

## FREEDOM OF CONSCIENCE IN CENTRAL ASIAN COUNTRIES: LEGISLATION AND PRACTICE

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**Annotation:** This article informs about protection peace and tolerance between nations by ensuring the freedom of conscience and faith. It is not secret that the freedom of conscience and faith determines the role of states in today's modern global rate. Specifically, countries, which provided full protection and insurance in terms of the freedom and rights based on conscience and faith, are regarded to have civil – society with suitable life style for their population. Moreover, this article looks into formation and distribution of the freedom and rights of conscience and faith globally, as well as, the status quo of the freedom and right of conscience and faith in Uzbekistan and Kazakhstan is mentioned briefly below. This article gives a great chance, also, to get familiar with problems and shortcomings related to the freedom of conscience and faith in these mentioned stets.

**Keywords:** conscience, faith, freedom, obligation, normative acts, legislation, declaration, law, regulation, religion, religious belief, unity, associations, legal force.

Full protection of human rights and non-infringement of freedoms is a requirement of modern society. All economically underdeveloped, developing or developed countries of the world are trying to ensure the rights and freedoms for their peoples by creating decent living conditions for them. Because, every country wants to have a unique place in the world rank in today's competitive environment, today's communities do not recognize oppression and coercion, and do not have interests in establishing relations with countries that do not admit the priority of human rights.

Freedom of religion and conscience has a special place among human rights and freedoms. While the main secret of states that have succeeded in establishing peace and stability in society is in strengthening the practice of insurance freedom of conscience, it is no secret that pressure and oppression on freedom of conscience has caused internal and external political tensions for some states. Recognizing the important role of freedom of conscience in the cause of peace and tranquility, nations and organizations around the world have long been committed to spreading and developing this freedom to the general public. For the first time, the statement that freedom of religion and conscience should be formally applicable to all citizens and can be utilized equally by all citizens, was recorded in the article 18 of the **“Universal Declaration of Human Rights”**: “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”<sup>1</sup> The Declaration, adopted in 1948, for the first time in human history gave citizens the right to freedom of religion and conscience as a whole and guaranteed many freedoms for human beings. In particular, citizens could now believe in the religion of their choice and vice versa, organize religious ceremonies and teachings as they wish, perform religious rites together or alone, and most importantly, change their religion. This was undoubtedly the first step towards peace and

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<sup>1</sup> UN General Assembly. "Universal Declaration of Human Rights" – Paris, 1948, p.

inter-religious tolerance in human history. The “Universal Declaration of Human Rights” has laid the foundation for the further development of freedom of conscience and religion in practice and has been a key source in the adoption of many international and national normative legal acts related to freedom of conscience. Examples include a number of UN declarations and pacts.

When talking about the international scale of freedom of conscience and religion, it is necessary to point out its role and practice in the Central Asian states, as these lands are home to hundreds of nations and peoples among the vast regions. Among them, the Republics of Uzbekistan and Kazakhstan are regarded to be multi-ethnic and multi-religious states, which are mentioned below.

Kazakhstan, the country which is considered to be the leading state in the region, consists of 75% of Muslims, 24% Christians and 1% members of other religions and has adopted various normative legal acts to ensure the freedom of religion and conscience of its citizens.

Particularly, it is said in the statement of the **“Constitution of the Republic of Kazakhstan”** adopted on August 30, in 1995, that “Religious associations are at the disposal of citizens and do not interfere with the interests of communities united to meet the spiritual needs in the manner prescribed by state law.”<sup>2</sup> is believed to have a great importance in the practice of freedom of conscience and religion. This article gives citizens the right to believe in any religion they want and to perform religious rituals together. In addition, the 2011 Resolution on **“Religious Activity and Religious Associations”**, adopted by the President of Kazakhstan, clarified the rules on freedom of conscience and religion for citizens. It states that, citizens have rights to believe in any religion or none at all as well as to perform religious rituals and to organize units; only state-registered religious organizations and associations have legal force; citizens have the right to perform religious rites and dress religious clothes; humans have rights for religious organizations to form local and international associations, to study in religious schools, to provide religious education to minors, to change their religion or denomination, to make donations and alms, to have religious materials permitted by the state, to open and name a religious organization, and so on.<sup>3</sup> This presidential resolution imposed a number of obligations in addition in giving freedoms to citizens. In particular, according to this resolution, responsibility for religious activities not to be contradicted the articles of the Constitution of the Republic of Kazakhstan<sup>4</sup>, responsibility for the separation of religion from the state and the state from religion<sup>5</sup>, inability of clergy and priests to participate in public administration<sup>6</sup>, responsibility not to distribute religious materials against the activities and peace of the state<sup>7</sup>, responsibility such as not engaging in missionary activity<sup>8</sup> and others are imposed on citizens. **“The Law on Freedom of Conscience and Religion”**, adopted in 2011, and **“The Concept on Freedom of Conscience and Religious Organizations”**, adopted in 2019, are also important in promoting the practice of freedom of conscience in the territory of Kazakhstan. In particular, according to Articles 3 and 4 of **“The Law on Freedom of**

<sup>2</sup> Constitution of the Republic of Kazakhstan. - 1995, p. 43, Article 109, paragraph 1.

<sup>3</sup> N. Nazarbekov. Resolution on "Religious Activity and Religious Associations". - 2011

<sup>4</sup> N. Nazarbekov. Resolution on "Religious Activity and Religious Associations". - 2011, p.2

<sup>5</sup> N. Nazarbekov. Resolution on "Religious Activity and Religious Associations". - 2011, p.2

<sup>6</sup> N. Nazarbekov. Resolution on "Religious Activity and Religious Associations". - 2011, p.9

<sup>7</sup> N. Nazarbekov. Resolution on "Religious Activity and Religious Associations". - 2011, p.6

<sup>8</sup> N. Nazarbekov. Resolution on "Religious Activity and Religious Associations". - 2011, p.6

**Conscience and Religion**: “encroachment and violation by the state, organizations and citizens to a citizen's freedom of conscience and religion entails legal liability for religious discrimination”.<sup>9</sup>

Of course, the above mentioned information is evidence that the Republic of Kazakhstan has provided its citizens with a legally protected and practically strong freedom of conscience.

Today, the Republic of Uzbekistan, the second largest country in Central Asia, is home to more than 130 nationalities and ethnic groups. 88.4% of the population are Muslims, 7.2% Christians, 0.8% Jews and 4.2% others.

Article 31 of the “**Constitution of the Republic of Uzbekistan**” states: “Freedom of conscience is guaranteed to all. Everyone has the right to believe in any religion or none at all. Coercion is not allowed.”<sup>10</sup> This article plays an important role in strengthening and developing the practice of freedom of conscience in the country. The law on “**Freedom of Conscience and Religious Organizations**”, adopted in 1991 and amended in 1998, enshrined citizens’ freedoms of conscience and religion. It is not mistaken to say that the 23-article law covers all aspects of freedom of conscience. In the meantime, by ensuring, in equality not matter religious state, many freedoms such as, belief in any religion or none at all, independent performance religious rituals, unity in religious organizations, education at religious schools, doing charity and kindness, distribution of religious materials permitted by the state, it imposed many obligations on population: responsibility not to be contradicted to the Constitution of Uzbekistan and other legislations, responsibility not to involve minors in religious organizations and not to provide religious education without the consent of their parents, responsibility to avoid discriminations and rejections of obligations by reasoning religion, separation of religion from the state and education, responsibility not to distribute religious materials that contradict to state’s functions and others.<sup>11</sup> In order to further strengthen freedom of conscience, in the territory of Uzbekistan, “**State Regulations on the consent to the state registration of religious organizations**”, adopted in 2018, “**Regulations of the Committee on Religious Affairs**”, adopted in 2019, The Presidential Decree on “**Measures to radically develop the religious and educational sphere**” and other appeals and speeches of the President served as a major factor. The sources listed above have clarified the freedoms and responsibilities of citizens based on conscience and faith. In particular, it is worth mentioning Article 61 of the “**Constitution of the Republic of Uzbekistan**”: “Religious organizations and associations are separated from the state and are legally equal in the state. The state does not interfere in the activities of religious associations.”

Such a practice of freedom of conscience in Uzbekistan is certainly gratifying, but there are also a number of misunderstandings. Particularly, the law on “Freedom of Conscience and Religious Organizations” and other normative documents do not clarify the issue of religious dress. On the other hand, the freedom of women and girls to work and study in religious attire has been left unexplained and uncertain. It is no secret that this has led to problematic situations for women and girls who came to higher education institutions for education and various government agencies for employment with the headscarf. In a developed country,

<sup>9</sup> The Oliy Majlis of the Republic of Kazakhstan. Freedom of Conscience and Religion, 2011, p

<sup>10</sup> Constitution of the Republic of Uzbekistan. T.: People’s Word newspaper, 1992, page 5

<sup>11</sup> Bulletin of the Oliy Majlis of Uzbekistan. Freedom of Conscience and Religious Organizations Act, 1998

every issue must be based on the rule of law and the freedoms of citizens must be protected by law. In this regard, it is advisable to clarify the issue of religious dress in the law on "Freedom of Conscience and Religious Organizations" and other normative documents as a proposal to address this problematic situation.

To sum up, it is commendable that Kazakhstan and Uzbekistan have provided their citizens with freedom of conscience and religion and clarified their responsibilities in the pursuit of peace. On the other hand, this practice is also an important factor in achieving tolerance between different nations and peoples. Indeed, freedom of religion and conscience has been the main factor for peace in every period. Realizing this in time, officials have already taken steps to strengthen and promote freedom of conscience and religion. However, as we live in a new era of development, getting rid of the old and making new changes is an important step towards the development of peace and the building of civil society. It is natural that the above-mentioned insignificant shortcomings will lead to huge losses in the future. Therefore, it is time to unite the state - society - man and make a decision to eliminate such shortcomings.

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