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TAJIKISTAN: Religious communities forced to pay for state human rights violations

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

Tajikistan charges religious communities high prices for censorship which violates the internationally recognised human rights to freedom of expression and freedom of religion or belief, Forum 18 News Service has found. An Imam of an officially registered mosque, who wished to remain anonymous for fear of state reprisals, told Forum 18 that he is confident he will receive Religious Affairs Committee permission to print books. But he is "surprised" that charges are imposed. "We cannot afford to pay these charges to print books", he lamented. "We do not earn much", he observed. The Hare Krishna community have found that "even our main sacred book, the Bhagavad Gita", must be censored. "And it is going to be very expensive for us", Dilorom Kurbanova complained. The state Religious Affairs Committee refuses to make public how much it charges for censorship. Numbers of imported books are restricted. It is also uncertain whether communities will be fined for already having or using uncensored literature, and what will happen to confiscated literature.

As well as running a highly restrictive religious censorship regime, Tajikistan is also forcing religious communities to pay for censorship of their literature and other material, various religious communities have told Forum 18 News Service. They have complained that the numbers of books they can import is restricted and that charges for the censorship – which itself violates the country's human rights commitments – are very high. The state's Religious Affairs Committee, which carries out the censorship under the name 'expert analysis', often takes longer than the law allows for censorship. Religious communities are also left unsure whether they will be fined for already having or using uncensored literature, and what will happen to confiscated literature denied a state license.

It is unclear what 'expertise' the Committee has available for its 'expert analyses'.

According to the Religion Law, only officially registered religious organisations and their members may import, export, produce, sell and distribute religious literature or items of a religious nature – and they may do this only if they have specific permission for each item from the Religious Affairs Committee. Heavy fines have been introduced for breaking the censorship regime (see F18News 11 January http://www.forum18.org/Archive.php?article_id=1528).

Officials have been insistent that they would stop all unregistered religious activity - without any exceptions - and were imposing extra-legal controls on the religious communities they registered. However, the authorities appear to have currently ceased - at least temporarily - trying to stop unregistered activity, with the exceptions of the banned Jehovah's Witness community and Muslims associated with the Islamic Revival Party (see F18News 15 November 2010 http://www.forum18.org/Archive.php?article_id=1511).

High payments for state denial of freedoms of religion, belief & expression

An Imam of an officially registered mosque in Khujand [Khojand] in northern Tajikistan, who wished to remain anonymous for fear of state reprisals, told Forum 18 on 11 January that he is confident he will receive Religious Affairs Committee permission to print books. But he is "surprised" that charges are imposed. "We cannot afford to pay these charges to print books", he lamented. "We do not earn much", he observed.

"Even our main sacred book, the Bhagavad Gita", must be submitted to the Religious Affairs Committee for 'expert analysis', Dilorom Kurbanova of the country's Hare Krishna Commune told Forum 18 on 7 January. "And it is going to be expensive for us," she complained. In Autumn 2010 she asked for an official permit to import 50 copies of the 815-page book. But Religious Affairs Committee officials told her that the charge for 'expert analysis' would be 3,315 Somonis (4,400 Norwegian Kroner, 570 Euros, or 750 US Dollars).

Kurbanova said that their Commune is a very small community, and they cannot afford paying "so much money for just getting the permission" to import the book. "We are a community, who survive on selling our literature here in Tajikistan," pointed out. "Imagine if we import only 50 copies, and then we add on the price of transportation and a little extra on the price of the book to make some profit, the price of it could come up to 130 Somonis" (180 Norwegian Kroner, 24 Euros, or 30 US Dollars). People here

in Tajikistan cannot afford paying so much for books, she added.

Wages in Tajikistan are low, especially in rural areas. The official minimum monthly wage and pension from 1 July 2010 is 80 Somonis per month (100 Norwegian Kroner, 15 Euros, or 19 US Dollars).

What will the state charge to violate people's human rights?

Religious Affairs Committee officials told Kurbanova of the Hare Krishna Commune that they charge "roughly" 4 Somonis (less than 5 Norwegian Kroner, 70 Euro Cents, or 75 US Cents) per standard book page. Mavlon Mukhtarov, Deputy Chair of the Committee, refused to say exactly what they charge. Speaking to Forum 18 on 7 January, he stated that the price list was fixed by the Religious Affairs Committee jointly with the Ministry of Economic Development and Trade – but did not say why this Ministry is involved. Asked how much the charge per standard page is, Mukhtarov claimed that price list "is available only to the religious communities, but not the wider public". He would not say why the price list is not public, stating in reply to Forum 18's questions: "Let the communities' representatives come to our office and we can show it to them."

A representative of one community, who asked not to be named for fear of state reprisals, told Forum 18 on 11 January that "we hear that prices may vary between 22 Somonis [30 Norwegian Kroner, 4 Euros, or 5 US Dollars] and 44 Somonis [60 Norwegian Kroner, 8 Euros, or 10 US Dollars] per page."

Censorship violates human rights commitments

Tajikistan's censorship regime directly violates its international human rights commitments, such as Paragraphs 16.9 and 16.10 of the Organisation for Security and Co-operation in Europe's (OSCE) Vienna Concluding Document of 1989. These read:

"(16) In order to ensure the freedom of the individual to profess and practise religion or belief, the participating States will, inter alia,

(16.9) - respect the right of individual believers and communities of believers to acquire, possess, and use sacred books, religious publications in the language of their choice and other articles and materials related to the practice of religion or belief,

(16.10) - allow religious faiths, institutions and organizations to produce, import and disseminate religious publications and materials;

(17) The participating States recognize that the exercise of the above-mentioned rights relating to the freedom of religion or belief may be subject only to such limitations as are provided by law and consistent with their obligations under international law and with their international commitments. They will ensure in their laws and regulations and in their application the full and effective exercise of the freedom of thought, conscience, religion or belief" (see compilation of OSCE freedom of religion or belief commitments at http://www.forum18.org/Archive.php?article_id=1351).

"Law is law"

Mukhtarov of the Religious Affairs Committee refused to say why censorship is imposed or why communities must pay for it. The only reason he would give to Forum 18 was that the Religion Law requires religious literature to be licensed. Despite the high prices charged in relation to people's earnings, he insisted that the Committee "will not make exceptions" for any community. "Law is law", he stressed.

Kurbanova of the Hare Krishna Commune told Forum 18 that she understood that, in addition to paying for the 'expert analysis', communities also need to obtain a license for the publication they submit for censorship. This may result in additional charges. However, Mukhtarov said that getting a positive 'expert analysis' "is equivalent to getting a license". He told Forum 18 that "there will not be another kind of licensing".

"You should only import as many books as the number of your members"

Several communities commented to Forum 18 that a related problem is limits put on the import or production of religious literature. Among many restrictions, the 2009 Religion Law's point 2 of Article 22 states that religious organizations shall be allowed "in the appropriate volume" to produce, export, import, and distribute religious literature, objects of religious nature and other religious informational materials in accordance with the laws of Tajikistan (see F18News 17 December 2008 http://www.forum18.org/Archive.php?article_id=1230).

Asked to explain what "in the appropriate volume" means, Mukhtarov of the Religious Affairs Committee said that "we can agree with each community on each of their request individually". He repeated this response when Forum 18 asked for more clarification. Asked by Forum 18 if his response meant the answer would be 'No', Mukhtarov's answer was ambiguous: "Let them talk to us, I do not see a problem here".

One Protestant, who wished to remain anonymous for fear of state reprisals, complained to Forum 18 on 7 January that Religious Affairs Committee officials refused his church permission to obtain 1,000 copies of a book. "You have only 150 members, so why do you need 1,000 copies" officials asked. When the church responded that the books were not only for their congregation but for other Christians across Tajikistan, officials told them that they "should mind your own church". The Committee stated that "you should only import as many books as the number of your members," the Protestant told Forum 18.

Asked to explain these limitations, Mukhtarov of the Religious Affairs Committee asked Forum 18: "If a religious organisation has only 150 members, why should they want to have 1,000 copies of a book?" When Forum 18 suggested that, in addition to wanting to distribute copies to co-believers, a religious community might want to distribute the literature among people who do not share their faith, he replied that he "does not see a problem with this".

Time taken for 'expert analyses' exceeds legal time limit

Some communities told Forum 18 that it takes a long time - more than the one month maximum allowed in the Religion Law - for 'expert analyses'. One such example was given by Maksim Mordovski of the capital Dushanbe's River of Life Protestant Church. He told Forum 18 on 7 January that the Religious Affairs Committee recently took three months to approve two books.

"We will in an expedient manner - within five to 10 days - give our expertise on the religious literature presented to us by the communities", Mukhtarov of the Religious Affairs Committee told Forum 18. "I don't think all the communities will send us their literature on the same day", he said when asked how the Committee will deal with future requests.

However, Mukhtarov added that "if the required documents for the literature are not submitted on time, the term may be extended". He would not say what documents were needed.

What will happen if uncensored literature is found?

Some religious communities expressed fears to Forum 18 over what will happen if religious literature which has not passed through government censorship is found. Mukhtarov told Forum 18 that the Religious Affairs Committee would not for the moment confiscate unlicensed literature from officially registered communities imported or produced before the censorship regime was imposed. "We will first do an expert analysis of the literature and only then decide what to do with it," he said.

Mukhtarov, however, would not clarify what the Committee will do with unlicensed or confiscated literature in the future.

A Jehovah's Witness from Tajikistan told Forum 18 on 12 January 2011 that three tons of confiscated Jehovah's Witnesses literature was destroyed in early 2010 after three years of open storage caused it to become "decayed and unusable". The literature was seized at the time the Jehovah's Witnesses were banned in 2007 (see F18News 18 October 2007 http://www.forum18.org/Archive.php?article_id=1036).

Mukhtarov said that he is "not sure what happened" to the literature. "Well, we asked them for three years to ship it back, and they did not", he claimed as justification for the authorities' actions.

In 2007 Tajikistan "temporarily" banned the Abundant Life Christian Centre, one of whose activities was assisting Christian organisations in Tajikistan with importing or printing religious literature (see F18News 9 November 2007 http://www.forum18.org/Archive.php?article_id=1045). The founder of Abundant Life later decided to close it due to pressure from the authorities (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://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=tajiki>.

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

Forum 18
Postboks 6603
Rodeløkka

