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TAJIKISTAN: Id al-Adha restrictions, haj returnee celebrations banned

By Mushfig Bayram, Forum 18 (<https://www.forum18.org>)

Teachers were banned from attending mosque on Muslim festival Id al-Adha. They and children were forced to attend school, even though the state declared it a holiday. Officials banned haj pilgrimage returnees from holding celebratory meals. Traditions Law amendments and increased punishments have come into force.

On Friday 1 September, the date announced by the state as a public holiday to celebrate the Muslim festival of Id al-Adha (Sacrifice), teachers, students and schoolchildren were forced to attend school on the order of Education and Science Minister Nuriddin Sayid. The Friday before, 25 August, Imam-hatyps of state-backed mosques in the capital Dushanbe had told fathers attending Friday prayers to send their children to school on the day of the festival.

A Dushanbe Imam, who asked not to be named for fear of state reprisals, told Forum 18 on 7 September that the Muslim Board instructed them to make the announcement "since children are banned from participation in religious activity".

Teachers were also unofficially banned from attending mosque that day, even if their working day had not begun (see below).

Celebrations of the Muslim festival appeared subdued, with few visible signs (see below).

State religious affairs officials reminded the first group of pilgrims returning from Mecca at Dushanbe Airport on 11 September that celebratory meals to honour their return from the haj are now banned under new amendments to the Traditions Law (see below).

The new amendments to the Traditions Law – which entered into force on 29 August – also oblige individuals, including officials, to respect "national dress". Kobiljon Abdukodirov, Head of Parliament's Legal Department, confirmed to Forum 18 the widely-held view that this is a de facto ban on wearing the hijab (Islamic headscarf) or other "non-traditional" religious apparel. The amendments appear to apply only to Muslims.

The new amendments also ban offering food on the third, seventh or fortieth day after a funeral as is usually practiced in Central Asia. They assign to the government responsibility for organising participation from Tajikistan in the haj or umra pilgrimages to Mecca (see below).

Increased fines for those who violate the Traditions Law came into force at the same time. Fines for individuals are more than four months' average wages for those in a state job, with fines for repeat "offenders" reaching more than two years' average wages (see below).

Officials this spring launched a massive renewed campaign against women wearing the hijab (Islamic headscarf). Victims and human rights defenders complain that women have been questioned, threatened and fined, as have some husbands. Some have lost their jobs or been forced to leave school (see F18News 2 August 2017 http://www.forum18.org/archive.php?article_id=2301).

Officials at the State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA - the title of the Committee was expanded in 2014 to include "regulation of traditions, ceremonies and rituals") refused to discuss these new restrictions with Forum 18 (see below).

"The amendments were adopted to distract people from real questions, which are the severe corruption and dire economic situation," a local human rights defender, who asked not to be named for fear of state reprisals, lamented to Forum 18 on 7 September.

"It seems that there is no holiday"

Celebrations by Muslims of the feast of Id al-Adha on 1 September – which began with prayers at 6.30 am - appeared subdued. Such celebrations normally include the sacrifice and consumption of animals, visits to family and friends and charitable donations.

The morning of that day, independent news agency akhbor.com posted photographs of several empty Dushanbe streets and noted "no signs of sacrifice of animals". The agency commented that "it seems that there is no holiday". Based on its interviews with local residents, it added: "People are afraid to visit each other's homes on the occasion of the holiday."

"There is a risk that commissions of state officials on regulation of traditions and rituals may appear at any time and fine people," the agency noted. The state also ordered that holiday tables must be modest, "but what exactly modest means, no one knows".

The authorities "unofficially warned state officials that holiday tables must not be made too luxurious, in other words there must not be much food or much variety of it," one local human rights defender, who asked not to be named for fear of state reprisals, told Forum 18 on 4 September. "And the length of the food table must not exceed one metre."

"Worshippers in mosques were notably fewer than in previous years," Radio Free Europe's Tajik Service noted on 1 September, based on its observations. "Police officers at the entrances of mosques asked all young people to show their identity documents. No state officials participated in the holiday namaz."

Compulsory school on Id al-Adha

Ahead of the Id al-Adha festival, Education and Science Minister Nuriddin Sayid ordered school children and students to attend classes on 1 September, although the day was a public holiday. His message was reinforced by statements from imams of state-backed mosques, ordered by the Muslim Board. On 25 August, Imam-hatyps of mosques in Dushanbe told fathers attending Friday prayers to send their children to school on 1 September.

Teachers were unofficially banned from attending mosque on 1 September, even if they were not due to go to work until later in the day. This may have affected many of the more than 116,000 teachers across the country, Radio Free Europe reported.

An unnamed Dushanbe teacher complained to Radio Free Europe on 1 September that "even students who attend classes in the second shift (after 2 pm) were obliged to come to school". Such students, or teachers whose work begins in the afternoon, could have attended the early morning holiday prayers but were not able to.

Rajabali Sangov, Assistant to the Deputy Education Minister, was unable to tell Forum 18 on 8 September why Minister Sayid ordered teachers and students to attend classes on 1 September. He asked it to send its questions to the Foreign Ministry.

Avshin Mukim, Press Secretary of the SCRA, refused to explain why teachers and students were made to attend school on an official holiday or why teachers were banned – even in their own time – from attending mosque that day. He asked Forum 18 on 7 September to send questions in writing, which it did the same day. Forum 18 had received no response to its questions by the end of the Dushanbe working day on 12 September.

Haji Nigmatullo Olimzoda, Deputy Head of the state-controlled Council of Ulems, on 7 September also refused to discuss the ban on teachers and students celebrating the feast of Id al-Adha on 1 September. He asked Forum 18 to send questions in writing, which it did on the same day. Forum 18 had received no response to its questions by the end of the Dushanbe working day on 12 September.

No celebrations for haj returnees

The first 186 of Tajikistan's 6,300 haj pilgrims returned to Dushanbe airport from Mecca on 11 September. One of the pilgrims, Yusufjon Rahmonov, told Radio Free Europe's Tajik Service that day that while still in the airport, Committee officials explained to them the provisions of the new amendments to the Traditions Law, which ban celebrations honouring those returning from the haj.

Abduhalim Norasov of Dushanbe's SCRA told those returning that celebratory meals to welcome and honour them were banned. They could only give people their blessing and distribute holy water from the Zamzam well in Mecca they had brought back with them.

Even before the pilgrims' departure to Mecca in groups from 16 to 23 August, officials had explained to them the provisions of the Traditions Law amendments, before Parliament had adopted them.

Mukim, Press Secretary of the SCRA, insisted to Radio Free Europe that pilgrims are not banned from distributing holy water from the Zamzam well and dried dates brought back from the pilgrimage. But he added that the Hajioshi or Hajitalbon ceremonies honouring the haj pilgrims, traditionally held with abundant food, are prohibited.

Traditions Law amendments enter into force

The state has been steadily tightening its control over how Muslims exercise their freedom of religion or belief, particularly as

related to public ceremonies and celebrations (see Forum 18's Tajikistan religious freedom survey http://www.forum18.org/archive.php?article_id=2138).

The Law on Regulation of Traditions, Ceremonies and Rituals (Traditions Law) was first adopted in June 2007. The preamble of the Law declares that ethnic minorities are free in celebration of their holidays.

On 23 August 2017 the lower house of Parliament approved amendments to the Traditions Law and President Emomali Rahmon signed them into law on 28 August. They entered into force on 29 August after their publication in the state newspaper "Jumhuriyyet".

The Law now includes the following provisions:

- Restrictions on guests, food in religious celebrations

According to the newly-added Article 7, Part 4, food offered to guests while celebrating Ramadan and Id al-Adha (Sacrifice) must be in "modest quantity, without excess". No explanation is given of what exactly "modest quantity, without excess" means.

Article 9 was amended to say that "circumcision [of new-born males] must be done in the close family circle without participation of entertainment artists".

A new Article 9, Part 4 now bans "aqiqah" – a celebration with invited guests when a male child's hair is shaved when they are seven days old, traditionally celebrated by Muslims in Central Asia.

Article 11, Part 2 now bans offering food or slaying cattle on the third, seventh and fortieth day or first anniversary of the burial of a deceased person, as has been traditional for Muslims in Central Asia.

Article 11, Part 4 makes the SCRA responsible for defining the procedures for funerals and the following mourning period.

Article 12, Part 2 now bans celebration by pilgrims of their return from the haj pilgrimage to Mecca. This has traditionally been done across Central Asia by inviting people and offering food.

- Government to organise haj and umra pilgrimages

Article 12, Part 3 assigns to the government responsibility for organising participation from Tajikistan in haj or umra pilgrimages to Mecca.

"This is done to receive money from all for travels and more easily control the pilgrims," one human rights defender complained to Forum 18.

- Protect national dress?

Part 2 of the newly added Article 14-1 requires that physical and legal persons are obliged to protect national culture, the state language and national dress.

Asked what exactly is meant by the Law's requirement that national dress be protected, and whether this means that individuals, including officials, must always now wear Tajik national dress, Kobiljon Abdukodirov, Head of Parliament's Legal Department, told Forum 18 on 30 August: "We are not against secular or European style dress. This requirement of the Law is basically to counter Arabic-style religious dress."

Abdukodirov refused to say why Muslims cannot wear "non-traditional" religious dress or whether the Tradition Law's requirements do not violate the rights of Tajikistan's majority Muslim population. He further declined to talk to Forum 18.

- Committees and permanent mahalla committees responsible for observance of Law

Under Article 5 of the Traditions Law, "permanent mahalla committees" instead of "committees" (as in the previous version of the Law) will now control whether people are observing the Traditions Law. Mahalla committee members will be selected from among local residents and will be endorsed by the local executive authorities. (A mahalla is the smallest residential area.)

A new Article 5-1 was added, introducing officials in ministries, and state and non-state public organisations responsible for ensuring observance of the Law. These officials will make up the responsible "committees". These committees must report violations of the Law by employees within three days to higher authorities or mahalla committees, which in their turn will report to law-enforcement agencies.

Increased punishments for violation of the Traditions Law

Article 481 of the Administrative Code was also amended to increase punishments for violation of the Traditions Law. The Article already punished "Violation of the order established by law on the regulation of customs, celebrations and events" with fines of 100 to 120 Financial Units on individuals, 250 to 270 Financial Units on officials and 500 to 520 Financial Units on organisations.

The Financial Unit is currently 50 Somonis, so each 100 Units is 5,000 Somonis (4,500 Norwegian Kroner, 475 Euros or 570 US Dollars). Average monthly wages for state employees in cities is less than 1,200 Somonis. Wages in rural areas are a lot lower, Dushanbe residents told Forum 18.

President Rahmon signed into law new amendments to Administrative Code Article 481 on 28 August. They came into force on official publication in "Jumhuriyyet" the following day. The proposed amendments had first been announced on President Rahmon's official website on 11 August.

Fines under Part 1 are now 100 Financial Units on individuals, 500 Financial Units on officials and 700 Financial Units on organisations.

A new Part 2 punishes violations by entrepreneurs, officials and clerics with a fine of 700 to 1,000 Financial Units.

A new Part 3 punishes repeat "offenders" with a fine of 600 Financial Units on individuals, 800 Financial Units on officials and 1,000 Financial Units on organisations.

A fine of 600 Financial Units, 30,000 Somonis, represents more than two years' wages for a state employee in a city.

"According to the draft amendments, state officials or their children found in violation of the Traditions Law will be dismissed from their positions," the presidential website declared on 11 August. However, this does not appear to have been implemented in the Administrative Code amendments.

The Dushanbe Imam lamented to Forum 18 that "those who have money will pay their way to bypass the Law, and hold celebrations as they want. They did it in the past, and they will do it now."

One human rights defender supported the Imam's view. "The Law will work against the poor as always," the individual commented to Forum 18 on 7 September.

Traditions Law restrictions "flagrantly violate rights and freedoms"

The Traditions Law restrictions "flagrantly violate the rights and freedoms of citizens", one human rights defender told Forum 18 on 1 September. "The Law is an example of the state's crude meddling in the private lives of its citizens. It decides for people what and how exactly to eat and how to celebrate religious holidays."

The human rights defender lamented that the authorities in the meantime "claim that the Law is for the welfare of the people so people save money. However, the state wastes tens of millions of Somonis to celebrate various events. No state official speaks on how to save and spend the state budget in the severe economic crisis."

The individual complained that the Law, the anti-hijab campaign and the fight against expressions of Islam in public places - as well as the crackdown on members of the now closed and banned Islamic Renaissance Party (IRP) and other Muslims independent of the state-controlled Council of Ulems in recent years - were "done with one purpose: either to weaken the position of Islam in the country or totally root it out."

"Many in Tajikistan are dissatisfied with the amendments," Khursheda Rahimova of the Office of Civil Freedoms, a non-governmental organisation, told Forum 18. "But many - including myself - think some of the norms in the Law are positive. In terms of human rights, of course it is interference from the state into individuals' private lives. But it can be helpful, especially to the poor. Many people could not afford these traditions and had to take loans from the banks. Now they will not have to."

No official comment

Officials and members of religious organisations were reluctant to discuss with Forum 18 the new restrictions imposed in the amendments.

Asked for comments on the Traditions Law's restrictions, an official of Parliament referred Forum 18 to Imomali Nasriddinzoda, Head of its Law and Human Rights Committee. His secretary (who refused to give her name) told Forum 18 on 6 September that he is "busy in a meeting," and wrote down its questions. She asked it to call back later the same day. However, called back several times between 6 and 8 September, she claimed that Nasriddinzoda was busy. She finally asked Forum 18 on 8 September to send its

questions to the Foreign Ministry.

Press Secretary Mukim of the SCRA similarly refused to comment on the new restrictions on Muslims in the Traditions Law and failed to respond to Forum 18's follow-up written questions. These questions included why Muslims face harsher restrictions than those who follow other faiths, why women who choose to cannot wear the hijab, and why Muslims cannot offer food on ceremonial religious occasions.

Olimzoda, Deputy Head of the state-controlled Council of Ulems, similarly refused to discuss with Forum 18 the restrictions imposed in the Traditions Law and failed to respond to Forum 18's follow-up written questions.

Anti-hijab campaign gains new impetus

The State Women and Family Committee wrote to mobile phone operators demanding that they send text messages to their subscribers calling on them to respect national dress. Several operators told local news agency Asiaplust on 6 September that the Committee sent the messages: "Respect national dress," "Let us observe national traditions," and "Wearing national dress is compulsory!"

Akmal Olimshoyev of the Committee told the agency on 6 September that with this campaign it "intends to intensify the propaganda for national dress".

Following the entry into force of new restrictions in the Traditions Law, Dushanbe City Registry Office (for births, marriages and deaths) warned city residents that "women in the hijab or other non-traditional Muslim dress cannot enter its building", one human rights defender, who asked not to be named for fear of state reprisals, told Forum 18 on 6 September. It "demanded residents to include a note in their invitations to a marriage ceremony that women must not attend in hijab." (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=2138.

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.

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