

21 July 2011

TAJIKISTAN: "Religious activity is only banned up to the age of 18"

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

Tajikistan's Parliament has today (21 July) adopted two measures particularly targeting the rights of children and their parents, Forum 18 News Service has learnt. The Parental Responsibility Law would in practice ban most children under eighteen from religious activity. An amendment to the Criminal Code was passed punishing organisers of undefined "extremist religious" teaching. Both come two weeks after an amendment to the Religion Law imposed tight restrictions on religious education in Tajikistan and abroad. Both the Parental Responsibility Law and the Criminal Code amendments will now go to President Emomali Rahmon for signature. Suhaili Hodirov of the Office of the Human Rights Ombudsperson defended the changes, telling Forum 18: "Religious activity is only banned up to the age of 18". First Deputy Prime Minister Asadullo Gulomov said his children are still young "but I'll do as Allah orders". Eventually he told Forum 18: "Other government departments deal with this issue." A member of a religious community in the capital Dushanbe told Forum 18 that: "The Law breaks the fundamental rights of children and their parents". Hikmatullo Sayfullozoda of the Islamic Renaissance Party similarly condemned the changes: "This ban violates the rights of children to a religious education and to participation in religious rituals. A child is also a person, and has rights."

The Upper Chamber of Tajikistan's Parliament has today (21 July) adopted two legal measures which will further restrict religious freedom, both of which particularly target the religious education of children, Forum 18 News Service has learnt. The controversial new restrictive Parental Responsibility Law would in practice ban almost all children under eighteen from participating in religious activity.

At the same time an amendment to the Criminal Code was passed would punish organisers of "extremist religious" teaching – an undefined concept.

Both the new legal measures – which still need to be signed by President Emomali Rahmon to come into force – come just two weeks after an amendment to the controversial 2009 Religion Law came into force which introduced tight restrictions on religious education abroad for children and adults.

Both the Parental Responsibility Law and the Criminal Code amendments were adopted by the Upper Chamber unanimously and without a full discussion, the local media reported. They will now go to President Rahmon to be signed into law.

Parental Responsibility Law

The Parental Responsibility Law includes numerous wide-ranging restrictions on all forms of education, and on children's and teenagers' behaviour. These include bans on jewellery and tattoos, as well as limitations on the names parents can choose for their children (see F18News 15 March 2011 http://www.forum18.org/Archive.php?article_id=1552). But the part which appears to have caused most concern in Tajikistan is an effective ban on most children and their parents exercising their rights to freedom of religion or belief.

Article 8 of the new Law includes the clause: "Parents are obliged (..) not to let children-teenagers participate in the activity of religious organisations, with the exception of those officially enrolled in religious education." Article 11 includes the state Religious Affairs Committee among the wide range of state agencies tasked with enforcing parents' responsibility for their children.

The clause restricting children's participation in religious activity has undergone several modifications. The version released when the draft Law was presented for public discussion in January worded the clause: "Parents are obliged (..) not to let children-teenagers participate in the activity of religious organisations or organised religious events (with the exception of funeral ceremonies)."

This was later modified to read: "Parents are obliged (..) not to let children-teenagers participate in the activity of religious organisations, with the exception of those officially enrolled in religious education (excluding funerals and mourning events)." The final clause which would have allowed children to participate in funerals has now been deleted.

In practice the changes to this clause may make little difference, as many have found that it is very difficult to get state approval for any form of religious education (see F18News 22 June 2011 http://www.forum18.org/Archive.php?article_id=1583).

The Parental Responsibility Law was originally proposed by President Rahmon, who sent it to Parliament in April after a period of what was claimed to be public discussion. However, objections to its near-total ban on children's participation in religious activity were ignored. The Law was approved by the Lower Chamber on 15 June (see F18News 22 June 2011 http://www.forum18.org/Archive.php?article_id=1583).

Law also targets education

Article 9 of the Parental Responsibility Law "bans the encouragement of children to receive education in illegal schools and education institutions as well as from individual persons who do not have permission for such activity". It also requires parents "not to allow the education of adolescent children abroad without the permission of appropriate state agencies".

Religion Law amendment

The new amendment to the 2009 Religion Law to restrict individuals' right to gain religious education abroad was proposed by the government. It adds two new clauses to Article 8 on religious education. "Receiving religious education in foreign countries, including in foreign higher religious education institutions, is permitted only after receiving religious education in the Republic of Tajikistan and with the written permission of the state plenipotentiary agencies for religious affairs and for the sphere of education," Article 8 Part 6 reads. Article 8 Part 7 adds that the Government sets out the procedure for receiving such religious education abroad.

The amendment was approved without any prior public notice on 25 May by the Lower Chamber of Parliament (see F18News 26 May 2011 http://www.forum18.org/Archive.php?article_id=1575).

It was subsequently approved by the Upper Chamber and, on 28 June, was signed into law by President Rahmon. It came into force on publication on 8 July on the website of the government's official newspaper Jumhuriyat.

Education inside and outside Tajikistan already targeted

The authorities have already restricting the religious education of children and young people in Tajikistan and abroad. In August 2010, President Rahmon called on parents to recall their children from foreign Islamic colleges, claiming that otherwise "your children will become extremists and terrorists" (see F18News 2 September 2010 http://www.forum18.org/Archive.php?article_id=1483).

This apparently heralded a continuing effort to close down Islamic religious education without state permission within Tajikistan (see F18News 28 June 2011 http://www.forum18.org/Archive.php?article_id=1586).

One member of a Dushanbe religious community, which has sent students abroad, told Forum 18 on 21 July that: "We have informed the state Religious Affairs Committee about all our students going abroad, and so far they have never banned anyone. But it is not their right to say yes or no - it is our right. We pay all the costs, not the state."

Criminal Code amendments

At the same time as the Parental Responsibility Law, on 15 June the Lower Chamber of Parliament, and on 21 July the Upper Chamber, also passed amendments to the Criminal Code.

Among the changes, Criminal Code Article 160 now punishes organisers and participants in "unapproved gatherings, meetings, demonstrations, pickets and street processions" with a maximum penalty of two years' imprisonment. "Illegal" religious meetings could potentially come under the scope of this article.

Another of these amendments introduces a new Article 307-4, punishing illegally teaching religious "extremist" doctrines – without defining what this means (see F18News 22 June 2011 http://www.forum18.org/Archive.php?article_id=1583).

The new Article 307-4 is thought – for no text has been published – to punish "organisation of a religious extremist study group and participation in it with no regard to the place of study" with between five and eight years' imprisonment for those who participate in such study groups; between eight and twelve years' imprisonment for those who organise such groups. The Avesta news agency noted on 21 July that punishment also includes confiscation of property.

No definition is given as to what constitutes a "religious extremist" study group. Observers in Tajikistan have told Forum 18 that they fear that these changes provide another weapon for the authorities to use in their nationwide crackdown on people teaching religion, in any form, without state permission.

"Religious activity is only banned up to the age of 18"

Suhaili Hodirov, spokesperson for the Office of the Human Rights Ombudsperson Zarif Alizoda, defended the new Law. "Zarif Alizoda supports this [Parental Responsibility] Law fully," he told Forum 18 from Dushanbe on 21 July. "He presented his views to the working group drawing up the Law at the beginning of the year." Asked about the near-total ban on children's participation in religious activity, Hodirov responded: "When people reach 18 they can decide which religion to follow. Religious activity is only banned up to the age of 18 – beyond that they have full rights."

Hodirov insisted the Law is needed, especially to protect children in families with many children whose parents, he claimed, were unable to keep them under their control. "Such children are drawn to extremist religious groups." He also pointed out that parts of Tajikistan are in the Fergana Valley and the country also borders Afghanistan, both volatile regions, he said. He did not think that banning people under the age of 18 from religious activity violated human rights. "I can't say that human rights are violated in this", he told Forum 18.

One member of the Upper Chamber, Ubaidullo Kurbonov, rector of the State Medical University, declared in his speech on 21 July that "the row stirred up in several media about the Law under discussion and by representatives of civil society is unfounded," Asia-Plus news agency noted the same day. He claimed that the clause covering young people's relationship with religious organisations "does not harm the constitutional rights of young people, but on the contrary defends them".

The speaker of the Upper Chamber, Mahmadsaid Ubaidulloev, told the Chamber that "I am convinced that this Law above all is directed at defending the interests of Tajikistan's growing generation," according to Asia-Plus. He claimed that the adoption of the Law showed that parliamentarians "continue to adopt Laws which have no counterparts in the legislative practice of the entire world".

How will new Law be interpreted?

Officials appear unsure how the new Law will be interpreted, but appear determined to apply it. Asadullo Gulomov, the First Deputy Prime Minister, seemed at a loss to explain it. "What can I say?" he told Forum 18 on 21 July. "It's not a conversation for the telephone." Asked how the Government could back a Law which includes a ban on almost all children's participation in religious activity, he responded: "I defend the activity of the Government." Asked whether the Law will impact his own behaviour, he said his children are still young, "but I'll do as Allah orders". Eventually he said: "Other government departments deal with this issue."

Muhammad Yusuf, the chief assistant to Shamsuddin Nuridinov, the city of Dushanbe's state religious affairs official, insisted to Forum 18 on 21 July that "whatever is in the Law will be carried out, if and when it is signed". Asked whether children's participation in places of worship will be banned, he responded: "That is the understanding of the Law – the view of Parliament and of the Government. It's their decision. It is also the will of society." Told that many organisations, human rights groups, religious communities and individual religious believers have told Forum 18 of their great concerns over the near-total ban, Yusuf replied: "It was discussed by the people for nearly a year."

Asked how he and his colleagues will ensure that children do not attend places of worship in Dushanbe, Yusuf explained: "Checking up on places of worship is one of our obligations – it's in our plan of work. We have specialists who attend places of worship and will check how they operate in accordance with the laws on religion." Asked what will happen if they find children worshipping in a mosque, church, temple or at the city's synagogue, he responded: "They'll appeal to other structures." He refused to explain which other structures he had in mind. "The law will determine which agencies will handle this."

Muminjon Aripov, the new senior official for religious affairs in Tajikistan's second city Khujand [Khojand] in northern Tajikistan, declined absolutely to discuss how the new Parental Responsibility Law will be enforced in his city once it becomes law. "I don't give such information by telephone," he told Forum 18 on 21 July and put the phone down.

"The Law breaks fundamental rights"

"The Law breaks the fundamental rights of children and their parents," a member of a Dushanbe-based religious community, who asked not to be identified for fear of state reprisals, told Forum 18 on 21 July. They welcomed the slight easing in the wording compared to the original version, but noted that as a whole the new Law "brings many more restrictions which did not exist in the past". "The new version is better but does not comply with international human rights standards. How will it work? - we do not know."

A Dushanbe-based teacher and member of a religious community of a different faith was equally concerned about the almost complete ban on children's participation in religious activity. "That the Government thinks of the issue of parents' responsibility for their children and believes it necessary could be positive," they told Forum 18 on 21 July. "But this part of the Law is a concern. Bans do not resolve a problem - solutions need to be proposed instead."

A member of a Protestant community, who likewise asked not to be identified for fear of state reprisals, is worried by the Law's

near-total ban on children's participation. "All Protestant churches are worried by this," they told Forum 18 from Dushanbe on 21 July. "It will be against the law for children to be in church." The church member noted that many churches have asked the state Religious Affairs Committee for permission for Sunday schools. "But the Committee won't give permission for non-Muslim organisations. They don't say no and they don't say yes."

Hikmatullo Sayfullozoda of the Islamic Renaissance Party (IRP) – which has two deputies in Parliament's Lower Chamber – repeated his party's concern about all the legal amendments, including the Parental Responsibility Law's restrictions on children's participation in religious worship and other activity. "Our Party is against a ban on children being banned from attending mosques in their free time," he told Forum 18. "We proposed that the Law be amended, but unfortunately our view wasn't listened to. This ban violates the rights of children to a religious education and to participation in religious rituals. A child is also a person, and has rights."

Convention on the Rights of the Child

Among the human rights standards violated by the latest changes is the Convention on the Rights of the Child, which Tajikistan acceded to on 26 October 1993. Article 14 of the Convention reads:

"1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others."

Increasing hostility to freedom of religion or belief

Tajikistan's government has in recent years been showing increasing hostility to people exercising their right to freedom of religion or belief and other fundamental human rights. The highly restrictive 2009 Religion Law broke the country's formal international human rights commitments. Its passage was marked by a lack of public consultation, parliamentary debate or explanations of the reasons for its introduction. Among the restrictions imposed by the Law were: a ban on religious activity without state permission and obstacles to gain state registration; restrictions on the number and type of permitted mosques; tight controls on religious education; and the imposition of censorship (see Forum 18's Tajikistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1553).

Today's legal changes are not the only increased restrictions since the Religion Law's passage. In January 2011 a new "offence" of producing, distributing, importing or exporting religious literature and items of a religious nature which have not passed through the compulsory prior state religious censorship was created with the addition of Article 474-1 to the Code of Administrative Offences (see F18News 11 January 2011 http://www.forum18.org/Archive.php?article_id=1528).

One of the controversial aspects of this particular breach of international human rights standards is that religious communities themselves are forced to pay for such censorship (see F18News 12 January 2011 http://www.forum18.org/Archive.php?article_id=1529).

Arbitrary state actions, official denials

Even before the 2009 Religion Law was passed, the authorities closed down and demolished Muslim, Christian and Jewish places of worship in Dushanbe. Unregistered mosques were closed down by city authorities, the country's only Jewish synagogue was bulldozed (see F18News 20 January 2008 http://www.forum18.org/Archive.php?article_id=1242). Such violations have continued, targeting mosques in particular (see F18News 25 January 2011 http://www.forum18.org/Archive.php?article_id=1532). Possibly for fear of a Tajik version of the Arab Spring uprisings, this campaign appears to have paused by the authorities (see F18News 28 June 2011 http://www.forum18.org/Archive.php?article_id=1586).

A ban on the Salafi school of Islamic thought came into effect on 9 February 2009, even though no convictions had been obtained linking crimes to the school of thought (see F18News 23 January 2009 http://www.forum18.org/Archive.php?article_id=1243). A total of 95 followers of the similarly banned Jamaat Tabligh Muslim religious movement were in 2010 given long prison sentences and large fines. Seven followers of the banned Salafi Muslim school of thought have also been given jail sentences (see Forum 18's Tajikistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1553).

Jehovah's Witnesses still cannot officially meet for worship in Tajikistan, following an October 2007 ban on their activity. Currently, they think they "live in uncertainty and fear, and cannot worship openly" (see F18News 15 November 2010 http://www.forum18.org/Archive.php?article_id=1511).

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 often denied that they have violated the right to freedom of religion or belief. For example they strongly denied to an Organisation for Security and Co-operation in Europe (OSCE) conference that they 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=1553.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

A printer-friendly map of Tajikistan is available at <http://education.nationalgeographic.com/education/mapping/outline-map/?map=Tajikistan>.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY