftyat.kz/ru/fatwa/view?id=16](http://www.muftyat.kz/ru/fatwa/view?id=16) (Hizb ut-Tahrir).

*Image 11: Kazakh Muftiate in Almaty*



Source: Lisa Harand

As in Soviet times, religious leaders are used by the government to promote state policies among the population. In this regard, Nazarbaev informed religious leaders of the State Strategy 2050 and explained: “the religious officials have to tell the people about the necessity of further work in the best interests of our country” (Nazarbaev in TengriNews 2013). In 2002, the Kazakh government even attempted to make the Muftiate a quasi-official institution “determining which Muslims groups should be allowed to register with the authorities and by approving the construction of new mosques” (Rotar 2004b). This failed because the Kazakh Constitutional Council judged the amendment as unconstitutional. Despite this the Muftiate de facto fulfills exactly these tasks.

Furthermore, although imams are theoretically elected by their congregations, the Muftiate appoints them and administers the examinations and background checks for aspiring imams (StateDept 2012a), as is exemplified here with the case of Kyrgyzstan:

“[In Kyrgyzstan] Some 90 percent of imams are appointed by the government, by local government [officials] and offices of the security agency. [...] Even the law says that imams are supposed to be appointed by worshippers at the mosques with the approval of the government. But it is actually the government that selects who

the imams will be, and when they appoint imams it is clear [the government] controls the mosque through these protégés" (Turajonzoda in Pannier 2010).

Since foreign Islamic funds are banned and governments fear the involvement of foreign fundamentalists, the imams lack independent financial and material resources and are therefore also very dependent on the state in this regard.

Furthermore, the political importance of the Muftiate can have many effects. In Kyrgyzstan, for example, the Chief Mufti has been changed several times since the revolution against Bakiev:

"Former Kyrgyz mufti Murataaly-Hajji Juman-Uulu stepped down after the ouster of Kyrgyz President Kurmanbek Bakiev in early April. Abdushukur Narmatov, who was elected to succeed Juman-Uulu, resigned soon afterwards. Suyun-Hajji Kuluev, who was named as a temporary successor to Narmatov, was severely beaten by unknown assailants during a religious gathering on June 6. The press service of the Muftiat, the country's highest religious authority, told RFE/RL that the attackers shouted that Kuluev must resign." (RFE/RL 2010).

The implication here is that the government only wants to appoint pro-government muftis. Finally, Ruslanbek Jumagulov was elected new Mufti in June 2010, but after only one month he was replaced by Chubak Zhalilov. Zhalilov resigned after being in office for two years, because of accusations of corruption and organized crime.<sup>10</sup> His "period saw the biggest number of scandals within the muftiate" (Interfax 2012). Since then, Rahmatilla Egemberdiev has been the new grand Mufti.

The Kyrgyz Muftiate, however, is a special case because it is more heterogeneous than the muftiates of the neighbouring countries. For example, the proselytizing group Tablighi Jama'at, which is allowed to operate legally only in Kyrgyzstan, is represented in the Muftiate. Schenkkan describes that the Office of Davaat is the representative organization of the Jama'at Tablighi and carries out regulating tasks for the *daavachis* (the name used for members of Tablighi Jama'at in Kyrgyzstan):

---

10 [www.rferl.org/content/kyrgyz-grand-mufti-chubak-hajji-jalilov/24647660.html](http://www.rferl.org/content/kyrgyz-grand-mufti-chubak-hajji-jalilov/24647660.html) (13.9.2014).

“The Office of Daavat, operating within the Muftiate, [...] oversees [the daavtchis] missionary practices. In order to go on a 40-day mission, men must bring three signatures to the Muftiate – one from their families, one from their local imam, and one from their local police precinct. They also must prove they have sufficient funds to support their families while away” (Schenkkan 2011a).

By incorporating them into its structure, the Muftiate can control the daavtchis’ activities. The situation in Kyrgyzstan is also unique since even a conflict between the Muftiate and the State Commission on Religious Affairs is possible, something which is unthinkable in the other countries. That is to say that the State Commission and the State Committee on National Security (GKNB), do indeed regard Tablighi Jama’at as fomenting terrorism and compare it to Hizb ut-Tahrir (Schenkkan 2011a).

The history of the Tajik Muftiate is another special case among the Central Asian countries due to the civil war. The career of Turajonzoda serves well to explain this story. He started off as Tajik *qazi* under Soviet rule, then became second-in-command leader of the opposition during the civil war, and finally deputy prime minister under Rahmon:

“When Tajikistan became independent in late 1991, Turajonzoda was the *qazi qalon*, the highest spiritual authority for Tajikistan’s Muslims. [...] Within a year he was forced to flee the country after becoming an opposition leader” (Pannier 2007b).

Turajonzoda was a member of the IRPT and together with Nuri he led the Tajik opposition (UTO). Because the official clergy supported the opposition, the authorities tried to weaken its influence and established the new Council of Ulama. Only when “they had become convinced that the Council of Ulama would subserviently do as they wished, [did] the authorities [give] it the *de facto* authority once wielded by the Spiritual Administration” (Rotar 2004b). The person who became the first Mufti of Tajikistan when Turajonzoda fled the country supported Rahmon’s winning party but was killed under unclear circumstances in 1996 (Atkin 2009: 308). Turajonzoda only returned to Tajikistan in 1998, after receiving a government post earned in the peace deal and surprisingly resigned from the IRPT in 1999 (Pannier 2007b). However, he still often takes opposing positions towards the government.

In Tajikistan, for example, unsuitable imams would rapidly be replaced (Rotar 2004b). Here I see that just as in the Soviet period, the authorities prevent independent religious leadership (Khazanov 2005: 32). In this way the government hopes to rid itself of ‘uneducated imams’ who are regarded as a ‘national security issue’ by the authorities since it argues that the terrorists mainly recruit those with little or no schooling (Karabayev 2011). Perhaps, though, we should talk not of ‘uneducated imams’ but rather of ‘wrongly educated’ imams since the government replaces imams which are not pro-government enough (Salmorbekova and Yemelianova 2010: 236).

The Uzbek MBU is also known to have “denounced and removed Muslim clerics who have allegedly criticized Uzbekistan’s regime” (Berkley Center d). As in other domains, with regards to the dependence of the muftiate on the state, in Uzbekistan the situation is most severe. Already when SADUM was replaced with the Muslim Board of Uzbekistan (MBU) immediately following independence, the former Mufti Shamsuddin Babakhanov was replaced with Muhammad Sadiq Muhammad Yusuf. In 1993, however, Yusuf was again replaced with a more loyal person – Mukhtar Abdullaev (Naumkin 2005: 70). In this way Salafis were excluded from the Muftiate because the officers feared their influence (Naumkin 2005: 68). Yusuf, for example, was forced out of the country because:

“[...] he was accused of selling copies of the Quran given as a gift by Saudi Arabia. A bomb was even thrown into his home, though he was not injured in the attack. Independent analysts think he was driven out because the authorities feared his influence and regarded him as a potential rival for power” (Bukharbaeva 2005).

Yusuf returned in 1999 after receiving an official invitation from the government, which was eager to refute allegations of intolerance to Islam (Bukharbaeva 2005). Despite this, Yusuf still lives in Saudi Arabia today.

These frequent changes of leadership serve to demonstrate the importance of the Muftiate; an organization which has far-reaching responsibilities:

“In Uzbekistan the Spiritual Administration of Muslims has virtually become a state agency which strictly controls all mosques functioning in the country and even approves the text of Friday addresses” (Rotar 2003).

A clear hierarchy helps to control the content of individual sermons in Uzbekistan, as the following quote makes clear: “The government controls the muftiate, which in turn controls the Muslim hierarchy, the content of imams sermons, and the volume and substance of published Islamic materials” (StateDept 2012d: 3). Similarly, in Kazakhstan and Tajikistan “the content of the Friday sermons is monitored by the authorities [...]” (Atkin 2009: 308). However, this seems not to have been the case in Kyrgyzstan thus far. Additionally, the governments’ hope of controlling every single word uttered by the imams in the official mosques also seems to have been far from realistic. As McGlinchey exemplifies, Uzbek imams’ hold on society is strong enough to make even the government considerate of them (McGlinchey 2006). In McGlinchey’s view, independent imams still exist and are even capable of challenging the government’s power in the most repressive country in Central Asian.

*Table 16: Muftiates and Muftis*

	Kazakhstan	Kyrgyzstan	Tajikistan	Uzbekistan
Name of Muftiate	The Spiritual Administration of Muslims in Kazakhstan (SAMK)	Spiritual Administration of Muslims of Kyrgyzstan (SAMK)	Council of Ulema (StateDept 2012c: 2)	Muslim Board of Uzbekistan (MBU)
Name of Mufti	Mayamerov Erzhan Malgahaevich	Rahmatulla Azhy Egemberdiev	Saidmukarram Abdukodizora	Usmonhon Alimov

Source: Berkeley Centre and research of Aijamal Huonker

## 7.5. PROCEDURES CONCERNING RELIGION

In this section I will take a closer look at two important political processes which directly determine which religious groups are allowed to operate legally in the Central Asian states and who is permitted to practice the Islam-

ic faith freely. One issue is the registration process of religious organizations and groups. The other is the annual pilgrimage to Mecca, the hajj.

### **7.5.1. Registration**

All religious associations in Central Asia have to register with the state. In the words of Bielefeldt, this means that the state provides “for the possibility of obtaining the status of legal personality, which religious or belief groups may need for the exercise of important communitarian aspects of their freedom of religion or belief” (Bielefeldt 2011: 1). In the course of re-registration processes carried out in Kazakhstan and Tajikistan, this has limited the possibilities for religious groups to gain such a legal status and has even involved the banning of organizations. In Kazakhstan, religious associations are only allowed to practice religion if they are registered with the Ministry of Justice. The definition of a religious association by the Kazakh Agency of Religious Affairs (ARA) is the following:

“A voluntary association of citizens of the Republic of Kazakhstan, foreigners and stateless persons in accordance with the legislation of the Republic of Kazakhstan united on the basis of their common interests to meet their spiritual needs” (ARA<sup>11</sup>)

Every single mosque falls under this definition and therefore all have to register. No other legal entities other than “theological (religious) educational institutions” (ARA) are allowed to engage in religious activities. The registration process in Kazakhstan takes place on three levels (local, regional and national) with a minimum of members on each level (StateDept 2012a: 2). “These requirements make it very difficult for smaller religious groups to register and impossible for any group other than the SAMK [Muftiate] and the Russian Orthodox Church to register at the national level” (StateDep 2012a: 2). The ‘association on the basis of common interests’, therefore, is not really voluntary and discourages heterogeneity in religious worship.

In the re-registration process carried out in Kazakhstan in 2012, around 600 of formerly almost 3,000 religious organizations were not re-registered. Either they did not try to re-register, no longer existed or were denied regis-

---

11 [www.din.gov.kz/eng/religioznye\\_obedineniya/?cid=0&rid=693](http://www.din.gov.kz/eng/religioznye_obedineniya/?cid=0&rid=693) (13.9.2014).

tration due to lack of members or other reasons. Among the 2,229 registered Muslim ‘organizations’, the majority are mosques which are affiliated with the SAMK (ARDA: KZ). “Those not affiliated with the SAMK, such as the Ahamdiyya Muslim Community, are denied registration” (StateDept 2012: 3). In 2002 in Kazakhstan, attempts were made to allow only those mosques to register that had been recommended by the Muftiate. (Rotar 2004b). Although this legal proposition failed, the new registration process resulted in the affiliation of 90% of the legal Muslim religious organizations with the SAMK in 2011 (Berkley Center a). This means that in 90% of the Kazakh mosques, liturgical orthodoxy is ensured. This coordination has developed only in the last ten years. In the late 1990s only 12% of the mosques were affiliated with SAMK (Berkley Center a) and in 2004, mosques in South Kazakhstan still “successfully fought off state pressure to submit to the jurisdiction of the Spiritual Administration of Muslims in Kazakhstan” (Rotar 2004b).

As in Kazakhstan, in Kyrgyzstan every single religious community has to register. Yet they can only complete the registration process with the Ministry of Justice after applying to the SCRA:

“SCRA recommends rejection when a religious group does not comply with the law or is considered a threat to national security, social stability, interethnic and interdenominational harmony, public order, health or morality” (StateDept 2012b: 3).

Registration can be therefore be denied for a whole variety of reasons. Indeed, the registration process is cumbersome and foreign religious organizations have to register every year anew (StateDept 2012b: 3). In case of denial of registration, the religious group can reapply or turn to the courts. It is worth pointing out that in Kyrgyzstan unregistered groups often conduct religious ceremonies without government interference, although theoretically they are not allowed to rent a space or hold services (StateDept 2012b: 3).

Tajikistan’s religious law of 2009 allows it to regulate the number of mosques in accordance with the number of inhabitants of a place. The law “regulates registration, size, and location of mosques, limiting the number of mosques that may be registered within a given population area” (Yuldashev 2009b). One central ‘Friday mosque’ per district or city superordinates the other mosques (StateDept 2012c: 3). Should a mosque not be

registered, “local authorities can force a place of worship to close and fine its members” (StateDept 2012c: 2). If religious groups do not register, they cannot operate legally in Tajikistan. However, as in Kyrgyzstan, some unregistered places of worship still persist untroubled by the authorities (StateDept 2012c: 2).

In Uzbekistan, not only mosques but also Muslim educational institutions and Islamic centres have to register with the Ministry of Justice and account for 2,048 of the total 2,228 religious congregations (ARDA: UZ). The prerequisite for registration is a minimum of 100 members, and the law “provides strict and burdensome criteria for registration” (StateDept 2012c: 3).

I regard the registration process for mosques and religious communities as one of the most influential tools of the Central Asian governments to control religious practice. The most influential tool, however, are lists of banned groups due to their classification as ‘extremist’ or ‘terrorist’. A comparison of these lists will be presented in chapter 9 together with my typology of the Central Asian states’ restrictions on religious groups.

### **7.5.2. Hajj**

The Central Asian states not only supervise Muslim practices on their own territory but also regulate pilgrimages to Mecca. The annual pilgrimage to the holy sites in Saudi Arabia is an issue which theoretically concerns all Muslim believers because the fifth pillar of Islam obliges every Muslim to travel to Mecca once in their lifetime if he or she can afford this.

Pilgrimages are restricted by the Saudi Arabian Ministry of Hajj which allocates contingents to every country, so that only a limited number of persons can obtain a visa to the holy places. In 2012, for example, only 5,000 out of the 8,000 Kyrgyz pilgrims who wanted to go to Mecca could do so due to the contingent. In fact, many pilgrims wait several years to be selected (Nazarov 2012) which has led to scandals. In Kyrgyzstan, for example, the Muftiate has faced accusations of fraud when organizing the hajj. In order to improve transparency, in 2012 the SAMK revised the rules for participation (Nazarov 2012). Since then, it has been requested that the pilgrims “must owe no debts and perform the five daily prayers”, information which is provided to the authorities by inquiring local imams (Nazarov 2012). Furthermore, fees have to be paid to a bank account (cash is no

longer accepted) and SAMK is now solely responsible for organizing the hajj free from the involvement of parliamentary and community members (Nazarov 2012). The costs for pilgrimage regularly rise. For a Kazakh pilgrim it increased in one year by USD 300. In 2011 Kazakhs paid USD 3,700 for the hajj-trip:

“The amount includes the flight, hotel, transfer (trips to Medina, Kaaba sacred place in the Masjid al-Haram mosque and Arafat valley), accommodation in a tent camp, food two times a day, purchase of a sacrifice animal, medical insurance, and special blue vests distinguishing Kazakhstan from other countries” (Seisenbekova 2011a).

These pilgrim expenses are very high for common people. In addition, women can go to Mecca only if they are accompanied by a man and “there are certain sanitary-medical requirements to pilgrims, as well as age limitations” (Seisenbekova 2011a).

According to CRA restrictions, since 2010 only Tajiks between 18 and 80 have been allowed to perform hajj (Asia-Plus 2013). The CRA decides together with the Council of Ulama who can go to Mecca (Atkin 2009). The CRA furthermore collects the “fees for participation in the hajj and makes all flight and hotel arrangements in Saudi Arabia” (StateDept 2012c: 4). Of those Tajiks who apply for hajj usually most can go, although here too some cases of corruption have been reported in the selection of candidates (StateDept 2012c: 4). In Uzbekistan it is also the government which selects those who can participate in the hajj and provides logistical support and, among other things, charter flights (StateDept 2012d: 3). In 2009, hajj pilgrims from Uzbekistan, Kazakhstan and Kyrgyzstan were also obliged to get a swine flu vaccination.<sup>12</sup>

There are many obstacles that can prevent pilgrims from undertaking the pilgrimage: in addition to the financial constraints and the Saudi Arabian Ministry of Hajj contingents, Central Asian intelligence services are involved with the selection of pilgrims. With the exception of Kyrgyzstan, the intelligence services of all Central Asian countries check the credentials of those applying for pilgrimage (TAZ 6.2.2006).

---

12 [http://www.rferl.org/content/Kazakhs\\_To\\_Make\\_Hajj\\_While\\_Turkmen\\_Will\\_Stay\\_Home\\_\\_/1873451.html](http://www.rferl.org/content/Kazakhs_To_Make_Hajj_While_Turkmen_Will_Stay_Home__/1873451.html) (13.9.2014).

The Central Asian states' religious laws affect all religious communities and individuals on their territory. I concentrated only on Islam here, but of course also other religions are affected by these state policies. The registration process and regulations concerning religious instruction and religious literature particularly affect religious communities. Other statutory provisions affect the freedom to religious practice of individuals (for example restrictions on clothing and regulations on where one is allowed to pray).

