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TAJIKISTAN: "This Law will worsen the situation with religious liberties"

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Tajikistan's restrictive new Religion Law, approved by both Houses of Parliament with little debate this month, could go to President Emomali Rahmon for signature within days, Akbar Turajonzoda, an independent member of Parliament's Upper House, told Forum 18 News Service. "This Law contradicts Tajikistan's Constitution and international norms," he insisted. "I voted against." Protestant communities are also concerned, with one pastor telling Forum 18 that "this Law will worsen the situation with religious liberties". The new Law favours the Hanafi school of Islam over other schools, restricts the number of mosques, requires the state to name all imams, restricts religious education, imposes compulsory censorship of religious literature and imposes wide-ranging state control over the activity of all religious associations. Officials reject the possibility of allowing debate on the Law. "We have already had enough public debates," a parliamentary official told Forum 18. "What we need is just to finally adopt it."

In a sudden move, Tajikistan's proposed new Religion Law – approved by the Lower House of Parliament on 5 March – was adopted today (12 March) by the Upper House also, Forum 18 News Service has learnt. The Law could now go to President Emomali Rahmon for signature "next Monday, maybe even before",

Akbar Turajonzoda, Tajikistan's chief mufti in the early 1990s and now an independent member of Parliament's Upper House, told Forum 18 from the capital Dushanbe on 12 March. "This Law contradicts Tajikistan's Constitution and international norms," he complained. "I voted against, and one other parliamentarian voted against. All the rest were in favour. I appealed to them to reject the Law and send it back, but I failed." He said that in adopting the Law, members of Parliament were also rejecting the views of other political parties, non-governmental organisations and religious communities.

Protestant communities are also concerned. "I understand the purpose of adopting new laws in democratic societies is to enhance the situation with civil rights," one Protestant pastor who asked not to be identified told Forum 18 from Dushanbe on 12 March. "But this Law will worsen the situation with religious liberties."

Mavlon Mukhtarov, the Deputy Culture Minister, refused to say how long the President is likely to take to decide whether to sign or reject the new Law. "He is the President and no one can interfere with his duties," he told Forum 18 from Dushanbe on 12 March. "It is up to him - whenever he decides, only then will the Law be signed."

Religious communities have told Forum 18 of their concerns that the new Law would bar all but a few mosques – and possibly many places of worship of other faiths – from gaining legal status, restrict religious education, impose compulsory censorship of religious literature and impose wide-ranging state control over the activity of all religious associations.

Despite many provisions in the new Religion Law that violate Tajikistan's Constitution and its international human rights commitments, Deputy Culture Minister Mukhtarov insisted to Forum 18 that some of the comments provided on an earlier draft by the Organisation for Security and Co-operation in Europe (OSCE) had been taken into account. He did not say what comments by individuals and communities within Tajikistan had been taken into account.

Concerns at secrecy and repressive provisions

Many members of religious communities have criticised not only the restrictive provisions in the Law but what they regard as its hasty adoption, as well as what they regard as the secrecy and lack of consultation. An Ismaili imam from Mountainous Badakhshan Autonomous Region – who asked not to be named - said he was surprised to hear that the Law had already passed through Parliament. "We only hear about it from you," he told Forum 18. "We know absolutely nothing about what is going on with the Religion Law."

The Ismaili imam was also surprised to learn that the new Law's Preamble recognises the "special role of the Hanafi school of Islam in the development of the national culture and moral life of the people of Tajikistan". The Hanafi school is the oldest school of Sunni

Islam and the most widely followed in Tajikistan. "I do not understand why a certain school of Islam should be given any preference," the imam told Forum 18. Ismailism is a branch of Shia Islam and most Ismailis live in the Mountainous Badakhshan Region.

Hikmetullo Saifullozoda of the Islamic Revival Party – which has two deputies in Parliament's Lower House - said they are "not happy at all" that Parliament "rushed through the procedures to adopt the Law quickly" and complained that the whole process of adopting the new Law is hidden from the public. He attributed the haste to President Rahmon's speech at a recent conference dedicated to Imam Azam (also known as Abu Hanafi), regarded as the founder of the Hanafi school. "The President urged Parliament to prepare the necessary legal basis for arranging the upcoming first ever international religious Conference in September to celebrate Imam Azam," Saifullozoda told Forum 18 from Dushanbe.

Saifullozoda said his party's own draft Religion Law was ignored, while the government's version was pushed through. "The whole process was ridiculous. We had only two or three public discussions, and much of what the religious organisations or foreign experts said was ignored. Yes they listened to our comments, but in the end disregarded them."

Text of the Law unavailable to the public

Reached before the Upper House had approved the Law, Olim Salimzoda, the Deputy Head of the Parliamentary Committee on International Relations, Public Organisations and Information, which had worked on the Law, refused to give Forum 18 the text of the draft as approved by the Lower House. "Parliament cannot reveal the text to anyone until it is signed by the President." Asked why Parliament could not make the draft available to the wider public, he responded: "We have already had enough public debates. What we need is just to finally adopt it."

Asked why the Hanafi school is singled out in the Law's Preamble as having a "special role", Khosim Mukhtarov, Advisor to Salimzoda, insisted to Forum 18 on 12 March that all religions are treated equally in the law. "It is just a decoration and has no legal implications," he said. "We just wanted to emphasise our traditions, just as they did in Russia's and Kazakhstan's laws."

Law adopted in secrecy without much debate

The Dushanbe-based Asia-plus news agency reported that the Lower House of Parliament on 5 March adopted the draft Religion Law "without any essential debates". It said the law-makers who made comments mainly supported the draft. "The religious radicalism, nihilism and some Islamic movements foreign for our people occasioned the adoption of a new Law," it quoted Culture Minister Mirzoshokhrukh Asrori as telling the Lower House. The Ministry of Culture is one of the co-authors of the draft.

Asrori claimed that Tajik experts and theologians as well as OSCE experts, political parties and non-governmental organisations had taken part in the two-year long preparation of the draft.

Payam Foroughi, Human Dimension Officer at the OSCE Office in Tajikistan, says he has yet to see the version of the draft Law which was voted on by the two houses of parliament. "When I called the parliament after the Lower House had voted on it, I was told that the draft cannot be released to anyone," he told Forum 18 from Dushanbe on 12 March. "Still, the OSCE member states' general commitments on this issue are clear: In the Budapest 1994 document, for example, all member states, including Tajikistan, committed themselves to ensuring freedom of conscience and religion and to foster a climate of mutual tolerance and respect between believers of different communities as well as between believers and non-believers. What we hope is that what will likely be a new law on freedom of conscience and religious unions in Tajikistan will also uphold all such commitments."

Foroughi's colleague, Michael Unland, Media Officer at the OSCE Office, stressed all OSCE participating states' commitment to "democratic practices of freedom of information" and public access to information. "Public discussion, and ease of access to information prior and during the parliamentary discussions, are democratic standards," he told Forum 18 on 12 March, "and in this case particularly important given the significance of the Law for Tajikistan."

Concern at the Law's content

Human rights defenders and religious communities have expressed concern to Forum 18 ever since this latest draft Religion Law was sent to Parliament by the President in November 2008 (see F18News 17 December 2008 http://www.forum18.org/Archive.php?article_id=1230).

Although the version approved by Parliament has removed or softened a handful of provisions that had caused particular concern, much of it remained unchanged. However, the Dushanbe Protestant pastor sees a trick. "The same restrictions as seen in the previous draft remain in this one too, though it is worded more cleverly to hide the underlying implications," he told Forum 18. "For example, the previous draft said explicitly that foreign citizens and those without citizenship may not become leader of a religious organisation. But now saying they may participate in a religious organisation implicitly means they may not be appointed as leaders. In order to reinforce this, the Law requires founders to indicate their nationality when asking for registration."

Turajonzoda of the Upper House of Parliament complained to Forum 18 of the ban on state officials being able to become legal founders of religious communities. He also complained that religious rites can only take place at official places of worship, cemeteries and private homes. "Why not in offices where people work?" He pointed out that while Tajikistan describes itself as a "secular state", even in other secular states prayer rooms are allowed at places of work. "Why are they allowed there but not here?"

Religious literature restrictions

Turajonzoda also objected to the censorship to be imposed on all religious literature. "I am against this," he told Forum 18. "There are too many restrictions."

The Dushanbe Protestant pastor said churches had enough problems obtaining religious literature in the past with the current Law, which was much more lenient on this issue. He pointed out that in 2008 the Baptists had to send back a huge shipment of Christian literature since they were not allowed to receive it. "The authorities will now by law openly curtail the quantity of literature produced or imported," he told Forum 18. "The draft Law says literature is permitted with permission 'in an appropriate quantity'. How is the appropriateness of the quantity determined?"

Religious education of children restricted

Saifullozoda of the Islamic Revival Party criticised the requirement that written permission from both parents is required before children can take part in religious education. He believes this will "practically ban children from any religious activity". He told Forum 18 that police have already checked children at some mosques trying to identify what schools they go to. "Now this Law will directly allow police to be present at any mosque to stop children from going in."

The Dushanbe Protestant pastor also touched on religious education of children. "According to this Law even if children come to a religious service, not classes, it may be interpreted as involving children in religious education."

Particular restrictions placed on Muslims

The new Law singles out the Muslim community for special restrictions, limiting the number of mosques of different types depending on the local number of residents and imposing state interference in the appointment of imams (though other faiths appear free to appoint their own leaders).

"Why should the state appoint imam-hatips and imams?" Saifullozoda asked. "Mosques are supposed to have councils responsible for electing their imams, but they are a mere formality. In reality the State already appoints imams."

Saidbeg Mahmadulloev of the Culture Ministry's Religious Affairs Committee, told Forum 18 on 12 March that mosques are treated in a special category because of the deep Islamic traditions of the country. "More than 90 percent of the country adheres to Islam, so we need to take that into account." Commenting on the division of mosques into categories, he said: "Under Sharia law not every Muslim is required to perform Friday Prayers, so not every district or believer needs to have a cathedral mosque providing Friday Prayers. Fivefold mosques would suffice for many." Mahmadulloev refused to explain why children are restricted from participating in religious activity.

Obstacles isolating believers from foreign co-religionists

The Protestant pastor from Dushanbe criticised the provision that religious organisations must get the consent of the Religious Affairs Committee to invite foreigners or attend religious conferences outside the country. "This is direct interference by the state," he told Forum 18.

Registration restrictions

The pastor complained that the founders of a religious organisation seeking registration must show a document from their local executive body certifying that they have lived in their territory for at least five years and adhered to the religion. "How can they do that? How will they know if someone has believed in some religion for that many years? I am afraid they will not give such a certificate, saying it is outside their competence. And then the Religious Affairs Committee will excuse themselves, saying it is not their fault they cannot register."

Official hostility to freedom of religion or belief

Tajik authorities have also been violating freedom of religion or belief independently of discussions of the new Law.

The authorities have continued to close down and demolish Muslim, Christian and Jewish places of worship in Dushanbe. Unregistered mosques have been closed down by city authorities, the country's only Jewish synagogue has been bulldozed, while Protestants and Jehovah's Witnesses find it difficult to use their places of worship (see F18News 20 January 2008)

http://www.forum18.org/Archive.php?article_id=1242).

A ban on the Salafi school of Islamic thought came into effect on 9 February, even though no convictions have been obtained linking crimes to the school of thought. The ban, imposed by Tajikistan's Supreme Court, was imposed on Salafism and the import and distribution of Salafi literature. Saifullozoda of the Islamic Revival Party told Forum 18 on 14 January that he was concerned about the consequences "if the authorities keep repressing people like this and not allow them to peacefully meet and worship" (see F18News 23 January 2009 http://www.forum18.org/Archive.php?article_id=1243).

Jehovah's Witnesses still cannot officially meet for worship in Tajikistan, following an October 2007 ban on their activity. Two Protestant communities in Dushanbe also faced "temporary" bans. Abundant Life Christian Centre closed down in the wake of the ban, while the other - Ehyo Church - was officially able to resume its activity in late 2008 (see F18News 17 December 2008 http://www.forum18.org/Archive.php?article_id=1230).

The authorities have denied that they have violated the right to freedom of religion or belief. Dushanbe Executive Authority told Forum 18 on 14 January that the mosques they closed were public halls, and people had "no rights to organise prayers" there (see F18News 20 January 2008 http://www.forum18.org/Archive.php?article_id=1242). The authorities strongly denied to an OSCE conference that it had closed religious communities and demolished places of worship, a claim which the communities themselves strongly disputed (see F18News 8 October 2008 http://www.forum18.org/Archive.php?article_id=1200). (END)

More coverage of freedom of thought, conscience and belief in Tajikistan is at <http://www.forum18.org/Archive.php?query=&religion=all&country=31>.

For more background see Forum 18's Tajikistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=190.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806, and of religious intolerance in Central Asia is at http://www.forum18.org/Archive.php?article_id=815.

A printer-friendly map of Tajikistan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=tajiki>.

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