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The evolution of religious regulation in Central Asia, 1991–2018

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ABSTRACT

This article aims to provide a more complete and dynamic account of the legal framework that underpins religious regulation in Central Asia from independence in 1991 through 2018, focusing on Kyrgyzstan, Tajikistan and Uzbekistan. In contrast to existing approaches that rely on a few key laws, high-profile events or secondary sources, our analysis includes the entire body of legal documents available in government digital legal data repositories. We find that although these three Central Asian states' approach to religious regulation has become more repressive over time, they have done so at very different paces and to very different degrees. While they have all increasingly restricted religious belief and practice that falls outside state-approved interpretations of Islam, the turn towards criminalization was much quicker and more blatant in Uzbekistan than in Kyrgyzstan and Tajikistan, and has been much more absolute in Uzbekistan and Tajikistan relative to Kyrgyzstan.

KEYWORDS

Religion; repression; religious regulation; Islam; extremism; Central Asia

Scholars and policymakers alike have exhibited both a strong interest and a sense of urgency in understanding the state's approach to religious regulation in Central Asia. Our ability to do so, however, is limited by the dearth of systematic, comprehensive and longitudinal data. Nonetheless, a broad consensus has emerged not only that religious regulation in Central Asia has converged since independence from Soviet rule in 1991 but also that this convergence has been towards greater repression of both Muslims and non-Muslims.

The purpose of this article is to provide a more complete and dynamic account of the legal framework that underpins state strategies to regulate Islamic belief and practice in Central Asia, focusing on Kyrgyzstan, Tajikistan and Uzbekistan. These three countries are compelling cases for scholars interested in the evolution of religious regulation in Muslim-majority states. Despite similar inherited legacies of religious regulation under Soviet rule, similar religious demographics and levels of religiosity, and similar state fragility, each has constructed a distinct framework for religious regulation that has taken different forms and developed at different paces over time.

In contrast to previous approaches that rely on a few key laws, high-profile events or secondary sources, our analysis includes the entire body of legal documents available in

government digital legal data repositories, which we searched and sorted systematically using key terms related to religion. Following this research, one of the authors, Pauline Jones, created an online database that contains the full legal framework pertaining to religious regulation in Central Asia from independence in 1991 through 2018.¹ This database provides an accurate baseline that enables scholars and policymakers to identify, and thus better explain, regulatory change over time.

We find that although Central Asian states have become more repressive over time in their approach to religious regulation, they have done so at very different paces and to very different degrees. Indeed, despite establishing similar constitutional guarantees of religious expression and belief in the early 1990s, Kyrgyzstan, Tajikistan and Uzbekistan vary widely in the degree to which they have established repressive regulatory frameworks to control religion across space and over time.² In sum, while all three countries have increasingly restricted religious belief and practice that falls outside state-approved interpretations of Islam, the turn towards criminalization was much quicker and more blatant in Uzbekistan than in Kyrgyzstan and Tajikistan, and has been much more absolute in Uzbekistan and Tajikistan relative to Kyrgyzstan. The fact that they have moved towards the same outcome, moreover, underscores the importance of both documenting and seeking to understand the variation that characterized religious regulation in these three countries for at least the first two decades after independence.

Measuring religious regulation

Our approach to measuring religious regulation is distinct from previous approaches in both the literature on Central Asia and the more general research on state policies towards religion. More specifically, our approach to measuring religious regulation has four important points of departure from previous studies: we include the entire national legal framework that pertains to religion; we rely on primary domestic sources (formal government documents) rather than secondary or foreign sources; we view religious regulation as a dynamic process that unfolds at different paces over time and thus do not collect longitudinal data by year alone; and we consider only restrictions of the dominant religion (here, Islam) rather than minority faiths. Below we briefly describe the limitations of previous measurement strategies and then elaborate on the benefits of our alternative strategy.

Central Asian literature

The second decade of Central Asia's independence inspired a proliferation of scholarly work aimed at explaining both the religious revival throughout the region and the states' attempts to repress, co-opt or control this revival. These publications, while pioneering and instructive in many ways, also share several limitations in their approach to measuring state religious repression.³ In sum, the evidence for claims about religious regulation in Central Asia is either not collected systematically or not presented systematically. Rather, most of these offer accounts that rely either on a key law (or set of laws) or a high-profile event (or series of events), without providing a full and systematic examination of the legal documents that constitute the full regulatory framework (Epkenhans 2009; Norwegian Helsinki Committee 2010; Omelicheva 2009; Zhovtis, Kabak, and Khaidarova 2015). Much of this scholarly work also fails to present a precise timeline, such

that the chronology of the change in state policy being explained is not well defined, and the degree to which religious policy has shifted from an established baseline is not clear (Epkenhans 2009; Levy 2018).

As a result, the literature on religious regulation in Central Asia has emphasized commonality rather than difference across time and space. The literature has also in some cases claimed, without sufficient evidence, that convergence towards greater repression has occurred across Central Asia (Epkenhans 2009). We have thus missed a key opportunity to analyse the distinct ways in which these states have approached religious regulation over time, as well as to accurately identify the point of convergence, if in fact this has occurred. We are also ill-equipped to evaluate the explanations that have been offered for this convergence, which tend to focus on the perceived threat that Islamist movements and ‘foreign’ or ‘parallel’ Islam pose to stability and security (Omelicheva 2011) and pressure to adopt Russian counterterrorism policies (Omelicheva 2009). However, some experts on the region dismiss the idea that Islamism is a serious and immediate threat to security (McGlinchey 2009); they argue instead that the Central Asian regimes, particularly Uzbekistan, deliberately exaggerate the ‘Islamic threat’ to justify and bolster their autocratic rule (Khalid 2007, chapter 7; Montgomery and Heather-shaw 2016). Much of the literature on religious freedom in Central Asia, moreover, focuses on policies towards minority religions, including Christianity (Peyrouse 2010; Galkina and Shkol’niy 2013; Levy 2018) and thus offers little insight into state repression of the majority religion (Islam).

General literature

The general literature on state policies towards religion does attempt to provide a systematic measurement of state policies towards religion across countries over time. There are several global cross-national data sets on religious regulation; the two most frequently used in the academic literature are Brian Grim and Roger Finke’s International Religious Freedom data set and Jonathan Fox’s Religion and State data set. The former relies on the annual US Department of State’s annual Report on International Religious Freedom. The latter draws its information from constitutions, laws, human rights reports, academic resources, government reports and news media. Brian Grim, working with the Pew Research Center, has developed a third major data set on religious regulation, the Global Restrictions on Religion data set, which is based on constitutions and basic laws, as well as government and NGO reports on religious rights and terrorism.

These data sets all share several limitations. Most importantly, they suffer from an over-reliance on secondary sources,⁴ including human rights NGOs, government reports, and the international media. This is problematic for two main reasons. First, these secondary sources may have a distinct purpose or an agenda and thus focus on particular types of religious regulation and countries. As a result, some types of repression, such as those targeting a religious minority (usually Christians), might be over-reported, while others, such as those targeting a religious majority (namely, Muslims in a Muslim-majority country), might be underreported, resulting in nonrandom bias in data sets relying on these sources. For example, US religious-freedom-reporting activities have historically been criticized for having ‘an overall tone ... [that] has a slight Christian flavour that reflects the dominant discourses on religion within the United States’ (Moore 2011, 246–247).

Jonathan Fox (2015, 253–254) argues that while the State Department’s International Religious Freedom reports have a ‘high standard of accuracy ... [that] meets or exceeds the standard applied to refereed academic publications’, they also may not provide a complete account of relevant laws and details within laws. This may be by design, since the US reports are not about legislation only but about religious freedom more broadly, including enforcement activities. We rely instead on the source government legal databases and the text of the legislation itself. This avoids bias and ensures completeness of information, regarding both the content of individual regulations and the total corpus of regulations.⁵

Second, secondary sources such as international media and human rights organizations rarely base their reporting directly on the text of regulations. With some exceptions, these sources rely on anecdotal evidence and reports of enforcement, rather than official legal documents (laws, decrees, or resolutions).⁶ As a result, they focus on what seem to be critical shifts in regulation or newsworthy enforcement events, rather than actual legislation that either changes or increases enforcement of existing regulations. When they do refer to a specific piece of legislation, moreover, they often fail to fully cite the law, decree or resolution in question, making it difficult to locate the primary document for verification or further research. These secondary sources thus tend to overemphasize what seem to be highly impactful regulations while ignoring regulations that do not garner enough attention to get media coverage or make it into human rights reports. Yet, the latter are an important part of the overall regulatory framework; even what may seem to be minor changes in regulation can indicate shifts in government efforts to control the dominant religion.

This problem may also extend to overall country coverage. As Jonathan Fox (2015, 253) observes, countries with strong religious repression tend to attract much greater media and NGO attention. As a result, we may expect more detail in secondary reporting on these countries than on those with more moderate restrictions, resulting in a dearth of information on legislative changes in these latter countries.

Existing data sets are also limited because they use country-years as the unit of analysis. This can result in missing information that can only be obtained with the full context of the regulation. In addition, understanding the relationship between religious regulation and political behaviour necessitates a more fine-grained measure than country-year – that is, one that allows more in-depth longitudinal analysis.

Benefits of a comprehensive approach

Our approach to measuring religious regulation in Central Asia has four important points of departure from previous studies. First and foremost, we consider the entire national legal framework that pertains to religion. More specifically, we identify religious regulation based on a systematic search of primary legal documents – including constitutions, laws, presidential decrees and government decisions, as well as criminal and administrative codes – in the national digital repositories of legal acts for each country, supplemented by private legal databases.⁷ Our process involved a team of researchers. This team first used the databases’ built-in keyword filters related to religion to collect primary documents. Then the team used a list of search terms, both directly and indirectly related to religion, to collect additional documents not already sorted into the ‘religious’

category on each website. For example, regulations were collected that included terms (in the text or title) such as ‘religion’, ‘Islam’, ‘Muslim’, ‘mufti’, ‘religion’, ‘hijab’, ‘mosque’ and ‘shrine’. Additional search terms that may be indirectly related to religious regulation were also included, such as ‘extremism’, ‘terrorism’, ‘wedding’ and ‘funeral’. As a final step, we reviewed the secondary literature to determine whether our searches had failed to capture any relevant regulations. In the rare cases where these reviews identified relevant regulation that was not captured by our search, we located the primary document and included it in our analysis. For documents that had been amended, each iteration of the regulation was considered.

Second, due to our reliance on primary documents, we were able to consider additional information that is not included in larger cross-national data sets, such as the institutional source of the regulation; the exact dates it was passed, amended and revised, and by which government body; and whether it is a law, parliamentary resolution, or presidential decree.

Third, because we view religious regulation as a dynamic process, our approach and the resulting data set uses each piece of legislation as the unit of analysis rather than country-year, to capture change in real time.

Finally, we focus on religious regulation that affects the dominant religion (here, Islam), whereas most previous studies have focused on state repression of religion either in the predominantly Christian world or of minority faiths, usually Christians.

Thus, our approach and the resulting legal database have several advantages. First, we provide a more comprehensive account of regulation. Religious regulation includes both repression and subsidy,⁸ as we have argued elsewhere (Gamza and Jones 2016), which the state attempts to achieve not in a single law or act but through a variety of legal means. Religious regulation also includes enforcement mechanisms, which are often found not in laws or decrees but in criminal and administrative codes. Second, and related, we provide a more accurate baseline for religious legislation at the national level.⁹ There are numerous references to religious regulations in Central Asia in both the academic and policy literature, but they are rarely fully cited, often referenced without the full legal context, and have not been collected into a single source. The database compiles all the legal documents that pertain to religion in a single location, enabling easy and quick access to the full body of religious regulation in its original context. Third, by relying solely on primary legal documents, we reduce potential bias. Reliance on secondary reports or analyses privileges some forms of religious regulation over others – specifically, those which are of greater interest or concern to the international human rights organizations and government agencies that generate these secondary sources. Using primary legal documents also enables us to develop a richer account of the force, political origins and political salience of individual policies.

Finally, our approach captures the dynamic nature of religious regulation. Under certain conditions, states may adopt new regulations on a monthly or even weekly basis, rather than an annual one. Using legal documents as the unit of analysis enables us to pinpoint variation in religious regulation over time across our three cases, as well as the pace of regulatory change. Providing the full context in which regulation emerges also enables scholars to better explain this variation, and thus to understand both why regulation originates when and where it does and why it changes over time. For example, as part of a larger project, we are using a complete inventory of legal

changes to conduct more fine-grained longitudinal analysis that incorporates relevant events immediately before and after changes in religious regulation, such as whether government bodies adopt more or less repressive legislation in response to popular mobilization and how an increase or decrease in religious repression affects individual attitudes towards the state and patterns of political mobilization (Gamza and Jones 2016, 2020).¹⁰

Admittedly, our data set also has limitations. First, it does not include legal orders from government ministries, agencies and commissions. Although we recognize their importance, we do not include these documents because they cannot be collected systematically. Second, by design, our data set does not include a complete measure of enforcement. Restrictive laws are not a sufficient measure of religious repression. Laws that either do not carry harsh penalties or are not actively enforced may be highly repressive only on paper. The criminal and administrative codes provide information concerning penalties if laws are enforced, but actual enforcement must be supplemented by other sources, including court cases and police records. Similarly, the institutional apparatus created to enforce religious regulation may not be evenly used within or across states over time. Finally, by limiting our analysis of regulation to official documents, we omit other modes of state influence on religion and religious identity, such as rhetoric and symbols (Gamza 2019, chapter 4).

Religious regulation in Central Asia

Kyrgyzstan, Tajikistan and Uzbekistan are a compelling set of Muslim-majority cases in which to investigate the evolution of religious regulation. In sum, they share three main features: a legacy of religious regulation under Soviet rule, religious demographics, and state fragility. These shared attributes would lead us to expect similar trajectories, and yet, we find that their approaches to religious regulation have differed.

First, Kyrgyzstan, Tajikistan and Uzbekistan inherited a similar regulatory framework over religion due to their common experience under Soviet rule. Beginning in the 1940s, the regime institutionalized a statist approach to regulating religious life. In Central Asia, this consisted of establishing a powerful muftiate, widely known by its Russian acronym SADUM (Sredneaziatskoe Dukhovnoe Upravlenie Musul'man), which was nominally independent but closely monitored by the Council for the Affairs of Religious Cults. This bureaucracy, however, never consistently dealt with unregistered Muslim 'clergy', who outnumbered those officially recognized by SADUM. The spirit of independence from official institutions among some unregistered Muslim leaders persisted post-independence from the Soviet Union (Tasar 2017).¹¹

Second, the countries have similar religious demographics. Kyrgyzstan, Tajikistan and Uzbekistan are overwhelmingly Muslim, with 2020 World Religion Database estimates putting them at 87%, 98% and 96% Muslim, respectively. Neighbouring Kazakhstan is estimated to be only 71% Muslim (Johnson and Grim 2020). The religiosity of the population is also high in Kyrgyzstan, Tajikistan and Uzbekistan. The most recent World Values Survey, conducted between 2017 and 2020, found that 85% of respondents in Kyrgyzstan and 91% of respondents in Tajikistan think religion is rather or very important in their lives, compared to only 64% in Kazakhstan (Inglehart et al. 2020).¹²

Third, they not only have similarly high levels of corruption, but also are among the poorest and most fragile states of the former Soviet Union. They continue to have

some of the highest rates of poverty and inequality in the former Soviet Union (Slay 2009). Since independence, these three states have also faced serious political instability, stemming from their relatively weak central governments and their porous borders with Afghanistan. These characteristics set these three countries apart from neighbouring Kazakhstan, which has been comparatively wealthier and more stable since independence, and Turkmenistan, which has been more stable and significantly more autocratic than Kyrgyzstan, Tajikistan and Uzbekistan.¹³

But despite their common regulatory history and inheritance, similar religious demographics, and shared experiences of inequality and political instability, their approaches to religious regulation have differed. Following independence and a protracted Islamic revival (Khalid 2007), the three governments responded differently to Islam's growing political potential. Kyrgyzstan proceeded gradually in establishing a state infrastructure to regulate religion and initially limited the scope of these regulatory bodies. Uzbekistan, in contrast, moved quickly to criminalize certain kinds of religious belief and practice and to expand the authority of its regulatory bodies to enforce broad restrictions on religious belief and practice. Tajikistan was the last to develop official state institutions to regulate religion;¹⁴ and yet, once it did, rapidly expanded both their scope and authority. It is only in the late 2000s that regulatory strategies in these three countries have converged towards placing restrictions on religious belief and practice that departs from what the government in each has deemed to be proper Islam.

Our goal is not to provide generalizable insights regarding the factors that influence state strategies on religious regulation but to provide a descriptive account of the evolution and dynamism of shifting religious regulations in these three countries. While explaining why states adopt different approaches to religious regulation is important, we argue that this cannot be achieved until we have a clear sense of what these differences are and the processes by which they emerged. We focus on documenting the underlying differences and divergent processes that make religious regulation in Kyrgyzstan, Tajikistan and Uzbekistan distinct despite their other similarities. We contend that this research serves as the foundation for additional work to explain why the evolution of religious regulation varies within and across these three countries over time.

Although our intent here is not to make causal claims about the drivers of these different approaches to religious regulation or their convergence, we want to emphasize that religious regulation does not occur in a vacuum but in a particular religio-political context. In each country, the state has portrayed unregulated Islam and Islamists as a threat to stability to justify religious repression. In Kyrgyzstan, for example, the government has used ethnoreligious clashes in the southern part of the country between Kyrgyz and Uzbeks in 2010 to rationalize its increasingly repressive policies. In Tajikistan, the Civil War – resulting in a power-sharing agreement between the government and Islamic rebels – has served as a constant reminder to both the state and the population of Islam's political potential. In Uzbekistan, clashes between Islamists and President Karimov in the Fergana Valley in the early 1990s, and later the Andijan massacre in 2005, have provided the regime with convenient framing for creating and intensifying harsh religious regulations throughout its reign. And, in recent years, all three countries have exploited the threat of ISIS as a political foil to validate their approach to religious regulation.

Kyrgyzstan

For roughly the first two decades after independence, Kyrgyzstan's approach to religious regulation was largely consistent with the principles codified in its first constitution. The 1993 constitution enshrined Kyrgyzstan as a secular state and forbade religious organizations from exercising political influence, including the formation of religious political parties, while also guaranteeing freedom from discrimination based on religious belief (Article 15, Section 3) and freedom of religious expression (Article 16, Section 2). By the late 2000s, however, Kyrgyzstan adopted a regulatory strategy similar to Uzbekistan's; although not as severely or comprehensively as its neighbour, the government moved to restrict belief and practice that was inconsistent with its preferred interpretation of Islam. In sum, Kyrgyzstan's regulatory strategy evolved over the course of two decades, in six stages: affirmation of religious freedom and state secularism (1991–1993); recognition of the need for and development of a regulatory structure (1995–1998); fortification of the regulatory structure (2001–2005); endorsement of a single interpretation of Islam and expansion of restrictions on unsanctioned religious beliefs and practices (2006–2008); prioritization of combatting terrorism (2009–2010); and greater targeting of unsanctioned religious belief and practice (2012–2018).

In the years immediately after independence, the government made a genuine effort to uphold both individual religious freedom and state secularism. The 1991 Law on Freedom of Religion and Religious Organizations (No. 656-XII, 16 Dec.), for example, guaranteed that every citizen of Kyrgyzstan would have the right to religious expression; that is, to 'freely and independently determine his attitudes towards religion ... and to express and disseminate convictions associated with religious attitudes' (Article 3), while also banning political parties based on religion. More concretely, this law ensures that the state will not interfere in the activities of religious organizations, so long as they are not violating the law, that it will not advantage or restrict one religion over others, and that it will not finance the activities of religious organizations (Article 5). The 1991 law also establishes a lenient process for registering religious organizations, and gives religious organizations and citizens the right to establish places of worship and to hold religious ceremonies unhindered, on religious property and pilgrimage sites as well as in cemeteries and private homes. At the same time, it regulates religious rites and ceremonies in public places using the procedures established for meetings, rallies and demonstrations (Article 15). This law also protects several key rights, including for religious organizations to acquire and use religious literature; to produce, export and import religious materials, so long as it does not violate other legislation (Article 16); and to maintain foreign religious contacts and go abroad for religious education or other religious purposes (Article 18). Responsibility for enforcement is divided equally between regional and central ministries.

The 1992 Rules for Consideration of Application for Registration of Religious Organizations (No. 264, 2 June), for example, specified that the regional Department of Justice was responsible for registering religious organizations unless they operated in two or more regions (i.e., were national in scope) or in the city of Bishkek. Responsibility would then fall to the Ministry of Justice, which was also charged with maintaining a full database of registered religious organizations. This law regulated the procedure for registering religious organizations until 1997, when the 1991 Law on Freedom of Religion and Religious Organizations was amended to clarify the registration process.¹⁵

Beginning in 1995, the government shifted its focus to establishing a regulatory structure, which it developed over the next several years. In response to the proliferation, not only of Islam and other 'traditional confessions' (i.e., Christianity and Buddhism) but also of other sectarian organizations trying to pursue 'far-reaching political goals', the government issued a formal decision On the Religious Situation in the Kyrgyz Republic and the Tasks of the Authorities to Formulate State Policy in the Religious Sphere (No. 345, 10 Aug.). This decision both explicitly recognized the growing need for the state to provide a regulatory structure and laid the foundation for this structure. Most importantly, it called for the creation of a consultative council on religious affairs, and the following year the State Commission for Religious Affairs (SCRA) was officially established (No. 45, 4 Mar. 1996). Over the next few years, a series of presidential decrees and parliamentary resolutions affirmed and expanded the SCRA's regulatory role.¹⁶ A November 1996 decree, On Measures to Implement the Rights of Citizens of the Kyrgyz Republic on Freedom of Conscience and Religion (No. 319, 14 Nov.), for example, established detailed registration requirements for religious organizations as well as educational institutions and reassigned responsibility for enforcement from the Ministry of Justice to the SCRA. It also gave the SCRA some authority over foreign religious education, including the right to deny visas to those seeking training abroad if deemed to 'present a threat to state and public security, interethnic and interfaith tolerance, or traditional moral principles of the people of Kyrgyzstan (Appendix 3, Article 14).

A July 1998 government resolution, On the Concept of the Activities of the State Commission under the Government of the Kyrgyz Republic on Religious Affairs for the Development and Implementation of State Policy in the Sphere of Religions (No. 441, 7 July), enumerated several broad goals for the SCRA and assigned this institution numerous, quite expansive tasks to complete over the next two years, such as supporting the Spiritual Administration of Muslims (DUMK) to complete the registration of imams and prohibit independent religious education. It quickly became apparent, however, that the SCRA did not have the capacity to achieve these goals and complete these tasks. Thus, in the early 2000s, the government of Kyrgyzstan began fortifying the SCRA. In addition to its greater responsibilities, the SCRA was given greater authority to implement the aforementioned decrees, particularly the November 1996 presidential decree.¹⁷ Government ministries, specifically the Ministry of Education and Culture, was also tasked with enforcing religious regulations alongside the SCRA, including a crackdown on religious instruction in nontheological schools.

With a much stronger regulatory structure in place by the mid-2000s, the government began increasing restrictions on religious belief and practice. The government equated religious extremism with terrorism as early as 2002,¹⁸ signalling a change in its view that unrestricted religious expression was not a significant political threat and indicating that violence or the explicit threat of violence was not necessary for religious groups and individuals to be targeted for repression by the state. Yet, it took several years before the legal structure started to reflect this view. In 2005, President Bakiev signed the Law on Countering Extremist Activity (No. 150, 17 Aug.) that others have identified as opening the door to religious repression, particularly targeting Islamist groups, such as Hizb ut-Tahrir, because it adopted a broad definition of extremism (Omelicheva 2007, 383). This law is very specific, however, when it comes to defining extremist organizations as those 'for which, in accordance with this law, the court adopted the decision to liquidate

or prohibit activities in connection with the implementation of extremist activities' (Article 1, Section 4).

The following year, the government made its first explicit attempt to demarcate acceptable beliefs and practices for Muslims in Kyrgyzstan in the Concept on State Policy in the Religious Sphere of the Kyrgyz Republic (No. 324, Chapter 4, 6 May), which both described and endorsed a specific set of characteristics for the country's 'traditional religions', including Islam.¹⁹ Then, in December 2008, the government passed a much more expansive law, On Freedom of Religion and Religious Organizations in the Kyrgyz Republic (No. 282, 31 Dec.), which introduced several new restrictions and replaced the 1991 law by the same name. These restrictions impeded the ability of independent religious organizations to operate freely and even to exist by creating obstacles for groups to register, proselytize, and distribute religious literature. Subsequent amendments to this 2008 law, moreover, extended the authority of both the independent Muftiate²⁰ and the SCRA over religious activities; in 2011, the former was authorized by an amendment (No. 46, 15 June) to organize the *hajj* 'in accordance with the law' (Article 21), as it had under Soviet rule; and in 2012, the latter was empowered by an amendment (No. 196, 7 Dec.) to enforce restrictions on religious literature, including the storage and transport of 'extremist' religious material (Article 22).

Thus, by the late 2000s, religious regulation was increasingly being framed as a means to combat encroaching threats of religious extremism and terrorism. A 2009 amendment (No. 60, 20 Feb.) to the Criminal Code, for example, raises the penalty for inciting 'religious ... enmity' without violence from a fine of 50,000 som or deprivation of liberty for up to one year, to up to 100,000 som or deprivation of liberty for three to five years. It also introduces a series of articles (299-1 and 299-2) that establish severe punishments for organized activities aimed at causing national, racial, religious or inter-regional enmity, and the handling of extremist materials or intentional usage of extremist symbols. It should be noted, however, that the vague language of such regulation allowed the state in practice to criminalize religious belief and practice, especially among groups such as Ahmadi and Salafi Muslims, that deviated from the state-approved values the Muftiate helped propagate, whether or not it posed any real threat.

The shift to framing religious regulation as a means to combat terrorism intensified in the 2010s, when the government began increasing restrictions on unsanctioned religious belief and practice while continuing to bolster the SCRA's authority. In December 2012, for example, the SCRA published an order, On the Form and Terms of Religious Organizations Reporting on Their Activities (No. 116, 19 March), that required religious organizations to report all their activities inside the country as well as any interactions with foreign entities. This order empowered the SCRA to enforce Article 27 of the 2008 Law on Religion – specifically, to suspend the activities of religious organizations that refused to comply.²¹ Also in 2012, the state adopted a Concept of National Security (No. 120, 9 June 2012), which emphasized that religious extremism posed a major threat and called for increased international cooperation. The following year, the government produced a National Strategy for Sustainable Development of the Kyrgyz Republic for the Period 2013-2017 (No. 11, 21 Jan 2013), which reinforced combating extremism as one of the state's priorities and called for a review of religious regulations. This includes amendments to the Criminal Code (No. 162, 2 Aug. 2016) that not only increased financial penalties related to terrorism and extremism but also broadened the scope of what constituted such crimes.²² During

this period, the government also shifted its focus to creating and propagating a ‘national’ (Kyrgyz) Islam as a counter-ideology to combat extremism.²³ For example, the new Concept on State Policy in the Religious Sphere (No. 203, 14 Nov. 2014) emphasizes that the Hanafi madhab is traditionally professed in Central Asia, and that it is compatible with national traditions. In part, this regulative discourse on ‘extremism’ and ‘terrorism’ is likely motivated by the regime’s desire to discourage ethno-religious heterodoxy and use religious regulation against populations that are not considered loyal, such as ethnic Uzbeks in the southern part of the country.

In 2017, Kyrgyzstan passed the Programme of the Government of the Kyrgyz Republic on Countering Extremism and Terrorism for 2017–2022 (No. 394, 21 June), indicating that it would continue on this trajectory. The programme identifies several religious threats, including foreign religious education, the lack of a common citizenship-focused identity leading individuals to turn to religion, insufficient control of radical religious groups and clergy, fragmentation of the religious community, and the merging of radical religious groups with criminal organizations. The action plan to implement this programme (No. 414-p, 20 Sept. 2017) is comprehensive, involving media and public education, greater monitoring, extensive training work with religious leaders and organizations, the establishment of public committees to address terrorism and extremism through monitoring and rapid response at the local level, and a re-evaluation of major laws to ‘eliminat[e] gaps in the regulatory and legal framework in terms of countering terrorism and religious extremism’. The SCRA was authorized to implement important components of this new programme, alongside a wide range of state and non-state actors.

Legislation passed the following year (2018) appears to be directed towards making progress in advancing the goals laid out in the programme. Concerning religious education, for example, the government adopted a resolution (No. 334, 23 July) On the Procedure for Licensing Educational Activities in the Kyrgyz Republic, which required all religious schools to adhere to the same licensing requirements as secular schools, including the elimination of any ‘signs of propaganda of the superiority of one religion over another, criticism of [other] religions, ... [and] extremism in the content of the[ir] educational programme’.

Uzbekistan

In contrast to Kyrgyzstan, religious regulation in Uzbekistan developed rapidly and has changed much less over time. Within a few years, the government moved away from the nominal guarantees of religious freedom in its 1992 constitution, which not only protects the right of individuals to profess any religion (Article 31) but also prohibits state ‘interfere[nce] in the activities of religious associations’ (Article 61).²⁴ Instead, it turned swiftly and decisively towards the criminalization of certain kinds of religious belief and practice, making it dangerous to openly profess Islam in unsanctioned ways. Compared to both Kyrgyzstan and Tajikistan, religious regulation in Uzbekistan is not only the most consistent over time but also by far the most repressive.

Uzbekistan’s regulatory strategy can be broken down into five main stages: establishment of the regulatory structure (1991–1992); prevention of religious extremism (1998–1999); formulation of national (Uzbek) Islam (2000–2002); indoctrination of national (Uzbek) Islam (2003–2010); and fortification of mechanisms to monitor and enforce

Uzbek Islam (2011–2018). Each of these is characterized by the continued emphasis on framing religious regulation as a means to combat extremism, and thus criminalizing any religious belief and practice the state deems threatening, not only from the perspective of preventing terrorism but also in terms of preventing dissidence and the expression of political grievances. The most significant changes in Uzbekistan's approach to religious regulation over time were directed towards increasing state capacity to monitor and enforce adherence to its preferred interpretation of Islam. Thus, despite the widespread optimism that the country's new president, Shavkat Mirziyoyev, would bring significant human rights reforms after Islam Karimov unexpectedly died in 2016,²⁵ this has not yet been realized with regard to the legal framework regulating religious belief and practice.²⁶

Uzbekistan swiftly established both the government's right to regulate religion and the regulatory structure that would perform this role. Before ratifying the constitution, the government adopted the Law on Freedom of Conscience and Religious Organizations (No. 289-XII, 14 June 1991). This law codified individual religious liberty and equality among religions, and yet constrained the activities of religious organizations, limiting their ability to participate in or influence politics.²⁷ The following year, a presidential decree (No. 359, 7 March 1992) established the Committee on Religious Affairs (CRA), and a government resolution (No. 159, 2 April 1992) empowered this organization to coordinate policy and enforcement of religious regulation throughout the country, with the help of local councils that included local religious leaders and other prominent members of the local community. The CRA was given oversight over all religious organizations on its territory, including SADUM, which would become the Muslim Board of Uzbekistan (commonly known as the Muftiate) in 1993.²⁸ Since then, the state has used the Muftiate to exert control over the hiring and firing of imams, the content of their sermons, religious education, and even fatwas dictating how Muslims should behave (Khalid 2007, 170–174).

In the late 1990s, the government shifted its focus to framing religious regulation as a means to prevent and combat the influx of fundamentalism and extremism. Most prominently, the 1998 Law on Freedom of Conscience and Religious Organizations (No. 618-I, 1 May), which replaced the 1991 law (No. 289-XII, 14 June) as the primary legal basis for religious regulation in Uzbekistan,²⁹ marked a significant increase in state control over religion.³⁰ This law criminalized unregistered religious activity and established stringent registration requirements (Article 11).³¹ In addition, it banned the involvement of minors in religious organizations (Article 3), proselytism and missionary activity (Article 5) and private religious instruction (Articles 7 and 9); restricted the locations for worship, religious rites, and ceremonies and forbid non-clergy from wearing religious clothing in public places (Article 14); and granted the government censorship powers over religious publications (Article 19). Harsh penalties were added (No. 621-I, 1 May 1998) to the Criminal Code to reflect this new law. For example, the punishment for involving minors in religious organizations was set at 50 to 75 times the monthly minimum wage, two to three years of correctional labour, or up to three years' imprisonment (Article 145).

Alongside this legislation, the government added new, more onerous, restrictions on Islam that expanded the scope of religious regulation to *private* belief and practice. For example, in October 1998 a presidential decree (No. 2100, 28 Oct.) criticized the lavishness

of life-cycle ritual events, and entrusted institutions such as the Women's Committee, the Muftiate, local *hokimiyats*³² and state bodies with monitoring and regulating these events to encourage austerity and better reflect Uzbek 'sacred religion, values, customs, and traditions'. The following month, another presidential decree, On Support of the International Fund of Imam al-Bukhari (No. 2110, 16 Nov. 1998) established an endowment to honour, conduct research on, and promote the cultural and historical heritage of Imam al-Bukhari, which included developing and promoting the Imam al-Bukhari memorial as a place of pilgrimage, and disseminating his work.

The government also bolstered its enforcement capacity during this period. In April 1998, a presidential decree (No. 1989, 21 April) established an interdepartmental body to monitor religious groups and identify any illegal activities. The following year, the legislature passed 'On Institutions of Self-Government of Citizens' (No. 758-I, 14 April 1999), and the Cabinet of Ministers approved On the 'Neighborhood Guardians' Public Organizations Statute (No. 180, 19 April 1999), known as the Mahalla Law and the Posbon Law, respectively (Bogner, Shields, and Struthers 2003). The former ordered local self-governing bodies (notably, the *mahalla*³³) to

take measures to stop the activity of non-registered religious organizations, to ensure observance of the rights of citizens for religious liberty, ... [and] to consider other issues related to the observance of the legislation on freedom of conscience and religious organizations. (Article 12)³⁴

The latter created neighbourhood guardian (*posbon*) positions. Posbons are paid state employees, chosen by the mahalla committee in consultation with the local police chief, who act as a kind of 'morality police', performing a surveillance role while maintaining the 'social and moral environment' of the mahalla (Bogner, Shields, and Struthers 2003, 11). In practice, these broad powers have been used to surveil Muslims' religious practices and inform local authorities, assist in the arrest anyone suspected of 'religious extremism', publicly denounce and pressure Muslims who do not observe state-sanctioned Islam, and deny these Muslims social assistance and services (13).

At the same time, the government began including sections for religious violations with specific penalties in its criminal and administrative codes. According to the 1998 Administrative Code, for example, individuals could be fined 5 to 10 times the minimum wage or arrested for up to 15 days for wearing religious attire in public places (Article 184-1) or providing religious instruction in their home (Article 241). Similarly, the 1998 Criminal Code made the creation of an illegal religious organization punishable by up to five years in prison (Article 216). In 1999, it was amended (No. 772-I, 15 April) to include an article (244-2) punishing participation in religious extremist, fundamentalist or other prohibited organizations with 5 to 20 years in prison, depending on whether this participation had grave consequences. The same amendment made the creation of illegal religious organizations punishable by a fine of 50 to 100 times the minimum wage, or arrest for up to six months, or imprisonment for up to five years (Article 216). It also stipulated that those who had faced an administrative penalty for inducement to participate in illegal groups could face much harsher penalties for a re-offense (Article 216-1).

As part of its efforts to combat extremism, in the early 2000s the government focused greater attention on the formulation and cultivation of a national 'Uzbek' Islam – that is, one that conformed to the government's cultural and political ideal of Islamic belief and

practice.³⁵ A 2000 presidential decree On Measures to Implement the Program on Liberalization and Increasing Reforms in the Political, Economic, and Spiritual Spheres of Society, Securing the Country (No. 2612, 2 June) mandated a set of projects for the 'spiritual sphere' that would investigate the degree of extremist religious ideology and 'non-traditional religious trends' and then attempt to counter them, in part by developing and disseminating an official history of Islam in Uzbekistan. In October, the Muftiate issued a decree (No. 978, 16 Oct. 2000), signed by the CRA, to create 'special licences' for women to carry out certain religious activities based on criteria that conformed to national 'Uzbek' Islam. Those individuals and groups that qualified for such licenses were required to promote beliefs and practices in accordance with national tradition in general and the teachings of Hanafi Islam in particular.

For the rest of the decade, Uzbekistan focused religious regulation on cultivating and enforcing its preferred version of national 'Uzbek' Islam. Several decrees during this period privileged what the government deemed acceptable 'local traditions', such as shrine visits, and empowered local organizations (including the *mahalla* and women's committees) not only to inculcate these traditions but also to monitor and enforce their community's adherence to them.³⁶ Among these is the 2003 resolution, On the Year of the Mahalla Programme (No. 70, 7 Feb.), that tasked the Mahalla Fund to work closely with the CRA, Muftiate, Women's Committee and Ministry of Culture to develop guidelines for weddings and other life-cycle events and to educate citizens to follow these guidelines.³⁷ Restrictions on religious belief and practice that fall outside national 'Uzbek' Islam – and enforcement, including harsher penalties for violating these restrictions – increased during this period. For example, in 2005, amendments to the Administrative Code (Article 201) increased the financial penalties for violating rules on religious assemblies and ceremonies from 5 to 10 times the monthly minimum wage to 80 to 100 times the minimum wage (No. 18, 28 Dec.). The Criminal Code (Article 217) was also amended to increase the penalty for repeat offenses from 50 to 75 times the monthly minimum wage to 200 to 300 times the minimum wage. A 2006 amendment (No. 37, 22 June) to both the codes targeted religious literature, imposing fines from 20 to 100 times the minimum monthly wage for first time offenders and 100 to 200 times the minimum monthly wage for repeat offenders on citizens illegally manufacturing, storing, importing or distributing religious materials (Article 184-2 Administrative Code, Article 244-3 Criminal Code). The amendment also included punishments for the production and distribution of materials that promote national, racial, ethnic or religious enmity (Article 184-3 Administrative Code, Article 156 Criminal Code).

During the following decade, the government intensified its efforts to monitor and enforce national 'Uzbek' Islam. Several legal changes fortified local self-governing bodies (*posboni*, women's committees, etc.) to perform these roles, including a 2012 presidential decree that raised salaries by 20% (No. 4451, 9 July 2012) and a 2013 presidential resolution (No. 2050, 10 Oct.) that mandated additional training for workers in these organizations. In 2013 the government updated and amended the 1999 Mahalla Law (No 350, 22 April 2013), further cementing and institutionalizing both the status and authority of local self-governing bodies.

The government also expanded the authority of other regulatory bodies – the CRA, the Ministry of Justice and the Ministry of Internal Affairs – and the scope of religious regulation. The 2014 Law on the Prevention of Offenses (No. 371, 14 May), for example,

empowered the Ministry of Internal Affairs, alongside local self-governing bodies, to identify individuals in their communities who might be ‘involved in the activities of banned organizations and religious-extremist groups and take action against them’.³⁸ Several regulations followed that increased barriers to obtaining religious literature (No. 273, 30 Sept. 2014) and holding religious events and meetings (No. 2679, 4 June 2015).³⁹ The government also ordered state bodies to curate websites with religious content (No. 625, 14 Aug. 2017). The pace of expanding religious regulation accelerated in 2017 to control the religious narrative, particularly among youth. In April, a series of presidential decrees and resolutions (No. 5005, 10 April; 2883, 12 April; 2896, 18 April) emphasized the increasing need to protect youth from extremist ideas and promote patriotism and national values as a bulwark against extremism. No. 2896 is noteworthy because it assigned the position of ‘preventative inspector’ with responsibilities analogous to religious police.

This trend continued in 2018. During that year alone, Uzbekistan adopted *at least* four critical pieces of legislation that fortified its ability to cultivate, monitor and enforce Uzbek Islam. Three of these gave additional authority to the CRA. The resolution On Measures to Improve the Activities of the Committee on Religious Affairs (No. 3668, 16 April 2018) empowers it to collect, analyse and interpret information related to ‘social and religious processes’ from governmental units at all levels via the creation of ‘the Information and Analytical Centre for the Study of Social and Religious Processes under the Committee’. The Resolution on Approval of the Regulation on State Registration, Re-registration and Liquidation of Religious Organizations (No. 409, 31 May 2018) created new requirements for religious organizations to obtain official registration, which is required by law, including a ‘letter of consent’ from the CRA (Chapter 2, Article 10).⁴⁰ The presidential decree On Measures to Improve Activities in the Religious and Educational Sphere (No. 5416, 16 April 2018) established the government-funded International Islamic Academy of Uzbekistan as ‘the leading educational and research institution of the [CRA] ... , specializing in teaching secular and religious knowledge, training qualified personnel on the interpretation of the Koran, Islamic economics and finance, Islamic law, [and] religious dogmas’.⁴¹ The 2018 legislation that has received the greatest attention, however, broadened the scope and authority of government institutions in general. The Law on Countering Extremism (No. 489, 30 July) gave wide enforcement discretion to authorities with overly broad and vague definitions of ‘extremism’ and ‘extremist activities’.⁴²

Tajikistan

As in Kyrgyzstan, for roughly the first decade after independence religious regulation in Tajikistan was relatively tolerant. The laws regulating religion during this period were largely aligned with the principles enshrined in its constitution, adopted in 1994, which separated religious ideology and organizations from the state, guaranteed the rights of citizens to practice religion freely, and prohibited religious prejudice. By the late 2000s, however, the government increased both the degree and scope of religious regulation and adopted a regulatory strategy that criminalized Islamic beliefs and practices – often with extra-legal enforcement – that did not correspond to state-sanctioned (or ‘Tajik’) Islam. The evolution of Tajikistan’s regulatory framework can be broken down into five main stages: affirmation of religious freedom and state secularism (1993–

1994); adaptation of religious regulation in response to the civil war (1998–1999); creation and fortification of a new regulatory framework for religion (2006–2008); rapid expansion of regulatory bodies' scope and authority (2009–2011); and criminalization of non-state-sanctioned Islam, with enforcement (2014–2018).

The legislation that established Tajikistan's initial regulatory framework was passed a few years after independence. The 1993 resolution *On the Registration of the Spiritual Administration of Muslims of the Republic of Tajikistan* (No. 420, 23 Aug.) officially recognized the Muftiate as the country's successor to SADUM, approved its charter, and endorsed its right to administer fatwas 'strictly according to the dictates of Islam'. It also gave the Muftiate other decision-making powers, such as determining who could pursue Islamic education abroad, but also established a hierarchy of decision-making on religious matters by requiring that these decisions be forwarded to the state body responsible for religious affairs.

Tajikistan's 1994 constitution paid limited attention to religion. It forbade the establishment of a state religion and established that religious organizations are separate from the state. It also enshrined the right for individuals to choose their own religion and to freely participate in religious rituals and ceremonies. The *Law on Religion and Religious Organizations*,⁴³ adopted a month later, was consistent with the new constitution. It guaranteed freedom of conscience, established separation of church and state, and gave religious groups the right to participate in public life equal to other public associations, though it forbade religious organizations from participating in politics. It also established registration procedures; non-taxable donations to religious organizations; broad rights to conduct religious ceremonies and rituals; the ability to acquire, use and create religious literature; and rights to maintain foreign religious contacts, study religion abroad, and invite foreign missionaries to Tajikistan in consultation with the state. Article 29 of this law established a state body for religious affairs, which was given broad responsibility for enforcement and designated the state advisory body on religion.

Tajikistan altered its approach to religious regulation after the civil war ended in 1997, in response to both the origins of the conflict and the peace process. In 1998, the government abolished the Muftiate, which it accused of siding with the opposition in the conflict, and replaced it with the Council of Ulema. The council retained the authority formerly vested in the Muftiate, including the exclusive right to issue fatwas, but was placed explicitly under state control (Karagiannis 2010, 19). As part of the peace agreement of 1997, the Islamic Renaissance Party of Tajikistan (IRPT) and its allies, who had been part of the opposition in the war, were given positions in government. In November of the following year, Tajikistan passed the *Law on Political Parties* (No. 680, 13 Nov. 1998), which formally allowed the IRPT to register as a political party, making Tajikistan the only Central Asian state where religious parties were allowed to openly participate in politics.⁴⁴ The constitution was amended in 1999 to reflect these changes; it established the right to create religious political parties (Article 28), granting the IRPT constitutional protection.

The next major shift did not occur until 2006–2008, when the government fortified the regulatory structure and expanded its scope. In 2006, the Committee for Religious Affairs (CRA) was dissolved by presidential decree (No. 9, 30 Nov.),⁴⁵ and responsibility for regulation was vested in the newly created Department for Religious Affairs within the Ministry of Culture (No. 604, 28 Dec.).⁴⁶ This action was part of a broader ministerial reshuffling in the aftermath of the 2006 presidential election, and the CRA's chairman was appointed

deputy minister of culture (Thibault 2018, 119).⁴⁷ The period following this executive restructuring marked a shift in regulation towards putting pressure on nonconformist Muslim institutions and leaders (Olcott 2012, 39). The following year, the Law on Regulation of Traditions, Celebrations and Rituals in the Republic of Tajikistan (No. 272, 8 June 2007) introduced detailed guidelines on cultural aspects of religious practice, including celebrations such as weddings and funerals, religious holidays, pilgrimages, and rituals associated with births. The government has frequently justified this law as preventing waste and excess during celebrations, but one effect is increasing its control over seminal life-cycle events associated with Islam, and ensuring that private religious events remain small, so as to prevent large gatherings.

The government accelerated the expansion of its regulatory authority and scope over religion for the next few years. In 2009, the Law on Freedom of Conscience and Religious Associations (No. 489, 26 March) replaced the 1994 Law on Religion and Religious Organizations as the primary legislation regulating religion. The law tightened registration requirements; regulated the creation and possession of religious literature;⁴⁸ limited the number and location of new mosques; restricted religious services and rituals to designated places of worship, holy places, cemeteries and private homes; stiffened restrictions on religious education; and added constraints on religious political influence. This draconian law signalled a fundamental shift in the government's regulatory strategy towards the creation of a state-sanctioned Islam that could be more easily controlled. The law's preamble recognized the Hanafi *madhab*⁴⁹ as playing a 'special role in the development of national culture and spiritual life of the people of Tajikistan'. Further, it gave the state a direct role in the selection of *imam-khatibs*⁵⁰ and imams (Article 11), who are effectively state employees.⁵¹

In 2010, the Resolution on the Committee for Religious Affairs under the Government of the Republic of Tajikistan (No. 226, 3 May) reinstated the CRA and reassigned responsibility for religious regulation from the Ministry of Culture to a powerful independent committee answerable directly to the government. The reconstituted CRA, moreover, was given broad and extensive authority, including coordinating with authorities at all levels of government, preparing new regulations, enforcing existing regulations, monitoring and auditing religious groups, organizing pilgrimages, and approving the selection of imams and imam-khatibs.

In 2010–2011 religious repression expanded into the realm of education.⁵² The Law on Parental Responsibility for the Education and Upbringing of Children (No. 762), adopted in August 2011, banned children under the age of 18 from attending mosques, thus eliminating a primary source of religious education and indoctrination for youth. Four months later, a government resolution, On Approving the Procedure for Acquiring Religious Education Abroad for Citizens of the Republic of Tajikistan (No. 662, 30 Dec. 2011), empowered the government to strictly limit access to foreign religious education. The passage of this resolution followed a 2010 crackdown on Tajik citizens studying religion abroad, who were pressured to return home after President Rahmon claimed in a televised meeting that they 'are all becoming terrorists and extremists' (RFE/RL 2010a).⁵³ During this period, the government also amended the Administrative Code (No. 650, 29 Dec. 2010) and Criminal Code (No. 750, 2 Aug. 2011) to exact harsh penalties for teaching religion without state permission, producing or distributing religious literature, and

organizing or participating in ‘religious extremist study groups’, using a broad definition of religious extremism.⁵⁴

From 2014 through the end of 2018, the state focused on creating and supporting a national (‘Tajik’) Islam while criminalizing other forms. For the first few years, it repressed non-state-sanctioned expressions of Islam primarily via extra-legal enforcement rather than formal legal changes. Thus, in 2014–16 there were relatively few new pieces of legislation related to religion. The most significant is an amendment (No. 176, 7 March 2014) to the aforementioned law (No. 226, 3 May 2010) that reinstated the CRA.⁵⁵ The amendment renamed the CRA the Committee on Religious Affairs, Regulation of National Traditions, Celebrations, and Rituals and emphasized its responsibilities over the regulation of national culture, thereby endowing it with control over which activities are considered proper Islam in Tajikistan. Alongside this legal change, the government relied on the courts,⁵⁶ high-level clerics in the Council of Ulema,⁵⁷ enforcement of existing regulations,⁵⁸ ministry-level regulations, and extrajudicial repression aimed at consolidating a politically inert ‘Tajik’ Islam and labelling all other Muslim religious expression ‘alien’ and radical.⁵⁹ A constitutional amendment, passed by referendum in 2016, banned religious political parties. Though this had no immediate practical effect – the IRPT, which had been Central Asia’s only legal religious political party, was outlawed in 2015 and deemed a terrorist organization – it signified the consolidation of the new strategy of criminalization of all forms of Islam that are not controlled by incumbent elites.

Also in 2016, the government prioritized the consolidation of a ‘national’ Islam in its national counterterrorism strategy as a bulwark against ‘alien’, dangerous forms of Islam. In November, a presidential decree (No. 776) approved the National Strategy of the Republic of Tajikistan for Countering Extremism and Terrorism for 2016–2020. The new national strategy identifies the religious community as most vulnerable to radicalization, and non-traditional alien Islam and poor religious literacy are blamed (Chapter 1, Article 4). The strategy emphasizes that the Hanafi *madhab* is the most tolerant and loyal legal school (Chapter 1, Article 4, Paragraph 44) and claims that there is a need to create a unifying ‘national idea’ against religious organizations seeking to create a theocratic state (Chapter 1, Article 3). These actions served to further strengthen the state’s rationale for homogenizing Islam and religious practice, signalling that only pro-regime, apolitical religion would be tolerated.

During the following two years, the government made several important legal changes that codified its aim to tighten restrictions on religious belief and practice. In 2017, it passed a law (No. 1461, 28 Aug.) amending the 2007 Law on Regulation of Traditions, banning or severely limiting Muslim traditions (e.g., *aqiqah*) and celebrations (e.g., the festival of Id al-Adha and meals for pilgrims returning from the *hajj*), and effectively banning ‘non-traditional’ religious clothing (including the hijab). The amendments also gave the CRA responsibility for defining appropriate procedures for funerals and the mourning period. At the beginning of 2018, the government passed a law (No. 1497, 2 Jan.) amending the 2009 Law on Freedom of Conscience and Religious Associations (No. 489, 26 Mar.) to increase state oversight of the appointment of religious leaders, give the state even greater control over religious education, and essentially place religious organizations under surveillance by requiring that they report all their activities to the state. A resolution (No. 34, 23 Jan.) subsequently strengthened the CRA’s authority to enforce all aspects of the amended Law on Regulation of Traditions. During this same year, the government

also adopted a program (No. 79, 1 Mar. 2018) to indoctrinate youth aimed at ‘protecting [this] generation from ... extremist propaganda, national and religious intransigence, and preventing ... religious fanaticism among young people’. Finally, the government adopted a new Concept on State Policy in the Religious Sphere (No. 1042, 4 April 2018), setting goals for future religious policy and emphasizing the special cultural and stabilizing role of the Hanafi madhab, Isma‘ilism, and Orthodox Christianity.

Conclusion

The purpose of this article is to provide a more complete and dynamic account of religious regulation in Central Asia from independence in 1991 through 2018, focusing on Kyrgyzstan, Tajikistan and Uzbekistan. As we have demonstrated, although Central Asian states have become more repressive over time in their approach to religious regulation, they have done so at very different paces and to very different degrees. Since the late 2000s Kyrgyzstan and Tajikistan have moved towards the strategy that Uzbekistan fully adopted by the end of the 1990s. Each country has not only criminalized particular religious activities but also inserted itself into the private religious sphere and built a ‘national’ Islam.

While our primary aim is descriptive, we are well aware that these policies do not occur in a vacuum. We hope that future scholarship will use the systematic evidence presented here to build and test arguments concerning the causal factors that influence these policies. This is crucial not only because a full understanding of religious regulation in Central Asia remains elusive, but also because, as we have shown here, religious regulation in Central Asia is dynamic and thus still evolving. Neither the pattern nor the direction of change in religious regulation that we document from 1991–2018 is ‘locked in’. For example, on 4 May 2018, the Uzbek parliament adopted a ‘roadmap’ concerning its intent to implement 12 recommendations from the UN Special Rapporteur on Freedom of Religion or Belief. They include the adoption of a new law to replace the aforementioned 1998 Law on Religion, which would be developed with open consultation and comments and be in accordance with Article 18 of the International Covenant on Civil and Political Rights. However, as of June 2020, no such draft had been made public.

Our exclusive focus on legal documents enables us not only to identify past trends but also to anticipate emerging ones and to do so with greater detail. While changes in the legal framework do not correlate perfectly with the degree of religious freedom people experience in their daily lives, tracking these changes is still critical for understanding the signals states wish to send about their treatment of religion moving forward. Alongside analysing changes in state rhetoric and tracking enforcement of existing regulations, these signals can serve as a valuable tool for anticipating future trends in religious repression. Further, our more systematic approach to religious regulation is a useful strategy for future work aimed not only at understanding what factors influence state repression of the dominant religion but also how members of this religion respond to different forms and degrees of state repression. Our own broader research agenda, for example, focuses on how different combinations of repression and subsidies can influence political attitudes and behaviour towards the state and fellow citizens. As part of this agenda, we examine the impact of religious repression on support for political mobilization in Muslim-majority states (Gamza and Jones 2020).

Notes

1. The full database is available at <http://www.relreg.com/>. All documents mentioned here can be accessed through the search function on the website.
2. The fact that religious regulation does not conform to constitutional guarantees of religious freedom is not unique. Freedom of speech, for example, is guaranteed in all the Central Asian constitutions, but severely limited in practice throughout the region. It is also not unique that the governments in this region heavily regulate religion. As in other parts of the predominantly Muslim world, this is in part due to the latent and sometimes active threat religion poses as a form of oppositional political identity and as a locus of political mobilization that cross-cuts other forms of identity.
3. They are also limited by the dearth of systematic data on religious revival (see Jones 2018, chapter 1).
4. When they do use primary sources, moreover, it is not systematic. In the Religion and State codebook, for example, it is not clear either how religious laws are identified or how many and exactly which laws are included. Fox does state that copies were obtained from www.religlaw.org or www.legislationline.org when available. However, at least for Central Asia, these sources are limited. For example, for religion in Kyrgyzstan as of December 2017, www.legislationonline.org only includes the full text of a single draft law, and www.religlaw.org only includes five laws.
5. This is of course not the only way to mitigate bias. The Religion and State project attempts this, for example, by relying on multiple sources, including scanning the text of primary sources.
6. The OSCE, for example, provided careful analysis of legislative texts.
7. For Kyrgyzstan, we used Toktom and the Ministry of Justice's Central Data Bank of Legal Information. For Tajikistan, we used the Central Bank of Legal Information of the Republic of Tajikistan, the database of the National Centre for Legislation under the President, and Spinform. For Uzbekistan, we used the National Database of the Legislation of the Republic of Uzbekistan. We used Paragraf for all three countries. As a first pass, we used the built-in keywords related to religion to collect regulations.
8. Here we define *repression* as restrictions on the selection or profession of certain religious beliefs and practices and *subsidy* as institutional, fiscal or political support for a particular set of religious beliefs and practices (based on a singular official interpretation of Islam).
9. Because these are unitary states, we do not consider subnational legislation. We do, however, recognize that enforcement varies at the subnational level, and we are in the process of collecting these data.
10. While we acknowledge the reciprocal relationship between state repression and political mobilization (Davenport 2005; Carey 2006), we seek eventually to isolate the effects of religious repression on political mobilization.
11. Regarding popular Islam and official Islam, see Ro'i (2000).
12. Uzbekistan was not included in the most recent wave of the World Values Survey. However, in the 2011 iteration, 73% of Uzbekistani respondents said that religion was rather or very important in their lives.
13. For example, in 2018 Kazakhstan and Turkmenistan both ranked in the 45th percentile in the World Bank's Political Stability and Absence of Violence index. Kyrgyzstan, Tajikistan and Uzbekistan were in the 25th, 20th and 35th percentile, respectively. As of 2018, GDP per capita was US\$ 9813 and US\$ 6967 in Kazakhstan and Turkmenistan, respectively; while in Kyrgyzstan, Tajikistan and Uzbekistan it was US\$ 1308, US\$ 827 and US\$ 1529, respectively (World Bank data).
14. The brutal civil war from 1992 to 1997 may have contributed to the delay. However, the government established a state body for religious affairs in 1994 to register religious organizations.
15. A 1997 government resolution (No. 20) criticized the 1991 law for being ambiguous about registration, making it difficult to control the size and activities of religious organizations.
16. This is also when the government begins to regulate the *haji* and other pilgrimages. A 1997 resolution (No. 20) tasks the SCRA with creating the rules, and a 1998 resolution (No. 83) assigns responsibility for implementation.

17. For details, see the 2001 resolution (No. 155) 'On the work of the State Commission under the Government of the Kyrgyz Republic on Religious Affairs on the Implementation of the Decree of the President of the Kyrgyz Republic On Measures to Implement the Rights of Citizens of the Kyrgyz Republic on Freedom of Conscience and Religion'.
18. In 2001–02, Kyrgyzstan signed agreements with neighbouring states to combat terrorism and religious extremism, which established a Regional Anti-Terrorism Structure. For details, see <http://ecrats.org/ru/about/history/> and <http://ecrats.org/ru/about/documents/>.
19. The 2014 version of this 'concept' explicitly endorses the Hanafi Madhab as consistent with traditional Islam in Kyrgyzstan.
20. The Muftiate, or Spiritual Administration of Muslims of Kyrgyzstan, is the successor to SADUM in Kyrgyzstan. However, although it is dependent on the state 'in a symbolic sense', it is not *de jure* under government control and does not receive direct state funding (Borbieva 2017).
21. For details, see the Open Viewpoint Public Foundation report titled "Freedom of Religion: On the Implementation of the Rights of Believers in Kyrgyzstan" published in 2015 (<https://www.osce.org/odihr/187536>).
22. Internet activity and joining social media groups, for example, could constitute a terrorist act (Aslanova 2016). Enforcement also appears to have increased (Human Rights Watch 2018).
23. A 2014 presidential decree (No. 11) created the Foundation for the Development of Spiritual Culture (Yiman) to promote and provide education on acceptable Islamic beliefs and practices (an archive of the organization's "About Us" webpage can be found here: https://web.archive.org/web/20160829124930/http://ru.iyman.kg:80/about_us/).
24. However, as others have observed, the 1992 constitution also builds in the primacy of the state's 'rights and interests' in determining when and how the freedom of religion can be curtailed (OSCE Expert Working Group 2009, 8).
25. Islam Karimov served as the first secretary of the Communist Party of the Uzbek Soviet Socialist Republic from 1989 to 1991, and as the country's first and only president from 1991 to 2016.
26. The government did take some steps towards improving religious freedom conditions, such as releasing prisoners convicted on religious charges and removing thousands from its 'black-list' of religious extremists (United States Commission on International Religious Freedom 2019, 124–130).
27. These limits were reinforced in subsequent legislation, e.g., a 1992 amendment (No. 664-XII) to the 1991 law on public associations (No. 223-XII) allows the state to seize funding they provide to political parties and social movements.
28. SADUM had actually become nominally autonomous in the early years of independence, but was brought back firmly under state control by 1993 (Khalid 2007, 171).
29. It continues to be the primary basis at the time of writing, with amendments.
30. President Karimov and his minister of foreign affairs justified the law as necessary to prevent the spread of fundamentalism and extremism from Tajikistan into Uzbekistan (Shields 2004, 19).
31. This is in accordance with the procedure for registration outlined in the Cabinet of Ministers Decree (No. 263, 20 June 1998).
32. *Hokimiyat* refers to a government or administration.
33. Roughly translated as 'neighbourhood associations', these are based on a traditional Islamic institution that persisted in Uzbekistan under Soviet rule and served primarily a social function (Sievers 2002).
34. Translation from Bogner, Shields, and Struthers (2003, 9).
35. This shift began in the late 1990s. For example, a 1999 presidential decree (No. 2282) established the Tashkent Islamic University 'to safeguard the rich spiritual and cultural heritage of the sacred faith of our people ... [and] increas[e] the religious literacy of the people on the basis of research of unique sources inherited from our ancestors'.
36. In 2008, for example, the government issued a resolution (No. 938) to preserve sacred sites, including shrines, as well as to assist in inculcating government-approved Islamic philosophy, culture, religion and education.

37. Just before this, the government issued rules that placed restrictions on events pertaining to religious holidays that included over 100 people (No. 15, 13 Jan. 2003).
38. It also required them to actively suppress 'unregistered religious organizations'.
39. Although this regulation explicitly excludes 'religious worship, rites and ceremonies' held by official religious bodies (Chapter 1, Article 2), it can be used to prevent nongovernmental organizations from engaging in religious activities outside these recognized events.
40. A few months later, a new resolution (No. 3071, 27 Sept. 2018) outlined the procedure for receiving this letter of consent, as required by this resolution.
41. This replaced both the Islamic Academy of Uzbekistan and the Tashkent Islamic University.
42. For details, see OSCE (2019).
43. This law does not have a number, perhaps because it was adopted soon after independence.
44. President Rahmon vetoed the initial version of this law which banned political parties from organizing along religious lines (Olcott 2012, 38).
45. On the Improvement of the Structure of the Central Executive Bodies of the Republic of Tajikistan.
46. On the Ministry of Culture of the Republic of Tajikistan.
47. It was also part of a broader strategy aimed at not only reducing government spending but also disbanding and merging government agencies to minimize positions held by the political opposition (Tomek 2018).
48. The guidelines for both registration and religious literature were established by the July 2009 resolution, On the Approval of the Procedure for Conducting State Religious Expertise Examinations (No. 389, 2 July 2009).
49. *Madhab* refers to an Islamic school of thought. The major Sunni madhabs are Hanafi, Hanbali, Maliki, and Shafi'i.
50. *Imam-Khatib* refers to an imam who delivers the sermon for Friday prayer and Eid prayers.
51. Imam-khatibs, for example, receive a government salary of the equivalent of 160–300 US dollars monthly (Zhovtis, Kabak, and Khaidarova 2015).
52. Up to this point, the main restriction was the Ministry of Education's 2005 order banning hijabs in schools, which was reinforced by its 2007 order mandating a dress code in schools (Peck 2007).
53. By November, the Foreign Ministry claimed that 500 of the 4000 Tajik citizens studying abroad had voluntarily returned (RFE/RL 2010b; Sarkorova 2010). However, many did not return voluntarily (Najibullah 2010).
54. The codes continued to be revised to increase punishments and to establish penalties for new crimes. For example, an amendment to the Administrative Code in 2012 (No. 843, 3 July) introduced penalties for obtaining religious education abroad without following the proper procedure, preaching and teaching of religious materials to youth, and establishing foreign relations as a religious organization (474-2, 474-3, 474-4).
55. Other legislative changes during this period were aimed at neutralizing the IRPT and ensuring that religious political parties would no longer have any legal basis to function (see, e.g., amendment (No. 1209, 8 Aug 2015) to the 1998 'Law on Political Parties' (No. 680, 13 Nov) and amendment to Article 8 of Tajikistan's Constitution).
56. For example, in 2015 the Supreme Court banned the IRPT and labelled it a terrorist group (Najibullah 2018).
57. For example, in 2014 Chief Mufti Abdulkodirzoda issued a fatwa against criticizing the regime (RFE/RL 2014).
58. For example, in 2017 local authorities began to actively enforce a 2012 'recommendation' from the Council of Ulema that beard lengths be no more than 'a clenched fist' for Hanafi Muslims (Tribune 2012; KazIslam.kz 2017).
59. While space does not permit a detailed account, many of these efforts have targeted personal dress and grooming choices that the government argues are indicators of extremism (Pannier 2016; Torfeh 2017).

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