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TAJIKISTAN: Ban on children in worship "once Ramadan is over"?

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Although the highly controversial Law on Parental Responsibility for Education and Upbringing of Children has entered into force, state Religious Affairs officials have failed to explain to religious communities how its near-complete ban on children's participation in religious activity will be enforced. The head of the government's Religious Affairs Committee, Abdurahim Holikov, has been travelling around Tajikistan to explain the new Law to imams, together with the government-backed head of the Islamic Centre Saimukarram Abdukodirzoda, but what they said remains unclear. Several Christian communities tried to find out from the Committee at a 12 August meeting. "Officials explained that the Law exists, but didn't explain how it will be put into practice," one Catholic told Forum 18 News Service. Hikmatullo Sayfullozoda of the Islamic Renaissance Party told Forum 18 he had heard that "the President gave a verbal instruction to local administrations not to touch people during [the Muslim holy month of] Ramadan". Sayfullozoda fears that the authorities will act once Ramadan is over at the end of August.

Now that the highly controversial Law on Parental Responsibility for Education and Upbringing of Children has entered into force, religious communities of all faiths are struggling to find out how the Law's almost complete ban on children's participation in religious activity will be enforced. The Law was the personal initiative of President Emomali Rahmon. "I have heard that the President gave a verbal instruction to local administrations not to touch people during [the Muslim holy month of] Ramadan," Hikmatullo Sayfullozoda of the Islamic Renaissance Party (IRP), an opponent of the Law, told Forum 18 News Service from the Tajik capital Dushanbe on 16 August. "I believe that the authorities will act once Ramadan is over [at the end of August]."

Forum 18 was unable to confirm that President Rahmon had issued such instructions. The telephone of presidential spokesperson Abdufattoh Sharifzoda went unanswered on 16 August. Another member of the Presidential Administration refused to say if the President had issued such an instruction or how the Law would be implemented. But he vigorously defended the new Law. "Let a child form himself and find his place in society. Why should children go to religious organisations?" the official told Forum 18.

Sayfullozoda, as well as members of other Muslim, Christian and Baha'i communities, all told Forum 18 that the Law's ban on children's participation in worship has not yet been implemented. "We haven't felt any effect on us yet," one Baha'i told Forum 18 from Dushanbe on 16 August. The Baha'i noted that their statute submitted when they gained re-registration already includes a commitment that children should not attend without their parents' written approval. "This clause was included on the recommendation of the government's Religious Affairs Committee."

However, other existing restrictions on religious activity have led to raids on two Jehovah's Witness communities, one in Dushanbe in July, after which two community members were fined, and in the western town of Tursunzade [Tursunzoda] in August. Jehovah's Witnesses were banned in Tajikistan in 2007 (see F18News Tajikistan religious freedom survey http://www.forum18.org/Archive.php?article_id=1553).

Parental Responsibility Law comes into force

The Parental Responsibility Law was finally approved by Parliament on 21 July and was then sent on to the President (see F18News 21 July 2011 http://www.forum18.org/Archive.php?article_id=1595).

Despite widespread criticism from inside and outside Tajikistan, President Rahmon signed the Law on 2 August. It came into force on its official publication on 6 August in the government newspaper Jumhuriyat and on its website. The National Legislative Centre also published the text on its website mmk.tj in Tajik and in Russian.

Article 8 of the new Law includes the clause: "Parents are obliged (...) not to let children-teenagers participate in the activity of religious organisations, with the exception of those officially enrolled in religious education."

Article 9 "bans the encouragement of children to receive education in illegal schools and education institutions as well as from individual persons who do not have permission for such activity". It also requires parents "not to allow the education of adolescent children abroad without the permission of appropriate state agencies".

Article 11 includes the state Religious Affairs Committee among the wide range of state agencies tasked with enforcing parents' responsibility for their children.

The Law also includes numerous wide-ranging restrictions on all forms of education, and on children's and teenagers' behaviour. These include bans on jewellery and tattoos, as well as limitations on the names parents can choose for their children (see F18News 21 July 2011 http://www.forum18.org/Archive.php?article_id=1595).

Complaints continue

Akbar Turajonzoda, the country's former Chief Mufti and a former member of Parliament's Upper Chamber, expressed his regret that the President signed the Law. He told the Dushanbe-based Asia-Plus news agency on 3 August that it was doubly painful as it came during Ramadan. He said he had never shared the optimism some people had that the President would choose not to sign the Law and send it back to Parliament for further work.

Turajonzoda said no-one would voluntarily abide by the ban on children's participation in religious activity. But he insisted that as the ban "contradicts not only the laws of Allah but also the culture and spirit of Tajikistan's Muslims", he was convinced this part of the Law "will be forgotten by everyone, including the authorities".

Blogs linked with Protestant churches have repeatedly expressed concern since the Law was first proposed over a possible state crackdown on children attending worship, and particularly over whether dedicated children's services will be allowed to continue. The intensity of concern in such comments mounted when the President signed the Law.

"Many people are angered by this Law," human rights defender Nargis Zokirova told Forum 18 from Dushanbe on 16 August. "The ban on children's participation in religious activity represents interference in the personal life of the children and their families." But she noted that boys are still going to mosques, especially for the Tarawih prayers conducted in mosques at night during Ramadan. "Of course, girls are banned from attending mosques." (The Muslim authorities banned all women from attending mosques in 2004.)

Government's Religious Affairs Committee (and Mufti) explain Law

The government's Religious Affairs Committee in Dushanbe is preparing written instructions to its local officials on how the new Law should be implemented, the senior official for the city of Dushanbe, Shamsuddin Nuridinov, told Forum 18 on 16 August.

No-one at the Religious Affairs Committee in Dushanbe was prepared to explain to Forum 18 on 16 August what religious activity by children is now permitted. The only official Forum 18 could reach, who did not give his name, put the phone down as soon as Forum 18 asked its first question. Subsequent calls went unanswered.

The head of the Religious Affairs Committee, Abdurahim Holikov, has been travelling around Tajikistan to explain the new Law, together with the government-backed head of the Islamic Centre Saimukarram Abdukodirzoda. On 16 August they were in the northern city of Khujand, where they addressed local imams, as an official of the city administration told Forum 18 the same day. "Maybe they will meet with members of other religious communities later."

The official, who had been present at the meeting, told Forum 18 that children would be allowed to participate in religious activity with their parents' written permission. However, he could not explain how this matched the clear ban on children's participation unless they are studying their faith in approved religious courses.

Muminjon Aripov, the senior religious affairs official in Khujand, refused to explain to Forum 18 what involvement children can have in religious activity now the new Law has come into force and what Holikov told the imams. "I don't want to talk to you," he said on 16 August before putting the phone down.

.. gives others "unclear" direction

A number of Christian communities tried to gain clarification from the Religious Affairs Committee about how the new Law will be enacted. The Committee agreed to meet representatives – including various Protestant pastors and a Catholic priest - on 12 August.

"Officials explained that the Law exists, but didn't explain how it will be put into practice," a member of Dushanbe's Catholic parish, who asked not to be identified, told Forum 18 on 16 August. "The Law has had no effect on parish life so far – we live as we did before."

Protestants came away from the meeting equally dissatisfied. "We got no sensible responses from the officials," one complained to Forum 18 from Dushanbe on 16 August. "Our church has not taken any action, except that we asked parents to decide for themselves whether they wish their children to continue to attend – as the Law clearly states that they would bear any responsibility for the presence of their children."

"The official was not competent to give answers," another Protestant told Forum 18. "But he said we have no right to have our children participate in our activity and that persistent offenders will be closed down. None of us really knows how things will be."

No government response to OIC criticism

The Parental Responsibility Law has aroused criticism not only from human rights defenders and religious communities within Tajikistan but from other governments and intergovernmental organisations.

On 23 June, after the Law had been approved by the Lower Chamber of Parliament, Ambassador Nuriddin Shamsov, the head of Tajikistan's delegation to the Permanent Council of the Organisation for Security and Co-operation in Europe (OSCE) in Vienna, was forced to defend the Law against criticism. He told the Permanent Council, in a statement posted on the OSCE website, that the Law, "by setting a minimum age for attending the mosque, can effectively protect children from the growing religious pressure to which they have been subjected during the past few years". At the same time he claimed that his government "remains committed to its national and international obligations in the field of human rights and freedoms, including the freedom of religion".

Since the Law came into force, the Jeddah-based Organisation of Islamic Cooperation (formerly the Organisation of the Islamic Conference) noted in a short statement on its website on 7 August that it had "expressed concern at reports that the Government of Tajikistan has imposed a ban on Tajik youths from praying in mosques". It said the OIC had "sought clarification" from the Tajik authorities. (Tajikistan became a member of the OIC in 1992.)

Fatih Oke, an OIC spokesperson, told Forum 18 from Istanbul on 16 August that so far the Tajik Foreign Ministry has made no response to the OIC's complaint. "We're still waiting." He pointed out that the ban will affect not only Muslims but Christians and other religious communities.

The Foreign Ministry spokesperson Davlatali Nazriev told Forum 18 from Dushanbe on 16 August that he had "no information" on if and when the Ministry will respond to the OIC's complaint. He referred Forum 18 to Mirzosharif Jalolov of the Ministry's International Organisations Department. However, his telephone went unanswered on 16 August.

Criminal Code amendments come into force

Amendments to the Criminal Code were also signed into law by President Rahmon on 2 August and officially published by Jumhuriyat on 6 August. The amendments were also incorporated into the Tajik and Russian texts of the Criminal Code on the mmk.tj legal website.

Like the Parental Responsibility Law, the Criminal Code amendments also completed their passage through Parliament on 21 July (see F18News 21 July 2011 http://www.forum18.org/Archive.php?article_id=1595).

Article 160 now punishes "organisers and active participants" in unapproved "gatherings, meetings, demonstrations, pickets and street processions" with a fine or up to two years' imprisonment. "Illegal" religious meetings could potentially come under the scope of this article. Punishments are higher for those who use their official position or who use violence.

A new Article 307-4 punishes "organisation of religious extremist study or a study group, and leadership of or participation in such study, regardless of the place of study" with between five and eight years' imprisonment, plus confiscation of property; between eight and twelve years' imprisonment as well as confiscation of property and a five year ban on such activity for those who use their official position or "in connection with financing of such groups". No definition is given as to what constitutes a "religious extremist" study group.

Two Jehovah's Witnesses fined

Police raided a Jehovah's Witness meeting in a private home in Dushanbe on 22 July, Jehovah's Witnesses told Forum 18 from the city. The police, who had no warrant, questioned those present, separating children from adults. They were all then taken to the police station, where they continued to be questioned for several hours.

One of the detainees, Sherzod Rahimov, alleged that police beat him while in custody and threatened to charge him with several unsolved terrorism cases, his lawyer told EurasiaNet.org on 11 August. Rahimov claimed authorities, pressuring him to renounce his faith, accused him of "organising bomb explosions in Dushanbe".

Rahimov and one of the other Jehovah's Witnesses, Zebo Shoiyeva, were then accused of violating Article 474 Part 1 of the Code of Administrative Offences ("carrying out religious activity without state registration or re-registration of the organisation"). Rahimov – an Uzbek citizen whose visa was about to expire days after he was detained – was also accused under Article 499 part 1 of the Code of Administrative Offences ("violation by foreign citizens of the procedure for being in Tajikistan").

Rahimov and Shoiyeva were tried on 12 August at Shohmansur District Court and found guilty of the charges. They were each fined

350 Somonis (401 Norwegian Kroner, 51 Euros or 74 US Dollars). The official minimum monthly wage is currently 80 Somonis.

Both lodged appeals against the fines on 13 August, which were transferred to the City Court on 15 August. No date has yet been set for the appeal hearing. "The court alleged that the two taught religion without a licence from the state," Jehovah's Witnesses told Forum 18. "While Rahimov admits he violated the visa regime, neither of the two believes the other charge was justified."

Nuridinov, Dushanbe city administration's senior religious affairs official, claimed to Forum 18 that he had not heard about the raid on the Jehovah's Witness meeting or the subsequent fines. "No-one appealed to us about this."

Tursunzade raid

This is the first time any Jehovah's Witnesses have been fined for their religious activity this year, as they told Forum 18. They say that after an earlier raid in Dushanbe, they appealed against an administrative case and it was dropped on 25 May.

However, raids and interrogations have continued. The local police officer and officers of the police Department for the Struggle with Organised Crime raided a Jehovah's Witness meeting in a private home in Tursunzade on 1 August. Four Jehovah's Witnesses were detained for three hours for questioning, but no charges have yet been brought.

Further madrassahs closed

The authorities have halted teaching at four higher education Islamic schools in northern Tajikistan. A Religious Affairs official in Sugd Region told RFE/RL's Tajik Service from the regional capital Khujand on 8 August on condition of anonymity that the management at the madrassahs failed to re-register their schools as required by the 2009 Religion Law.

He added that the teachers at the madrassahs in the Asht, Jabbor Rasulov, Maschoh, and Maschohi Kuhi districts do not provide the requisite religious education and the madrassah buildings also do not conform to state standards.

Sadullo Mirahmadov, the chairman of the Asht madrassah, told RFE/RL on 8 August that he was ordered to close the school because the building is too old. He said he hopes to find new premises soon so his 75 students can continue their studies.

Authorities in Sugd Region closed down three illegal madrassahs earlier this year and launched an administrative investigation into personnel at the schools.

Religious education – especially by Muslims - has been a particular target of the authorities in recent years (see F18News 21 July 2011 http://www.forum18.org/Archive.php?article_id=1595). (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://education.nationalgeographic.com/education/mapping/outline-map/?map=Tajikistan>.

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