

17 March 2011

TAJIKISTAN: Religious freedom survey, March 2011

By Mushfig Bayram, Forum 18, and John Kinahan, Forum 18

Before the October 2011 UN Human Rights Council Universal Periodic Review (UPR) of Tajikistan, Forum 18 News Service's religious freedom survey notes continuing violations of freedom of religion or belief and related fundamental human rights. All activity independent of state control, by Muslims, Christians, Jews, Jehovah's Witnesses and other religious believers, has been targeted by the state. New restrictions in a draft Parental Responsibility Law include a total ban on all participation by people under the age of 18 in all religious activity, apart from funerals. Other violations include but are not limited to: demolitions and closures of mosques, churches, and the country's only synagogue; bans on the Jehovah's Witnesses and some Islamic and Protestant movements; arbitrary jailing of Muslims and criminal charges against Jehovah's Witnesses; a ban on all religious activity without state permission; sweeping limitations on the numbers of mosques permitted; limitations on the right to share beliefs; and tight government censorship. The authority's actions imply they think that the real threat they face is people exercising their human rights outside state control.

Ahead of the October 2011 UN Human Rights Council Universal Periodic Review (UPR) of Tajikistan, Forum 18 News Service's religious freedom survey notes that the country is showing increasing hostility to people exercising their right to freedom of religion or belief and other fundamental human rights. All activity that is independent of state control, both outside and inside the majority Islamic community, have been major targets. This is being continued with – among other human rights violations - current proposals for a new Parental Responsibility Law that would break the human rights commitments Tajikistan has made. Among the proposals is a complete ban on all participation by people under the age of 18 in all religious activity, apart from in funerals.

From 2007 many mosques or Muslim prayer halls, the country's only synagogue in the capital Dushanbe, and Protestant churches have been closed, demolished or confiscated without compensation. All Jehovah's Witness activity was permanently banned in 2007, and two small Protestant communities were "temporarily" banned in that year. One of these Protestant communities was allowed to resume activities in late 2008. The state continues to impose such bans on mosques in 2011.

Tajikistan is the smallest country in Central Asia, and is very mountainous. It has the third largest population in Central Asia, with well over 7 million people, about 80 per cent of whom are ethnic Tajiks. Around 15 per cent of the population are ethnic Uzbeks (who like Tajiks are regarded as being of Muslim background) with the remaining 5 per cent being made up of small percentages of Slavs (mainly Russians, many of Russian Orthodox or other Christian background), Jews and other minorities. After gaining independence the country fought a civil war between 1992 and 1997. During this the Islamic Renaissance Party (IRP), Central Asia's only legal religious-based political party, was banned. The IRP fought against the government in the civil war, but was re-legalised afterwards. Clan and ethnic loyalties were the main factors in the war.

President Emomali Rahmon, a former Soviet Communist Party official, has been head of the government since 1992 and President since 1994. His rule has been marked by multiple human rights violations, little sign of the rule of law, and hostility to democracy including electoral fraud. In the most recent parliamentary elections, in February 2010, the President's People's Democratic Party was claimed by the government to have received over 79 per cent of the votes. Human rights defenders such as Nargis Zokirova, who heads the Bureau on Human Rights and Rule of Law in the capital Dushanbe, have noted that people are often afraid to criticise the government and exercise their human rights, for fear of state reprisals.

Poverty is widespread and the economy is very weak, with corruption often being reported. Many people of working age have left the country to seek employment elsewhere, especially in Russia and Kazakhstan.

Arbitrary bans and imprisonments without evidence

Official actions against religious activity they dislike are usually arbitrary, the Supreme Court having from February 2009 banned the Salafi school of Islamic thought even though adherents have committed no crimes based on this school of thought. However Saidbeg Mahmadulloev of the state Religious Affairs Committee in January 2009 insisted to Forum 18 that Salafis may be "harmful" in future. Tajikistan's Supreme Court refused to release the text of the decision, but the ban was reportedly imposed to protect the constitutional order, strengthen national security, and prevent conflict between religious confessions, even though restricting freedom of religion or belief for these reasons is impermissible under Tajikistan's international human rights commitments. An

Ismaili imam, who did not wish to be identified, told Forum 18 that "Salafis do not constitute any threat for the country. It does not matter whether one is Sunni or Shiite, Ismaili or Salafi, we are all Muslims."

A total of 95 followers of the similarly banned Jamaat Tabligh Muslim religious movement were in 2010 given long prison sentences and huge fines. In March, 23 of these Muslims were given prison terms of between three and six years, and the other 33 defendants were fined between 25,000 Somonis (34,320 Norwegian Kroner, 4,330 Euros or 5,340 US Dollars) and 50,000 Somonis (68,640 Norwegian Kroner, 8,660 Euros or 10,680 US Dollars). In May, 32 of these Muslims were given prison terms of between three and six years, with fines of up to 25,000 Somonis (34,320 Norwegian Kroner, 4,330 Euros or 5,340 US Dollars) being imposed on the remaining four followers, a Tajik lawyer who wished to remain anonymous told Forum 18.

One of the Muslims complained to Forum 18 that he "does not understand why we should be prosecuted for peacefully praying in mosques and propagating Islam." Asked what exactly the 36 Muslims had done to be punished, one of the judges involved said that it was established that they belonged to the banned Jamaat Tabligh movement. Seven followers of the banned Salafi Muslim school of thought have also been given jail sentences.

Officials claimed to Forum 18 that Jamaat Tabligh was banned in Tajikistan by the Supreme Court in 2006. However an official of the Supreme Court Chancellery (who would not give his name) told Forum 18 in May 2009 that he knew nothing about a ban on Jamaat Tabligh. He referred Forum 18 to Solehjon Zavkiyev, Deputy Chief of the Supreme Court Apparatus. Zavkiyev also said he knew nothing about the ban and referred Forum 18 to Farrukh Malakhov, the Supreme Court's Press Officer. Thereafter, Forum 18's telephone calls to the Supreme Court were not answered.

An independent human rights defender who is familiar with the group's followers in Tajikistan described it to Forum 18 as "peaceful" and said "they tell Muslims how to recognise dangerous Islamic movements (..) This is exactly what Tajikistan needs." A Jamaat Tabligh follower questioned why, if the authorities think the group is harmful, its followers were able to preach openly until April 2009.

The Jehovah's Witnesses have been banned since October 2007. The banning order stated: "The religious organisation of Jehovah's Witnesses carried out its activity in violation of Republic of Tajikistan legislation by distributing in public places and at the homes of citizens, i.e. among members and followers of other religions, propagandistic books on their religion, which has become a cause of discontent on the part of the people". A Culture Ministry official stated that their conscientious objection to military service and refusal of blood transfusions were reasons for the ban. The Ministry also cited an "expert analysis" it requested from the Institute of Philosophy and Law, at the Tajik Academy of Sciences. Asked what the Institute concluded, an official told Forum 18 that "their expert opinion was, of course, that they [Jehovah's Witnesses] are a destructive cult". Jehovah's Witnesses pointed out to Forum 18 that the Institute is not on the Justice Ministry's list of organisations which can give expert analyses on religious organisations.

Payam Foroughi, then of the Office in Tajikistan of the OSCE, told Forum 18 that "OSCE participating States have committed themselves to non-discrimination on the issue of Freedom of Thought, Conscience, Religion, or Belief for all within their territory, without distinction as to race, gender, language or religion." The OSCE Centre "hopes that the ban on the Jehovah's Witnesses can be amicably resolved." Foroughi added that "OSCE participating States, including Tajikistan, can only benefit from the existence of a diverse representation of religious beliefs, whether of Islamic, Christian, or other faiths".

In September 2009 a religious affairs official defended criminal charges against up to 17 members of the banned Jehovah's Witnesses for allegedly inciting inter-religious hatred, which carry a sentence of between five and nine years' imprisonment. He justified this by stating that books confiscated during a June 2009 raid on a flat where they were meeting "propagandised against the Constitution and incited enmity between citizens", but admitted he has not read them. One of those facing trial told Forum 18 that the prosecutor had stated that the accusation is based on Jehovah's Witnesses interpreting the Bible differently from Protestants. As of March 2011, no trial had taken place but the criminal charges remain.

In 2007 Tajikistan also imposed "temporary" bans on two Dushanbe Protestant organisations, Ehyo Church and the Abundant Life Christian Centre. The authorities refused to put the ban on Ehyo in writing. One member told Forum 18 that "our church made amendments to its charter several times, and met the Religious Affairs Department in April, May and September of this year [2008]. Each time we were given different excuses for not being registered." Officials said that until the amendments were accepted they were banned. "One of the major stumbling blocks for the Religious Affairs Department in our charter is the term evangelisation," he complained. Ehyo was allowed to resume its activity in late 2008. Abundant Life told Forum 18 that the founders decided in May 2008 to close permanently. "We were asked to change so many points in our charter that it made it impossible for us to function as we intended to," Shaukat Dusmatov complained. He explained that one of the Centre's major functions was printing and importing Christian religious literature. "The Department did not want this," he complained. "Realising that the idea of being involved in literature was going to be impossible we decided to stop."

In October 2008, officials categorically denied to an OSCE conference that the Jehovah's Witnesses, Ehyo Church and the Abundant Life had been banned. They refused to tell Forum 18 why they made these statements.

No crimes committed because of their beliefs have been provably linked by even the authorities to followers of the Salafi school of

thought, Jamaat Tabligh, the Jehovah's Witnesses, or Protestants. Hikmatullo Saifullozoda of the Islamic Renaissance Party (IRP) told Forum 18 in May 2010 that he thinks the reason for the bans on the two Muslim movements was that they did not "exactly follow the Islam prescribed by the Council of Ulems, which is submitted to the President."

Why a new Religion Law?

On 1 April 2009 a restrictive new Religion Law came into force replacing the original post-independence Religion Law, which had been repeatedly amended. The government consistently refused to explain why restrictions were necessary. The government had long sought to introduce further controls on religious activity through a new Law, and various drafts had been prepared by the government without making them open to public comment. For example, in March 2009 Olim Salimzoda, the Deputy Head of the Parliamentary Committee on International Relations, Public Organisations and Information, which had worked on the Law, told Forum 18: "Parliament cannot reveal the text to anyone until it is signed by the President." Asked why Parliament could not make the draft available to the wider public, he responded: "We have already had enough public debates. What we need is just to finally adopt it."

Information about drafts which became public sparked vigorous criticism by Tajik human rights defenders and many religious communities, as well as international bodies including the then United Nations (UN) Special Rapporteur on Freedom of Religion or Belief. A spokesperson for the OSCE Office for Democratic Institutions and Human Rights (ODIHR) told Forum 18 after the Law was adopted: "It appears that the law as signed by the President still contains many of the problematic features that were highlighted in the legal opinion which was prepared by the ODIHR and the [Council of Europe] Venice Commission".

Akbar Turajonzoda, Tajikistan's Chief Mufti in the early 1990s and an independent member of Parliament's Upper House from 2005 to 2010, complained to Forum 18 in March 2009 that "this Law contradicts Tajikistan's Constitution and international norms. I voted against, and one other parliamentarian voted against. All the rest were in favour. I appealed to them to reject the Law and send it back, but I failed." He said that in adopting the Law, members of Parliament were also rejecting the views of other political parties, non-governmental organisations and religious communities. Tajik religious communities including Seventh-day Adventists, Baptists, Baha'is and Hare Krishna devotees also condemned the new Law. Such criticism continues. For example, Patriarch Kirill of the Russian Orthodox Church told the Bishop's Council in the Russian capital Moscow on 2 February 2011 that Tajikistan's Religion Law "is characterised by a large number of restrictions".

"Alien ideas"

State officials such as Saidmurod Fattoev, advisor to President Rahmon on social affairs, described international concerns as "baseless". Muradulo Davlatov, head of President Rahmon's Centre for Islamic Studies, accused independent publications which share the concerns of international organisations about the Law as supporting "alien ideas". Davlatov formerly headed the government's Religious Affairs Committee. Then Deputy Culture Minister Mavlon Mukhtarov, who oversaw religious affairs, claimed to Forum 18 that: "There are no restrictions on religious activity in the new Law".

Asked why the new Law imposes limitations on where and how many mosques may be opened, imposes state censorship of religious literature, and enforces state restrictions and control on religious education, he denied that these restrict religious activity. Mukhtarov insisted that the new Law was the initiative of Parliamentary deputies. "It's their right – no one can tell them not to adopt such a Law." He agreed that the Constitution is higher than Parliament and conceded that the President should not sign any Law that violates the Constitution. Asked why the President had signed it, given the contradictions with Article 26 of the Constitution – which guarantees freedom to practice any faith or none - and the country's international human rights obligations, Mukhtarov repeated his assertion that the new Law does not contain restrictions and does not violate the Constitution.

In mid 2009 state officials often claimed that the law might be changed. But President Rahmon told Parliament in April 2009 that the Religion Law "will not be changed" as it is "well-defined and clear". "The Republic of Tajikistan guarantees ideological pluralism and equality of all religions and confessions," the President was reported as saying. "Expressing respect to the will of the people of our country, I once again underline the inviolability of the constitutional foundations of our state – its independence, its democratic, legal and secular disposition, and resolutely declare that we will not turn away from the path that we have chosen."

The Islamic Renaissance Party (IRP) – which has come under increasing state pressure, including bans on its members praying in party buildings – has told Forum 18 that it intends to ask the Constitutional Court to rule on the constitutionality of the Religion Law. Mahmadali Khait, Deputy Chair of the IRP, told Forum 18 in March 2011 that they plan to do this after initial parliamentary discussions of the draft Parental Responsibility Law (see below) are finished, and that the IRP also plans to propose a draft of a revised Religion Law.

The Religion Law

The Religion Law is misleadingly entitled "The Law on Freedom of Conscience and Religious Associations". Although Tajikistan has many beliefs and religions among its population, the Preamble to the Law recognises "the special role of the Hanafi school of the Islamic religion in the development of the national culture and spiritual life" of the people. This is despite communities such as

Ismaili Muslims having long-standing roots in the country. The Ismailis, whose worldwide leader is the Aga Khan, are a minority found mainly in the south-eastern Badakhshan Region. Jewish and Christian communities also have long-standing roots in the country, along with other small religious communities.

The wording of many parts of the Law is extremely unclear, and allows much room for official arbitrary actions.

- Unregistered activity banned

The Religion Law defines any group of people who join together for religious purposes as a religious association. These associations are sub-divided into religious organisations and religious communities. Both "are subject to state registration", which can be denied. This has the effect of banning unregistered religious activity, in defiance of international human rights standards. Also, Article 474 of the Code of Administrative Offences punishes "carrying out religious activity without state registration or re-registration of the organisation".

Registered religious associations are "formed for the aims of joint conducting of religious worship". Religious organisations are in the Law permitted to in undefined ways "spread a religious faith", and are allowed to seek permission to - in permitted ways - produce, distribute, import and export religious literature and objects. These rights are not explicitly given to religious communities; officials normally act on the basis that whatever is not explicitly permitted is prohibited. However it is explicitly stated that only religious organisations can apply to found a religious publishing house. Also, to apply for registration of a religious education institution the endorsement of a registered religious organisation is necessary.

The Law imposed a re-registration deadline of 1 January 2010. Some mosques have already been refused re-registration, and many are waiting for registration along with the Baptist Union and the country's only synagogue. When re-registering some non-Muslim communities, the Culture Ministry's Religious Affairs Department (which is now the state Religious Affairs Committee, reporting directly to President Rahmon) imposed territorial restrictions on the community's activity. If the number of mosques in a local area exceeds the Law's mosque quotas, Deputy Culture Minister Mukhtarov told Forum 18 that "we will close down mosques which exceed the quotas".

The Law also imposes sweeping controls on state-permitted religious activity, particularly Muslim activity. Some of the more severe restrictions on permitted activity are outlined below.

- Who can register, how, and with what restrictions?

To gain top-level registration as a "religious organisation", ten adult citizen founders are needed, who have to gain a certificate from the local authorities confirming that adherents of the religious faith have lived in the local area for at least five years. The founders must supply their citizenship, home address and date of birth. Under Article 13 Part 5, applicants also have to provide an account of their beliefs and religious practices and describe their attitude to education, family and marriage and health of their adherents. This may be a way to obstruct registration of Jehovah's Witness communities, using their rejection of compulsory military service and blood transfusions as an excuse.

Article 9 Part 3 bans state officials and all members of political parties from being among the ten legal founders of a religious association. This provision may be aimed at members of the IRP who are involved in Muslim communities.

Those religious associations who are in Article 10 Part 8 stated as eligible to apply to register as a religious organisation are stated as "national religious centres, central cathedral mosques, central jamoatkhona [prayer places], religious educational institutions, churches, synagogues and other forms not contradicting the law". There are also particular restrictions on the numbers and types of mosques (see below). Religious organisations have to specify all the activity they undertake in their charters, and have to report annually on their activity or face being de-registered.

By contrast, all other religious associations – which specifically include cathedral mosques and mosques where prayers are recited five times per day - are eligible only to become religious communities. It appears that under Article 13 Part 3, such communities must undergo both local and national registration with state Religious Affairs Committee officials. Under Article 10 Part 4 and Article 13 Part 1, religious communities are stated to be registered "without the formation of a legal personality". Religious communities have to stick to the "essence and limits of activity" set out in their charters.

All religious associations have to specify the geographic territory of their activity, though it remains unclear why this is necessary. Given that failure to act in accordance with its charter is enough to de-register a religious community, it seems that acting outside the designated territory would be grounds to close them down.

Representatives of several religious organisations have complained to Forum 18 they could not get the national status they requested when they re-registered. They insist that they should be allowed to determine for themselves where they will function, but say that they were forced to accept limitations as the price of re-registration. Article 10 Part 10 of the new Law defines religious organisations' status as national, town and district level organisations, depending on the territory their activity covers as shown in

their charters. Religious communities must also specify the territory of their activity.

Religious communities have told Forum 18 of their fear that, if they are involved in religious activity outside the territory shown in their charters, the authorities might accuse them of violating the Law. For example the Hare Krishna Community was in 2009 given a status which would only allow them to function in Dushanbe. Dilorom Kurbanova told Forum 18 in November 2009 that her community is satisfied with the status at the moment, but it "will create difficulty" in future since the "only way to share our faith with others from outside Dushanbe from now on will be if and when we meet them in Dushanbe". Some Protestant churches also face similar difficulties.

Under Article 17, the Religious Affairs Committee is authorised to conduct "expert analyses" of a religious association's religious teaching, the veracity of information supplied on beliefs and rituals, and on the association's literature and religious objects. Article 19 requires religious associations to provide any information the Committee seeks, and to allow state religious affairs officials to attend any of their events. As the case of the Jehovah's Witnesses demonstrates, a negative "expert analysis" or hostile opinions held by officials can result in a religious community being banned.

- What types of mosques are permitted – and who can run them?

Perhaps because Islam is the majority faith – and so independent non-state controlled Islam is a target for a government hostile to everything outside state control – mosques are singled out for special restrictions in Article 11. These restrictions are not formally applied to places of worship of other faiths.

The Religion Law defines only three categories of mosque – the largest ones are designated Central cathedral mosques, medium sized ones as Cathedral mosques, and the smallest as Five-fold mosques.

Article 11 Part 2 restricts Central cathedral mosques to one per district or town in the country. Article 11 Part 3 allows only one Cathedral mosque for five-time prayers for each residential district of 10,000 to 20,000 inhabitants (30,000 to 50,000 inhabitants in Dushanbe). Article 11 Part 4 allows only one Five-fold mosque for each residential district with a population of 100 to 1,000 inhabitants (1,000 to 5,000 inhabitants in Dushanbe).

Article 11 Part 6 states that: "Imam-hatibs and imams of the mosques are selected with the agreement of state commissioners of the religious affairs body." However, other faiths are left to select their own leaders without state interference. "Even imams who were loyal to the government complain of this," Hikmatullo Saifullozoda of the IRP told Forum 18.

Saifullozoda told Forum 18 in June 2009 that there is an "unwritten instruction from the authorities" that preaching should take place "only in Cathedral mosques". He said he did not know which government agency issued such an instruction. Forum 18 has been unable to establish how widely this ban is being enforced. An imam from a Dushanbe mosque, who wished to remain unnamed for fear of government reprisals, supported Saifullozoda's claim. He also confirmed that imams are often banned from preaching at weddings, but said "the ban on preaching at weddings already existed even before the new Law." He said police have warned a mosque in the city not to allow children to attend.

In theory mosques have long chosen their imams, who are then confirmed by the state-favoured Council of Ulems (Islamic scholars), which replaced the former Muftiate or Spiritual Board of Muslims. But in practice the Council has named imams – and removed those the authorities do not like. This can happen even for minor reasons; a Dushanbe imam cited a 2006 incident in which two imams who failed to attend a meeting between the Mayor and city imams were removed.

In January 2011, the Religious Affairs Committee announced that it would be drawing up a list of approved sermon topics for imams. It was not announced what may happen to imams who do not follow this list.

The state-favoured Council of Ulems (Islamic scholars) is part of the state's control of Muslim religious activity. Article 9 Part 2 of the Law requires that more than half the registered religious organisations of a given faith must agree before a national centre (such as the Council) can be set up. Saidbek Mahmaddulloyev of the Religious Affairs Committee told Forum 18 in April 2010 that under Article 9 Part 2 of the Law "more than half of 68 Cathedral mosques or educational institutions must have official registration to entitle them to a national centre [i.e. the Council]". He continued that "we will register the Council after the [state-appointed] imams of the mosques elect the head of the Council in a congress to be held." The Council is the only national centre Muslims will be allowed.

Although at that point the Council was not formally registered, it still operated with state support. In sharp contrast, an unregistered Baptist Union faced demands from Mahmaddulloyev of the Religious Affairs Committee to "stop its activity since all unregistered religious activity is considered illegal now according to the new Law".

- Religious education

Religious education is placed under tight government scrutiny, contradicting the Law's claim to guarantee the right to religious

education. Like many other parts of the Law, the wording affecting religious education is extremely unclear, allowing much room for official arbitrary actions.

Article 8 Part 4 requires a state licence for religious education to take place. Article 8 Part 5 requires parents to give written permission for their children between the ages of 7 and 18 to be given religious education, which is allowed only in free time and outside the framework of state education. This Article implies but does not state both that only officially registered religious organisations can give religious education, and that it cannot be given to children younger than 7.

As Article 8 Part 3 specifies only that Central cathedral mosques and Cathedral mosques can establish educational groups "to teach the basics of the religion", it implies that local mosques and perhaps other religious communities cannot do so.

Article 12 states that to apply for registration of a religious education institution the endorsement of a registered religious organisation is necessary. This implies (but does not actually state) that only registered religious organisations can found religious educational institutions. The "conditions and teaching arrangements" of such institutions require "agreement" with Religious Affairs Committee officials under Article 12 Part 2. Licences are also required. Education offered in such institutions must be at the same level as in state educational institutions, though what this means in practice is not made clear.

The Religion Law does not state that there is any need for state permission to pursue religious or theological studies outside Tajikistan. But officials nevertheless insist that permission for this is required from the Religious Affairs Committee.

The proposed new Parental Responsibility Law (see below) would further tighten restrictions on a wide range of matters to do with bringing up children, including religious education.

- Right to share beliefs limited

While several Articles guarantee the right to share one's beliefs, Article 23 Part 3 bans "agitation and informational activity by religious associations" not only in state-run nurseries and schools, but also "in citizens' flats and homes". This would seem to contradict the Law's undefined permission for religious organisations (but apparently not religious communities) to "spread a religious faith". Article 4 Part 5 bans a variety of violent actions as well as "propaganda of religious superiority" - even though the right to discuss and criticise the merits or demerits of any or all beliefs is an essential part of religious freedom in international law.

Article 4 Part 9 of the new Law states that only officially registered religious associations may engage in undefined "mass preaching activity".

- Censorship

Religious literature and religious objects remains under tight government censorship: Article 22 Part 3 explicitly requires state approval for the production, import, export, sale and distribution of these items. Individuals and registered religious associations are permitted to "acquire and use" such items. Only registered religious organisations (but not religious communities) are specifically authorised to produce, import, export and distribute such items (with state permission) and only "in an appropriate quantity" – without defining what this means or who decides this. Only registered religious organisations are authorised to set up publishing and printing houses to produce religious literature and other items. Article 22 Part 5 requires religious literature and objects to carry the full name of the registered religious organisation that produced them – including for example candles, crosses and crucifixes of any size.

This Article would appear to ban all private or commercial publishing related to religions which is not controlled by religious organisations. It remains unclear whether publications about religious matters (such as on the history of religious communities and personalities), as well as anti-religious, atheist or agnostic material is included in these restrictions.

Many religious groups even before the Religion Law came into force had problems with censorship. But in January 2011 a new "offence" was created by the addition of Article 474-1 to the Code of Administrative Offences. This punishes "violations of the law on the production, import, export, sale and distribution of religious literature as well as of other objects and materials of religious significance". The Article specifically targets: doing these activities without approval from the Religious Affairs Committee; repeat "offences"; failing to put the religious organisation's full name on any items produced; and founding enterprises to produce religious objects or literature by anyone apart from a registered religious organisation.

The Article imposes heavy fines. Individuals who break the censorship rules are liable to fines of up to 100 state Financial Indicators, currently 3,500 Somonis (4,700 Norwegian Kroner, 610 Euros, or 800 US Dollars), while religious organisations will be fined up to 200 state Financial Indicators, currently 7,000 Somonis (9,400 Norwegian Kroner, 1,220 Euros, or 1,600 US Dollars). Repeat violations will lead to fines for individuals of up to 150 state Financial Indicators and for organisations up to 300 state Financial Indicators.

Religious organisations can be fined 15 to 100 state Financial Indicators for not marking on the religious literature or objects the

organisation's full name, together with confiscation of the offending items.

Owners of printing companies producing religious books and DVDs can be fined 200 to 300 state Financial Indicators. The only exceptions are agencies set up by registered religious organisations.

Wages in Tajikistan remain 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). The increased fines are in the amendments calculated as multiples of a state Financial Indicator, which the state currently sets for fines at 35 Somonis (47 Norwegian Kroner, 6 Euros, or 8 US Dollars). Inflation is high, which has led to fines and other amounts specified in laws being given in terms of state Financial Indicators. The amount in Somonis that a Financial Indicator represents is changed from time to time.

In addition, Tajikistan charges religious communities high prices for censorship. 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," Dilrom Kurbanova complained.

The state Religious Affairs Committee refuses to make public how much it charges for censorship. Speaking to Forum 18 in January 2011, Deputy Chair Mavlon Mukhtarov 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."

It is uncertain whether communities will be fined for already having or using uncensored literature, and what will happen to confiscated literature.

An Ismaili Imam from the south-eastern Badakhshan Region, who wished to remain unnamed for fear of reprisals from the authorities, is among those to complain to Forum 18 about the fines and the censorship system. "Why should I ask the Government what books I can read? I should be free to read any books about my faith." Mavlon Mukhtarov of the Religious Affairs Committee denied that the censorship violates Tajikistan's international human rights commitments. Asked about the huge fines, he told Forum 18: "Well, we will warn religious organisations not to violate the law, and those fines will only come if they continue violations."

- Pilgrimages controlled

Article 21 of the Religion Law puts the state in charge of organising Muslims' participation in the haj and umra pilgrimages to Mecca. Since 2003 the Council of Ulems and the Religious Affairs Committee have together approved the list of haj pilgrims.

- Contact with foreign co-believers needs state permission

Under Article 24 of the Law, only religious organisations are specified as having the right to – with permission from the Religious Affairs Committee - "establish international religious co-operation with analogous foreign organisations".

- Wide scope for permitted associations to be banned

Article 32 of the Religion Law allows courts to liquidate or ban religious associations at the request of prosecutors or the Religious Affairs Committee. This can happen after being warned by such officials, not only if they break the Constitution or any laws, they conduct activity contradicting the aims and tasks specified in their charter, or they fail to comply with warnings given by such officials.

What are the penalties?

Penalties for breaking the Religion Law are imposed under the current Code of Administrative Offences, which came into force on 1 April 2009. This widened the range of religious activity subject to punishment and sharply increased the penalties for "offences" which had already been established in the previous Code, first adopted in 1991. In addition, a new "offence" of breaking the censorship regime was created in January 2011. Three Articles of the current Code punish religious activity:

Article 474 ("Violation of legislation on religious organisations") prescribes fines for "carrying out religious activity without state registration or re-registration of the organisation", "violation of the procedures established in law for organising and holding

religious events", "teaching religious knowledge without [state] permission", "carrying out prayers, religious rites, rituals or ceremonies in places not established [for this]", and repeat "offences".

For first offences, individuals face fines of 7 to 10 state Financial Indicators, religious leaders 20 to 30 state Financial Indicators and registered religious organisations 100 to 200 state Financial Indicators. Fines for second "offences" within one year of a previous conviction are 12 to 20 state Financial Indicators for individuals, 40 to 50 state Financial Indicators for religious leaders and 300 to 400 state Financial Indicators for registered religious organisations.

Article 477 is entitled "Leadership or participation in the activity of social or religious organisations not registered in accordance with the established procedure of the law of Tajikistan, or financing of them".

Leading such an unregistered organisation, or an organisation whose activity has been legally halted or banned, leads to a fine of 30 to 50 state Financial Indicators. Participation in such an organisation leads to a fine of 3 to 7 state Financial Indicators. Financing such organisations leads to fines on individuals of 10 to 20 state Financial Indicators, on officials of 40 to 50 state Financial Indicators and on registered organisations of 200 to 300 state Financial Indicators.

Article 478 is entitled "Violation of the law on religious organisations by foreign religious organisations, foreign individuals and individuals without citizenship". Carrying out such religious activity without state approval leads to fines on individuals of 15 to 20 state Financial Indicators and deportation from Tajikistan, fines on leaders of foreign religious organisations or their branches of 30 to 40 state Financial Indicators and deportation from Tajikistan, and on religious organisations and their branches fines of 200 to 300 state Financial Indicators.

Foreign religious organisations that violate legislation on religion face fines on their leaders of 20 to 30 state Financial Indicators and their deportation from Tajikistan, and on registered religious organisations of 300 to 400 state Financial Indicators. Foreign religious organisations that "systematically" conduct activity not in accordance with their statute, or fail to rectify "violations and inadequacies", face fines on their leaders of 40 to 50 state Financial Indicators, and on the organisations themselves of 400 to 500 state Financial Indicators.

Places of worship limited, closed, and demolished

Even before the 2009 Religion Law changes, places of worship were targeted by the authorities – particularly in Dushanbe. A July 2007 draft of the proposed Religion Law called for limitations on mosque numbers in a particular localities; this approach was enacted in the 2009 Law and has been continued into 2011.

In March 2008 Dushanbe Prosecutor's Office announced that 13 of the 148 unregistered mosques in Dushanbe would be demolished, another 28 would be allowed to work after registering with authorities and the rest would be closed down. In October 2007 the authorities demolished three mosques, each of which held more than 100 worshippers. "Those places weren't registered at the Ministry of Justice as mosques and they spoiled the architecture of the city", Saidbek Mahmudolloyev, assistant to the head of the state Religious Affairs Committee, told Forum 18.

These were the first mosque demolitions, which were also defended by Haji Nigmatullo Olimov, the then Deputy Head of the state-favoured Council of Ulems (Islamic theologians): "Those that were demolished were just one-room or small shabby buildings used for weddings, funerals and sometimes for prayer. They were pulled down for different reasons. The city authorities do not want people to be divided into small groups but attend larger mosques. Besides, those buildings make parts of the city look ugly."

Similar excuses have also been used by the authorities elsewhere. In December 2010 the decision not to register – and so deny the right to exist - to 22 out of 32 mosques in the south-eastern Badakhshan Region was claimed by Khusravbek Rakamov, Deputy Head of the regional administration's Religious Affairs Division, to be because they are "old stores or car repair shops, which do not look good, and are not clean places".

Demolitions of Jewish and Christian places of worship in Dushanbe also took place, as with the mosques allegedly as part of city redevelopment plans which also saw the demolition of homes and businesses. The Nani Hayat (Bread of Life) Protestant church was destroyed in August 2008 without any compensation being offered. In March of that year city authorities gave the church until May to move out. Similarly in 2009 the Grace Sunmin Protestant church was forced out of its building. Deputy Culture Minister Mavlon Mukhtarov refused to explain to Forum 18 why the church was stripped of its property with only minimal compensation being offered.

These cases illustrated the connection between the Tajik authorities' freedom of religion or belief violations and their general hostility to citizens' other rights. Payam Foroughi, then of the Office in Tajikistan of the OSCE, told Forum 18 in August 2008 that there have been ongoing property disputes between residents and organisations (religious or otherwise) and local governments in Tajikistan, much of it taking place in recent years in Dushanbe. "Among the issues of concern has been the lack of transparency in the process of forced evictions, confiscations, and destruction of properties". Foroughi pointed out that the Tajik authorities have committed themselves to full protection of all types of property including private property, as well as the "right to prompt, just and

effective compensation in the event private property is taken for public use". He complained that Dushanbe's redevelopment plan, which appears to be the basis for many such decisions to confiscate and demolish property, "has not been fully revealed to individuals and advocates defending the citizenry". "It is also unfortunate that in nearly all cases where the city government has offered alternative property to residents, the value of such properties has been far less than that of the homes confiscated".

The Mayor's Office valued Nani Hayat's church building at 383,000 Somonis (700,000 Norwegian Kroner, 83,000 Euros or 112,000 US Dollars). Soon after the church on 23 September 2008 sent an official letter, the Mayor's Office told the church that they forwarded the letter to the Presidential Administration's committee overseeing compensation awards for affected buildings in the rebuilding. No compensation has been paid, and Forum 18 has been unable to find out why. In June 2009 the Mayor's Office, Presidential Administration, and Justice Ministry have variously claimed that there was a "wrong number", to be on holiday, and in the case of then Deputy Culture Minister Mavlon Mukhtarov (whose Ministry then included the Religious Affairs Committee) that it was not within his competence. As of March 2011, no compensation has yet been paid.

In the case of the synagogue – the only Jewish place of worship in the country – the authorities carried out the demolition in two stages. In February 2006 the authorities began demolishing the mikvah (ritual bathhouse), classroom, and kosher butchery at the century-old synagogue, before an outcry brought the destruction to a halt. But demolition re-started and was completed in June 2008. Chief Rabbi Mikhail Abdurakhmanov told Forum 18 that this forced the Jewish community to halt worship and stop its food aid programme. "We do not have a place to hold our worship, and we also have no place to feed the elderly and the poor."

Faced with the authorities' determination to destroy the synagogue, the community requested that they be allowed to dismantle the building themselves. Rabbi Abdurakhmanov noted that every part of the building is sacred, so "it would be an abomination for the Jewish religion to bulldoze the synagogue." However, "the Chief Engineer came to the site and showed his dissatisfaction with the speed of our work and had the remaining wall bulldozed." Yusuf Salimov of the Tajik Presidential Administration, which the community has sought compensation from, claimed to Forum 18 that he is not aware of the problem. "They should complain to the higher courts," he said. When Forum 18 told him that Jewish community leaders were already discouraged from doing so, thinking that the authorities were indifferent to their plight, he responded: "Let them write to us about it."

Speaking to an OSCE conference in 2008, Tajik officials insisted that Dushanbe's synagogue had been bulldozed solely in connection with rebuilding as part of the city's reconstruction plan, that the decision had been taken on the basis of a court order, and that an alternative plot of land "has been provided" for rebuilding. However, Rabbi Mikhail Abdurakhmanov told Forum 18 in the same month that "in 2004 the authorities made a decision to allocate us a new plot of land, but they never did". Although the April 2008 court decision clearly states that the Jewish community was to be evicted from the synagogue without any financial or land compensation, the Tajik delegation to the OSCE conference repeatedly refused to tell Forum 18 why it made misleading claims.

Very unusually, in March 2009 the Jewish community received a building that they can use as a synagogue. However, it was not the city authorities which provided the building, but a private businessman Hasan Asadullozoda, who is President Rahmon's brother in law.

No compensation is normally paid for such demolitions, and Olimov of the Council of Ulems claimed in 2007 that the authorities had discussions with people attending those places to explain the situation and come to a consensus about their future. No worshipper at any demolished place of worship of any faith has recounted such a consultation process. Haji Nematullo Ahmadzod, the assistant to the imam at one of the mosques demolished in 2007, told Forum 18 that the mosque was demolished that September, re-built by worshippers in October, and then demolished again. A group from the mosque went to Vasif Rustamov, the head of the city administration, to complain, but he refused to receive anyone about the issue. Ahmadzod said the community wants to take their complaint further "but no-one is willing to receive them".

The closure of places of worship continues to this day. In January 2011 Tajikistan closed around 50 mosques in Dushanbe and warned Muslims not to engage in unregistered religious worship. Reportedly, mosques continue to be closed in other parts of Tajikistan. However, officials from the Dushanbe Mayor's office and state Religious Affairs Committee have claimed to Forum 18 that the closed mosques "are not mosques," and "cannot be used as mosques". It is unclear why the authorities claim that mosques should apply for registration, when the authorities have decided in advance that they cannot be used for worship. A Dushanbe imam, who wished to remain unnamed for fear of the authorities, told Forum 18 that he welcomes members of a closed mosque to his mosque, but "they want to have their own mosque".

Husseyin Shokirov of the Religious Affairs Committee claimed that "these places did not register officially, and were built without state authorisation". Zafar Safarov, Head of Dushanbe's Sino District Hukumat (Administration), was unwilling to explain why Muslims cannot meet in the so-called public places for prayers. Shokirov of the Religious Affairs Committee also claimed that mosque leaders "never asked us for registration", but this has been denied by mosque attendees Forum 18 has spoken to. Asked whether, as with other mosques in the past, the authorities will demolish these places of worship, Shamsuddin Nuriddinov of Dushanbe's Mayor's Office claimed: "None of the places will be torn down, but the people were warned not to use them for religious worship." Officials would not tell Forum 18 what measures will be taken against imams or local Muslims if they continue worshipping in closed mosques.

"Traditions, Celebrations and Rituals" restricted

In June 2007 a Law on Regulation of Traditions, Celebrations and Rituals introduced restrictions on when, where and how individuals, families and communities can mark key events, including birth celebrations, birthdays, circumcisions, weddings, burials and mourning rituals. Limits on how long such events last, how many people can attend them and when and how much food can be served are extensive. The government claims that an aim of this is to limit what they claim are the often unaffordable costs of entertaining family and friends at such events. The Law implies that it affects only the marking of events by ethnic Tajiks (and Muslims). National minorities are specifically exempted from restrictions in celebrating their national events.

Burials face no restrictions, but the third day after a death cannot be marked (as is usual) with a meal for family and friends. The fortieth day commemorative meal cannot include more than 80 people and cannot consist of more than one course. Mahvludhoni, a celebration to mark the Muslim prophet Muhammad's birthday where recitations from the Koran traditionally take place, can take place only in mosques, and no collection or handing out of money is allowed. The traditional gathering to greet a returning pilgrim (usually from the haj or umra pilgrimage to Mecca) can take place only "in the family circle", and organising celebratory meals to mark the pilgrim's return "is strictly forbidden".

The Law is highly revealing of the official wish to control society, but Tajiks have told Forum 18 that in practice the state finds it difficult to enforce all these restrictions.

Education targeted

Religious education of all kinds has been becoming a target of the authorities. Not only is there an attempt to enforce the existing harsh "legal" restrictions in the Religion Law and Administrative Code, which break Tajikistan's international law human rights commitments. For example Article 474 of the Administrative Code ("Violation of legislation on religious organisations"), specifies "teaching religious knowledge without [state] permission" as one such "violation". President Rahmon has also initiated a harsh new draft Parental Responsibility Law (see below).

From May 2010 the Interior Ministry launched an apparently nationwide "Operation Madrassah", the main targets of which appear to have been people teaching Islam to children and young people. "We have only identified and stopped illegally acting mullahs who have no licence to teach the Koran," one police officer told Forum 18. Asked what was illegal about teaching the Koran to children he said, "Ask the relevant organs". An official of Sugd Regional Education Department told Forum 18 that he approved of raids against the "illegal" private Koran lessons. "Everything must be done according to the law, and all those illegal groups and organisations must be stopped," he said referring to unregistered religious activity. A Religious Affairs Committee in Dushanbe at first denied that raids took place, but then admitted they had. He insisted: "Teaching Koran privately is not banned, but those who do it must be licensed by the State Committee. Let those mullahs ask the Committee for a licence."

In August 2010 state television broadcast a speech by President Rahmon, in which he said: "I ask all parents who have sent their children abroad to study in religious schools, to call them back because most of these schools are not religious in essence. Your children will become extremists and terrorists, that is, in future they will be enemies of and betray the Tajik nation." The President claimed that parents who send children abroad to study Islam want them to become imams to "make money and live on that". "We ourselves, the government and the Religious Affairs Committee will decide how many religious ministers are needed for the country, and will send students to those religious education institutions which do not pursue extremism," he was quoted by local news agencies as saying.

Mansur Sayfutdinov, Senior Advisor to President Rahmon, told Forum 18 in September 2010 that the President in his speech did not mean all students who are studying abroad, but only those "studying in violation of the new Religion Law". Sayfutdinov did not comment on why President Rahmon thought that these students would become "extremists or terrorists".

Draft Parental Responsibility Law

President Rahmon initiated the draft Parental Responsibility for the Education and Upbringing of Children Law, the Chair of the parliamentary Committee on Laws and Human Rights, Mahmatali Vatanov, told Forum 18 in March 2011. The draft imposes severe restrictions on freedom of religion or belief and related fundamental human rights. A deadline for public discussion of 15 March 2011 was given, but it remains unknown what changes may be made, or when a Law may be passed by Parliament.

Among the Law's numerous demands affecting children's and young people's education and behaviour, many of which are unclear and so would allow officials to act arbitrarily, parents are explicitly required to:

- "give a worthy name to the child according to national values".

The phrase "national values" is undefined, and Muslims and non-Muslims – notably converts from Islam - have both expressed fears that they may not be able to give their children religious names. Former Chief Mufti and Senator Turajonzoda noted that "the new official trend is for old Tajik names from Zoroastrian times and the authorities do not like parents giving names like Muhammad,

Abu-bakr and so on to children." Turajonzoda added that he is not against Zoroastrian names, but "people should have freedom to name their children".

- "educate the child in the spirit of respect for the homeland, national and universal values". The Law, however, does not clarify whether religious values can be taught to children.

- "not to allow the participation of adolescent children in the activity of religious associations and organised religious activities with the exception of funeral rituals".

- "provide for children a school uniform at all levels of education and to control the wearing of it within the bounds of etiquette."

This could be interpreted by officials as banning the Islamic hijab (headscarf), Jewish kippa (skullcap) and other forms of religious clothing not part of school uniforms.

The proposals are highly controversial, and have sparked strong protests from a wide range of human rights defenders and religious communities. As appears to be routine with such legislation in Tajikistan, many of the proposals break the international human rights standards the country has in international law promised to implement.

Who does Tajikistan's government see as a threat?

President Rahmon and other officials claim that repression of religious freedom is motivated by fears about security threats. For example, this was the argument used by General Abdullo Nazarov, Deputy Chair responsible for counter-terrorism of the National Security Committee (NSC) secret police, according to an alleged cable recounting a December 2009 meeting with a senior US Embassy official published by Wikileaks. In response, Nazarov was asked: "Might the Law backfire, by inspiring more radicalism, especially in a time of declining economic fortunes and increasing difficulties in providing basic services such as education and health care? Nazarov thought not. The Law was directed at particular groups, not society in general, and repressing of religious groups was a temporary measure until the state was firmly established." Yet both the words of the Law and the authorities' actions are directed at all religious communities outside the narrow limits of control and limitations on activity state officials arbitrarily impose.

Despite the experience of civil war between 1992 and 1997, Tajikistan shows little sign of understanding that genuine security depends on genuine respect for human rights. Indeed, the authorities behave as if the real threat they face are people exercising their human rights outside the control of President Rahmon and government officials.

The authorities' actions appear to be motivated by a wish to control everything with only the pretence of the rule of law, as the draft Parental Responsibility Law proposals demonstrate. There is no evidence that Tajikistan has any intention of implementing its solemn international and domestic commitments to respect freedom of religion or belief, or other fundamental human rights. (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>.

The previous Forum 18 religious freedom survey of Tajikistan is at <http://www.forum18.org/Analyses.php?region=31>.

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
N-0502 Oslo
NORWAY