

UZBEKISTAN

CLASS DISMISSED: DISCRIMINATORY EXPULSIONS OF MUSLIM STUDENTS

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SUMMARY

Since the fall of 1997, university and primary school administrators in Uzbekistan have expelled or suspended at least twenty-eight students because they manifest their adherence to an orthodox version of Islam by wearing headscarves or beards. Most of those expelled were girls and young women. University officials also coerced some students into removing their religious clothing or shaving their beards on threat of expulsion or arrest. In conjunction with state security agents, they intimidated and harassed orthodox students and their families.

None of the students dismissed was charged with violent acts or with disrupting public order. Instead, they were singled out on the basis of their dress or appearance, which the government claims is evidence they belong to "Wahhabi" sects seeking to establish an Islamic state. Nearly all of the students deny any such affiliation or aspiration and claim instead that the dress reflects their conscientiously held religious beliefs about proper attire and appearance. In the period May through July 1998, Human Rights Watch collected documentary evidence and conducted dozens of interviews with expelled students and administrators from five of the most prestigious universities in Tashkent and the Fergana Valley to confirm the patterns of expulsions and intimidation.

The expulsions of orthodox Muslim students were carried out as part of a broader government assault on perceived Islamic "fundamentalists." These students exhibit a new orthodoxy which has emerged since the collapse of the Soviet Union and which Uzbek leaders perceive as a nascent opposition movement capable of fomenting civil strife comparable to that in Afghanistan or Tajikistan. The government's campaign, which began in 1992, grew more severe after the 1997 murder of several policemen in the Fergana Valley, which the government blamed on "fundamentalists." Police and security agents employed increasingly harsh measures, including mass arbitrary arrests of those believed to be adherents of independent Islam or particularly pious. Police arrested men in public who had beards, routinely planted small amounts of narcotics or bullets in suspects' pockets or homes, and beat and otherwise mistreated those in custody. The campaign's methods also included closing independent mosques and religious schools, arresting or "disappearing" independent Islamic leaders, and suppressing overt expressions of Islamic faith, either by force or the force of fear.

The Karimov government has stated that its goal is to preserve secularism. Whatever the merits of this goal, the government maintained its policy of secularism at the expense of individuals' rights to religious expression. Ironically, one government expert claimed that the ban is necessary to avoid giving the international community the impression that it is forcing people to dress religiously.

The government policy on religious attire is explicit. Indeed, in 1998, parliament enacted a law on freedom of conscience that expressly forbids "ritual dress" in public, which provides the legal justification for many of the dismissals. The ban is strictly enforced at all levels in academia. Rectors at institutions of higher education and directors of schools applied the same strict policy of intolerance toward this manifestation of religious belief to their own staffs. They intimidated, fired or demoted several teachers and professors who wore headscarves or beards.

University administrators also frequently threatened to call in police and security agents to jail or physically harm orthodox students. Officials and security agents told students' families that their jobs would be at risk if students did not remove their religious attire or beards. Some administrators became violent with students or forcibly removed their headscarves. Police detained male students and forced them to shave. These coercive tactics were sometimes successful, as students were forced to abandon their religious practices in order to avoid expulsion by university officials and harm by police and security agents.

Others were more circumspect in carrying out the policy to expel. Administrators and teachers allegedly fabricated absences, erased grades, blocked access to exams, halted internships, and cut off stipends in order to force orthodox students to comply with the ban on religious attire or justify expelling them on other grounds.

Students were also turned against each other and encouraged to write statements denouncing their religious peers as poor academics and liars. Teachers, professors, and lower-level administrators were pressured too, to take the side of the government over that of religious students.

Students attempted to be reinstated. Despite intense intimidation and the limited channels open to them to voice their dissent, expelled students pursued justice through political institutions and the legal system. They wrote letters of appeal to university administrators and government leaders and brought civil cases to court. These efforts to obtain redress proved

unsuccessful, however. As of September 1999, the government of Uzbekistan continued to deny openly Muslim students their right to access to education.

RECOMMENDATIONS

To the Government of the Republic of Uzbekistan:

- Repeal Article 14 of the May 1998 Law on Freedom of Conscience and Religious Organizations;
- Repeal other provisions of the May 1998 Law on Freedom of Conscience and Religious Organizations and corresponding amendments contained in the May 1998 Law on the Introduction of Amendments and Additions to Several Legislative Acts of the Republic of Uzbekistan that do not comply with treaty obligations of the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR);
- Pass legislation that compels state university charters and codes of conduct to be consistent with the constitution and international human rights obligations, including the right to manifest one's religious beliefs;
- Immediately reinstate those students mentioned in this report and all others expelled because of their religious attire or appearance;
- Cease the arbitrary harassment and surveillance of religious students;
- Reinstatement any teacher or professor fired or demoted because of his or her religious dress or facial hair or because he or she exercised the right to freedom of expression;
- Respect the Declaration on the Elimination of all Forms of Intolerance and Discrimination Based on Religion or Belief.

To All Foreign Governments:

- Call on the government of Uzbekistan to cease punitive actions against pious and independent Muslims, including students who wear headscarves and beards;
- Call for the repeal of article 14 of the May 1998 law on Freedom of Conscience and Religious Organizations;
- Call on the government of Uzbekistan to immediately reinstate those students who were expelled from schools and universities because of their religious attire or appearance;
- Call on the government of Uzbekistan to restore the positions of teachers and professors fired or demoted because of their religious attire or exercise of their right to free expression;
- Consider excluding from academic or any other exchange programs rectors or high-level Ministry of Education officials who engage in violations of academic freedom;
- Disqualify from programs university rectors who continue to punish students for exercising their right to freedom of conscience.

To the United Nations Special Rapporteur on Religious Intolerance:

- Undertake a mission to Uzbekistan to investigate discriminatory expulsions of students and other acts of religious discrimination resulting from the government's punitive campaign against independent Muslims.

To the European Union:

- Use the EU-Uzbekistan Cooperation Council to signal that full implementation of the Partnership and Cooperation Agreement (PCA) will be conditioned on Uzbekistan's achievement of concrete improvements in respect for human rights, including the right to freedom of religion. The PCA's trade and other benefits are based on compliance with international human rights standards;

- Raise human rights problems, including infringements on freedom of religion, in all bilateral consultations under the PCA, including interparliamentary meetings, making clear that without substantial progress on human rights, Uzbekistan will face suspension of its PCA.

To the Organization for Security and Cooperation in Europe:

- Call on the Central Asia Liaison office in Tashkent to report to the Permanent Council on cases of discriminatory expulsions of students;
- Fully implement recommendations contained in the report of the March 1999 Supplemental Meeting on Freedom of Religion and Belief;
- Raise these cases of violation of religious freedom in bilateral discussions with the government of Uzbekistan;
- Include infringement on religious freedom in the agenda for discussion at government-NGO meetings organized in the context of the ODIHR civil society assistance program.

To the United States Government:

- Pursuant to the International Religious Freedom Act of 1998, the U.S. government should designate Uzbekistan as a “foreign country the government of which has engaged in or tolerated violations of religious freedom,” such that the President is required to take action as specified by the law, and to make every reasonable effort to conclude a binding agreement with the Uzbek government concerning the cessation of such violations;
- U.S. Ambassador-at-Large for International Religious Freedom Robert Seiple should travel to Uzbekistan to underscore the importance the U.S. places on religious freedom in Uzbekistan, to urge the government to repeal article 14 of the May 1998 Law on Freedom of Conscience and Religious Organizations, and to call on the government to reinstate students expelled and teachers or administrators demoted or fired on account of their religious attire or exercise of their right of free expression.

To Members of the International Academic Community:

- Write to President Islam Karimov, Minister of Higher and Special Education Okil Solimov, Rector Damin Abdurakhimovich Asadov, Rector Nematullo Ibrohimovich Ibrohimov, Rector Turabek N. Dolimov, Rector Abdullaev and Dean Sharafiddinov, protesting the coercion and expulsions of students for exercise of their right to religious freedom.

BACKGROUND

Uzbekistan and Islam

Uzbekistan is more than 80 percent Muslim. The majority of the country's Muslims are Sunni and regard themselves as followers of the Hannafi branch of Sunnism. In the Stalin era, Muslim clerics suffered persecution, as did Christian clerics throughout the Soviet Union, because they opposed the Soviet regime. During World War II, the Soviet government forged a rapprochement with clerics, and established the Muslim Board of Central Asia and Kazakhstan. In the later Soviet period, just prior to independence, overt expressions of piety were strongly discouraged and could disqualify a person from educational or career opportunities.

The Muslim Board was the core of "official" Islam during the post-war Soviet period. With the Mufti at its head, it was charged with regulating the registration of mosques, appointing imams to lead local congregations, and even dictating the content of sermons and the nature of "proper" Islamic practice. The official Muslim clergy was coopted by, and took its cues from, the communist party leadership. Some people in Central Asia managed, however, to practice a private form of Islam in secret and beyond official Islam.¹

With independence in 1991 came the opportunity for Muslims in Uzbekistan to practice freely and openly in accordance with their beliefs. Mosques were built with community donations and foreign aid, religious schools were opened, and young people began to learn more about Islam. Outside observers predicted a "Muslim renaissance."

The revival of Islamic adherence came in a variety of forms not easily grouped together. Many citizens continued to follow a primarily secular path, adopting the Muslim appellation and identity without corresponding religious practice. Others began openly to observe holidays, rituals, and Friday prayers, but altered little else in their lifestyle or place in the social structure. Some, particularly younger Muslims, chose a more orthodox form of religious practice: they undertook religious education and adopted religious dress and other obligations prescribed by a conservative interpretation of Islam. Still others saw Islam as the basis for an alternative political system.

After independence, the government's leadership appeared to view official Islam as a useful tool in building national identity and solidifying and legitimating its monopoly on power. Following independence, President Islam Karimov, the former first secretary of the Uzbek Communist Party, made reference to Islam in political speeches, and even held the Koran in one hand and the country's constitution in the other on the day of his inauguration as first president of independent Uzbekistan.

The lines of control between the government and official Islam during the Soviet era changed little in post-Soviet Uzbekistan. By 1992, the Muslim Board of Central Asia and Kazakhstan was decentralized, with the establishment in each Central Asian state of a Muslim regulatory board. The Muslim Board of Uzbekistan assumed the same functions that the Soviet-era board had performed. Nonetheless, some Muslims in Uzbekistan established their own mosques beyond the government's purview, selected their own imams, and adopted Islamic practice as congregations saw fit. The Karimov government regarded this

¹Olivier Roy uses the term "parallel" Islam. He writes, "The Soviets adopted a two-tiered policy toward Islam: to undermine and even attempt to destroy popular Islam, particularly the connections between national and religious identities, and to create a token, regulated, officially appointed clergy in order to manage the few remaining religious institutions and, after 1955, to improve relations with friendly Muslim countries." See, "Islam in Tajikistan," Open Society in Central Eurasia Occasional Paper Series, no. 1, July 1996.

innovation as threatening, both in light of the violence that had wracked Tajikistan and Afghanistan and, no doubt, because Islam remained one of the few potential forces for alternative political organization in Uzbekistan.²

The Campaign against Independent Islam

The nature and timing of the academic expulsions place them solidly within the Uzbek government's campaign against independent Muslims. Immediately after independence, the government viewed as profoundly threatening any politicization of Islam. It eliminated the Islamic party in 1992, along with independent, secular political parties. The campaign against "unofficial" Islam began in 1994-1995, with the harassment and arbitrary detentions of men wearing beards and the "disappearance" of popular independent Muslim clerics, and intensified in 1997, with the closing of mosques and a broader crackdown on Islamic leaders and other practicing Muslims not affiliated with officially sanctioned Islamic institutions. The media, under the thorough control of the government, stigmatized ordinary orthodox Muslims as terrorists and fanatics. At least one university closed its Islamic studies department. Symbols of religious piety, including beards and headscarves, became signs of political partisanship.

²Human Rights Watch/Helsinki, "Uzbekistan: Persistent Human Rights Violations and Prospects for Improvement" *A Human Rights Watch Report*, vol. 8, no. 5, May 1996. For an account of human rights violations in the Tajik civil war, see, Helsinki Watch (now Human Rights Watch), *In the Wake of the Civil War* (New York: Human Rights Watch, 1993). See also, Barnett R. Rubin, "Russian Hegemony and State Breakdown in the Periphery: Causes and Consequences of the Civil War in Tajikistan," in Barnett R. Rubin and Jack Snyder (eds.), *Post-Soviet Political Order: Conflict and State Building* (New York and London: Routledge, 1998), pp. 128-161, and Olivier Roy, "Islam in Tajikistan."

Eliminating politicized Islam was part of President Karimov's consolidation of power and of the strengthening of authoritarianism in post-Soviet Uzbekistan. The Islamic Renaissance Party was banned, and in December its head, Abdullo Utaev, who was also an independent religious leader, "disappeared."³ Earlier that year, in January, President Karimov dealt his secular political opposition a sobering shock when a student demonstration in Tashkent turned violent and security forces opened fire on the protesters, killing at least two students.⁴ Members of nascent alternative parties and opposition leaders were systematically jailed, physically mistreated, and harassed. Many fled the country, fearing physical harm and long jail terms.⁵

³It is believed that government security forces in Tashkent took Utaev into custody. As of September 1999, however, there was no new information available regarding his whereabouts. Prior to Utaev's "disappearance" in 1992, the government of Uzbekistan banned the IRP in accordance with article 57 of the constitution, which prohibits the establishment of "political parties with national or religious features." See Ibid.

⁴Helsinki Watch (now Human Rights Watch), *Human Rights in Uzbekistan* (New York: Human Rights Watch, 1993), pp. 2-3, 26, 39; also, letter from Abdumannob Pulatov to Human Rights Watch, April 21, 1999.

The violent suppression of the 1992 student demonstration is regarded by some as the starting point of the government's campaign against the political opposition. The demonstration took place in Tashkent on January 16-17, 1992. It involved students from Tashkent State University, the Polytechnical Institute (now the Tashkent State Technical University), and the Agricultural Institute, as well as other supporters. The students were protesting economic hardship, including the increase in the price of bread and a simultaneous delay in providing students the ration coupons necessary to buy bread and other essential items. They demanded a meeting with President Karimov. The demonstration reportedly began peacefully, but later violent clashes took place between the protesters and law enforcement officers who were called in on January 16 to quell the protest.

The student protesters were dispersed in accordance with a February 1991 presidential decree limiting the right to free assembly. Law enforcement officials (comprised of regular police and special assignment forces) opened fire, killing at least two students and injuring scores of protesters; hundreds of others were reportedly also beaten by law enforcement officers at the scene. The protest continued on January 17, when demonstrators called for an investigation of the previous day's violence and a meeting with an upper-level government official. Initially peaceful, the second day of protest also turned violent and dozens of protesters were severely beaten.

⁵ See Helsinki Watch, *Human Rights in Uzbekistan*; and Human Rights Watch, "Uzbekistan: Persistent Human Rights Violations and Prospects for Improvement."

In late 1994, the government began a crackdown against independent Muslims, primarily in Tashkent and in the major cities of the Fergana Valley. This involved arbitrary arrests, “disappearances”—including Sheikh Abduvali Qori Mirzo (Mirzoev), who “disappeared” in 1995, allegedly at the hands of the government⁶—impeding free attendance at some mosques, arbitrary dismissals from work, and prohibition of some individuals from teaching Islam and related materials.

A new wave of repression against independent Muslims began after the murders of police officers in Namangan in December 1997,⁷ which the government blamed on “Wahhabis” or “Islamic fundamentalists.”⁸ Government authorities systematically closed independent mosques, arguing that the buildings were needed for other purposes. As in Soviet times, the population saw its political leaders turn places of worship into grain storage facilities or to other government uses. The call to prayer was silenced when government officials banned the use of loudspeakers by mosques, with the explanation that the noise constituted a public nuisance. The Muslim Board ordered the removal of several key independent religious leaders, at least one of

⁶On August 29, 1995, Sheikh Mirzo and his assistant Ramazanbek Matkarimov were reportedly detained by security agents at the Tashkent airport, as they prepared to go to Moscow to attend an international Islamic conference. For additional information on these and other “disappearances,” allegedly by state officials, see: Human Rights Watch/Europe and Central Asia, “Crackdown in the Farghona Valley: Arbitrary Arrests and Religious Discrimination,” *A Human Rights Watch Report*, vol. 10, no. 4, May 1998.

⁷This phase of the campaign is documented in detail in Human Rights Watch, “Crackdown in the Farghona Valley.”

⁸In Central Asia, the term “Wahhabism” refers to “Islamic fundamentalism” and extremism. Discrepancy exists among the definitions of “Wahhabism,” however. Historically, “Wahhabism” is a branch of Sunnism practiced in Saudi Arabia and named after its founder, Islamic scholar Muhammad ibin ‘Abd al-Wahhab. The eighteenth-century movement known as “Wahhabism” advocated a conservative agenda of purifying the Muslim faith and simultaneously encouraged independent thinking, a potentially liberal stance.

The term is used in Central Asia to suggest radicalism and militancy. It is often used pejoratively. The Central Asian conception of “Wahhabism” retains a linkage to “foreignness” in general, including to Saudi Arabia. There is a common misconception, propagated in part by the government of Uzbekistan, that within Islam there are three schools: Sunnism, Shi’ism, and “Wahhabism.”

To complicate matters, the government of Uzbekistan has moved further away from the historical usage of the term and misapplied and politicized it to serve the government’s agenda. The government labels as “Wahhabi” those who are identifiably observant Muslims or who are independent Muslims, such as worshipers at mosques not affiliated with the government or followers of religious leaders who are critical of the government. As shown in this report, observant Muslims who express their belief by wearing signs of piety, such as a beard or headscarf, were branded “Wahhabis” by the Karimov government in order to marginalize them and justify persecution of them in the name of countering “Islamic fundamentalism.”

whom was feared to have been “disappeared” or to have gone into hiding in March 1998.⁹ Officials in Tashkent created a new censorship apparatus designed to stop the free flow of religious materials from abroad and instead subjected them to government scrutiny and confiscation. Perhaps most devastating, police and security service officers rounded up pious Muslims and average citizens in numbers estimated in the thousands. They arrested men throughout the Fergana Valley and Tashkent, often on fabricated charges of possession of small amounts of narcotics or a few bullets. Police routinely beat or otherwise mistreated and intimidated arrestees to coerce self-incriminating statements. Dozens of those arrested for alleged possession of narcotics, bullets, or weapons were later charged under article 159 of the criminal code, “encroachment upon the constitutional system of the Republic of Uzbekistan.” The trial of those charged with the murders of the police officers was marred by procedural violations and by allegations that police tortured the defendants to coerce confessions. The eight defendants were given sentences ranging from three years in a reform colony to the death penalty.

⁹Leading independent Imam Obidkhon Nazarov was last seen on March 5, 1998. For more information on his case, see: “Crackdown in the Farghona Valley.”

Since the intensification of the government campaign against independent and openly observant Muslims, there have been widespread reports that police forced men to shave their beards.¹⁰ Police ordered some men wearing beards in public to go home and shave and threatened to fabricate evidence against them as a basis for arrest if they failed to comply. In other cases, individual bearded men and even whole groups of men were rounded up and taken into police custody where they were detained until they shaved.¹¹

Neighborhood council (mahallah) leaders enforced government policies on religion apparently aimed at ferreting out advocates of orthodox Islam.¹² In the city of Kokand, in the Fergana Valley, Human Rights Watch was told that the local police force had enlisted the help of the head of the mahallah in collecting information about residents' religious practices and beliefs. People were reportedly interrogated by members of the mahallah, who passed the results on to the police. The "survey" included questions such as whether or not the person prayed or had a beard and who had taught their children about Islam.¹³

At the same time, the government-controlled media launched a relentless propaganda campaign. The national television news program issued regular updates on the threat posed by so-called militant Wahhabi terrorists. It claimed that those arrested in the mass police sweeps had been highly organized agitators bent on destabilizing the constitutional order of the republic and

¹⁰In cities in the Fergana Valley, including Margilan, police reportedly stopped bearded men on the street (both on foot and in cars), ordered them to shave, and threatened that if they did not shave within a certain amount of time, usually half an hour, they would be detained. Human Rights Watch interview, name withheld, Tashkent, June 5, 1998. See also "Crackdown in the Farghona Valley."

¹¹During the period of research for this report, May through July 1998, police harassment of women in hijab appeared limited to intimidation of students and not to apply to the female population in general. For details on intimidation of female students, see "Intimidation and Threats of Arrest." As the report went to press, however, Human Rights Watch had learned of several cases of young women in hijab who were stopped on the street by Tashkent police and punished for their attire with an administrative fine under article 184 of the revised Administrative Code of the Republic of Uzbekistan, amended in accordance with the May 1998 Law on Freedom of Conscience and Religious Organizations.

¹²The term mahallah refers to neighborhood councils whose heads are nominally elected by residents but are most often appointed by mayors or regional governments.

¹³Human Rights Watch interview, name withheld, Kokand, May 1998; and *Central Asia Monitor*, news and comments section vol. no. 5, 1998, p. 31.

warned the general population to be vigilant in guarding itself against this “enemy from within.” Statements issued directly from the government via the government-controlled media painted religious Muslims with a broad brush, portraying all orthodox believers as fanatics who were endangering Uzbekistan’s traditional version of Islam and creating the groundwork for a “second Tajikistan.”¹⁴

In 1998, the Ministry of Higher Education reportedly ordered the Institute for Oriental Studies to close its Islamic studies department.¹⁵ The university complied in the second semester of the school year, without giving students prior notice. The students then had to transfer to other departments in the school, such as history or philology, to complete their education.¹⁶ After what students described as the “liquidation” of the department, the administration failed to deliver a clear explanation as to why this area of study had been eliminated from the curriculum.¹⁷ The contention that the Islamic Studies department did not have enough students was met with disbelief, as students knew of other departments with even fewer students.

The Politics of Religion

¹⁴ The five-year civil war in Tajikistan ended when a peace accord was signed in June 1997. Political violence continued, however. Throughout the civil war and the subsequent peace negotiations, the government of Uzbekistan blamed the tragedy on that country’s Islamic opposition and held Tajikistan up as a warning sign of the instability and clan violence that could wrack Uzbekistan if tight government control were ever lifted and the population were to cease its vigilance. The first stone that the government of Uzbekistan suggested would start the deadly avalanche of civil strife was “Islamic fundamentalism.” Similarly, government officials continue to point to the disastrous fate of Afghanistan, warning that Uzbekistan could easily be next.

¹⁵ When students questioned Prorector Mannonov of the Institute about the closure, he reportedly said that it had been on an order from the Ministry of Higher Education, but would not show students the order. Human Rights Watch unofficial transcript, Mirabad District Court hearing, Tashkent, June 16, 1998.

¹⁶ Human Rights Watch interview with Umida Asimova and Dilfuza Turdieva, Tashkent, May 23, 1998; and Human Rights Watch unofficial transcript, Mirabad District Court hearing, Tashkent, June 16, 1998.

¹⁷ Human Rights Watch unofficial transcript, Mirabad District Court hearing, Tashkent, June 16, 1998.

In Uzbekistan, beards and headscarves have long been powerful symbols of religious affiliation and have been imbued with political significance. A decade after the Bolshevik revolution and three years after the Red Army finally subdued Central Asian partisans, the Soviet government launched a campaign to “liberate” the region’s women.¹⁸ This “hujum,” or offensive, included mass rallies where women were incited to burn their paranjas, a form of Muslim robe and veil.¹⁹ Many who did fell victim to violence from their outraged communities and family members. While the active campaign soon lapsed, the Soviet identification of the veil with ignorance, repression, and fanaticism remained.

After independence, Karimov’s vision of the modern Uzbek state drew heavily on the Soviet project of secularism. Thus, he continued to uphold, at least in words, the Soviet vision of female equality—maintaining that the central measure of women’s rights is the opportunity to gain access to higher education and to work outside the home.

¹⁸Some scholars have referred to this policy as one of “forced liberation” that lacked popular support. Marfua Tokhtakhodjaeva states: “The policy of ‘women’s liberation’ did not have social support from the grass roots, and like all policy measures ordered from above, was carried out against a background of quiet resistance on the part of the basic core of the population and the small armed opposition.” (In an interview with Human Rights Watch, she noted, however, that “women played a leading role in the modernization of the Soviet empire. Soviet laws recognized women’s legal rights, a step forward from the medieval reality of the past.” Human Rights Watch telephone interview, August 17, 1999.) Marfua Tokhtakhodjaeva, *Between the Slogans of Communism and the Laws of Islam* (Lahore, Pakistan: Shirkat Gah Women’s Resource Center, 1995), p. 63. Tokhtakhodjaeva is a founding member of the Women’s Resource Center in Tashkent, a nongovernmental organization that promotes women’s equality in Uzbekistan. Other scholars have posited that the campaign enjoyed indigenous support. See, for example, Bibi Pal’vanova, *Emansipatsiia musulmanki* (The Emancipation of the Muslim Women) (Moscow: Nauka, 1982) and Dilorom, Alimova, *Resheniye zhenskogo voprosa v Uzbekistane, 1917-41* (Solving the Women’s Question in Uzbekistan) (Tashkent: Fan, 1987).

¹⁹Paranjas are long robes draped over the head, worn with a mesh veil over the face, covering the whole body, like the hijab worn today by expelled students.

As in most post-communist states, that vision has come into conflict with those who, for reasons of shrinking economies and reversion to an idealized pre-communist past, would crowd women out of these spheres.²⁰

Uzbek government leaders, suspicious of the unifying potential of Islam, feared symbols of piety as signs of political affiliation and ambition for power. But also at stake in Karimov's anti-orthodox campaign was control over religious belief, or at least religious discourse: who would dictate the parameters of "proper" belief and worship, who would declare what was right, what was truly the national tradition, the "Uzbek way" of practicing Islam. To distinguish the "right" kind of believer from the "mistaken" or "dangerous" worshiper of a "false way," a dividing line had to be drawn. The symbols of piety themselves, including beards and headscarves, marked one's affiliation with "unofficial" Islam and thus with political opposition.

The "Uzbek Way"

*It is not a custom here and this is confirmed by the law.*²¹

—Rector Turabek N. Dolimov, commenting on the wearing of traditional Islamic clothes in Uzbekistan.

In interviews with Human Rights Watch and in other fora university rectors and other government officials repeatedly drew a distinction between what they considered acceptable national dress—a patterned scarf worn on the head and tied at the back of the neck, leaving the face open—and what they regarded as "Arab" or foreign dress—a solid colored scarf that is clasped in front or covers the face. To them, the latter style was unacceptable because it does not conform with Uzbek tradition.

²⁰See, Shirin Akiner, "Between Tradition and Modernity: The Dilemma Facing Contemporary Central Asian Women," in Mary Buckley (ed.), *Post-Soviet Women: From the Baltic to Central Asia* (Cambridge University Press, 1997), pp. 261-304. According to government statistics, there is a 98 percent literacy rate among women, and, as of 1996, women represented about 39 percent of all those with higher education. Marfua Tokhtakhodjaeva notes, however, that the number of students overall has decreased and the number of women students has also declined. Human Rights Watch telephone interview, August 17, 1999. Ms. Tokhtakhodjaeva also pointed out the particular problems that rural women face: they have no access to the professional schools that have emerged in urban areas (translation schools and the like), and they generally have far less access to higher education now.

²¹Human Rights Watch interview with Rector Turabek N. Dolimov, Tashkent, May 25, 1998. A number of Uzbekistan's most prominent educators and administrators are themselves members of government and showed a decided disinclination to go against or even question official policy. The rector of Tashkent State University, the preeminent university in Uzbekistan, is himself a member of Parliament, the governmental body that passed the discriminatory law banning "ritual" dress. When questioned about his expulsion of religious students, as contrary to Uzbekistan's human rights obligations, Rector Dolimov referred to his dual role as university official and legislator, saying, "I am not only a rector, but also a member of Parliament, where we discussed this and came to a conclusion and thus there is no religious aspect in this." Ibid.

Aliya Tuygunovna Iunusova, a government expert on religious affairs, expressed the government's fear that an increase in the number of women wearing traditional Muslim dress would result in the perception of Uzbekistan as a theocracy.²² At a court hearing on a student's claim for reinstatement in the Institute for Oriental Studies, she said:

Sometimes, some people [have] established [the practice of wearing] scarves and some representatives of the international media and human rights defenders said that there was a state policy to force people to dress religiously and, now, if people continue with black dress, it creates bad publicity for the state, because the international community can say Shari'a [Islamic law] is reintroduced in Uzbekistan.²³

The official Islamic establishment also took the position that hijab (Muslim attire ranging from a scarf covering the hair to clothing covering the entire body and face) undermined Uzbek tradition. Several students from Tashkent who considered their expulsion for wearing this form of Muslim dress to be a violation of their religious freedom appealed to the mufti of Uzbekistan, Abdurashid Qori Bahromov, the highest-placed leader of official Islam in the country. The mufti dismissed the students' religious practice as "foreign" to Uzbekistan and anathema to the form of Islam embraced by the majority of the population. The mufti supported the government's argument that by merely wearing this form of Islamic dress, citizens of Uzbekistan are declaring themselves part of an alternative religious tradition, "Now girls are covering and only the eyes show: these are Wahhabi, because chador is from Saudi Arabia and Pakistan. The Wahhabis send women to the front and they [the men] come next behind them."²⁴

²²Iunusova, a member of the Committee on Religious Affairs attached to the Cabinet of Ministers, testified that she is an expert on religious issues. According to Iunusova, the committee was established in 1992 to provide expert consultation on questions regarding religion and to ensure freedom of conscience and religion. Human Rights Watch unofficial transcript, Mirabad District Court hearing, Tashkent, June 16, 1998. Article 6 of the law on Freedom of Conscience and Religious Organizations also names the Committee on Religious Affairs as the government body responsible for coordination of relations between government agencies and religious organizations and for supervising the implementation of legislation on freedom of religion. For additional testimony by Iunusova regarding religious dress, see below: "Laws and Rules Regulating Religious Attire."

²³Human Rights Watch unofficial transcript, Mirabad District Court hearing, Tashkent, June 16, 1998.

²⁴Human Rights Watch interview with the Mufti and Chairman of the Muslim Board of Uzbekistan, Abdurashid Qori Bahromov, and his deputy, Atakul Mablamulov, Tashkent, May 25, 1998. The chador is a type of covering worn by some Muslim women, usually made of one piece of cloth, which covers the whole body and leaves only a woman's eyes uncovered

University administrators expressed similar fears about the invasion of “foreign” practices, and expressed their commitment to secularism and concern about Uzbekistan’s image abroad. The rector of the Institute for Oriental Studies, for example, commented, “...we are now on the threshold of the twenty-first century, when we want to build up a secular state like all the other countries. How is it possible that people can think like people thought thousands of years ago?...The institute has a code of conduct that says students may not wear hijab, that they should just wear ‘normal’ clothes.”²⁵

Rector Damin Abdurakhimovich Asadov of the Pediatric Medical Institute demonstrated for Human Rights Watch the “proper,” “Uzbek way” for a woman to wear a scarf. He also modeled the so-called Arabic way and remarked of the female students he had expelled, “They are wearing not the cloth of the Uzbek people, but Arabic people. No one would mind if they wore Uzbek national dress. My wife wears national dress and a scarf.”²⁶ Students from the Institute for Oriental Studies reported that their university also tolerated females who agreed to wear short scarves tied at the back of the neck, leaving both their face and neck uncovered.²⁷ At Fergana State University, students were told that they would be allowed to stay and study if they too wore floral-designed scarves tied at the back of the neck in “Uzbek style.” Even after one student adopted this dress, however, university administrators continued to pressure the students to remove their scarves altogether.²⁸

LAWS AND RULES REGULATING RELIGIOUS ATTIRE

Domestic Laws and Regulations

The 1998 Law of the Republic of Uzbekistan on Freedom of Conscience and Religious Organizations (hereinafter, the law on freedom of conscience) regulates religious dress in public places, and university codes of

²⁵Human Rights Watch interview with Rector Nematullo Ibrohimovich Ibrohimov, Tashkent, May 1998.

²⁶Human Rights Watch interview with Rector Damin Abdurakhimovich Asadov, Tashkent, June 3, 1998.

²⁷Human Rights Watch interview with Umida Asimova and Dilfuza Turdieva, Tashkent, June 11, 1998.

²⁸Written statement of Nilufar Ermatova, April 14, 1998. This is not her real name.

conduct further regulate it on university campuses.²⁹ Article 14 of the law states that, with the exception of those working in religious organizations, citizens of Uzbekistan are not permitted to wear “ritual” dress in public places.³⁰

In May 1998, parliament passed the Law on the Introduction of Amendments and Additions to Several Legislative Acts of the Republic of Uzbekistan (hereinafter, the May 1998 amendments), which amended provisions to the criminal code and code on administrative responsibility treating the practice of religion. Under article 184 of the amended code on administrative responsibility, violators of the prohibition on ritual dress are fined five to ten times the minimum monthly wage or subject to administrative arrest for up to fifteen days.

The law on freedom of conscience and the May 1998 amendments failed to define the type of dress punishable under this legislation. Without implementing rules to define “ritual” dress, the exact meaning of the legislation and the type of attire it prohibited has remained ambiguous and, as this report documents, open to arbitrary interpretation.

²⁹Adopted May 1, 1998, the law also establishes tight government control over religious organizations and religious education. For instance, private religious instruction is illegal under article 9. Regarding implementation of this article, Uzbek Minister of Justice Sirojiddin Mirsofoev reportedly stated in September 1998, “At a number of religious schools, dozens of self-styled clerics have been punished for engaging in the underground teaching of religion “for money” and for misappropriating large sums of money.” *Khalq Sozi* (The People’s Word) (Tashkent) newspaper, September 30, 1998, reprinted in BBC Monitoring, November 11, 1998.

According to the law, religious organizations may establish schools for religious training only after they have first registered as both a religious organization and as a central administrative body for a given faith, registered the school with the Ministry of Justice, and received a license for the school. Requirements for the registration of religious organizations are excessive and burdensome. Under a May 1998 amendment to the criminal code article 216, religious leaders who fail to register their organizations are subject a fine of fifty to one hundred times the minimum monthly wage (which is approximately U.S. \$11), administrative arrest up to six months, or imprisonment for up to three years.

National legislation on religion includes the constitution of the Republic of Uzbekistan, article 31 of which guarantees freedom of conscience: “Democracy in the Republic of Uzbekistan shall rest on the principles common to all mankind, according to which the ultimate value is the human being, his life, freedom, honor, dignity and other inalienable rights. Democratic rights and freedoms shall be protected by the Constitution and the laws.”

³⁰ Article 14 treats religious rites and ceremonies. Paragraph 5 reads: “Citizens of the Republic of Uzbekistan (except religious organization’s clergy) cannot appear in public places in ritual attire.” The Russian language text of this law uses the word “kultovyi” to refer to the type of prohibited dress. This has been alternatively translated as “cult,” “religious,” or “ritual.” Some of the expulsions of students in religious dress were carried out prior to the passage of the new law; however, university rectors retroactively justified the expulsions on the basis of this law, specifically article 14.

The only available interpretation of “ritual” dress prohibited under article 14 is court testimony made by Aliya Tuygunovna Iunusova, an expert with the Committee on Religious Affairs (an agency under the Cabinet of Ministers) at a June 1998 court hearing.³¹ Iunusova’s statements, however, were vague and fail to clarify the meaning of the prohibition or the types of dress that constitute violations of law.

On June 16, 1998, Iunusova testified before the Mirabad District Court at a hearing of the civil case of Raikhona Hudaberganova, who had been expelled from the Institute for Oriental Studies. During the first hearing, in which Hudaberganova sued for reinstatement, arguing her expulsion had been discriminatory, the university leadership countered that Hudaberganova should be charged with violating article 14. When the presiding judge found it too difficult to determine whether or not Hudaberganova’s dress indeed violated the law, he suspended the trial until such time as he and the parties to the case could receive a clarification of the law from a government expert.

When asked by the judge to define “ritual dress” prohibited under article 14 of the new freedom of conscience law, Iunusova stated:

This part of the article appeared in connection with some women [who] started to wear long dresses and called themselves objects of respect, like a mosque...they wore this, because they want to show by their dress that they belong to Islam...women do not pray in mosques and ritual dress is typical of male clergy and in Islam only an imam has the right to wear religious dress—this includes a turban.”³²

In later testimony, Iunusova claimed that, in fact, there is no “ritual” dress in Islam.

Separately, employing a circular logic that appeared to render the applicable section of article 14—that only clergy can wear ritual dress—meaningless, Iunusova said of Hudaberganova, “Here, this dress is not cult dress, because she is not clergy.” She then stated that Hudaberganova’s dress in court—a long dress and headscarf that left her face uncovered—was hijab, but not ritual dress and would not be even if she covered her face. She said that dress is ritual only when the dress and scarf are solid black and added, in seeming contradiction to the text of the law, that this has no relation to article 14. All-black clothing, she mentioned, is not traditional and is “a mark of belonging to a religious organization not registered with the state.” When questioned further by Judge Navruzov, who noted that no particular color of dress is singled out in the text of the law, Iunusova declared decidedly that dressing all in black is prohibited under article 14.

Finally, however, she conceded that Hudaberganova’s dress was permissible under the law. Hudaberganova was not tried under article 14, but her expulsion from university was upheld by the judge.³³

University Codes of Conduct

Beginning in 1998, the universities and institutes under scrutiny in this report amended their respective codes of conduct specifically to ban or regulate religious attire. In general, the codes were amended after university administrators had begun to confront students wearing religious attire, and they do not explain in detail what constitutes

³¹Under article 6 of the law on freedom of conscience, the Committee on Religious Affairs is responsible for coordinating relations between state bodies and religious organizations and for supervising the implementation of legislation on freedom of conscience and religion.

³²Human Rights Watch unofficial transcript, Mirabad District Court hearing, Tashkent, June 16, 1998. Human Rights Watch was present during this testimony and compiled the unofficial transcript from which these statements are taken. Testimony was given in Russian and translated into Uzbek for the court.

³³For more details on the hearings, see below, “Discriminatory Expulsions.”

prohibited garb. Nonetheless, at some of the highest echelons of government, officials relied on university dress codes to clarify the rules regulating religious dress and justify their support of discriminatory expulsions.

In May 1998, the Pediatric Medical Institute's internal rules were amended to ban religious dress and declare violators "ineligible" to study at the institute. The amendments were adopted on May 23 and confirmed by its scholarly council on May 27, 1998, after Rector Asadov had already instructed students to remove their religious clothing. Expulsions began five days later.

The Institute for Oriental Studies amended its charter in January 1998 to prohibit clothing that "attracts attention," including clothing that covers the face.³⁴ Again, prior to the adoption of these amendments, the institute's rector had reprimanded students for religious attire, and had even barred at least one student from her dormitory.³⁵

Tashkent State University's code of conduct prohibits clothing that "attracts attention" and instructs students to wear clothing "corresponding to modern demands."³⁶

International Law

The government's ban on ritual dress in public places and the resultant university codes of conduct banning religious dress on campus violate Uzbekistan's obligations under international law. Human Rights Watch takes no position on the propriety or advisability of dress codes in educational institutions. The law banning ritual dress and the politically motivated use of the law by universities to expel students perceived as "Wahhabis" clearly constitutes discrimination in violation of the students' rights to freedom of religion and expression as well as their right to

³⁴The order of expulsion of Raikhona Hudaberganova cites January 15, 1998, as the adoption date of University Provisions on Rights and Obligations of Students, signed by Rector Nematullo Ibrohimovich Ibrohimov, March 16, 1998, document number C-21, translated from Uzbek; and Human Rights Watch unofficial transcript of Mirabad District Court hearing, Tashkent, June 16, 1998.

Students from the Institute for Oriental Studies contested the methods by which the code of conduct, supposedly approved of and accepted by the student body, was drafted and entered into force. While university administrators at first portrayed the code of conduct as universally accepted, Prorector Obidov later acknowledged in court that only certain student leaders and members of the Kamolot (formerly Komsomol or Young Communists League) organization had been invited to the meeting on adoption of the charter and were then charged with spreading this news throughout the institution. Human Rights Watch unofficial transcript of Mirabad District Court hearing, Tashkent, June 16, 1998.

³⁵Human Rights Watch interview with Raikhona Hudaberganova, Tashkent, June 14, 1998.

³⁶The Internal Rules Established for the Students on the Territory of the Mirzo Ulughbek Tashkent State University, approved by Rector of the Tashkent State University, Academician, T.N. Dolimov, adopted at the general meeting of active students on January 15, 1998, and confirmed by the session of the Scholarly Council of Tashkent State University on February 27, 1998.

education.³⁷ Since enforcement of the ban overwhelmingly affects women, it also violates Uzbekistan's obligations to prevent discrimination against women.

The ban on ritual dress in public places runs directly afoul of article 18 (1) of the International Covenant on Civil and Political Rights (ICCPR), which states:

³⁷Human Rights Watch has also condemned the policy, enforced in several countries, of forced veiling and other restrictions on women's attire.

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, *to manifest his religion or belief in worship, observance, practice and teaching.*³⁸

Although article 18(3) identifies circumstances in which this right may be limited, such limitations are appropriate only where “necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.” None of the cases documented in the present report can be justified on these grounds.

General Comment number 22 of the United Nations Human Rights Committee, adopted on July 20, 1993, to clarify the meaning of article 18, explicitly includes the wearing of distinctive religious headgear as a protected form of religious practice. The Committee states that, “The observance and practice of religion or belief may include not only ceremonial acts but also such customs as...the wearing of distinctive clothing or headcoverings...”³⁹ With regard to paragraph (3) of article 18, the General Comment reads, “Restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner.”⁴⁰ The same principles are reflected in article 26 of the ICCPR, which prohibits discriminatory laws and has been interpreted to apply to “any field regulated and protected by public authorities.”⁴¹

Religious attire also constitutes a form of expression that may be essential to human identity in a variety of social fora. Article 19 reads, “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers...” The targeting of students who wear religious garb violates this provision as well. The government has attempted to justify its policy by stating that its goal is preserving Uzbekistan as a secular society, but the choice of attire of individual students in no way threatens that goal. Where the government singles out a particular class of people on account of their perceived religious and political sympathies, it commits discrimination, irrespective of whether it is forcing them to wear certain clothing against their will or forbidding them from wearing clothing that accords with the dictates of their conscience. Article 2(1) of the ICCPR specifically requires states party to respect and ensure rights to all “without distinction of any kind” including religious and political or other opinion.

University officials have some latitude to regulate student dress and appearance when it threatens public order. However, the expulsion cases documented in this report involved no such threat, and the justifications for banning religious dress proffered by Uzbek officials rarely invoked any genuine or specific issue of public order. The simple wearing of these religious symbols does not incite disorder or indiscipline among students, as the “attention-getting” standards in the university codes of conduct imply. While there may be a genuine need to regulate dress in laboratory or other medical situations, officials from the Pediatric Medical Institute, which invoked hygiene broadly to justify the ban on headscarves, could not articulate the specific need to ban orthodox headscarves as opposed to “Uzbek-style” headscarves, nor is it clear why they did not offer orthodox women an alternative to the headscarf to accommodate both

³⁸ Emphasis added. Uzbekistan acceded to the ICCPR in 1995.

³⁹ General Comment number 22 of the United Nations Human Rights Committee, adopted on July 20, 1993, Doc.CCPR/C/21/Rev.1/Add.4.

⁴⁰ Ibid.

⁴¹ General Comment 18, para.12. The General Comment goes on to conclude: “[When legislation is adopted by a State party, it must comply with the requirement of article 26 that its content should not be discriminatory. In other words, the application of the principle of non-discrimination contained in article 26 is not limited to those rights which are provided for in the Covenant.”

hygiene concerns and the needs of orthodox women. And whereas certain kinds of headscarves may truly impede a university official's ability to identify students at exams, officials barred women in various types of non-"Uzbek-style" headscarves—some that left the face exposed and some that covered the face—from taking exams. For these reasons, and given the crackdown against the new orthodox in Uzbek society more broadly, the vague references to public order and hygiene made by university officials are specious.

Uzbekistan has also acceded to the International Covenant on Economic, Social and Cultural Rights (ICESCR). Article 13 of the ICESCR sets forth the right to education, and article 2(2) mandates that state parties undertake to guarantee nondiscrimination in the exercise of all of the rights identified in the covenant, specifically including "religion" and "political or other opinion" as impermissible bases for distinctions. Article 13 (1)(c) of the ICESCR states: "Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means..." Pursuant to these provisions, a student's ability to study at an advanced level, not his or her religious orientation, should be the sole determinant in whether the student is allowed to complete his or her course of study. In this regard, it is noteworthy that one of the first instruments to implement the Universal Declaration of Human Rights was the Convention against Discrimination in Education, adopted by UNESCO in 1960, a time when the ICCPR and ICESCR were still in draft form. Among other things, it bans discrimination which has "the purpose or effect of nullifying or impairing equality of treatment in education," and specifically includes "religion" among the proscribed bases of discrimination.⁴² As the UNESCO Director-General stated at the time the convention was adopted: "UNESCO helps directly to give effect to the intentions of Article 26 of the Universal Declaration of Human Rights [which sets forth the right to education]. In so doing, it contributes at the same time to the realization of other human rights proclaimed in the Universal Declaration, since education is essential to their achievement."⁴³

SCOPE OF EXPULSIONS AND PROFILE OF STUDENTS

Human Rights Watch confirmed that in 1997-98, officials from four universities in Uzbekistan expelled or suspended twenty-six students, the vast majority of them female, for their religious appearance. This figure is not based on comprehensive information, and the total is believed to be much higher.⁴⁴ Expulsions also occurred from primary schools.

Students were expelled from Tashkent State University, the Institute for Oriental Studies, Fergana State University, the Pediatric Medical Institute, and a primary school in Tashkent, for having a beard or wearing Islamic dress. Credible sources described patterns of expulsions and harassment in other institutions of higher education in

⁴²Convention against Discrimination in Education, article 1(1).

⁴³A/CONF.32/10, p. 20.

⁴⁴Independent human rights observers claim the true figure is much higher. Students from Tashkent State University, for example, claim that as many as forty students (thirty women and ten men) were expelled from that institution alone. Human Rights Watch interview, names withheld, Tashkent, May 23, 1998. Human Rights Watch regards these sources as credible, however, we were unable to confirm all of these cases independently.

Tashkent and throughout the country similar to those documented in this report, and some students suggested that discrimination outside Tashkent was particularly harsh.⁴⁵

Those expelled and featured in this report were students of secular subjects, ranging from foreign language and history to mathematics, medicine, physics, and economics. A number of them had won top honors in nationwide academic competitions in their chosen field. Seventy-five percent of the students expelled were in their final year of university study, about to receive their diplomas.

Expelled female students generally wore solid colored scarves, clasped in the front, with a section covering their faces from the nose down. Human Rights Watch observed, however, that some students who were expelled also wore patterned scarves, worn as described above. There were also reports of students being expelled who wore scarves that left their faces uncovered.

A large number of the students interviewed by Human Rights Watch were relatively newly observant. They had been practicing or orthodox Muslims for about one to three years, and had only recently adopted Islamic dress or decided to grow beards.

⁴⁵Human Rights Watch interview, name withheld, Tashkent, May 27, 1998. Human Rights Watch received credible reports from Uzbek human rights groups and students, but was unable to confirm independently, that the following universities also expelled religious Muslim students: Karshi Pedagogical Institute; Tashkent Pharmaceutical Institute; Bukhara State University. Additional universities that reportedly put pressure on religious students include: Tashkent Medical Institute; Financial Institute; Tashkent Textile Institute; and Tashkent Institute of World Languages.

Students frequently related the difficulty they had communicating the importance of their beliefs to their parents, who, raised during the Soviet era, had not been so openly religious and had not raised their children in an orthodox Muslim style. Rather than having pressed their children to adopt these traditions, the majority of parents reportedly were wary of their children's piety and even objected to it. Several female students told Human Rights Watch that their parents tried to force them to comply with university demands to remove their scarves. Parental pressure was reportedly successful in several cases where young women agreed to cease wearing hijab. Parents reportedly were motivated both by a genuine desire to see their children complete their education and a keen fear of the punishment that the young women and men could suffer if perceived as openly pious in the anti-orthodox political climate of Uzbekistan today. In dramatic cases, two female students were shunned by family and friends after the university expelled them and branded them "Wahhabis." One student's former friends and neighbors ridiculed and scorned her upon her return to her home village. The other student said her family refused to take her back and cast her out of their home.⁴⁶

None of the students interviewed by Human Rights Watch chose to identify him or herself as a "Wahhabi" and all appeared quite dismayed that others were branding them with this label. In fact, many had difficulty defining "Wahhabism" and could do so only by making reference to the negative stereotype put forth by the government through the national media.

Gender

An overwhelming majority of the cases Human Rights Watch documented involved the expulsion of women and girls from universities and schools (about 90 percent).⁴⁷ Expulsions of female students were based on religious discrimination, but also suggested gender discrimination more generally, as they affected the gender composition of some academic departments.⁴⁸

Rector Damin Abdurakhimovich Asadov of the Pediatric Medical Institute in Tashkent clearly did not regret the decrease in the number of female medical students. He told Human Rights Watch, "The institute is pleased that more men are coming to the university to study now, because all over the world medicine is considered men's work."⁴⁹

⁴⁶Human Rights Watch interview with students from Tashkent State University, names withheld, May 23, 1998.

⁴⁷Twenty-six of the twenty-eight students whose cases of discriminatory expulsion were confirmed by Human Rights Watch are female.

⁴⁸At Tashkent State University, the leading university in Uzbekistan, for instance, administrators reportedly expelled all eighteen females from the mathematics department. Human Rights Watch interview, name withheld, Tashkent, May 27, 1998. Human Rights Watch received separate reports from credible sources naming seven of the eighteen. Document provided to Human Rights Watch, author's name withheld, June 1998. Two male students were also allegedly expelled from this department, for having beards. Human Rights Watch interview, name withheld, Tashkent, May 27, 1998.

⁴⁹Human Rights Watch interview with Rector Damin Abdurakhimovich Asadov, Tashkent, June 3, 1998.

University officials spoke about female expulsions in terms very different from those used to discuss male expulsions. Orthodox female students were characterized as troublesome, disrespectful, and even a threat to security. Regarding the exclusion of male students with beards, however, university rectors muted their tones and even denied having taken action against the young men. Rector Turabek Dolimov of Tashkent State University expelled at least two men—Zafar Mamiev and Elyor Toshboev—because they wore beards and were perceived as “Wahhabis.”⁵⁰ When questioned about this policy, however, Dolimov explicitly denied it, saying, “Men are not expelled if they wear beards.”⁵¹

Educational administrators censured and expelled even primary and secondary school students, all of them female. School administrators targeted girls as young as seven years old who wore headscarves and, in a pattern similar to that exercised in universities, reprimanded them for their dress and then posed an ultimatum: remove the religious dress or be expelled. Those who returned to school in headscarves were prevented from attending classes. The director of at least one school in Tashkent reportedly removed girls’ headscarves.⁵²

DISCRIMINATORY EXPULSIONS

Institutes of Higher Education

There was a clear pattern of discriminatory expulsions from institutes of higher education throughout Uzbekistan based on the administrations’ objection to religious attire. The official explanations for the dismissals varied so widely, and the patterns of expulsion were so clear, however, as to suggest that the expulsions were completely arbitrary and deliberately discriminatory.

Typically, rectors issued a series of reprimands and verbal ultimata to students wearing religious headgear or beards and then executed expulsion orders citing religious dress as the reason for the expulsion. Some openly cited the government’s policy of intolerance for “Wahhabis.” In other cases, university officials spuriously cited frequent absences or low grades as the pretext. Administrators were also alleged to have doctored the records that reflected whether students had completed internships or fulfilled other extracurricular requirements necessary to progress to the next academic year or graduate.⁵³ These academic administrators then justified the expulsion and suspension of students by pointing to their alleged failure to complete their practical study requirement.

⁵⁰Another two male students were reportedly expelled from Tashkent State University for having beards. Fellow Tashkent State University students have claimed that as many as ten openly Muslim males were dismissed from that institution; however we were unable to confirm this report. Human Rights Watch interview, names withheld, Tashkent, May 23, 1998.

⁵¹Human Rights Watch interview with Rector Turabek N. Dolimov, Tashkent, May 25, 1998.

⁵²Human Rights Watch interview, name withheld, Tashkent, July 5, 1998.

⁵³For example, students at teachers’ colleges and in the humanities typically are required to teach a course in their chosen field at a local secondary school.

Others complained that women's religious scarves—but not folk scarves—are unhygienic.⁵⁴ No single type of beard was found objectionable. When threatened with expulsion and arrest, many male students elected to shave their beards. Some of those students who did not comply with the university administrators' orders to shave, however, were arbitrarily detained by police.

Administrators intimidated students to enforce the secular dress code, physically blocking students from classrooms and buildings, and ripping off women's headscarves. Police detained men and forced them to shave off their beards. They also intimidated relatives of students, insidiously undermining the student's potentially most powerful support base.

⁵⁴ See above, The "Uzbek Way" for the distinction between what is considered acceptable and unacceptable headgear. In general, Human Rights Watch finds the demand that medical students maintain certain hygienic standards persuasive. However, against the backdrop of an overwhelming pattern of punishment of students for wearing headscarves as a religious symbol, Human Rights Watch believes the burden of proof is on the individual medical institutes to demonstrate that wearing headscarves poses an imminent health threat. Moreover, medical institutes must notify the students in advance of matriculation of the consequences for violating the health code and provide a fair appeals process to review any student grievances resulting from expulsions.

Senior university officials throughout the country instructed administrators at the university residence halls to evict expelled students from the dormitories. The dormitory management typically gave students between one day and one week after expulsion to move out of university housing. In at least one case, however, administrators from the Institute for Oriental Studies reportedly denied a student the right to university housing as a precursor to expulsion, apparently as another means of pressuring her to comply with university demands.⁵⁵

Government responsibility for the discriminatory policy is clear. The administrations of institutes and schools that carried out expulsions answer to the Ministry of Education.⁵⁶ Moreover, university administrators routinely referred to a directive from “higher authorities,” meaning the government, when expelling students in religious attire. For example, a female student who wore hijab and was barred from attending classes and taking exams at one university in Tashkent recalled:

The dean said that on March 26 there was a meeting at the rector’s office, and the rector said he got an order from higher authorities not to allow in the faculty girls with headscarves and boys with beards. To fulfill the order, we should leave the institute ourselves or be expelled...⁵⁷

In this case, as in others, the university administrator reportedly expressed to the student his fear of meeting with the disfavor of his superiors. The student continued, “our dean says that it comes from higher authorities, that they are also under pressure, and he doesn’t want to get in trouble because of me.”⁵⁸

This student also reported that pressure was put on professors to conform to government policy, and even that professors themselves were sometimes forced to shave: “Some teachers supported us. Some say we have the right to dress as we please. But they haven’t helped in any other way. One of my professors was called and forced to shave his

⁵⁵ Human Rights Watch interview with Raikhona Hudaberganova, Tashkent, June 14, 1998. Two female students from Tashkent State University told Human Rights Watch that they were evicted from university housing on March 31 along with six other female students expelled for religious dress. They told Human Rights Watch, “Members of the university administration came to the dormitory and kicked us out.” Human Rights Watch interview with students from Tashkent State University, names withheld, Tashkent, May 23, 1998. Rector Asadov of the Pediatric Medical Institute acknowledged this policy. Referring to the female students he had expelled just days before, he said, “They are expelled, so they cannot live in the dormitory. We will not kick them out on the street. We will give them one week.” Human Rights Watch interview with Rector Asadov, Tashkent, June 3, 1998.

⁵⁶ In Uzbekistan’s highly authoritarian political system, the government dictates policy to, and closely monitors, the actions of all state agencies and employees, including university and school administrators. There are no private institutions of higher education in Uzbekistan, and university and institute rectors answer directly to the Ministry of Higher Education and are responsible for carrying out directives issued by that ministry.

⁵⁷ Human Rights Watch interview, name withheld, Tashkent, May 27, 1998.

⁵⁸ Ibid.

beard or be fired.”⁵⁹ Another student echoed, “There are teachers who are democratic, who in words have said, ‘we are on your side,’ but have done nothing out of fear of being accused of interfering with the country’s internal politics.”⁶⁰

Tashkent State University

The pattern of warnings and ultimata began in some institutions as early as 1997. One student, Elyor Toshboev, expelled from Tashkent State University, told Human Rights Watch:

⁵⁹Human Rights Watch interview, name withheld, Tashkent, May 27, 1998.

⁶⁰Human Rights Watch interview with students from Tashkent State University, names withheld, Tashkent, May 23, 1998.

It began in September 1997. A new policy was instituted against Islamicism and fundamentalism, and deans began asking about dress and some of us who were bearded or in hijab or scarves were told very shortly that if we went on doing this, we would be expelled and not allowed back. They did not want to know about our year or our marks, just 'shave or else expulsion.' Those who did not [shave or remove their scarves] have been expelled.⁶¹

Tashkent State University Rector Turabek N. Dolimov defended the expulsion of females who wear headscarves with direct reference to the university code of conduct: "They have violated the Rules of Internal Life. This code says it is forbidden to wear hijab."⁶² (Human Rights Watch found that the code in fact makes no specific reference to hijab.) Rector Dolimov further suggested that his concern was not simply to carry out codified rules regarding dress but to stifle the expression of ideas he found objectionable. Discussing the students he had expelled, Rector Dolimov told Human Rights Watch: "We know they are Wahhabists and we know their ideas."⁶³

In an apparent reference to the students' role as teachers during the practicum or internship portion of their education, Rector Dolimov declared:

I am not going to allow these Wahhabites to educate the children and then the next day they will take up a knife and another Afghanistan will start! All the Wahhabites and other extremists will be expelled from the university, you can call it what you want.⁶⁴

Students from Tashkent State University also reported that they had been told that there had been a change in the regulations and that students were to dress so as not to draw the attention of others. They said that the administration claimed that beards and scarves were distracting to other students and constituted grounds for expulsion.⁶⁵

Administrators at Tashkent State University sometimes falsely asserted that orthodox students had missed more than the acceptable number of classes and used this claim as a pretext for their expulsion. The case of first-year student Zafar Mamiev, an active member of a core group of orthodox students, stands as a possible example of this. University officials branded Mamiev a religious extremist, called him a "Wahhabi" to his face, compelled him to shave his beard, and then expelled him for allegedly missing more classes than permissible under university rules. Human Rights Watch did not have access to school records to confirm or refute the university's allegations that Mamiev's absences numbered more than the thirty allowed. Circumstances, however, suggest that alleged absences did not motivate his expulsion. Fellow students took serious issue with the university's charges of poor attendance. In January 1998, classmates wrote to the rector of the university in support of Mamiev and stated that he had not missed as many class hours as the administration charged. One of the university deans reportedly responded by calling the students into his office and compelling them to write a second statement agreeing with the university position.⁶⁶

Institute for Oriental Studies

⁶¹Human Rights Watch interview with Elyor Toshboev, Tashkent, May 23, 1998.

⁶²Human Rights Watch interview with Rector Turabek N. Dolimov, Tashkent, May 25, 1998.

⁶³Ibid.

⁶⁴Ibid.

⁶⁵Human Rights Watch interview with students from Tashkent State University, names withheld, Tashkent, May 23, 1998.

⁶⁶Ibid.

The leadership of the Institute for Oriental Studies employed tactics similar to those used at Tashkent State University to justify expulsions and break down real or potential student solidarity. Students from the institute pointed to an official government policy of discrimination against religious students. They claimed that as early as September 1997, through oral instructions to the institute, the presidential administration issued new regulations on the appearance of students, forbade the wearing of Islamic dress on campus, and discouraged conferring diplomas on observant Muslim students.⁶⁷

Again, university officials themselves made it clear that religious clothing was objectionable because of what it represented and the ideas it was seen as communicating. When asked how he could tell who was a “Wahhabi,” for instance, the rector of the Institute for Oriental Studies said, “It is not only an appearance. I can tell by how they talk, their conversation.”⁶⁸

Umida Asimova and Dilfuza Turdieva, both in their fifth year of university, were expelled just prior to the scheduled receipt of their diplomas, of which they were then denied.⁶⁹ On May 20, 1998, just two weeks after Asimova and Turdieva filed a civil suit against the university for readmission, administrators called a meeting of all the pious Muslim students in the institution. According to Asimova and Turdieva, who spoke with students present at the meeting, several students with low marks were reportedly targeted by the administration and told that if they did not write statements denouncing fellow students Turdieva and Asimova, then the students at the meeting would also be expelled. A number of students and eight teachers reportedly wrote letters critical of Turdieva and Asimova, which were then pre-dated to appear as if they had been written early in April, before the young women had been expelled.⁷⁰

Officials at the institute and elsewhere also harassed and punished openly religious students by stopping payment on their student stipends. Asimova and Turdieva reported that their stipends were cut off as early as the fall of 1996.⁷¹ The then head of the Islamic studies department told them that this step was taken specifically because of their religious dress.⁷² By denying religious students financial support, administrators made it difficult for many students, particularly those from poor families or rural areas, to remain in school and graduate.

⁶⁷Human Rights Watch interview with Umida Asimova and Dilfuza Turdieva, Tashkent, May 23, 1998; and Human Rights Watch interview, name withheld, Tashkent, June, 1998.

⁶⁸Human Rights Watch interview with Rector Nematullo Ibrohimov, Tashkent, May 1998.

⁶⁹The two were expelled with only three exams left to pass to earn their diplomas. Human Rights Watch interview with Umida Asimova and Dilfuza Turdieva, Tashkent, May 23, 1998.

⁷⁰Ibid.

⁷¹Human Rights Watch interview with Umida Asimova and Dilfuza Turdieva, Tashkent, June 11, 1998.

⁷²Human Rights Watch interview with Umida Asimova and Dilfuza Turdieva, Tashkent, May 23, 1998.

University administrators sometimes became violent or fiercely intimidating while scolding or dismissing religious students. Raikhona Hudaberganova reported that on March 15, 1998, she was officially expelled; Prorector Obidov slapped her hand away as she reached out to receive her expulsion order. He yelled at her, she said, but then stated, "If you take your scarves off, you will be immediately readmitted." She refused, and he reportedly stormed out without giving her a copy of the order.⁷³ Subsequently, Prorector Obidov met Hudaberganova on the stairs and, seeing her in hijab and headed toward an area where students were praying (despite his orders to them to cease), he pushed her and shouted "What are you doing here? Go home!"⁷⁴ In a separate incident, Hudaberganova had gone to meet Obidov to ask him to stop calling her parents, who had become extremely frightened for their daughter's safety. Hudaberganova recalled that, "As soon as I came into his office, he insulted my dress, he did not even listen to me, but burst out with abuse...[he] compared the girls wearing hijab to indecent girls, to street-walkers, and I regretted his words and left the room."⁷⁵ In June 1998, Hudaberganova lost her civil suit for reinstatement.⁷⁶

Hudaberganova also reported that she and a fellow student came under pressure from N. Solikhova, the former chair of Islamic Studies at the Institute for Oriental Studies.⁷⁷ According to Hudaberganova, Solikhova instructed the young women not to come to the university in hijab. When they persisted in wearing this form of Muslim dress, Solikhova cursed at the young women and locked them in the office of the Islamic Studies department for the duration of the lecture.⁷⁸

⁷³Human Rights Watch interview with Raikhona Hudaberganova, Tashkent, June 14, 1998. Rector Nematullo Ibrohimov ordered Hudaberganova expelled as of March 15, 1998, but did not show her the document until March 25. Human Rights Watch interview with Raikhona Hudaberganova, Tashkent, June 14, 1998. Rector Nematullo Ibrohimov signed the expulsion order, document no. C-21, on March 16, 1998.

⁷⁴Ibid.

⁷⁵ Letter from Raikhona Hudaberganova to Minister of Higher Education Okil Solimov, April 13, 1998, translated from Uzbek. In what appeared to be an attempt to coerce Hudaberganova to comply with the institute's dictates, Prorector Obidov had also imperiled Hudaberganova's father's standing at work, when he reportedly called her father's colleagues and told them that Hudaberganova was "interfering in the policy of Uzbekistan." Letter from Raikhona Hudaberganova to Minister of Higher Education Solimov, April 13, 1998, translated from Uzbek.

⁷⁶ Hudaberganova brought a civil suit against the Institute for Oriental Studies in June 1998. In response, the institute petitioned the Mirabad District Court, which heard the civil suit, to have administrative charges brought against Hudaberganova under article 14 of the law on freedom of conscience. The court dismissed the institute's claim as groundless. See above, "Domestic Laws and Regulations."

⁷⁷The name of Hudaberganova's classmate has been withheld.

⁷⁸ Letter from Raikhona Hudaberganova to Minister of Higher Education Okil Solimov, April 13, 1998, translated from Uzbek.

University administrators pressured male students with beards into shaving in order to continue with their education. At the Institute for Oriental Studies, Dean Tojiev of the Economics Department called into his office a young man who wore a beard for religious reasons and reportedly forced the student to shave.⁷⁹

The institute's administration also intimidated students who wanted to pray on campus. About one hundred male students and thirty female students reportedly prayed every day. In September 1997, students returning to the institute found that the room they had used the previous year for prayer had been changed into a study hall and was no longer available as prayer space. The closure forced religious students to pray primarily in the school basement, where conditions were apparently less than optimal.⁸⁰

On September 15, students delivered to the rector a statement, signed by 123 fellow students, asking for a place to pray on campus. One or two days later, several of the students who had signed the petition were called in by the respective deans of their departments and questioned about the statement. One student recounted that in one such conversation the dean of his department threatened him with expulsion for his alleged involvement in writing the statement, and called him a "Wahhabi." The dean also informed the student that highly placed government officials knew of his activism.⁸¹ The young man said he responded to the dean, "I explained that I was not against the government and not a Wahhabi and that everyone wants a place to pray."⁸²

In February, the administration closed the basement to prayer. When the approximately thirty female students who prayed every day tried to find another place to pray, Prorector Obidov reportedly harassed them. Raikhona Hudaberganova recalled:

There was a basement where we were allowed to pray, until it was closed in February [1998]. Sometimes we prayed in the hallway, when the basement was closed. Then, when we were praying in the hallway, the prorector, Obidov, came and shouted at us not to pray there and kicked the prayer rug and frightened us. After that, girls began to be afraid to pray.⁸³

When asked by Human Rights Watch about students' right to pray at the institute, Rector Ibrohimov dismissed students' concerns as sensationalism: "These people were praying near the men's toilet on the second floor, which was easy to see and when asked about it, they said 'ah-ha, see, we cannot pray here.' So, they just wanted to cause a scandal."⁸⁴

Tashkent State Technical University

⁷⁹Human Rights Watch interview with a fellow student, name withheld, Tashkent, June 1998.

⁸⁰According to one male student who resorted to praying in the basement, "the university workers walked on the prayer rug with their shoes....the basement was very cold in the winter." Human Rights Watch interview, name withheld, Tashkent, June 1998.

⁸¹See: "Intimidation and Threats of Arrest."

⁸²Human Rights Watch interview, name withheld, Tashkent, June 1998.

⁸³Human Rights Watch interview with Raikhona Hudaberganova, Tashkent, June 14, 1998.

⁸⁴Human Rights Watch interview with Rector Nematullo Ibrohimovich Ibrohimov, Tashkent, May, 1998.

Government pressure on Tashkent State Technical University (formerly the Polytechnical Institute) has been particularly intense. High-level government officials reportedly paid a series of personal visits there with the apparent purpose of delivering an oral command to dismiss students with beards and headscarves from universities. In early January 1998, a deputy prime minister visited the rector and prorector of that institution. Student Aziz Azizov reported that teachers from the Technical University told him it was at this meeting that the deputy prime minister ordered the university administration to expel students with beards from the university. He said that at least one fellow student and possibly as many as ten were forced to shave their beards within weeks of the deputy prime minister's visit.⁸⁵ Just months later, in March 1998, three male students from Tashkent State Technical University are known to have succumbed to pressure to shave off their beards. One of them, Hashim Hashimov, recalled, "Three of us had beards and have shaved them off...The dean invited us for one-on-one conversations, those of us who had beards, [and said], 'Here is the order: you shave off the beard or you will be expelled.'"⁸⁶ Only one student refused to shave his beard and he was reportedly expelled from the university as a consequence, as were two female students who wore hijab.⁸⁷

Azizov, one of the Technical University students who complied with the order, told Human Rights Watch that the university officials had forced him to shave his beard once before, in 1996. The assistant dean of the university reportedly told him at that time that the prorector had forbidden beards on campus. The prorector himself reportedly told the student not to bother appealing to the university rector because, "he doesn't like Muslims with beards."⁸⁸ The assistant dean repeatedly mentioned the university code of conduct as a basis for ordering the young man to shave.⁸⁹

Azizov grew his beard again in 1998 after moving to a new university building and believing that the new dean supervising his studies might not object.⁹⁰ However, during a one-week period in January 1998, the dean of his department told him three or four times to shave his beard. The student recalled, "When I asked what would happen if I didn't shave, the dean said I would be expelled."⁹¹ The dean told him that this was the policy of the university, on orders from the government. The dean also explained that part of the reason this student was being ordered to shave was that he was from Namangan. According to Azizov, the dean said, "There are a lot of 'Wahhabis' from Namangan and you are from Namangan, so maybe you are a 'Wahhabi' too and you must shave your beard." The young man shaved his beard, but said that the experience left him feeling sad and "abused."⁹²

At the end of 1997, the administration of Tashkent State Technical University closed the prayer space in dormitories that had been made available for students to pray.⁹³ According to one religious student, many students there wanted to pray during the school day, but a majority of them gave up because there was no opportunity to pray on campus.⁹⁴ While there was no written policy prohibiting prayer at the university, it was forbidden in practice. The university dean who had forced Azizov to shave his beard reportedly also told this student outright that prayer was

⁸⁵Human Rights Watch interview with Aziz Azizov, a student from Tashkent State Technical University, July 1998. Aziz Azizov is not his real name. The student could not name the deputy prime minister.

⁸⁶Human Rights Watch interview with Hashim Hashimov, Tashkent, May 27, 1998. Hashim Hashimov is not his real name.

⁸⁷Human Rights Watch interview with Aziz Azizov, Tashkent, July 1998.

⁸⁸Ibid.

⁸⁹Ibid.

⁹⁰For reasons of the student's security, Human Rights Watch has declined to identify the administrator and university department involved in this incident.

⁹¹Human Rights Watch interview, Tashkent, July 1998.

⁹²Ibid. Those students who remained bearded even after having been chastised and threatened by academic authorities were vulnerable to arbitrary police abuse. Bearded students, like other men with beards in Uzbekistan, were often targeted by police for detention and forced to shave. See below, "Intimidation and Threats of Arrest."

⁹³Human Rights Watch interview, Tashkent, May 27, 1998.

⁹⁴Human Rights Watch interview, name withheld, Tashkent, July 1998.

forbidden at the university.⁹⁵ Teachers who “caught” students praying scolded them and asked them to stop. No students were reported as having been punished for praying, however, and some continued to worship in secret.⁹⁶

The Pediatric Medical Institute

⁹⁵Ibid. The name of the dean and his department have been withheld to protect the safety of the student.

⁹⁶Ibid.

Rector Damin Asadov of the Pediatric Medical Institute in Tashkent told Human Rights Watch that he had expelled students because of their religious dress. According to fellow students, after university officials at the Pediatric Institute voiced objection to men wearing beards at the Institute, two of the three bearded students shaved. Rashid Kulamov and Ramatjon Sharshiev, both fifth-year medical students, shaved their beards on May 30, 1998.⁹⁷ The third student, Murat Kholbekov, kept his beard.⁹⁸ Then, early on the morning of June 1, 1998, Rector Asadov gathered approximately fifty of the observant Muslim students in the institute and instructed them to cease wearing religious attire or risk expulsion. It was reported to Human Rights Watch that on the same day, Iunusabad district police detained Murat Kholbekov while he was in the vicinity of Kokandash Mosque. Police reportedly took Kholbekov to the Iunusabad police office, forced him to shave his beard, and then released him.⁹⁹

Rector Asadov's justifications for the expulsions varied. At first, the rector stated that the expulsions he ordered were based in part on the university's code of conduct and the law on freedom of conscience, which he took from his desk to show Human Rights Watch and said:¹⁰⁰

On May 5, 1998, we adopted a new law, which says it is forbidden to be in public places wearing religious dress. After the fifteenth of May, [religious students] were gathered. From twenty people, thirteen took off the [headscarves]. Seven girls refused: four with only eyes uncovered [full hijab, faces covered] and three with faces uncovered but with the rest of the body covered...When we didn't reach an agreement by talking with them for fifteen days, every day since May 15, I signed the order [for the expulsion of the seven female students].¹⁰¹

Alternatively, Rector Asadov suggested that the young female students posed a danger to the general student population: "How can I be sure that with the [headscarves]...they are not terrorists?"¹⁰²

Rector Asadov also claimed that "It is unsanitary to wear scarves in the clinic and operation theater" and that "When children see women in all black dress and only open eyes [with only their eyes uncovered], they get frightened and refuse to be in contact with them."¹⁰³ He added that, "Even with a scarf and uncovered face, one cannot come to the clinic because we work with children who are weak and sick."¹⁰⁴ Acknowledging that he had expelled students because they wore beards, Rector Asadov commented, "When [the beard] was short, okay, but when it was long like a goat, the children were frightened. It's not a mosque, it's a hospital." He further stated categorically, "Men with beards cannot study here." He gave no scientific or even anecdotal evidence to substantiate his claims.¹⁰⁵

Students expelled from the Pediatric Medical Institute suggest that Rector Asadov's decisions were in fact due overwhelmingly to his concern about being seen as complying with the orders of his superiors in government to expel religious students. One student told Human Rights Watch about her conversation with Rector Asadaov: "The rector said that people from Oliy Majlis (parliament) told him that this is the law and that if he does not follow the law, he will have to answer to those who wrote the law."¹⁰⁶

⁹⁷Pseudonyms have been used in place of these students' real names in the interest of their safety.

⁹⁸A pseudonym has been used here to protect this student's safety.

⁹⁹Human Rights Watch interview with Nodira Khojaeva, Mamlakat Monsurava, and Dilora Bainazarova, Tashkent, June 1, 1998.

¹⁰⁰Human Rights Watch interview with Rector Damin Asadov, Tashkent, June 2, 1998.

¹⁰¹Human Rights Watch interview with Rector Damin Asadov, Tashkent, June 3, 1998.

¹⁰²Ibid.

¹⁰³Ibid.

¹⁰⁴Ibid.

¹⁰⁵Ibid.

¹⁰⁶Human Rights Watch interview with Nodira Khojaeva and Mamlakat Monsurava, Tashkent, June 3, 1998.

According to some students, some instructors supported the institute's religious students, but feared retribution for exhibiting open support. Teachers and a dean told students that if the rector reversed his order to block females in hijab from attending classes, they would let the students back into the classroom.¹⁰⁷

Fergana State University

¹⁰⁷ Human Rights Watch interview with Nodira Khojaeva and Mamlakat Monsurava, Tashkent, June 3, 1998; and with Nodira Khojaeva, Mamlakat Monsurava, and Dildora Bainazarova, Tashkent, June 1, 1998.

Administrators at Fergana State University employed various methods to force out religious Muslim women. In the spring of 1998, eight students from the philology department—Dilbar Tarkhanova, Savkat Yuldasheva, Sayora Imamova, Feruza Boboeva, Dilshod Kasilova, Munira Nazrullaeva, Gilbar Abdurashidova, and Narguza Hasmatova—were put under intense pressure by the teaching staff and administration to remove their headscarves.¹⁰⁸ Five of the students—Dilbar Tarkhanova, Sayora Imamova, Feruza Boboeva, Munira Nazrullaeva, and Savkat Yuldasheva—accused Dean Sharafiddinov himself of having sabotaged their internships at an elementary school, where they had worked as teaching assistants. The students had learned from the school director that Dean Sharafiddinov had allegedly called the director of the school and threatened to hold him responsible if he did not bar the five students from the elementary school's classrooms.¹⁰⁹

Administrators at Fergana State University also allegedly used student stipends as a means of coercing students to comply with the university dress code. Fergana State University students Munira Nazrullaeva and Gilbar Abdurashidova suddenly stopped receiving stipends in the spring of 1998, reportedly because of the administration's objection to their dress.¹¹⁰ When questioned by students, Professor Salijanov reportedly told them that they would have to remove their scarves before the question of their stipends could be resolved.¹¹¹

Munira Nazrullaeva also reported that Professor Salijanov erased from the school records the grades she and Sayora Imamova had already received and marked them absent for classes they had attended. After the young women apparently refused to remove their headscarves, Professor Salijanov denied them grades for the course. Dean Sharafiddinov of the philology department then forced the students to leave the campus, barring them from classes.¹¹² Human Rights Watch has not had access to the attendance and grade records. However, Professor Salijanov's alleged remarks in March 1998 to the students that they could take "make up" exams provided they first removed their scarves, strongly suggest that headscarves—and not grades or absences—motivated the dismissals.¹¹³

Rector Abdullaev's alleged statements further suggest that the real motivation behind the university's actions was to get rid of those in religious dress. According to Gilbar Abdurashidova, in April 1998, she was stopped by the Women's Committee chairperson, Mahbuba Karimova, near the library. Karimova threatened to have her barred from the library and told her, "By covering your head with a scarf, you have embarrassed me, too."¹¹⁴ They were then joined by Rector Abdullaev who allegedly said to Abdurashidova, "What kind of shameless girl are you to still go around covering your head like that?...Okay, now a decree will be issued and you all will be suspended from studying." Karimova then added, "Go and tell the other girls what I've said and about your suspensions from school."¹¹⁵

¹⁰⁸Pseudonyms have been used in place of these students' real names, in the interest of their safety.

¹⁰⁹ Written statement to Dean Sharafiddinov from Munira Nazrullaeva (a pseudonym), May 7, 1998, translated from Uzbek.

¹¹⁰ Ibid. Gilbar Abdurashidova is also a pseudonym.

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ Written statement of Munira Nazrullaeva, March 25, 1998, translated from Uzbek.

¹¹⁴ Written statement of Gilbar Abdurashidova (a pseudonym), April 14, 1998, translated from Uzbek. The Women's Committee is an official government body.

¹¹⁵ Ibid.

A fellow student at Fergana State University reported that all seven of the religious women in the philology department received orders of suspension. Human Rights Watch was unable to confirm this independently. However, according to documents provided by the philology students, on May 6, 1998, the university posted a notice that at least four of the students—Munira Nazrullaeva, Sayora Imamova, Feruza Boboeva, and Dilshod Kasilova—were suspended for having missed too many classes, failed course exams, and failed to complete their internships.¹¹⁶ The students denied, however, that they had missed classes as claimed or been absent for exams. They contended that they were not given grades for the exams and courses they had attended and for which they completed work.¹¹⁷ Munira Nazrullaeva claimed that she and other suspended students had excellent attendance records and had, in fact, studied with “great interest and enthusiasm.”¹¹⁸ She stated, “If the teacher were just and honest when he gave us exams, we would have certainly passed all our courses and received our stipends. What hurts us most is that he is not even grading us but just counting us as absent.”¹¹⁹

Fergana State University student Nilufar Ermatova was first called to the office of the dean of the history department when she began to wear full hijab, with her face covered, instead of only a headscarf, in November or December of 1997. She stated that the dean and several of her professors told her to stop wearing this clothing in the classroom. One professor reportedly shouted at her, telling her to take off her scarf. In a written statement, Ermatova recalled, “This hurt me very much. After that event, I began taking off my scarf during the class.”¹²⁰ She continued to wear it on campus, outside the classroom, however.

This did not diffuse the administration’s hostility toward her and other observant Muslim students, however. In December 1997, the university administration prevented Ermatova, and several other female students who wore headscarves from attending some classes and dismissed them from other classrooms. Ermatova alleged that the head of the philology department, Dean Sharafiddinov, was verbally abusive toward them and that the head of the Women’s Committee, Mahbuba Karimova, along with Prorector Vasilya Karimova called them in to special sessions to discuss their dress.¹²¹ Again, they were asked to choose between their education and their religious belief. As a compromise,

¹¹⁶Written statement of Munira Nazrullaeva (a pseudonym), May 7, 1998, translated from Uzbek. While this statement names only four students as having met with Dean Sharafiddinov regarding their suspension, the day after the official posting, it is possible that other philology students were also named in the order. In addition, later in her statement, Nazrullaeva complains, “We, the six girls, were not given any grades.” It is therefore possible that six students were named in the suspension order.

Another religious student from the philology department of Fergana State University, Farida Halikova, was expelled in the spring/summer 1998. She had matriculated at the university after her expulsion from the Institute of Oriental Studies. Human Rights Watch interview with Farida Halikova, Tashkent, December 18, 1998. See: “Nowhere to Turn: Obstacles to Remedies.”

¹¹⁷Written statement of Munira Nazrullaeva (a pseudonym), May 7, 1998, translated from Uzbek.

¹¹⁸Ibid.

¹¹⁹Ibid.

¹²⁰Written statement of Nilufar Ermatova (a pseudonym), April 14, 1998, translated from Uzbek. A pseudonym has been used in place of this student’s real name.

¹²¹ Ermatova reported that, in one instance, prorector Karimova herself removed a scarf from the head of a female student

the students agreed to wear floral-patterned scarves, traditional in Uzbekistan, in place of the solid black or white ones. However, their attire was still seen as hijab and the harassment persisted.

Despite university officials' reprimands and threats of National Security Service (formerly the KGB) involvement, Ermatova continued to wear hijab on campus. She was told she should write a petition declaring that she had quit her studies. She refused, saying she had every intention of remaining at the university and studying. The dean then threatened to issue a decree for her expulsion if she returned to campus in hijab. As of her April 14 written statement, however, she had not received any official expulsion notice.¹²²

from the Geology department during a lecture. Written statement of Nilufar Ermatova.

¹²²Written statement of Nilufar Ermatova.

Although Ermatova did not remove her religious clothing, the intense pressure put on students was generally effective. Of twenty-two female students at Fergana State University who are known to have covered their heads, eleven reportedly removed their headscarves after being harassed and intimidated by the administration.¹²³ Students from the history department of Fergana State University, like those in the philology department, were also reportedly called out of class for repeated intimidating conversations with university officials and repeated scoldings. According to Ermatova, this pressure led one student, Dildora Ikramova, to begin wearing her scarf in the “Uzbek style,” tied at the back of her neck and leaving only part of her head covered. She was praised and allowed to return to class.¹²⁴

The dean of the history department reportedly used Dildora Ikramova's case to intimidate other students. When Ikramova succumbed to pressure and altered her dress, the dean reportedly responded by putting even more pressure on the students who remained in religious clothing. He called them into his office repeatedly and told them that they must take off their headscarves in order to be allowed to study. Dean Sharafiddinov of the philology department and the deputy dean came to the homes of some students to convince them to remove their headscarves. When this act of intimidation proved unsuccessful, the dean of the history department told them, “If you all come to school [with] your headscarves taken off, you will be allowed to study. If not, you will be suspended.”¹²⁵

In at least one case, university administrators simply prevented a student from taking exams and then expelled her for having failed to pass them. This happened to Rano Yusupova, a fourth-year student at the Fergana State University, during the final exam period in the spring of 1998.¹²⁶ According to members of the Committee for the Protection of Individuals, a registered Uzbek human rights group, the university's prorector insisted that Yusupova remove her scarf and, when she did not, the prorector announced that the student had failed an exam and thus would be expelled. As of July 1998, Yusupova reportedly had not received an official expulsion order from the university.¹²⁷

Academics have been punished for even casual contact with so-called Wahhabis. At an institution of higher education in the Fergana Valley, the director of one of the university's departments was reportedly demoted from director to teacher after he met with several “Wahhabis.” Persons familiar with the situation said that the former director was too afraid to talk to Human Rights Watch about the specific circumstances of his demotion.¹²⁸ Human Rights Watch learned that at least one other professor at this institute was offered an ultimatum to either shave or lose

¹²³Ibid.

¹²⁴Ibid. A pseudonym has been used in place of the second student's real name.

¹²⁵Ibid.

¹²⁶Members of the Committee for the Protection of Individuals referred to Yusupova as a student of the Pedagogical Institute of Fergana, the former name of Fergana State University. Human Rights Watch interview, Murat Zahidov, Chairman of the Committee for the Protection of Individuals, Tashkent, July 7, 1998.

¹²⁷Ibid. Human Rights Watch was unable to confirm independently Yusupova's expulsion; however, we regard this report as credible given the source of the information and the consistency of the alleged actions of the university officials with those of other academic leaders documented by Human Rights Watch.

¹²⁸The name of the university and the city in which it is located have been withheld to protect the former director discussed here. Human Rights Watch interview, name withheld, Fergana Valley, May 1998.

his job, and that other professors in Tashkent were reportedly under pressure from administrators to shave their beards.¹²⁹

Primary and Secondary Schools

Human Rights Watch has independently confirmed the expulsion of two primary school students and received credible reports of four expulsions from a secondary school, all in Tashkent, because of their religious attire. Because informants are typically afraid to reveal cases of abuse for fear of retaliation, it is possible that the actual number of expulsions of students at the primary and secondary level is higher.

¹²⁹Human Rights Watch interview with Mikhail Dmitrivich Ardzinov, Tashkent, May 1998.

The mother of a primary school student reported that in May 1998 her daughter and niece were both expelled from a school in Tashkent for wearing headscarves. The two students, aged eight and nine, attended school each day wearing white headscarves, with their faces uncovered. In May 1998, a teacher at the school asked the girls to remove their scarves when on campus, but they continued to come to class in their religious clothing. Four or five days after the teacher issued the warning, the director of the primary school expelled the girls, but did not give their parents an official expulsion order.¹³⁰

The mother of one of the expelled girls and other relatives informed Human Rights Watch that at least two or three girls in each grade were dismissed from the primary school because of religious dress.¹³¹ Because the families of girls expelled from this and other schools in Tashkent were reportedly too afraid to meet with Human Rights Watch, their cases could not be confirmed.¹³² The father of one schoolgirl in Tashkent reportedly decided to compel his daughter to remove her scarf as school officials had ordered, because he feared that were he to confront school administrators, they would call in the SNB and fabricated charges would be brought against him.¹³³

Similar accounts of school-age girls being expelled for wearing religious scarves were reported in cities in the Fergana Valley, including Kokand and Fergana City.¹³⁴ Four female students in the ninth and tenth grades were reportedly expelled from one high school in Tashkent for wearing traditional Islamic dress.¹³⁵

Secondary and primary school administrators themselves appeared to be under a good deal of pressure from higher authorities in government and regional educational boards. One young secondary school teacher in Tashkent reported that, under pressure from the principal, she removed her headscarf before going to work each day. Nevertheless, the school administration reportedly would not tolerate an openly religious instructor at the school and in the spring asked her to take a "holiday." As of May 1998, she was unemployed.¹³⁶ Human Rights Watch has received numerous other credible reports of primary- and secondary-school teachers being banned from wearing religious headscarves at work and being fired as punishment for doing so.

¹³⁰Human Rights Watch interview with one of the students' mothers, name withheld, Tashkent, June 20, 1998. The names of the two primary school students have been withheld in the interest of their safety and the safety of their families.

¹³¹Human Rights Watch interview, name withheld, Tashkent, June 20, 1998; and Human Rights Watch interview, name withheld, Tashkent, July 5, 1998.

¹³²Ibid.

¹³³Human Rights Watch interview, name withheld, Tashkent, May 27, 1998.

¹³⁴Human Rights Watch interviews, names withheld, Kokand, May 1998.

¹³⁵From a document compiled by religious students, provided to Human Rights Watch, authors' names withheld, June 1998; and Human Rights Watch interview with local human rights activist, name withheld, Tashkent, July 1998. The names of the students listed in the document have been withheld in the interest of their safety.

¹³⁶Human Rights Watch interview, name withheld, Tashkent, May 1998. The source of this information spoke personally with the teacher.

The director of one secondary school in Tashkent voiced her fear that her superiors would punish her if she were openly to discuss the treatment of observant Muslim students at her school.¹³⁷ While Human Rights Watch did not receive any reports of educational or other government officials having reprimanded or fired any school directors for actions related to orthodox students, it is possible that other forms of intimidation or simply the directors' fears kept them in line with government policy.

¹³⁷Human Rights Watch interview with school director, Tashkent, July 1998. Human Rights Watch has withheld the name of the director and her school.

The pressure on school administrators is reflected in their choices to take extreme measures to force student compliance on headscarves. One teacher who worked at the Tashkent area secondary school mentioned above, where the children range in age from seven to sixteen, reportedly informed an Uzbek human rights organization that the director of that school violently pushed a young female student in a headscarf, leaving the girl in tears.¹³⁸ The director of the school, however, claimed she had supported students with headscarves. She refused to elaborate on her treatment of religious students or give Human Rights Watch a copy of the school's dress code.¹³⁹ While the merits of the claim that she had pushed the student were not clear, it was apparent that this director regarded herself as operating under great pressure from the government.

The director claims she was concerned that Human Rights Watch had not obtained permission from senior authorities to speak with her and declined to answer specific questions regarding the treatment of religious Muslim students at the school. "I am only a young director and I am inexperienced and I may be questioned later on and I am scared," she offered as explanation for her silence.¹⁴⁰ The school director further articulated her fear of punishment by higher authorities, saying, "If I say something wrong, I will be charged."¹⁴¹

But the father of another young girl threatened with dismissal, who asked to remain anonymous, displayed anger at the government's infringement on his prerogatives as a parent:

...my young daughter is being told to remove her scarf at school. She is seven years old. She said she wouldn't remove it, and the teacher said she can't study... I am not being allowed to bring up my children the way I want. I am not going to raise them the way Karimov wants.¹⁴²

INTIMIDATION AND THREATS OF ARREST

Students who resisted altering their religious attire faced not only expulsion, but also physical harm, arrest, and other coercive measures. Security and local government officials exerted additional pressure on students and their families, compiled dossiers on religious students, assigned agents to follow them, and harassed those who sought redress through international organizations.

Intimidation of Families

Government security officers reportedly threatened some families that their children would be physically harmed if they did not comply with university demands. In January 1998, an administrator from a university in Tashkent visited one student's home while she was at school. By her account, he told her parents that their daughter was a "Wahhabi" and that if she continued to wear a scarf, he, along with the National Security Service (SNB) and Ministry of Internal Affairs (MVD), would "deal" with her. The student's parents understood this to mean that he would give her name to the SNB and claim the family was "Wahhabist." The university administrator reportedly told the student's parents not to allow her to leave the house wearing a scarf.¹⁴³

The student continued to wear her scarf to the university, however, and the intimidation escalated. Following the administrator's visit, the student's parents received a telephone call from a man identifying himself as an officer

¹³⁸ Human Rights Watch interview with local rights monitor, name withheld, Tashkent, May 23, 1998.

¹³⁹ Human Rights Watch interview with school director, Tashkent, July 1998.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² Human Rights Watch interview, name withheld, Tashkent, May 27, 1998.

¹⁴³ Human Rights Watch has independently confirmed the name of the university and the identity of the university administrator and student involved in this incident; however, we have withheld this information in order to protect the safety of the student and her family. Human Rights Watch interview, Tashkent, June 1998.

from the anti-corruption department of the MVD.¹⁴⁴ He reportedly told the student's parents to report to the MVD building for a meeting, but they refused to do so without being issued an official summons.¹⁴⁵ The student was eventually expelled.

¹⁴⁴The name of the officer has been withheld. Ibid.

¹⁴⁵Ibid.

The student's classmate, Shoknoza Gulamova, also received a call from the same MVD officer and from another employee of the MVD anti-corruption department, "Pyotr Kuliev."¹⁴⁶ Gulamova described a meeting that took place between her father and "Kuliev" in February 1998:

In February my father met with him and "Kuliev" said that if I did not do what the rector said, I would be killed in a car crash or something like that or someone would drop a brick on my head or I would find myself under a car. At the very least I would be expelled from the university. My father said, "You can't expel her, because she received excellent marks." Then "Kuliev" said he could charge me with anything and put me in prison. He said that everybody knows that I am a "Wahhabist." My father said, "If something happens to my girl, I will lay the blame on you." But the officer said he couldn't prove it [that threats were made], because there were no witnesses in the meeting. Then my father said he would report what "Kuliev" had said to various radio programs. Then "Kuliev" said, "If you do, your family will be killed." First, he said, my father and brother would be fired from their jobs and then we would all be killed.¹⁴⁷

Gulamova's father did not press the matter further and did not approach the media with his story.

Male family members in particular were called upon and threatened by university officials to force their daughters or wives to comply with university demands. One female student who had been barred from attending classes or taking examinations, but had not yet received an official expulsion order, recounted, "My husband was called in [twice] and [university administrators] told him I should take off my headdress....I stopped going to university, because I didn't want pressure to be exerted on my husband."¹⁴⁸

In some cases, the university administrators' threats frightened students into complying. Raikhona Hudaberganova recounted the pressure officials from the Institute for Oriental Studies brought to bear on one of her classmates:

Recently one girl's parents were called to the university and the parents made their daughter take off her scarf, and she did it. This girl was very sad about that, because she did not wish to remove her scarves. This girl's parents were told that their daughter had joined a criminal organization. The parents were frightened and were told that if she did not take off her scarves, she would be arrested. [One of the deans] said this....A professor...also told the girl's parents that their daughter would be arrested.¹⁴⁹

¹⁴⁶Pseudonyms are used here in place of the real names of the student, her father and the second MVD officer in order to protect the safety of the student and her family. Ibid.

¹⁴⁷Ibid.

¹⁴⁸Human Rights Watch interview, Tashkent, May 27, 1998.

¹⁴⁹Human Rights Watch interview with Raikhona Hudaberganova, Tashkent, June 14, 1998. The young woman discussed here is a student in the philology department of the Institute for Oriental Studies and is originally from a city in the Fergana Valley. To protect the student's safety, Human Rights Watch has declined to name this student and has withheld the names of the dean and the teacher.

Administrators at the Institute for Oriental Studies allowed the young woman to remain a student and complete her exams after she complied with their order.¹⁵⁰ Reportedly, the professor also warned other students at the university that if students did not cease wearing their religious attire, falsified charges would be brought against them.¹⁵¹

¹⁵⁰Ibid.

¹⁵¹Human Rights Watch interview with Umida Asimova and Dilfuza Turdieva, Tashkent, May 23, 1998.

Similarly, when fourth-year Fergana State University student Nilufar Ermatova resisted university pressure to force her to remove her religious dress, her family was threatened with SNB surveillance of their daughter. Ermatova reported that an administrator told her mother that her daughter had been put on a special government blacklist and threatened that the SNB would be checking on her. Ermatova's mother was reportedly seriously frightened and assured the official that Ermatova would wear a headscarf only in the "Uzbek style" from that point on.¹⁵²

In at least one case, a student's conflict with the university served as a springboard for police to stop the religious practices of family members. A student expelled from Tashkent State University for not shaving reported to Human Rights Watch that his younger sister had been warned by police and local authorities to cease wearing hijab in public. The young man recalled that one day in the spring of 1998 a police officer came to his family's home with the head of the mahallah, or neighborhood council. The young man's father came out of the house and the police officer and head of the mahallah asked to speak to his daughter, but the father denied permission. "The policeman and mahallah head said they were coming to warn my sister not to leave the house in religious dress and that she could be stopped on the street and asked questions and detained for walking on the street in this dress," he told Human Rights Watch. She had regularly dressed in full hijab, with her face covered, up until approximately April 1998. The police officer reportedly asked the young woman's father if she was still in full hijab and what color it was and then left. The young man found the police interest in his sister's mode of dress and their ignorance of its real significance disturbing. "The police think that if you are in full hijab, you are even *more* of a Wahhabi," he declared.¹⁵³

Arrest, Surveillance, and Other Intimidation

Security agents watched, arrested, and threatened the lives of ousted religious students. University administrators routinely threatened to file charges against the students or call the police to have them arrested.

In a chilling case of intimidation, several months after a university administrator reportedly informed Nazar Nazarov, who had advocated for the rights of fellow religious students at the university, that the SNB was aware of his activities, police detained and physically abused him.¹⁵⁴ After interrogating the student, the police major threatened to have him expelled from the university for being a "Wahhabi." Nazarov told Human Rights Watch that he believed police detained him because he had not shaved that day and he was wearing trousers that came above the ankle, a style supposedly worn by "Wahhabis."¹⁵⁵ The story of his detention clearly illustrates the dangers beyond expulsion that religious students face.

On the morning of May 1, 1998, two policemen in plain clothes, who identified themselves only as Said and Valijon, reportedly approached Nazarov and cursed at him as he was waiting for his friends by a bus stop. By his account, the officers took him to a neighborhood police station in the Shakhantaursky district of Tashkent where they accused him of robbery and involvement in a murder. "They said I was a Wahhabi and working against the government and that I killed people," the young man recounted. The officers brought a woman into the interrogation room whom Nazarov alleged had not even been at the scene of his arrest. She stated that at the time of his arrest she had seen the young man drop two bullets from his pocket and that she would willingly testify to this in court. The fabrication of evidence through the planting of small numbers of bullets or small amounts of narcotics on people has become

¹⁵²Written statement of Nilufar Ermatova, April 14, 1998, translated from Uzbek. A pseudonym has been used in place of this student's real name.

¹⁵³Human Rights Watch interview, name withheld, Tashkent, May 1998.

¹⁵⁴Not the student's real name.

¹⁵⁵Oksana Maklay, "The Puritans of Islam—Or A Headache for Presidents," *Moskovskiy komsomolets*, September 16, 1998.

commonplace in political cases in Uzbekistan and there is great potential for false witness to be brought against arrestees.¹⁵⁶

Nazarov recalled that he was terribly frightened:

They said I would be put in prison...they swore at me. I said I would bring a complaint to the court...I said that human rights exist and that they have no right to abuse me. After I said this, they began to insult me twice as much....I requested a lawyer and said I would not answer more questions without a lawyer. One policeman said, "What, you think you live in America?"...Then one of them wrote a report about the arrest and that I was charged with Wahhabism.

Nazarov's ordeal was not yet over. He was taken to the Shakhantaursky district police station, where a station major (name withheld) reportedly questioned him about his religious education, who had taught him to pray, what books he read, and about several government addresses in the young man's address book. Nazarov told Human Rights Watch that he overheard the officer make plans with a woman at the station to "go catch Wahhabis" later that evening. He said the major then slapped him across the face several times, again asking who was his religious teacher and where he had gotten these government addresses and for what purpose. He said he explained, as he had before, that he had gotten these addresses from a directory. The major then reportedly accused the student of working against the government, of being a terrorist and a "Wahhabi." "I said I didn't do any of those things and I am only a Muslim and not a Wahhabi."

¹⁵⁶See, Human Rights Watch, "Crackdown in the Farghona Valley."

Finally, Nazarov said he was instructed to write a statement about why he had government addresses in his address book and to give information about himself and his parents, including their places of employment. The station major put this statement in a case folder that also contained many photographs of men with beards, and put the case in a safe. Before releasing him, Shukurov warned Nazarov that he would inform the university and that they would expel him because he is a "Wahhabi."¹⁵⁷ After approximately four hours of detention and questioning, the young man was released. He remained shaken by the episode, however. When he spoke with Human Rights Watch, he recalled:

The entire time I was in the office, people came in and out, all without uniforms, all asking about me, asking the major, and the major would say that I am a "Wahhabi" and each person who heard this insulted me, as many as fifteen or more people.¹⁵⁸

When female students at the Pediatric Medical Institute in Tashkent were orally informed of their expulsion, they responded by asking to see the written order. Dean Rustan Almonovich Gulyam said to them, "If you argue, I will call the police."¹⁵⁹ In their further pursuit of a written order, the students wrote a statement for Rector Asadov's signature that declared that the students had been expelled because they wear headscarves. He refused to sign it and said that if the young women wrote an appeal to other state officials, he would call the police and they would be detained.¹⁶⁰ They received the written expulsion order and were evicted from the school dormitories. Afterward, the pressure continued, this time, allegedly, from the SNB. Human Rights Watch received a report in July that plainclothes agents believed to be from the SNB or MVD had been following the young women. On at least one occasion, they approached the women, warning them not to speak again to any international organizations. Following that incident, the students were said to be too afraid to meet with Human Rights Watch again.¹⁶¹

In several other cases, intimidation took the form of blatant surveillance of student activities. Many students reported that they believed they were being followed. Human Rights Watch was able to verify this on one occasion, when a group of students who had been expelled from Tashkent State University came to the office of Human Rights Watch to meet with our representatives, including Human Rights Watch Chairman Jonathan Fanton. On May 23, security agents in plain clothes followed the students to the office. When Human Rights Watch representatives escorted the students out of the building after the meeting, they saw the security agents waiting in the otherwise empty courtyard. The two men then followed the group closely as they went out to the street and continued to follow one group of students as they left.

Religious students who were not expelled were at times subject to other intense pressure from university officials and security agents. Some reported that they had been told by university administrators that they had been placed under official observation. Probation-style "observation" by university administrators appeared to be accompanied by more insidious surveillance of students by security agents. One student from Tashkent State University recounted:

¹⁵⁷As of June 1998, however, the young man had not been expelled from his university.

¹⁵⁸Human Rights Watch interview, name withheld, Tashkent, June 1998.

¹⁵⁹Human Rights Watch interview with Nodira Khojaeva and Mamlakat Monsurava, Tashkent, June 3, 1998.

¹⁶⁰Human Rights Watch interview with Nodira Khojaeva, Mamlakat Monsurava, and Dilora Bainazarova, Tashkent, June 1, 1998.

¹⁶¹Human Rights Watch interview, name withheld, Tashkent, July 1998.

All was normal until winter 1997. Now there is a full-scale campaign to not allow religious people into the classroom and they have begun to threaten students with lists and files on all of them. The dean, Bohobov, told students, as a threat, that files on them had been compiled by the security services.¹⁶²

University administrators warned religious and outspoken students that officials at even the highest levels in the security services were monitoring their activities. It appeared that university officials were attempting to intimidate students and dissuade them from organizing dissent or even expressing their opposition to university policies on religious practice. For example, students at the Institute for Oriental Studies delivered a statement to Rector Ibromimov calling on him to reopen a place for them to pray at school. One of the institute's deans responded several days later by summoning to his office at least one of the students who had signed the request.¹⁶³ The dean stated that the young man's connection with the statement meant that he was a "Wahhabi" and he threatened the student with expulsion. In an apparent effort to silence the student and frighten him into halting his activism, the dean disclosed that the statement was known about by Major General Rustam Inoyatov, National Security Service Chief, and by Baktiar Gulomov, then special advisor to President Karimov.¹⁶⁴

NOWHERE TO TURN: OBSTACLES TO REMEDIES

¹⁶²Human Rights Watch interview with students from Tashkent State University, Tashkent, May 23, 1998. The suggestion that lists and files on religious students were being compiled by the state security services is credible and part of an overarching pattern of government surveillance of independent Muslims. As noted above, in "Background," Human Rights Watch learned that surveys were being conducted to establish citizens' degree of religiosity and that files on respondents were then maintained by local police chiefs. Human Rights Watch interviews, names withheld, Kokand, May 1998; and *Central Asia Monitor*, news and comments section, volume five, 1998, p. 31. That publication cited a *Vremya MN* article, which reported that local leaders were monitoring the movements and behavior of religious and non-religious residents in Uzbekistan and maintaining lists of "potential trouble-makers." In addition, following the explosion of five to six bombs in Tashkent on February 16, 1999, Minister of Internal Affairs Zakir Almatov, discussing the government's investigation of the bombings, reportedly claimed that his ministry had the names of 6,000 people alleged to be members of extremist groups. Associated Press Newswires, "President Calls for Extremists to Surrender, Some Heed His Call," April 5, 1999. Given the probable surveillance of citizens regardless of outward signs of religiosity, it is reasonable to expect that those students whose appearance suggests that they are orthodox would be targets of surveillance and information gathering by the state intelligence service.

¹⁶³Human Rights Watch withheld the name of the dean involved in this incident. The student's name has been withheld at his request.

¹⁶⁴Human Rights Watch interview, name withheld, Tashkent, June 1998.

Despite the limited means available to obtain redress, the religious students who were expelled, threatened, and harassed actively advocated within the legal system or mainstream political channels for the restoration of their right to education.

They wrote letters to university administrators and appealed both in writing and in person to government authorities to be reinstated; some brought civil suits against the universities for reinstatement. Given the political nature of the campaign against religious Muslims, and the authoritarian nature of Uzbekistan's political system, it is not surprising that their attempts failed.

No official would break ranks by helping the expelled students, even on an ad-hoc basis. Students expelled from Tashkent State University appealed on their own behalf to the government Committee on Religious Affairs. That committee's chairman, Sharafudin Mirmakhmudov reportedly told the students to take their complaints to (former) Deputy Prime Minister Alisher Azizkhojaev. According to the students, Deputy Prime Minister Azizkhojaev emphatically rejected their request to be reinstated, and he told them, "If Mirmakhmudov helps you, he will answer for it, too."¹⁶⁵

Students expelled from Tashkent State University were particularly active in appealing to government officials on their own behalf. They wrote dozens of letters and statements and paid visits to numerous government administrative offices, from the Muslim Board to the deputy prime minister. Officials consistently refused to consider the students' complaints on their merits and held that Islamic dress was prohibited and access to university would be denied until and unless they ceased wearing their religious attire.

Early in the process of their appeals for redress, the Tashkent State University students wrote to Minister of Higher Education Okil Solimov and his deputy. When they received no reply, the students then went to Solimov's office, where officials reportedly told them, "the expulsion was in accordance with orders from above," that they were "interfering with the internal politics of the country," and that they would get nowhere if they continued to dress this way.¹⁶⁶

Minister Solimov also declined to meet with Human Rights Watch. In May 1998, Human Rights Watch made an official request, through the Ministry of Foreign Affairs, to meet with Minister Solimov. We were informed that Minister Solimov was too busy to meet with Jonathan Fanton, Human Rights Watch chairman, and Holly Cartner, executive director of the Europe and Central Asia division. In a May 26 meeting with Human Rights Watch, however, Foreign Minister Komilov responded to questions about the expulsion of Muslim students:

I was appointed two days ago as the rector of the University of World Diplomacy and Economics and I want to promise you that if anyone were punished from the university, it would be because of poor educational level or poor discipline.¹⁶⁷

¹⁶⁵Human Rights Watch interview with students from Tashkent State University, names withheld, Tashkent, May 23, 1998.

¹⁶⁶Human Rights Watch interview with students from Tashkent State University, names withheld, Tashkent, May 23, 1998.

¹⁶⁷Human Rights Watch interview with Foreign Minister Abdulaziz Komilov, Tashkent, May 26, 1998.

He also assured Human Rights Watch that he would ask his colleagues about the reasons for the expulsions.¹⁶⁸ As of January 1999, the Ministry of Foreign Affairs had not provided Human Rights Watch with any explanation for the expulsions.

¹⁶⁸Ibid.

Several female students who had been expelled from Tashkent State University appealed to the head of the government's Women's Committee, Dilbar Guliamova. Guliamova reportedly told them they would never be reinstated and that they were not helping Uzbekistan or themselves by comporting themselves in this way. On a second appeal to the committee, Guliamova reportedly said that it was "all over," that an order had come from the president, so there was "nowhere else to go," and that there was a new law against Islamic dress, so there was no way the students would be reinstated without removing their headscarves.¹⁶⁹

Sayora Rashidova, representative on human rights (ombudswoman) to the Supreme Council (parliament or Oliy Majlis) of the Republic of Uzbekistan, failed to address at least one student's needs for assistance in claiming her rights. Raikhona Hudaberganova, for example, who was expelled from the Institute for Oriental Studies, testified that Rashidova altogether failed to respond to her written application for help.¹⁷⁰ The ombudswoman did, however, forward the student's complaint to Minister of Higher Education Solimov.¹⁷¹ His office then informed Hudaberganova that her expulsion was in accordance with the law.¹⁷² To our knowledge, Rashidova took no further action on the matter of Hudaberganova's expulsion.

Students also appealed to the religious leadership, in particular to the Mufti of Uzbekistan, who is the head of the Muslim Board of Uzbekistan and the highest-placed leader of official Islam in the country. In a meeting with Human Rights Watch, Mufti Bahromov said that expelled female students had come to him many times, crying and asking for help to be readmitted. The Mufti refused to help them, however. He and his deputy dismissed the students as "Wahhabis" and claimed their behavior was immodest, breached the codes of conduct, and amounted to violation of the constitution.¹⁷³

Some students turned to the courts for reinstatement and for support for the right to wear religious attire on campus. In some instances, students' lawyers discouraged them from bringing a case and advised students to drop their cases. In two cases known to Human Rights Watch, courts heard students' complaints, but ruled against them. In no case did a court find in favor of a student and order the university to readmit him or her.

One student's attorney was extremely reluctant to take on his case. When administrators of Tashkent State Technical University pressured a young man from Namangan to shave his beard in January 1998, the student turned to a private lawyer for help. The lawyer told the student that the case could not be won and that he could do nothing, because university administrators were acting in accordance with government policy. He advised the student to shave his beard. The student told Human Rights Watch that he then felt he had no option but to shave his beard, which he did.¹⁷⁴

Before they went to court to challenge their expulsion, Umida Asimova and Dilfuza Turdieva appealed to the Institute for Oriental Studies leadership and wrote to government officials, including Minister of Higher Education Solimov and his deputies. Asimova also met with two of Solimov's deputies; she recalled, "They promised they would decide that question about scarves and marks. One of the ministry officials said there would be a commission at the

¹⁶⁹Human Rights Watch interview with students from Tashkent State University, names withheld, Tashkent, May 23, 1998.

¹⁷⁰Human Rights Watch unofficial transcript of the civil trial of Raikhona Hudaberganova versus the Institute for Oriental Studies, Mirabad District Court hearing, Tashkent, July 16, 1998.

¹⁷¹Letter from Sayora Rashidova, ombudswoman, to Minister of Higher Education Solimov, document number 06-3/282, May 12, 1998, translated from Uzbek.

¹⁷²Letter from R.I. Kholmuradov, first deputy minister of higher education, to Raikhona Hudaberganova, document number 89-02-139/X-92-2, May 20, 1998, translated from Uzbek.

¹⁷³Human Rights Watch meeting with Mufti Abdurashid Qori Bahromov, Chairman of the Muslim Board of Uzbekistan, and his deputy, Atakul Mablamulov, Tashkent, May 25, 1998.

¹⁷⁴Human Rights Watch interview, name withheld, Tashkent, July 1998.

university to administer an exam, but that I couldn't pass the exam."¹⁷⁵ According to the students, no such commission was established.¹⁷⁶

After their expulsion, Asimova and Turdieva retained a lawyer and, on May 7, 1998, filed a civil case in a Tashkent district court, calling on the Institute for Oriental Studies to restore their academic status. On May 20, the court held a meeting of the parties involved and the students were informed that their lawyer had been offered a unique settlement deal. Under the proposed arrangement, the institute would investigate the case and the young women would be able to apply for reinstatement after three months. The students' lawyer encouraged them to accept this offer, since she believed they would lose in court, and they consented.

¹⁷⁵Human Rights Watch interview with Umida Asimova and Dilfuza Turdieva, Tashkent, June 11, 1998.

¹⁷⁶Ibid. The exam was for students who believed they had received low marks as retribution for wearing religious attire.

In a December 7, 1998, letter to Ombudswoman Sayora Rashidova and others, Asimova and Turdieva reported that on August 30, 1998, Rector Ibrohimov rejected their written appeals for reinstatement. He allegedly gave them no explanation for the decision, and it was not clear whether or not the students' cases had in fact been investigated further by the institute, as allegedly promised, during the three-month postponement. According to Turdieva and Asimova, the rector said that if the students wanted to return to the institute, then they would have to remove their hijab and pay a large fine to the institute.¹⁷⁷

The young women decided to reactivate their court case. They claimed, however, that Judge Kurbanova did not give them a fair hearing. They alleged that she failed to consider seriously documents and arguments provided by the students and consistently interrupted the students' presentation of evidence and witness testimony, while admitting without question the arguments of the institute's administration. Judge Kurbanova ruled that the students' expulsions had been well-founded, and fined Turdieva and Asimova 5,500 som (approximately U.S. \$55), payable to the state.¹⁷⁸

Asimova and Turdieva appealed Judge Kurbanova's ruling to the Tashkent Municipal Court, which rejected their appeal. Asimova and Turdieva filed an appeal before the Supreme Court.¹⁷⁹ As of January 1999, there was no information available as to whether or not the Supreme Court had agreed to review the case.

As noted above, Raikhona Hudaberganova also sought reinstatement through the courts. As in other cases, her lawyer initially tried to discourage her from filing her case and suggested that she instead comply with the government order. He told her, "Take off your scarf, I cannot go against the president."¹⁸⁰ Nonetheless, she decided to move forward with the case.

The civil suit was brought before the Mirabad District Court of Tashkent, presided over by Judge Ulughbek Bakhshulaevich Navruzov.¹⁸¹ Judge Navruzov upheld the institute's argument that Hudaberganova must alter her appearance to comply with the regulations on dress stipulated in the institute's code of conduct. On the issue of admission to exams, she and other female students would have to uncover their faces, so that professors could identify them. Hudaberganova would not be allowed to teach children while in hijab. Hudaberganova filed an appeal before the Tashkent Municipal Court.¹⁸² Hudaberganova lost this appeal and a subsequent appeal, heard by the Supreme Court of the Republic of Uzbekistan. As of July 1999, she was preparing a complaint of religious discrimination addressed to the United Nations Human Rights Committee.¹⁸³

¹⁷⁷Letter from Umida Asimova and Dilfuza Turdieva to Sayora Rashidova, December 7, 1998, translated from Russian.

¹⁷⁸Ibid. Under the 1998 amendments, violating article 14 of the law on freedom of conscience incurs a fine of five to ten times the minimum monthly salary (U.S. \$11). See above, "Laws and Rules Regulating Religious Attire."

¹⁷⁹Information provided by Mikhail Dmitrivich Ardzinov, chairman of the Independent Human Rights Organization of Uzbekistan, January 18, 1999.

¹⁸⁰Human Rights Watch interview with Raikhona Hudaberganova, Tashkent, June 14, 1998.

¹⁸¹For details on this case, see above, "Laws and Rules Regulating Religious Attire."

¹⁸²Information provided to Human Rights Watch by Mikhail Dmitrivich Ardzinov, chairman of the Independent Human Rights Organization of Uzbekistan, January 18, 1999.

¹⁸³Human Rights Watch interview with Raikhona Hudaberganova, Tashkent, July, 1999.

Some students who despaired after failing to be reinstated at their original university attempted to apply elsewhere. This also failed, as the policy of excluding religious students from educational institutions proved uniform. Farida Halikova's story reveals the true absence of options open to students after expulsion. After Institute for Oriental Studies administrators barred her from classes and then expelled her, Halikova returned to her home town in the Fergana Valley. There, Halikova applied to Fergana State University to continue her education. Only months after joining the philology department at that institution, Halikova was again forced out because of her religious attire.¹⁸⁴

The Price of Return

The most obvious condition for the return or readmission of expelled students was the removal of their headscarves or beards. As the rector of the Pediatric Medical Institute in Tashkent put it, "The doors of our institution are open for them, if they come in normal clothes. If, in our presence, they are in normal clothes, I will change my order."¹⁸⁵

However, removal of religious attire does not suffice for reinstatement. Universities demanded that the expelled students repeat the year of study in which they were dismissed, even when they had only their exams left to complete. Students are also required to pay a fine or are placed in the category of tuition paying students in order to qualify for readmission. Even before Judge Kurbanova fined Turdieva and Asimova, the Ministry of Higher Education explained to the young women that payment of a fine of 10,000 som would be a condition for their reinstatement, in addition to removal of their religious clothing and repeat of their final year of study.¹⁸⁶ The administration of Tashkent State University stated explicitly that students expelled for religious dress could rejoin the ranks of the university only as paying students. Rector Dolimov told Human Rights Watch that "To be readmitted, they have to re-apply with a letter and pay 70,000-80,000 soms [approximately U.S. \$100], like the paying students."¹⁸⁷ This is significant as only a minority of students at the university pay tuition, a practice slowly being instituted. This policy had not yet affected the students under question in this report.

Financial penalties thus served as a disincentive to students to pursue legal remedy and as an additional obstacle to obtaining reinstatement.

¹⁸⁴Human Rights Watch interview with Farida Halikova, Tashkent, December 18, 1998.

¹⁸⁵Human Rights Watch interview with Rector Damin Abdurakhimovich Asadov, Tashkent, June 3, 1998.

¹⁸⁶Human Rights Watch interview with Umida Asimova and Dilfuza Turdieva, Tashkent, June 11, 1998.

¹⁸⁷Human Rights Watch interview with Rector Turabek N. Dolimov, Tashkent, May 25, 1998.

APPENDIX A

RELIGIOUS ATTIRE IN FRANCE AND TURKEY

The policy of prohibiting Muslim dress in public educational institutions is not unique to Uzbekistan. The precedent for discriminatory expulsions of religiously observant students was set in the late 1980s and 1990s by the governments of France and Turkey. The policy rationales of the stringently secular governments of France and Turkey form a dramatically different backdrop, however, from the Uzbekistan government's deliberate cooptation of certain Islamic symbols and its attempt to regulate religious practice by propounding an official version of Islam.¹⁸⁸ In the cases of France and Turkey, a strict interpretation of the separation of religion and state led to the violation of individuals' rights, and an unyielding commitment to secularism limited policy-makers' views of acceptable options.

France

Women and girls wearing veils was not a new phenomenon in France when the controversy began in 1989; some commentators have suggested that the controversy was fueled by fears of Islamic fundamentalism.¹⁸⁹ In 1989, a school principal in the town of Creil sent three female students home because they would not remove their headscarves.¹⁹⁰ Ruling on the case, the Conseil d'Etat held that wearing religious symbols is not in itself incompatible with the principle of secularism in the public schools; veils could not be prohibited outright. However, tolerance did not extend to religious symbols that "by their ostentatious character constitute an act of pressure, provocation, proselytism, or propaganda."¹⁹¹ The implication was that those wearing ostentatious symbols could be excluded, though the term was not defined.¹⁹² Although it is well established that the French political system is based in part on a strict

¹⁸⁸High-level officials in the government of Uzbekistan referred to the policies of France and Turkey as precedents and further justification for placing limits on religious attire. For example, Iunusova from the Committee on Religious Affairs attached to the Cabinet of Ministers of the Uzbekistan government stated, in a court proceeding, that universities had the right to dictate what was decent dress, noting that the issue had emerged earlier in France, where, she said, scarves were prohibited because they posed a danger in chemistry laboratories. Human Rights Watch unofficial transcript, Mirabad District Court hearing, Tashkent, June 16, 1998.

¹⁸⁹See, e.g., Judy Scales-Trent, *African Women in France: Immigration, Family and Work*, 24 BROOKLYN J. INT'L L. 705, 714 (1999). Scales BTrent also suggests that the gender aspects of the issue have not been properly addressed. *Id.* at 716.

¹⁹⁰See Edward Mortimer, *Liberte, Egalite, Lacite*, THE FINANCIAL TIMES, Dec. 12, 1989 at 19.

¹⁹¹Circulaire du 12 décembre 1989, J.O., Dec. 15, 1989, page 15577, quoting Conseil d'Etat decision of Nov. 29, 1989. While *Conseil d'Etat* decisions are available via Lexis, the CONSET file is not complete. We have relied on press and other reports where cases could not be found.

¹⁹²*Id.* See also, Philippe Bernard, *Les suites des polemiques de 1989 Le Conseil d'Etat annule l'exclusion de trois collegiennes portant le voile islamique*, LE MONDE, Nov. 4, 1992.

interpretation of the separation of religion and state, the vague standard enunciated by the French court proved divisive and contentious and opened the door to continued arbitrary expulsions.

In a different case decided November 2, 1992, the Conseil d'Etat annulled the exclusion of three students in Montfermeil who had violated school policy by wearing Islamic headscarves. The school policy strictly forbade the wearing of all distinctive symbols, clothing or otherwise, of a religious, political, or philosophical character. This rule, in its broad terms, was found to violate students' rights of expression and the principles of neutrality and secularism in public education.¹⁹³

¹⁹³See Conseil d'Etat, Nov. 2, 1992, No. 130.394 (Kherouaa, Kachour, Balo, Kizic), *available in* Lexis, CONSET file.

In March 1995, the Conseil d'Etat for the first time upheld the exclusion of students in a case involving two sisters who had refused to obey an order from their physical education teacher to remove their headscarves.¹⁹⁴ The court concluded that their refusal, along with their father's organization of demonstrations in front of the school to protest the school's policy, amounted to a disturbance of educational activity. The court distinguished this case from the earlier cases where schools had issued general prohibitions on religious symbols.¹⁹⁵

In July 1996, the Conseil d'Etat decided a case involving university students. A dean at the University of Lille II had excluded two students for wearing headscarves on grounds that it conflicted with public order. The lower court's reversal of the dean's decision was upheld by the high court: denying university access to young women wearing the veil was found to be without legal basis.¹⁹⁶

In the next series of cases, decided in November 1996, the Conseil d'Etat confirmed twenty-three and overturned seven exclusions.¹⁹⁷ The seven reversals all involved school policies that flatly prohibited headscarves. The court awarded damages in each case.¹⁹⁸ Most or all of the confirmed exclusions involved students who had high rates of absenteeism, especially for physical education classes, and had participated in demonstrations against the policies, sometimes with their parents. The court seemed particularly likely to uphold the expulsion of students who publicly had protested the ban on religious expression at school, as demonstrations were seen to be a disturbance of public order.¹⁹⁹

The controversy has continued to simmer. In late 1998, a twelve-year-old student in Flers (western France) was denied admission to two schools when her father informed the schools that his daughter would not remove her veil for gym class. The father went to an administrative tribunal to overturn the denial of admission. The school board of college Jean-Monnet intervened to admit the student, but teachers refused and denied her admission, motivated by the principle of secularism.

Certainly the incidents cannot be divorced from their political context: the cases arose at about the same time as the rise of the extreme right party *Front National* and its anti-immigrant platform, i.e., at a time when French mainstream politics was shifting to the right. The decisions indicate that both school officials and the courts have considerable discretion to decide whether a student is acting within the "boundaries of expression." If the school imposes a general ban on veils, the policy will not withstand scrutiny. But where students are required to remove their

¹⁹⁴ See Conseil d'Etat, Mar. 10, 1995, No. 159.981(Aoukili), available in Lexis, CONSET file.

¹⁹⁵ The sisters, according to the court, had crossed the line separating expression from provocation and proselytism *Id.* See also Philippe Bernard, *Le Conseil d'Etat a confirme le renvoi de deux collegiennes de Nantua*, LE MONDE, Mar. 13, 1995.

¹⁹⁶ See Conseil d'Etat, July 26, 1996, no. 170106 (Universite de Lille II), available in Lexis, CONSET file.

¹⁹⁷ See Philippe Bernard, *Le Conseil d'Etat a confirme l'exclusion de vingt-trois eleves musulmanes voilees; Ces decisions demeurent dans le droit-fil de la jurisprudence elaboree depuis 1989*, LE MONDE, Nov. 29, 1996.

¹⁹⁸ See, e.g., Conseil d'Etat, Nov. 27, 1996, nos. 170941 (Naderan), 172663 (Mechali), 172686 (Jeouit), 172898 (Antar, Mafta), available in Lexis, CONSET file.

¹⁹⁹ See, e.g., Conseil d'Etat, Nov. 27, 1996, no. 172685 (Tlaouziti), available in Lexis, CONSET file. See also Philippe Bernard, *supra* note 13.

veils, claim that they cannot do so out of conviction, and then are excluded for their actions, the courts have upheld the exclusions on the basis of the student's "interference" with educational activities.

Turkey

In the case of Turkey, a secular-nationalist agenda apparently motivated student expulsions. The tension between the adamantly secular forces within the Turkish government and those who sought to raise the profile of Islam in politics had resulted in much controversy over the policy toward Islam. This political struggle culminated in June 1997, when the military and other secularist elements of the government, who felt Prime Minister Necmettin Erbakan had gone too far in promoting Islam's integration in state affairs, forced him to resign; in January 1998, the Supreme Constitutional Court outlawed his pro-Islam Welfare Party. The military had objected to, among other things, the Erbakan government's move to legalize female civil servants' right to wear headscarves in government buildings.

Religious dress was viewed by some in Turkey as a symbol of political affiliation and tantamount to advocating for the rise of Islam in politics. The ban on headscarves for workers in the public sector and students at state schools can thus be placed in the context of this struggle between secularism and religion-based governance. Secularism in Turkey is a fundamental part of Kemalist ideology and much of the discourse on the exclusion of students who wore headscarves was grounded in the ideas of modernism and the secular vision passed on by Ataturk.²⁰⁰

Eleven students were reportedly expelled from Istanbul University in 1998 for wearing headscarves and beards.²⁰¹ Many observant Muslims in Turkey rallied around the cause of the students and the students took up their own cause actively, holding protests and hunger strikes and launching media campaigns to generate support for their reinstatement.

In February 1998, the Ministry of Education issued a restatement of government policy banning headscarves in state schools, making an exception for state religious schools. Students protested this and Istanbul University's policy compelling students to appear on their identification cards without headscarves or long beards or else be denied access to classes. Police in riot gear reportedly blocked thousands of student protesters from campus. The protesters appeared to have been partially successful, however, when the dean of the university agreed to rescind the identification-card policy.²⁰²

In June 1998, however, Istanbul University, with the active support of the police, barred students in Muslim dress from attending their final examinations.²⁰³ Religious students and others sympathetic to their cause practiced civil disobedience. The students also generated publicity and political attention to their plight by marching from Istanbul to Ankara.

In October 1998, universities refused to register females in headscarves. Police arrested hundreds of participants in large-scale protests against the state policy and the universities' implementation of the ban on headscarves.²⁰⁴ As of January 1999, the law banning headscarves for public workers and students of public schools remained in place.

In both France and Turkey, anti-religious restrictions had a radicalizing effect on observant Muslims. Deprived of their rights, students became politically active. French and, to a lesser extent, Turkish students and their supporters

²⁰⁰It is notable that in February 1998, a Turkish court sentenced 128 members of the Islamic Aczmendi sect to prison terms ranging from twenty months to six years for "insulting Ataturk and disobeying security forces." Originally, when authorities arrested the group's members in 1996, they had charged them with violating rules of "modern dress reform" established by Ataturk. See: Human Rights Watch World Report 1999.

²⁰¹Agence France Presse, "Islamist Students Clash with Istanbul Police over Headscarf Ban," June 12, 1998.

²⁰²Agence France Presse, "Istanbul University Backs Down in Row over Headscarves," February 26, 1998.

²⁰³Agence France Presse, "Islamist Students Arrive in Ankara to Protest Headscarf Ban," June 24, 1998.

²⁰⁴Agence France Presse, "Turkish Police Arrest 70 at Pro-Islamist Demonstration," October 14, 1998.

were able to express their disdain for the discriminatory laws and therefore, while radicalized or politicized, were still able to remain within the political system.

Students in Uzbekistan, however, were allowed no voice in the government-dominated discourse that determined their education and, ultimately, their livelihood. Nonetheless, they exhausted the few conventional channels open to them for reinstatement, such as writing to government leaders and filing appeals in civil court. Neither of these approaches proved fruitful, as government officials and the courts upheld government policy.

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