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The right to believe, to worship and witness
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The right to join together and express one's belief

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TAJIKISTAN: President signs repressive Religion Law

By Felix Corley, Forum 18 (https://www.forum18.org)

Tajikistan's President, Emomali Rahmon, has signed a repressive new Religion Law, but Presidential Administration officials refused to tell Forum 18 News Service why the Law was signed when it violates the Tajik Constitution and the country's international human rights obligations. Akbar Turajonzoda, a member of Parliament's Upper House and a former Chief Mufti told Forum 18 that "I regret very much that the President signed this Law, which will severely restrict the rights of both Muslims and non-Muslims." He said he is already drafting amendments to the Law, which he hopes to submit to the Lower House of Parliament within the next month. Deputy Culture Minister Mavlon Mukhtarov, who oversees religious affairs in the government, claimed to Forum 18 that: "There are no restrictions on religious activity in the new Law." Asked why the new Law imposes limitations on where and how many mosques may be opened, imposes state censorship of religious literature, and enforces state restrictions and control on religious education, he denied that these restrict religious activity. The Law has been criticised by many, including the UN Special Rapporteur on Freedom of Religion or Belief and the OSCE Office for Democratic Institutions and Human Rights.

Tajikistan's President, Emomali Rahmon, signed the controversial new Religion Law on 25 March, the presidential website reported the same day. Officials at the Presidential Administration refused to tell Forum 18 News Service why the president signed a Law that violates the Tajik Constitution's guarantees of religious freedom as well as Tajikistan's international human rights obligations. Condemning the move is Akbar Turajonzoda, an independent member of Parliament's Upper House and a former Chief Mufti. "I regret very much that the President signed this Law, which will severely restrict the rights of both Muslims and non-Muslims," he told Forum 18 from the capital Dushanbe on 26 March. He said he is already drafting amendments to the Law which he hopes to submit to the Lower House of Parliament within the next month.

Equally critical is Hikmatullo Saifullozoda of the opposition Islamic Revival Party (IRP), which has two deputies in Parliament's lower house. He expressed surprise that the new Law was adopted so quickly. He said there were various views on the new Law in society, "mostly negative". "I believed the President would have paid attention to these concerns and would have returned the Law to Parliament," he told Forum 18 from Dushanbe on 26 March. "But he didn't. The influence on him of other circles was greater."

Saifullozoda attributed the adoption of such a restrictive Law on secularists with a heritage in the Soviet-era atheist establishment "who don't particularly like religion, especially Islam".

But defending the new Law is Mavlon Mukhtarov, the Deputy Culture Minister who oversees religious affairs in the government. "There are no restrictions on religious activity in the new Law," he claimed to Forum 18 from Dushanbe on 26 March. Asked why the new Law imposes limitations on where and how many mosques may be opened, imposes state censorship of religious literature, and enforces state restrictions and control on religious education, he denied that these restrict religious activity.

Mukhtarov insisted that the new Law was the initiative of Parliamentary deputies. "It's their right – no one can tell them not to adopt such a Law." He agreed that the Constitution is higher than Parliament and conceded that the President should not sign any Law that violates the Constitution. Asked why the President had signed it, given the contradictions with Article 26 of the Constitution – which guarantees freedom to practice any faith or none - and the country's international human rights obligations, Mukhtarov repeated his assertion that the new Law does not contain restrictions and does not violate the Constitution.

Nargis Zokirova, who heads the Dushanbe-based Bureau on Human Rights and Rule of Law, told Forum 18 on 26 March that the requirement for permission for foreign religious contacts, to take only one example, is a violation of human rights. "Both Muslim and non-Muslim religious organisations have got the impression that this Law is aimed at controlling Islam, and that all other faiths will likewise fall under control."

Zokirova pointed out that the President signed the Law despite concerns within the country and from abroad, including earlier this week from the US Commission on International Religious Freedom. She argues that to avoid further such restrictive laws being adopted in future, Tajikistan must allow more accessible and open discussion especially with groups who are directly affected by any Law.

Human rights defenders and religious communities have expressed concern to Forum 18 ever since this Law was sent to Parliament

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by the President in November 2008. Despite such complaints, the Law was approved by the Lower House on 5 March and by the Upper House on 12 March (see F18News 12 March 2009 http://www.forum18.org/Archive.php?article_id=1266). The new Law replaces the Religion Law first adopted in 1994 and amended in 1997, 1999 and 2001.

Criticism by UN Special Rapporteur and the OSCE

The new Law has been criticised not only by human rights defenders, religious communities and some politicians within Tajikistan, but also by the United Nations Special Rapporteur on Freedom of Religion or Belief Asma Jahangir and the Organisation for Security and Co-operation in Europe (OSCE).

Jahangir told the UN Human Rights Council in Geneva on 12 March – the day the Law was finally approved in Parliament - of her "serious concerns" about it, pointing out that this was not the first time she had expressed such concerns. She warned that enacting such a Law "could lead to undue limitations on the rights of religious communities and could impermissibly restrict religious activities of minority communities".

Special Rapporteur Jahangir also criticised the current situation, particularly condemning "violent attacks" on places of worship and obstruction to their building, obstruction to setting up religious schools and difficulties religious communities already face gaining legal status.

"We have not seen the law as signed, but the OSCE Office for Democratic Institutions and Human Rights (ODIHR), at the request of the government, provided comments on the draft of the law last year," Jens Eschenbaecher of the ODIHR told Forum 18 on 26 March. "According to the ODIHR Advisory Panel of Experts on Freedom of Religion or Belief, many provisions of the draft law did not meet international standards" (see http://www.legislationline.org/download/action/download/id/2660/file/Tajikistan_Comments%20on%20draft%20Law%20on%20Freedom%20of%20Conscience%20and%20Religious%20Associations%2031%20January%202008_eng.doc).

Eschenbaecher told Forum 18 that "the ODIHR stands ready to continue to work with the authorities in any further efforts to amend the law and make it fully consistent with Tajikistan's commitments as a participating State of the OSCE." The new Law is known to flagrantly breach the OSCE / Venice Commission Guidelines for Review of Legislation Pertaining to Religion or Belief (see http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD%282004%29028-e).

Ambassador Vladimir Pryakhin, Head of the OSCE Office in Tajikistan, told Forum 18 on 26 March that he is "still hopeful that the Law will not be interpreted in a harsh manner and that the freedoms of all individuals and groups - whether religious or non- in this rather tolerant country will remain so." He also noted that "my office is open to assist the government and civil society on this and other issues of importance."

Foreign Ministry spokesperson Davlati Nazriev said that the Ministry had received comments on the Law from various international bodies, including from the OSCE and Jahangir at the UN. "But all we do is pass them on to the addressee, in this case Parliament," he told Forum 18 on 26 March. "It is not our job to lobby Parliament." Nazriev refused to discuss how the new Law meets Tajikistan's international human rights obligations, including as a member of the OSCE.

Secrecy around Law's provisions, concern at known text

The Law was passed through Parliament without information about it being made publicly available, which also attracted much criticism (see F18News 12 March 2009 http://www.forum18.org/Archive.php?article_id=1266). It is still unclear what the detailed wording of the text as signed by the President is.

Many of an earlier draft's detailed provisions – which are thought to be very close to the provisions of the final text - caused great concern among human rights defenders and religious communities, both nationally and internationally (see F18News 17 December 2008 http://www.forum18.org/Archive.php?article_id=1230).

The most prominent aspects of the Law to have attracted criticism are:

Special role of Hanafi Islam

The recognition in the preamble to the new Law of the "special role of the Hanafi school of Islam in the development of the national culture and moral life of the people of Tajikistan" has already drawn opposition. "I do not understand why a certain school of Islam should be given any preference," an Ismaili imam told Forum 18 in mid-March. Ismailism is a branch of Shia Islam and most Ismailis live in the Mountainous Badakhshan Region.

Registration restrictions imposed

Legal founders of a religious organisation seeking registration must show a document from their local executive body certifying that

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they have lived in their territory for at least five years and adhered to the religion. State officials are not allowed to become legal founders of religious communities.

Literature censorship tightened

The government must now approve all published or imported religious literature, which can only be in an "appropriate quantity". Religious communities have already complained to Forum 18 about the existing difficulties in obtaining literature (see F18News 12 March 2009 http://www.forum18.org/Archive.php?article_id=1266).

Children's religious activity and education restricted

Written permission from both parents is required before children can take part in religious education. Police already try to stop children attending mosques. And as a Protestant pastor has pointed out to Forum 18, "according to this Law even if children come to a religious service, not classes, it may be interpreted as involving children in religious education" (see F18News 12 March 2009 http://www.forum18.org/Archive.php?article_id=1266).

Muslims singled out for extra restrictions

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). Turajonzoda, the parliamentarian, complained to Forum 18 that prayers can only take place in mosques, homes and cemeteries, not at places of work or on the streets around mosques when mosques are full. "Many people turned away because mosques are full will be banned from praying."

Turajonzoda complained that while at present any mosque can establish study classes on the Koran, in future only central mosques with a licence from the Culture Ministry will be allowed to do this. "Such classes will return underground, just as they were in Soviet times," he warned. "This is very bad – all this should be out in the open."

Contact with foreign co-believers needs state permission

Religious organisations must get the consent of the Culture Ministry's Religious Affairs Committee to invite foreigners or attend religious conferences outside the country

Government rejects all criticism

Deputy Culture Minister Mukhtarov rejected the idea that under the new Law religious education, publishing specific literature or inviting foreigners for religious purposes requires permission from the Ministry's Religious Affairs Committee. "They can do all these with the agreement of the government – that's not the same as getting permission," he claimed. Asked whether if the Committee does not agree a religious community can go ahead with such activity, he responded: "We never refuse anyone."

Despite such bland assurances, his Committee has already stripped the Jehovah's Witnesses of legal status. However, he defended this, claiming that they had violated their statute. 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).

Mukhtarov acknowledged that religious books have been halted in Customs when communities – including Baptists and Jehovah's Witnesses – have tried to import them. However, he tried to blame the Customs authorities for the decision. "It's a problem between these communities and Customs." He dismissed the characterisation of government control over religious literature as censorship, repeating earlier assertions that this is merely "agreement".

Jewish community not compensated for synagogue demolition

Meanwhile, Dushanbe's Jewish community has received a building on 18 March that they can use as a synagogue. It will replace their former synagogue, bulldozed without compensation by the city authorities partially in February 2006 and completely in June 2008 (see F18News 8 October 2008 http://www.forum18.org/Archive.php?article_id=1200).

However, the new building has been provided not as compensation by the city authorities but by a private businessman (and President Rahmon's brother in law), Hasan Asadullozoda, the local Asiaplus news agency reported on 26 March.

Rabbi Mikhail Abdurakhmanov told the agency that work is going on to make the building ready to use as a synagogue. They hope the work will be ready by Passover, which is marked on 8 April, so that the community can hold the official opening soon after. "Since the synagogue – the only one in Tajikistan – was demolished last June on the orders of the city authorities, the Jewish community has had practically nowhere to conduct religious rites over nearly nine months," he complained.

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Other violations of 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 2009 http://www.forum18.org/Archive.php?article_id=1242).

A ban on the Salafi school of Islamic thought came into effect on 9 February 2009, even though no convictions have been obtained linking crimes to the school of thought. The ban, imposed by Tajikistan's Supreme Court, is against Salafism and the import and distribution of Salafi literature. Hikmatullo 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).

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 2009 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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