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## Legal Guarantees of Freedom of Conscience under the Newly Adopted Law of the Republic of Uzbekistan “On Freedom of Conscience and Religious Organizations”

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### ANNOTATION

In the article, the author explained the legal guarantees of freedom of conscience according to the newly adopted Law of the Republic of Uzbekistan "On Freedom of Conscience and Religious Organizations". Taking into account the importance and relevance of this law today, strengthening peace and harmony between confessions, ensuring religious tolerance in society; maintaining secular state-building while ensuring freedom of conscience; ensuring compliance by citizens and religious organizations with the legislation on freedom of conscience and religious organizations; attention is paid to the issue of combating the assimilation and dissemination of religious ideas and views that threaten public order, health and morals, rights and freedoms of the citizens of the Republic of Uzbekistan.

**KEYWORDS:** constitution, legality, religious tolerance, freedom of conscience, legal guarantees of freedom of conscience.

The Republic of Uzbekistan is a developing, secular, democratic, multi-ethnic and multi-confessional country located in Central Asia. Representatives of more than 130 nationalities and peoples, 16 confessions live in the territory of the country. After Uzbekistan gained independence, religion was recognized as an equal value in the general series of cultural and spiritual factors, and full freedom of religion was given. Religious communities and organizations have been given the opportunity to operate openly and inviolably within the framework of the law. The main part of the population of Uzbekistan believes in Islam, and the European population believes in the Orthodox sect of Christianity. Along with them, representatives of Catholic, Protestant and other denominations live[1].

Freedom of conscience is one of the natural and personal rights of a person recognized in international legal documents and guaranteed by the Constitution and laws of the absolute majority of countries, including the Republic of Uzbekistan. [2,3,4].

The social, economic, political, organizational, cultural-educational and ideological conditions necessary for the achievement of state independence of the Republic of Uzbekistan were created to guarantee the

implementation of freedom of conscience not on paper, but in practice, as in the Soviet Union. This, in turn, required the creation of a legal framework, which is a set of strict and clearly defined legal norms related to freedom of conscience.

During the years of independence, the Republic of Uzbekistan signed more than 70 international legal documents, including more than 10 documents related to freedom of conscience to one degree or another [5]. added. Article 31 of the Constitution of the Republic states: "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"[6]. Article 61 of the Constitution reflects the norms defining the relationship between the state and religious organizations, the equality of religious organizations before the law: "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."[6].

The above-mentioned constitutional norms were clarified, enriched and developed in the Law "On Freedom of Conscience and Religious Organizations" [7] and other laws of the Republic of Uzbekistan.

In Uzbekistan, the Law "On Freedom of Conscience and Religious Organizations" was adopted for the first time on June 14, 1991. On September 3, 1993, a new version of the Law "On Freedom of Conscience and Religious Organizations" was announced, with amendments and additions made to this law in connection with the declaration of state independence of the Republic of Uzbekistan, adoption of its Constitution and laws.

The changes that occurred in the social, political, legal, spiritual and cultural life of our republic during the years of independence, the unique and suitable place of Uzbekistan in the world community, the establishment of diplomatic, economic and cultural relations with foreign countries, the establishment of bilateral interstate, intergovernmental and interdepartmental agreements, international organizations along with other laws such as membership, ordered a number of amendments and additions to the Law "On Freedom of Conscience and Religious Organizations". In this regard, this Law was adopted in a new version on May 1, 1998, with significant amendments and additions on July 5, 2021.

The Law "On Freedom of Conscience and Religious Organizations"[7], adopted on July 5, 2021, differs from the previous ones with a number of innovations:

First of all, in this law, for the first time, basic concepts related to freedom of conscience and religious organizations - religious educational institution, religious organization, central governing body of religious organizations in the Republic of Uzbekistan, local religious organization, missionary work, illegal religious activity, religious professional education, proselytism have been explained. their their explained;

Secondly, the following were defined as the main priorities of ensuring freedom of conscience in the Law: creation of equal conditions for citizens to exercise their right to freedom of conscience, regardless of their religious affiliation, without allowing forced indoctrination of religious views;

Strengthening peace and harmony between confessions, ensuring religious tolerance in society; maintaining secular state-building while ensuring freedom of conscience; ensuring compliance by citizens and religious organizations with the legislation on freedom of conscience and religious organizations; fight against indoctrination and dissemination of religious ideas and views that threaten public order, health and morals, rights and freedoms of citizens of the Republic of Uzbekistan.

In the latest version of the law, its purpose is stated more concisely than the previous ones: “The purpose of this Law is to regulate relations in the field of ensuring liberty of conscience, as well as to regulate the activities of religious organizations” [7].

In the law, the norms regarding the cases in which the freedom of religious belief or belief can be limited and the purposes for which the use of religion is not allowed are also reflected: “Freedom to manifest one’s religion or belief is subject only to such restrictions as are prescribed by law” [7].

It is not allowed to use religion for the purpose of forcibly changing the constitutional order, undermining the sovereignty and territorial integrity of the Republic of Uzbekistan, infringing on the constitutional rights and freedoms of citizens, propagating war, national, racial, ethnic or religious hatred, encroaching on the health and morals of citizens, violating civil accord, spreading slanderous, destabilizing fabrications, creating panic among the population and committing other actions directed against the individual, society and the state.

New provisions were added to some articles of the law, others were stated in a new version. In particular, the norms of the separation of religion from the state state “does not allow activities that offend the feelings of religious believers.” [7], in the Republic of Uzbekistan, “religious organizations are not allowed to participate in the activities of political parties and other public associations pursuing political goals, as well as provide them with financial or other support”; [6] the norms of the educational system and the religion were partially described in a new version: “Citizens are admitted to study in religious educational institutions after they have received general secondary, secondary specialized education or vocational education in accordance with the law” [7].

In contrast to the previous laws, the norms regulating relations related to the preparation, importation and distribution of materials of religious content were clarified and enriched in content. It clearly defined what materials are included in the range of religious content materials: “Religious content materials are books, brochures, magazines, newspapers, leaflets, other printed publications, signs, objects, symbols, audiovisual works (television, film and video films, clips, recordings of concert programs, cartoons and others), electronic media (floppy disks, CDs, DVDs, built-in and removable memory cards, materials posted on the Internet, and others) reflecting the dogmatic foundations, history, ideology of religious teachings and comments, the practice of rites of various religious beliefs, as well as the assessment of individuals, historical facts and events from the standpoint of religion.” [8].

Also, the new version of the norm related to the preparation, import and distribution of materials of religious content in the territory of Uzbekistan, the import and distribution of materials prepared abroad into the territory of the Republic of Uzbekistan: “The production, importation and distribution of materials of religious content on the territory of the Republic of Uzbekistan are carried out after receiving a positive conclusion from a religious expertise in order to prevent the spread in society of ideas and views that contribute to the violation of interfaith harmony and religious tolerance, calling for violence and arbitrariness on religious grounds” [8]. In addition, the Law stated that “The procedure for the manufacture, importation and distribution of materials of religious content is determined by the Cabinet of Ministers of the Republic of Uzbekistan” [8].

In contrast to the previous laws, the new Law clarified and simplified the organization, registration, re-registration of religious organizations, the documents required for this and the terms and procedures for their review, as well as the grounds for refusing to register religious organizations. In particular, who can establish a religious organization was defined briefly and succinctly: “A religious organization is created by decision of

its initiators (founders) in accordance with the law. The initiators (founders) of a religious organization convene a constituent assembly (conference), at which the charter is adopted and governing bodies are formed. A religious organization is considered established from the moment of its registration”[7]. In the law, the legal status of religious organizations, the central management body, forms, address of establishment, leadership, the bases and forms of their reorganization were described as follows: “A religious organization is a legal entity. A religious organization can be created in the form of a central governing body of religious organizations in the Republic of Uzbekistan, a religious educational institution or a local religious organization. A religious educational institution acquires the right to carry out activities after registration and obtaining the appropriate license from the authorized body. A religious organization is created on land plots provided in accordance with the established procedure, in agreement with the authorized body. The head of a religious organization may be a person who has an appropriate professional religious education, with the exception of confessions whose doctrine does not provide for a system of religious professional education. The reorganization of a religious organization may be carried out by decision of its governing body through merger, accession, division, separation and transformation. The reorganization of a religious organization is carried out in the manner prescribed by law” [7].

One of the important innovations in the new law is the re-registration of religious organizations when changes and additions are made to the organization, registration, reorganization of religious organizations, and documents related to the results of the review of the registration of religious organizations, as well as their registration with religious organizations and is the introduction of the procedure for the exchange of documents between the re-registration bodies through the electronic system. This allows to reduce the time required for registration and re-registration of religious organizations, to avoid the subjective approach to solving the problem, and the prevention of vices such as excessive censoring and red tape.

Another important innovation in the law is the clear definition of the rights and obligations of religious organizations. According to the law, a religious organization has the following rights:

- use buildings and property provided on the basis of a contract for their own needs, as well as objects of material cultural heritage in the manner prescribed by law;
- carry out charitable activities;
- carry out activities related to the activities of a religious organization;
- create business structures to perform the tasks specified in the charter;
- produce, import and export materials of religious content;
- establish international relations for the purpose of organizing pilgrimages or participating in other religious events;
- make proposals on the creation of new and reconstruction of existing burial places.

The religious organization is obliged:

- comply with the requirements of the Constitution of the Republic of Uzbekistan, this Law (“On Freedom of Conscience and Religious Organizations”), other legislative acts and the provisions of its charter
- create favorable conditions in places for worship, rituals of religious rites or ceremonies;

- ensure the safety of material cultural heritage objects owned (used) by a religious organization, with the obligatory fulfillment of the requirements provided for by the legislation on the protection and use of cultural heritage objects, carry out construction and repair work on the basis of project documentation for the restoration of architectural monuments;
- notify the justice authorities about the holding of events (conferences, seminars and others, with the exception of religious rites and ceremonies) to assist in their free conduct;
- notify the justice authorities about the change in the composition of the governing body within one month from the date of the decision;
- annually submit to the justice authorities information on their activities for the past year in the prescribed form..

The law specifically states: “A religious organization may have other rights and bear other obligations provided for by law.”

Another innovation included in the law is the norms regarding additional guarantees for the activity of religious organizations. The following guarantees of the activities of religious organizations are mentioned in the law:

- religious organizations carry out their activities independently in accordance with the law;
- religious organizations may own buildings, structures, objects of worship, industrial, social and charitable facilities, funds and other property necessary to ensure its activities;
- the property of religious organizations is protected by law;
- religious organizations have the right to appeal unlawful decisions of state bodies, actions (inaction) of their officials to a higher authority in the order of subordination or to the court;
- religious organizations are exempted from paying the state fee when appealing to the court against unlawful decisions of state bodies, actions (inaction) of their officials that violate their rights and legitimate interests.

Another innovation in the law is the inclusion of an article on the register of religious organizations. According to the law, the registered religious organization is included in the register of religious organizations, which is maintained by the judicial authorities in the electronic system and is open for everyone to get to know. It should reflect the following:

- the name of the religious organization and its confessional affiliation;
- location (postal address) of the religious organization;
- territory of activity of a religious organization;
- information about the initiators (founders), participants (last name, first name, patronymic), contact details;
- name and postal address of the governing body, contact details;
- date of registration of the religious organization and other information.



In contrast to the previous laws, the new law reduced the number of initiators of religious organizations by two times - from 100 to 50 people, the requirement of 100 initiators to establish the central management body of a religious organization and religious educational institutions was canceled, the number of documents to be submitted for the registration of religious organizations by judicial authorities was sharply reduced, the maximum period of their review was reduced from 3 months to 1 month, the grounds for refusal to state registration of a religious organization were clearly defined in the Law, it was noted that the suspension and termination of the activity of a religious organization can only be carried out by the court, etc. Also, some prohibitions and procedures in the previous laws were canceled. This includes the rule that citizens of the Republic of Uzbekistan (except those in the service of religious organizations) are not allowed to walk in prayer clothes in public places, and the procedure for obtaining the consent of community assemblies to establish a religious organization.

Thus, the newly adopted Law “On Freedom of Conscience and Religious Organizations” is significantly different from the previous ones with a number of positive features. Its adoption was a bold step forward in guaranteeing freedom of conscience and unhindered activities of religious organizations.

The next task is to correctly explain the meaning, purpose, and importance of the norms of the Law to our citizens, to ensure that state bodies, civil society institutions, officials, religious organizations and believers follow these norms without deviation. For this

**first**, to carry out explanatory work among the population about the reasons for the adoption of the new Law “On Freedom of Conscience and Religious Organizations”, its content, significance, tasks, advantages over previous laws, etc. through mass media;

**secondly**, conducting lectures, roundtable discussions and debates in the neighborhood, enterprises, organizations and institutions;

**thirdly**, to include the educational course “Freedom of conscience and legal guarantees of the activity of religious organizations in the Republic of Uzbekistan” in the curricula of educational institutions, to prepare and publish training manuals and textbooks for this course;

**fourth**, writing commentaries on the law and publishing it in large numbers;

**fifth**, a scientific study dedicated to the comparative study of the experience of Uzbekistan and foreign countries, including Islamic countries [9, 10], on the implementation of the norms of international legal documents related to religion and religious organizations into the legislation of the Republic of Uzbekistan, freedom of conscience and organizational-legal guarantees of the implementation of the activities of religious organizations conducting research;

**sixth**, to carry out separate scientific-research works on the topic of freedom of conscience and organizational-legal guarantees of the implementation of the activities of religious organizations in the territory of Uzbekistan, and to hold an international conference based on the results of the research;

**seventh**, to carry out practical scientific-research works dedicated to the improvement of the current Law based on the requirements of the times and international organizations, taking into account the national and international experience, developing suggestions and recommendations based on their results.

In Uzbekistan, the first studies on the relationship between the state and religion and religious organizations, including the legal basis of freedom of conscience, are being carried out in Islamic countries:

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