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TAJIKISTAN: "We will no longer register any new churches"

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

Senior state religious affairs official Sulaymon Davlatzoda told Protestant leaders in late May: "We will no longer register any new churches. We will keep the figure of registered churches unchanged from now on." He did not explain why. Davlatzoda also "openly warned us that under-18-year-olds cannot have freedom of religion or belief and participate in church activity, and no religious camps are allowed for them". Without state registration, all exercise of freedom of religion or belief is illegal and punishable. The regime punishes Muslims, Christians and Jehovah's Witnesses for all exercise of this freedom without state permission.

Sulaymon Davlatzoda, the Chair of the State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (SCRA), summoned leaders of Protestant churches to a meeting at its offices in Dushanbe in late May. "We will no longer register any new churches. We will keep the figure of registered churches unchanged from now on," members of various Protestant churches quoted Davlatzoda as telling them. "But he did not give any reasons," they added.

Several churches which asked the SCRA for registration were also told the same individually, one Protestant told Forum 18 (see below).

During the meeting with Protestant leaders, Davlatzoda also "openly warned us that under-18-year-olds cannot have freedom of religion or belief and participate in church activity, and no religious camps are allowed for them". The 2011 Parental Responsibility Law bans the participation of anyone below the age of 18 in religious events apart from funerals. Religious communities have been fined for violating this ban (see below).

The official who answered the phone of SCRA Chair Davlatzoda refused to answer Forum 18's questions and claimed that Davlatzoda was busy. The telephones of his three deputies went unanswered (see below).

Without state registration, all exercise of freedom of religion or belief is illegal and punishable. The United Nations (UN) Human Rights Committee has repeatedly expressed concern over the regime's restrictions on freedom of religion or belief and called for changes to laws and practice to end such restrictions (see below).

One Protestant told Forum 18 that "We meet for worship without registration, but are afraid that the authorities can punish us at anytime." They said that they know of up to 15 such Protestant groups which do not have registration but would like it. Another Protestant put the figure at 20 (see below).

A group of Protestants were fined in the northern Sugd Region in January for exercising freedom of religion or belief without state approval (see below).

The regime continues to punish Muslims for prayers or other exercise of freedom of religion or belief outside the boundaries of officially registered mosques, a human rights defender stated. "The authorities usually do not punish if guests pray the namaz together with the family they are visiting if these are isolated cases," the human rights defender told Forum 18. "However, if they find out that this happens more or less regularly, then they punish those who pray together" (see below).

The regime has closed and seized independent, unregistered mosques. "All the mosque buildings the authorities deemed illegal were in the last few years either destroyed or turned into public or other buildings," another human rights defender told Forum 18 (see below).

Jehovah's Witnesses are "severely restricted" in their freedom of religion and belief due to the 2007 ban on them, they told Forum 18. They said they "risk being imprisoned for unregistered activity", and that they are "forced to hold their meetings in small groups in homes" (see below).

In 2021 and 2022, Sugd Regional Police Department for the Struggle against Organised Crime "repeatedly questioned" several Jehovah's Witnesses regarding Shamil Khakimov, who is serving a jail term for sharing his faith. However, Jehovah's Witnesses said, no administrative or criminal cases were opened against them. The Deputy Chief of Sugd Regional Police Department for the

Struggle against Organised Crime admitted that the Police had questioned Jehovah's Witnesses. However, he refused to discuss with Forum 18 why they had been questioned (see below).

Punishments for exercising freedom of religion or belief without state permission

The Religion Law, which came into force in April 2009, makes all exercise of freedom of religion or belief with others without state permission illegal (https://www.forum18.org/archive.php?article_id=2625). Such exercise of freedom of religion or belief without state permission is punishable under the Administrative Code. Fines were increased in January 2020 and December 2021 Administrative Code amendments (https://www.forum18.org/archive.php?article_id=2625).

Administrative Code fines are levied in Financial Units. The 2022 state budget set the Financial Unit from 1 January 2022 at 64 Somonis. This means a fine of 100 Financial Units is 6,400 Somonis, equivalent to about four months' average wage for those in formal work, but a far higher burden for those without work or on pension.

Administrative Code Article 474 punishes "Violation of the Religion Law" (the Article was most recently amended on 23 December 2021, with fines generally doubling). Among other activities, "carrying out religious activity without an organisation's state registration or re-registration" is punishable – for a first "offence" – with a fine of between 15 and 20 Financial Units for individuals; between 40 and 60 Financial Units for religious leaders; and between 200 and 400 Financial Units for legal entities.

Administrative Code Article 477, Part 1 punishes "Leadership of the activity of social or religious associations and organisations not registered in accordance with the established procedure of the law" with a fine of between 100 and 200 Financial Units.

Administrative Code Article 477, Part 2 punishes "Participation in the activity of social or religious associations and organisations not registered in accordance with the established procedure of the law" with a fine of between 70 and 100 Financial Units.

Administrative Code Article 477, Part 3 punishes "Financing the activity of social or religious associations and organisations not registered in accordance with the established procedure of the law" with a fine of between 40 and 50 Financial Units for individuals; between 100 and 200 Financial Units for officials; and between 800 and 1,000 Financial Units for legal entities.

Amendments to the Criminal Code on 23 December 2021 added a new Article 334-1 punishing "Conducting illegal religious education". This punishes "Conducting illegal religious education, including over the internet, if this activity is not of a religious-extremist nature and has been carried out within a year of an administrative punishment for the same violation of the law" with a fine of 800 to 1,200 Financial Units or jail of up to three years, with or without a ban on such activity.

UN concern over restrictions on freedom of religion or belief

The United Nations (UN) Human Rights Committee has repeatedly expressed concern over the regime's restrictions on freedom of religion or belief. In its Concluding Observations (CCPR/C/TJK/CO/3 (<https://www.ohchr.org/en/documents/concluding-observations/ccprctjkco3-human-rights-committee-concluding-observations-third>)), made public in August 2019, it expressed concern over "interference by the State in religious affairs, worship and freedom of religion and the ensuing restrictions", which it said were incompatible with the International Covenant on Civil and Political Rights (ICCPR).

Among the restrictions the UN Committee expressed concern over were:

- "interference with the appointment of imams and the content of their sermons";
- "control over books and other religious materials";
- "the requirement of State permission for receiving religious education abroad";
- "the prohibition against entering a mosque for those under 18 years of age";
- "the regulations regarding the registration of religious organizations";
- "the regulations on wearing clothes during traditional or religious celebrations .. and the prohibition of certain attire in practice, such as the hijab";
- restrictions imposed on non-Muslim communities.

The Human Rights Committee said that the regime "should guarantee the effective exercise of freedom of religion and belief and freedom to manifest a religion or belief in law and in practice. It should revise all relevant laws and practices with a view to removing all restrictions that go beyond the narrowly construed restrictions permitted under article 18 of the Covenant."

Article 18 of the ICCPR ("Freedom of thought, conscience and religion") includes the provision: "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."

State Committee for Religious Affairs (SCRA) "will no longer register any new churches"

Sulaymon Davlatzoda, the Chair of the State Committee for Religious Affairs and Regulation of Traditions, Ceremonies and Rituals (https://www.forum18.org/archive.php?article_id=2625) (SCRA), summoned leaders of Protestant churches to a meeting in its offices in Dushanbe in late May.

"We will no longer register any new churches. We will keep the figure of registered churches unchanged from now on," members of various Protestant churches quoted Davlatzoda as telling them. "But he did not give any reasons," the Protestants told Forum 18 in June. They asked not to reveal their identity for fear of state reprisals. Several churches which asked the SCRA for registration were also individually told that they will not be registered, one Protestant told Forum 18.

The regime also imposes severe limitations on the numbers of mosques permitted, and activities allowed inside those mosques (https://www.forum18.org/archive.php?article_id=2625). It also forcibly closes mosques (https://www.forum18.org/archive.php?article_id=2625).

Fr Pedro Lopez, the Superior of Tajikistan's Catholic Church, said that the SCRA had "not informed" it of such a decision. "We have no problems with the authorities. We continue our masses and charity activities without any problems," he told Forum 18 from Dushanbe on 29 June.

Fr Lopez said that there are Catholic parishes in the cities of Dushanbe and Bokhtar (formerly Qurghonteppa). Masses in the two parishes are open to those who would like to participate from outside these two places, he added.

SCRA officials would not explain why they have refused to register any new churches and why those who exercise freedom of religion or belief without state permission (https://www.forum18.org/archive.php?article_id=2625) face punishment. The official (who did not give his name), who answered the phone of Chair Davlatzoda on 30 June, refused to answer Forum 18's questions and claimed that Davlatzoda was busy. The official also refused to put Forum 18 through to other responsible officials. Davlatzoda's deputies - Amirbeg Begnazarov, Azizullo Mirzozoda and Farrukhullo Olimzoda - did not answer their phones on the same day.

Under-18-year-olds "cannot have freedom of religion or belief"

During the meeting with Protestant leaders at the SCRA in Dushanbe in late May, Davlatzoda also "openly warned us that under-18-year-olds cannot have freedom of religion or belief (https://www.forum18.org/archive.php?article_id=2625) and cannot participate in church activity, and no religious camps are allowed for them".

The 2011 Parental Responsibility Law bans the participation of anyone below the age of 18 in religious events apart from funerals (https://www.forum18.org/archive.php?article_id=2625). Religious communities have been fined for violating this ban.

The 2020 Law on the System of Warning Against and Prevention of Violations of the Law by Minors tasked the SCRA (https://www.forum18.org/archive.php?article_id=2625) with: taking part in warning and prevention programmes; conducting "informational/agitational measures"; and "unmasking and registering violations of the law by under-18-year-olds in the area of freedom of conscience and the activity of religious associations".

"We are sad that we are not allowed to open new churches and are banned from sharing our faith"

One Protestant told Forum 18 that "We are sad that we are not allowed to open new churches and are banned from sharing our faith." They explained that the ban on opening new churches is "actually a hidden ban on sharing our faith and an attempt to limit the increase of Christian believers."

Another Protestant told Forum 18 that "We meet for worship without registration, but are afraid that the authorities can punish us at anytime." They said that they know of up to 15 such Protestant groups which do not have registration but would like it. A third Protestant put the figure at 20.

Two types of registration do not enable churches to register new communities

A Protestant explained to Forum 18 that the existing two types of registration with the SCRA allowed in the Religion Law (https://www.forum18.org/archive.php?article_id=2625) "do not legally enable churches to register new communities".

Under Article 10 of the Religion Law, the nationwide type of registration allows a religious organisation to carry out its activity all

over Tajikistan.

"In theory they can open new churches," the Protestant noted, "but in practice there are no clear procedures and the authorities have not in the past allowed the few existing such nationwide [Christian] organisations to freely register new churches."

Also under Article 10 of the Religion Law, the second type of registration, local registration, allows the registered community to exercise freedom of religion or belief only within the bounds of the town or city where they are registered. Most religious organisations have only local registration.

"This means that you cannot meet for worship, prayer, evangelism and so on, outside your town of registration," the Protestant explained. They stated that, for example, "if a church decided to move to a different town, it cannot – it is not allowed".

Protestants fined for unregistered religious activity

A group of Protestants were fined in the northern Sugd Region in January for exercising freedom of religion or belief without state approval, a Protestant from a different church told Forum 18 on 20 June. The Protestant declined to give details for fear of state reprisals against those involved.

Jehovah's Witnesses "risk being imprisoned for unregistered activity"

Jehovah's Witnesses, who have existed in Tajikistan since the 1950s, are "severely restricted" in their freedom of religion and belief due to the ban on them imposed in 2007 (https://www.forum18.org/archive.php?article_id=2625), Jehovah's Witnesses told Forum 18 on 28 June. "Numerous efforts to resolve this situation through a dialogue with the Tajik authorities remain unsuccessful," Jehovah's Witnesses told Forum 18. "International delegations of Jehovah's Witnesses make regular attempts to meet with local authorities. However, each time, under different pretexts, the authorities reject the proposals and refuse to engage in dialogue."

In 2012, Jehovah's Witnesses submitted a complaint (Adyrkhayev et al v. Tajikistan, No. 2483/2014) to the UN Human Rights Committee about the forced dissolution of the community in 2007 and the re-registration denial in 2009. The decision is pending.

Jehovah's Witnesses said they "risk being imprisoned for unregistered activity", and that they are "forced to hold their meetings in small groups in homes". Despite not meeting publicly and openly because of the Religion Law, Jehovah's Witnesses are "targeted simply for peacefully practising their religious beliefs".

Organised Crime Police question Jehovah's Witnesses

In 2021 and 2022, Sugd Regional Police Department for the Struggle against Organised Crime "repeatedly questioned" several Jehovah's Witnesses regarding Shamil Khakimov, who is serving a jail term for sharing his faith. However, Jehovah's Witnesses said, as of 28 June no administrative or criminal cases were opened against them.

Khurshed Raupov, Deputy Chief of Sugd Regional Police Department for the Struggle against Organised Crime, who oversees religious cases, admitted to Forum 18 on 30 June that the Police had questioned Jehovah's Witnesses. However, he refused to discuss with Forum 18 why they had been questioned.

In February 2019, officials arrested Khakimov, who is in poor health, for allegedly "inciting religious hatred" under Criminal Code Article 189, Part 1 as then worded ("Inciting national, racial, local or religious hatred or dissension, humiliation of national dignity, as well as propaganda of the superiority of citizens based on their religion, national, racial, or local origin, if committed in public or using the mass media").

However, prisoner of conscience Khakimov's real "crime" seems to be that the regime thinks he led Khujand's Jehovah's Witness community. He was prosecuted for books, other literature, photos, videos, audios, computer files and mobile phone data seized from him and other community members, which the Prosecutor's Office claimed contain "features of extremist activity".

Khakimov was tried in closed hearings in Khujand's Investigation Prison in August and September 2019, during which no evidence was produced that he had harmed anyone. The judge jailed him for seven years and six months (https://www.forum18.org/archive.php?article_id=2506) in strict regime custody.

Khakimov's sentence was reduced in summer 2020 under amnesty by two years, three months, and in September 2021, also under amnesty, by a further year (https://www.forum18.org/archive.php?article_id=2690). On his projected release in May 2023, when he would be 72, Khakimov would then be deprived of the right to participate in any religious organisation for three years, a period due to end in May 2026.

Khakimov, who is now 71, is serving his sentence in Prison YaS 3/5 in Khujand. Jehovah's Witnesses say his health is poor (https://www.forum18.org/archive.php?article_id=2690) and he is now losing his eyesight

(https://www.forum18.org/archive.php?article_id=2760). "Recently, an ophthalmologist confirmed that his right eye is inoperable and he is gradually losing sight in his left eye," they told Forum 18. They added that "open ulcers on his left leg also have started to fester and exude pus again". The prison administration is not allowing appropriate medical attention or considering recommending early release.

Unregistered Baptists "cannot meet for worship or actively share their faith in the countryside"

Council of Churches Baptists – who refuse on principle to seek state permission to exercise freedom of religion or belief – have a small community in Dushanbe which meets regularly for worship. They also have church members scattered in other parts of the country.

"Though our only Church in Dushanbe can meet for worship without interference from the Police or other authorities, our believers in the countryside cannot meet for worship or actively share their faith for the reason of stricter control in the regions," Baptists told Forum 18 on 21 June. "The authorities know our Church in Dushanbe but do not bother them, we think because there are not many."

The Baptists noted that the Religion Law restricts church members' ability to share their faith, "as under the Law it is prohibited to talk about God in public places, the work place, and so on. Also the authorities do not like it when we share our faith especially with ethnic Tajiks." The Baptists declined to give more specific details for fear of state reprisals on church members.

Baptists who live in the countryside travel to Dushanbe "to visit the Dushanbe Church and participate in the Sunday meetings for worship every once in a while, when they can afford it or for other reasons".

"Our believers in the countryside, and not just us in Dushanbe, would like to be able freely to share our faith with everybody in Tajikistan, as it is a commandment given to us from God," Baptists told Forum 18. "We are all restricted in sharing our faith because of the Religion Law and state control."

Praying namaz privately with friends or any other activity outside registered mosques punishable

The regime continues to punish Muslims for prayers or other exercise of the right to freedom of religion or belief outside the boundaries of officially registered mosques (https://www.forum18.org/archive.php?article_id=2625), a human rights defender told Forum 18 on 29 June. They asked not to be named for fear of state reprisals.

"The authorities usually do not punish if guests pray the namaz together with the family they are visiting if these are isolated cases," the human rights defender told Forum 18. "However, if they find out that this happens more or less regularly, then they punish those who pray together." The human rights defender declined to give details of recent such punishments, fearing state reprisals for the Muslims involved.

"People will not be punished for praying at homes, if this happens within their own family," Mirzo Salimpur, an exiled human rights defender and editor of Tajik news website Bomdod, told Forum 18 on 29 June, "but teaching of any Islamic doctrine or the Koran privately without state permission is still being punished." Salimpur also declined to give details of concrete cases, for fear of state reprisals for the Muslims involved.

"All Islamic activity must happen inside the registered mosques, which are under the state-controlled Council of Ulems (https://www.forum18.org/archive.php?article_id=2625) and controlled by the National Security Committee (NSC) secret police," Salimpur stated. "All Imams are appointed by the state, and the SCRA prepares and provides all mosques with a standard text of sermons for Friday prayers. And there are no mosques without registration or outside state control."

In Kulob in March 2021, NSC secret police officers arrested Imam Mahmadsodyk Sayidov immediately after he refused to preach a SCRA-provided sermon and preached his own sermon instead. In June 2021, a court in Kulob jailed him, together with two mosque attendees Abdugafor Rajabov and Aslamkhon Karimov, for five years (https://www.forum18.org/archive.php?article_id=2678) for allegedly participating in a religious "extremist" organisation.

The regime has closed and seized independent, unregistered mosques (https://www.forum18.org/archive.php?article_id=2625). "All mosque buildings the authorities deemed illegal were in the last several years either destroyed or turned into public or other buildings," another human rights defender told Forum 18 on 30 June. "Even a few small mosques in villages or smaller residential areas, which officially are not registered with the SCRA, are under its control." (END)

More reports on freedom of thought, conscience and belief in Tajikistan (<https://www.forum18.org/archive.php?country=31>)

For background information, see Forum 18's Tajikistan religious freedom survey (https://www.forum18.org/archive.php?article_id=2625)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief

commitments (https://www.forum18.org/archive.php?article_id=1351)

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