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TAJIKISTAN: Has controversial religion bill been postponed?

By Igor Rotar, Forum 18

After telling an OSCE-organised round table discussion in the capital Dushanbe on 15 May that the highly restrictive draft Religion Law would not be adopted "in the near future", Muradulo Davlatov who heads the government's Religious Affairs Committee has declined to say when the new Law drawn up by his office might be adopted and in what form. "The media has caused a stir about a leaked version of the draft Law on Religions which could remain in its drafting stages for another year or two," he told Forum 18 News Service, but said he and his staff were "too busy" for an interview to explain further. Reliable sources told Forum 18 that adoption of the new Law has been postponed at least until the presidential elections in November. Hikmatullo Saifullozoda of the Islamic Revival Party's analytical centre is highly critical of the draft's restrictions, especially the ban on unregistered religious activity and restrictions on the numbers of mosques, complaining to Forum 18 that the current text is "a clear illustration of the authorities' attitude to believers".

As concerns continue from a wide range of religious communities in Tajikistan over a planned new Religion Law which - if adopted - will be the most restrictive in Central Asia, the authorities have refused to reveal when they intend to adopt it. Forum 18 News Service was unable to find out the Law's progress from Muradulo Davlatov, the head of the government's Religious Affairs Committee which prepared the draft. Reached by telephone on 1 June, he categorically refused to grant Forum 18 an interview or to allow any of his colleagues at the committee to be interviewed. "We are too busy to meet journalists," Davlatov told Forum 18. "The media has caused a stir about a leaked version of the draft Law on Religions which could remain in its drafting stages for another year or two." However, reliable sources who preferred not to be identified told Forum 18 that adoption of the new Law has been postponed at least until the presidential elections, which are due in November.

At a round table discussion held on 15 May at the offices in the capital Dushanbe of the Organisation for Security and Cooperation in Europe (OSCE), where many participants were highly critical of the draft Law, Davlatov said it would not be adopted "in the near future", but refused to say exactly what he meant by this phrase. He invited participants to send in any comments they had on the draft in writing.

Speaking to Forum 18 back in March, Davlatov strongly defended the controversial draft Law and denied it restricted the rights of religious believers (see F18News 30 March 2006 http://www.forum18.org/Archive.php?article_id=753).

One vocal critic of the current draft is Hikmatullo Saifullozoda, head of the Islamic Revival Party's (IRP) Analytical Centre, who complains that if adopted the new Law will severely restrict Muslims' religious rights. "Both the current head of the Religious Affairs Committee and his predecessor are former teachers of scientific communism," he told Forum 18 in Dushanbe on 2 June. "All the president's advisers on social issues are members of Tajikistan's Communist Party. So it is not hard to guess these people's attitude to religion."

The Religious Affairs Committee drew up the draft Law in January. When it became public, the text sparked immediate protests from Muslim, Russian Orthodox, Catholic, Protestant, and Jehovah's Witness leaders over the substantial restrictions both on Muslim rights and those of religious minorities (see F18News 22 March 2006 http://www.forum18.org/Archive.php?article_id=749).

Saifullozoda of the IRP claims that Davlatov was "extremely unhappy" that journalists had found out about the new draft Law and temporarily postponed its adoption to allow passions to die down. "However, the draft Law is a clear illustration of the authorities' attitude to believers," he told Forum 18.

Article 16 (on the organisational status of a religious association) of the draft Law forbids the activity of an unregistered religious association, as do – against international human rights standards – the religion laws in Kazakhstan, Uzbekistan and Turkmenistan. The Law on Religion currently in force does not make it obligatory for religious organisations to register.

The draft Law also restricts the number of mosques. Under Article 14 (on mosques and central mosques) "taking into account the administrative and territorial divisions of the Republic of Tajikistan, in every village with a population of between 200 and 2,000 people only one mosque may be set up, while each village with more than 2,000 people may set up an additional mosque for each

additional 2,000 people. A central mosque may be established on a calculation of 2,000 people in a rural location, and 30,000 people in a town, with the exception of the city of Dushanbe. In the city of Dushanbe, one central mosque may be established for every 50,000 people in the city."

One of Dushanbe's most respected imam-hatybs, who preferred not to be named, told Forum 18 in early June that about 50 mosques currently function in the capital for a population of around 800,000. "Therefore, if the draft Law is adopted, 34 mosques will be closed," he declared. "Overall, I calculate that if the new Law is adopted around 80 per cent of mosques across the country will be under threat of closure."

Article 26 of the draft religion Law legitimises state interference in how Muslim pilgrims go on the haj, the main annual pilgrimage to Mecca, and the umra, the shorter pilgrimage to Mecca at any time of the year.

Saifullozoda also has criticisms of what he believes are unacceptable current restrictions on the rights of Muslims (see F18News 8 June 2006 http://www.forum18.org/Archive.php?article_id=796).

Georgi Akimov, a Baptist who is director of the Bible League Mission, has complained that the high thresholds required for religious communities to register in the draft Law – 200 adult citizens for an individual community or 600 for a centralised religious organisation – will largely be impossible for religious minorities to achieve. He said most Protestant churches have at most several dozen members and he fears that, after the compulsory re-registration religious committee officials say will follow the adoption of the new Law, most Protestant organisations will therefore be closed down. He believes the current Law is perfectly adequate.

For more background see Forum 18's Tajikistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=190

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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