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TAJIKISTAN: Will Religion Law be revised or not?

By Mushfig Bayram, Forum 18

Tajikistan's government is making contradictory statements about whether or not the new and restrictive Religion law will be changed, Forum 18 News Service notes. President Emomali Rahmon has stated that the Law "will not be changed" as it is "well-defined and clear". However, Mavlon Mukhtarov, the Deputy Ministry of Culture, has told Forum 18 that the Law is "not a dogma" and may change. "We are at the moment studying the law, and collecting recommendations on possible changes and corrections," he stated. Protests against the Law have continued within Tajikistan, an Islamic Revival Party (IRP) politician observing that it contradicts Tajikistan's Constitution and the Universal Declaration of Human Rights. Muslim, Christian and Baha'i religious communities have complained to Forum 18 that, since 2006, almost no religious organisations have been given state registration, the head of the Culture Ministry's Religious Affairs Department confirming that "only" new non-Muslim religious organisations were denied registration since 2006.

Despite heavy local and international criticism of the highly restrictive new Religion Law which President Emomali Rahmon signed in March and which came into force on publication at the beginning of April, the President has insisted that the Law will not be amended. However, officials have claimed to Forum 18 News Service that some "technical changes" could be introduced.

Officials also told Forum 18 that regulations setting out the registration and re-registration procedure are likely to be complete by the end of May for re-registration to begin in June. Religious communities that fail to re-register by the deadline of 1 January 2010 will become illegal. The Culture Ministry's Religious Affairs Department justified the refusal to register any religious communities since 2006 – apart from "three or four mosques" – because the Law was being prepared.

Despite strong criticism from many religious communities, local human rights defenders, the opposition Islamic Revival Party (IRP), and international actors including United Nations' Special Rapporteur on Freedom of Religion or Belief Asma Jahangir and the Organisation for Security and Co-operation in Europe (OSCE), the new Religion Law was signed by President Rahmon on 25 March. It entered into force as it was published in the government's official newspaper Jumhuriyat on 1 April (see F18News 3 April 2009 http://www.forum18.org/Archive.php?article_id=1279).

Will the Law be revised?

President Rahmon was quoted by Interfax news agency on 15 April as saying in his annual speech to Parliament that the Religion Law "will not be changed" as it is "well-defined and clear". "The Republic of Tajikistan guarantees ideological pluralism and equality of all religions and confessions," the President was reported as saying. "Expressing respect to the will of the people of our country, I once again underline the inviolability of the constitutional foundations of our state – its independence, its democratic, legal and secular disposition, and resolutely declare that we will not turn away from the path that we have chosen."

However, Mavlon Mukhtarov, the Deputy Ministry of Culture overseeing religious issues, was quick to respond that the Law is "not a dogma" and may change. "We are at the moment studying the law, and collecting recommendations on possible changes and corrections," he told Forum 18 on 27 April from the capital Dushanbe.

Asked whether religious communities and other civil society organisations were given the text of the new Law, Mukhtarov said that its text in Tajik was already officially published, but the Russian text would be released "in the form of a booklet" in May. The authorities repeatedly refused to release the Law for public discussion while it was being adopted (see F18News 12 March 2009 http://www.forum18.org/Archive.php?article_id=1266).

Idibek Ziyoyev, the Chair of the Culture Ministry's Religious Affairs Department, also said changes of a "technical nature" could possibly be made to the Law. "Some terms and clauses could be made clearer," he explained to Forum 18 on 6 May. "There have been enough roundtables and discussions of the Law with the religious communities," he responded, when asked whether his Department would ask for the opinion of religious communities. "We have also seen some criticisms in the press after the law was published."

Will registration be possible for all who want state registration?

Tajikistan's Muslim, Christian and Baha'i communities have told Forum 18 that the authorities have not checked up on them after the adoption of the new Law. They added that the Religious Affairs Department has told them that their registration will be possible only after regulations are in place setting out the procedure for registration and re-registration.

Alexandr Werwai, the Chairman of Tajikistan's Baptist Union, told Forum 18 on 27 April that they were waiting for the Religious Affairs Department to invite them to re-register. Leaders of other religious communities also told Forum 18 they were waiting to hear from the Department.

Religious communities have complained to Forum 18 that since 2006 almost no religious organisations have been registered in Tajikistan.

Ziyoyev of the Culture Ministry's Religious Affairs Department said that "only" new non-Muslim religious organisations were denied registration since 2006. "We have registered three or four mosques, since 2006," he told Forum 18 on 5 May from Dushanbe. However, he said "he did not at the moment remember" which mosques these were. "Because the new Law was being worked on, we basically stopped registering new organisations," he responded when asked for the reasons of refusal.

The Religious Affairs Department, Ziyoyev said, would start registering and re-registering from the beginning of June. "We are working on regulations for registration process, and we should be able to finish this by the end of May. From the beginning of June the organisations should approach us for registration."

Ziyoyev also claimed that the Department would re-register the existing 82 non-Muslim organisations and 80 central Cathedral mosques. The Law defines mosques as Central Cathedral, Cathedral, and five-time prayer mosques. "According to the Law, Cathedral and five-time prayer mosques will be registered by the local authorities across the country," he said.

Asked whether his Department could register all 162 organisations before 1 January 2010, as required by the Law, Ziyoyev said: "Yes, because it is only a matter of formality." Asked what would happen to any religious organisations which did not re-register by the deadline, he said the Department would "facilitate the process so every one could be re-registered in due time."

He did not state what may happen to communities which do not seek registration.

Criticism of Law continues

Criticism of the Religion Law has continued even after its adoption. Umid Kalondarov, an independent legal expert from Dushanbe, said it violates fundamental human rights. "It is against fundamental human rights that only citizens of Tajikistan can establish religious organisations," Kalondarov told Forum 18 on 6 May. "The law also substantially limits religious education." He also said the Law is "full of ambiguous moments as well as undefined terms."

Kalondarov said Article 17 of the Law allows the State to "directly interfere" in the activity of religious organisations by holding religious expertise of the activity and literature. "The rules of religious expertise or check up may be changed at any time at the whim of the State based on the law."

Members of several political parties expressed their concerns on the Law at a roundtable held in the northern town of Khujand, Asiplus news agency reported on 8 April. Mirzakul Khojimatov of the IRP stated that the Law contradicts Tajikistan's Constitution and the Universal Declaration of Human Rights "by limiting the religious rights of citizens." Ilhom Yakubov of the IRP claimed that the adoption of this Law "threatens the security of the country since the youth cannot from now on receive religious education in mosques, and may come under the influence of radical religious movements."

Mohinisa Khorisaova of the Socialist Party told the roundtable that "the new Law may be used by Tajikistan authorities to control and interfere in the activity of religious organisations." Dilbar Samadova of the Social Democratic Party expressed her dissatisfaction "with the absolute passivity of the political parties during the Law's adoption process." She said that it was now necessary to launch an appeal to Tajikistan's Constitutional Court.

Parliamentary deputy penalised for criticising Law?

IRP leader Muhammadsharif Himmatzoda resigned as a member of the Parliament's Lower House in early April after Parliament adopted the new Religion Law, which he had vigorously opposed. When Himmatzoda criticised the Religion Law in the press, Parliament "immediately withdrew the car given to his services," Mukhiddin Kabiri, the party's Deputy Head, told Forum 18 on 7 May. He pointed out that Himmatzoda is seriously ill "and cannot walk to work". Kabiri stated that Himmatzoda repeatedly applied in the past for resignation because of health reasons but was urged to stay in the Parliament since "he could use some health benefits as a deputy."

The Assistant of Olim Salimzoda, the Deputy Head of Parliament's Lower House (he did not give his name), denied that

Himmatzoda has in the past asked for resignation. "Himmatzoda is a deputy just like anyone else," he told Forum 18 on 7 May when asked why Himmatzoda's official car was withdrawn. Asked whether the decision was made because of Himmatzoda's criticism of the Religion Law, he referred Forum 18 to Asadullo Saydulloyev, the Head of the Managerial Department of the Lower House. Salimzoda was part of a parliamentary committee which worked on producing the Law (see F18News 12 March 2009 http://www.forum18.org/Archive.php?article_id=1266).

However, reached the same day, Saydulloyev hung up before Forum 18 was able to finish the question.

Authorities' attacks on religious property continue

Many religious communities have had their property bulldozed, or their activity banned. A current example of a community struggling to retain its building is Grace Sunmin Church in Dushanbe. The church is facing attempts by the city authorities to confiscate its building, which the church restored at great expense (see F18News 3 April 2009 http://www.forum18.org/Archive.php?article_id=1279).

Church members told Forum 18 on 8 May that they complained to Tajikistan's High Economic Court against the latest decision of the City Economic Court stripping them of their property twice. "Our appeals were both times rejected by the High Economic Court within one week – the latest being on 7 May," the Protestants complained to Forum 18. The church still continues services in the same building. "The city authorities are going to send their Appraisal Commission to see that we dismantle parts of the building we built, which they do not need, and appraise the parts which they want to remain," the church members said. It is expected that the Commission will visit on 11 or 12 May.

However, the church is preparing to make an appeal to the Court of Cassation against the latest High Court decisions. (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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