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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

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TAJIKISTAN: Religious freedom survey, November 2003

By Igor Rotar, Forum 18

In its survey analysis of the religious freedom situation in Tajikistan, Forum 18 News Service reports on the confusion that leads to officials wrongly insisting that registration of religious communities is compulsory. Unregistered religious communities do encounter difficulties with the authorities, but Forum 18 has been told that excesses "are not as a rule state policy, but simply the arbitrary actions of local officials." Compared to neighbouring Uzbekistan, Tajikistan generally follows a more lenient policy towards unregistered religious communities. This may be because Tajikistan, after a civil war, is not able to exert such harsh controls as Uzbekistan can. The Tajik authorities are most concerned with controlling Muslim life, because Muslims make up more than 90 per cent of the country's population, and because of the aftermath of the civil war. The possibility exists that government pressure on believers may intensify in the near future, under a proposed new law on religion.

Overall, Tajikistan's Law on Religious Associations does not contain articles that discriminate against believers and does not make the registration of a religious community obligatory. Yet despite this, the majority of officials believe that the registration of religious communities is obligatory simply because the religion law sets out a procedure for the registration of a religious community that wants to acquire juridical status. This confusion has become so deeply embedded that not only local officials, but even the Chairman of the government's Committee for Religious Affairs, Said Ahmedov, insist registration is compulsory.

Both the deputy chairman of the Islamic Revival Party (IRP) Mahuddin Kabiri and the pastor of the Protestant Hope community Aleksei Tsirulev assured Forum 18 that sooner or later an unregistered religious community could encounter difficulties.

Moreover, in such cases the authorities refer not only to the Law on Religion (which supposedly determines that registration is compulsory), but also to the Code of Administrative Offences. For example, Article 211 of the Administrative Code (breaking the law on religious associations) recommends a fine of up to twice the minimum wage when the leaders of religious associations refuse to register them with the state agencies. The authorities frequently apply the phrase "refusal to register" to those religious communities who have in fact simply been refused registration by the authorities. In April two local Jehovah's Witnesses in the town of Tursun-Zade (Tursunzoda) in western Tajikistan were fined for holding a religious meeting in a private apartment, although in fact the local Jehovah's Witnesses had not refused to be registered (see F18News 28 April 2003 http://www.forum18.org/Archive.php?article_id=40).

"The problem for our brothers in Tursun-Zade has now been resolved, and they have been left in peace," Anatoli Melnik, a member of the ruling council of Jehovah's Witnesses of Kazakhstan (which oversees all the Central Asian republics), told Forum 18 on 15 November. He said that overall, the registration problem is not as acute in Tajikistan as it is, say, in Uzbekistan and Turkmenistan. "Generally, the authorities do not touch unregistered religious communities," he explained. "And when such excesses do occasionally occur, they are not as a rule state policy, but simply the arbitrary actions of local officials."

Pastor Tsirulev reported that of the 16 churches belonging to the Protestant Hope community, only 11 have succeeded in gaining registration. "The police periodically warn the leaders of the unregistered churches that they must be registered, even though we are prepared to register our churches, and are simply refused by the local authorities," he told Forum 18. At the same time, Tsirulev admitted that "as a rule, the authorities turn a blind eye to the activity of the unregistered churches and only occasionally remind them that they need to be registered."

Speaking to Forum 18 in the capital Dushanbe on 16 November, members of the Protestant church Grace Sonmin who asked not to be identified said that three of the church's five affiliates in the country had been registered. Overall, the unregistered churches do not encounter significant difficulties, but the unregistered church members who spoke to Forum 18 felt that they could be subjected to repression by the authorities at any moment.

The authorities also periodically exert pressure on unregistered mosques. For example, when Tajikistan's president Emomali Rahmonov declared that three men from Isfara district, northern Tajikistan, were among Taliban members held at the U.S. military base in Guantanamo Bay, Cuba, around 50 unregistered mosques were closed down in the north of the country (see F18News 31 July 2003 http://www.forum18.org/Archive.php?article_id=118). In Dushanbe the authorities did not close down unregistered mosques, but they did ban them from using loudspeakers to broadcast the call to prayer (see F18News 2 September 2003

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http://www.forum18.org/Archive.php?article_id=132).

The authorities use Article 211 (2) (teaching religious beliefs without specific permission) in their campaign against unregistered communities. According to this article, giving religious instruction without specific permission, as well as holding religious services in places without prior approval, are subject to a fine of between five and twelve times the minimum wage.

The Tursun-Zade Jehovah's Witnesses were fined both for refusing to register and also for giving religious instruction without formal permission (see F18News 28 April 2003 http://www.forum18.org/Archive.php?article_id=40). It is on the basis of the same Article 211 (2) that the authorities closed down a medressah in Isfara district of Tajikistan (see F18News 31 July 2003 http://www.forum18.org/Archive.php?article_id=118).

However, in general the authorities seldom use this article. "Article 211(2) is only used when the authorities want to deal with a particular person they consider undesirable," IRP deputy chairman Mahuddin Kabiri told Forum 18 on 12 November. "Overall, the authorities do not care whether or not a member of the clergy has a degree." Kabiri's view was also endorsed to Forum 18 by the Jehovah's Witnesses and Protestants.

In general, compared to neighbouring Uzbekistan (the Tajiks and Uzbeks are the most religiously active among the people of Central Asia), where the activity of unregistered mosques is practically impossible, the Tajik government follows a much more lenient policy towards unregistered religious communities. However, the reason for this may be that the Tajik authorities, having survived a civil war, simply are not able to exert as harsh a control on the situation as their Uzbek counterparts. For example, in the mountain valleys of Karategin and Pamir, which were controlled by the opposition during the civil war, most of the mosques have remained unregistered and it is difficult for the central authorities to force them to register.

Incidentally, the fact that the Tajik authorities are not insisting too strongly on the registration of religious communities is also confirmed by the Organisation for Security and Co-operation in Europe (OSCE) mission in Dushanbe. "At least in the six months during which I have worked here, believers from unregistered religious communities have not once appealed to us because of oppression by the authorities," Riccardo Lepri, human rights officer at the OSCE mission in Dushanbe, told Forum 18 on 12 November. "It is quite possible that believers simply do not know that they can appeal to us on such issues. But one can suggest that this problem is not so acute today."

At the same time it would be inaccurate to think that the authorities are not trying to control the life of believers. Undoubtedly, the government is most concerned with controlling Muslim life. This is because, firstly, Muslims make up more than 90 per cent of the country's population. Secondly, there was a civil war in Tajikistan from 1992-6, during which the overwhelming majority of members of one of the opposing sides (the Tajik opposition) were members of the IRP.

Although after reaching a peace agreement in 1997 opposition members achieved both the legalisation of their party (the only instance where a political party formed on a religious platform has been permitted in Central Asia), and a quota of 30 per cent in government organisations, the majority of key positions, including the post of president, are held by the opposition's opponents. It is noteworthy that in 1991 the then IRP chairman Muhammadsharif Himatzoda told Forum 18's correspondent that the party's aim was to create an Islamic state in Tajikistan. And although the IRP limits its aims in its current statute to "only the defence of Muslim rights", the party's activity cannot help but arouse the anxiety of President Rahmonov.

"The agreement on a 30 per cent quota for the opposition in state organisations has not been honoured," Kabiri of the IRP told Forum 18. "Today, there are far fewer of our supporters in state organisations than was set out in the agreement." He said his party was also concerned that the authorities have brought criminal cases against two members of its ruling council on "quite absurd charges".

Kabiri said that the authorities do not allow party members to be members of the clergy. Additionally, the authorities cite the law on political parties, which states that "political parties and their members have no right to make use of religious organisations in their activity". It is on the basis of this law that the authorities have sacked several imam-hatybs in Isfara district in northern Tajikistan because they were IRP members (see F18News 31 July 2003 http://www.forum18.org/Archive.php?article_id=118). However, Kabiri denies that the imam-hatybs' membership of the party meant that they were using the mosque to promote the party.

The authorities are also conducting a harsh campaign against members of the Hizb ut-Tahrir party, which aims for the unification of Tajiks under one Islamic state. Anyone found carrying a Hizb ut-Tahrir leaflet receives a lengthy prison term. Kabiri reports that more than 100 Hizb ut-Tahrir members are in prison. "We do not support the views of Hizb ut-Tahrir, but we believe that one must fight against them not only by means of repression, but also with the help of dialogue and persuasion," he told Forum 18.

Formally, the Muslim clergy are chosen by the congregation, and the candidate they choose is confirmed by a council of ulema (Islamic scholars). However, in practice the council of ulema acts on the instructions of the authorities and an undesirable imam will quickly be replaced. The head of the central mosque in Dushanbe, haji Yakub, and member of the council of ulema, Faizullo Zabuido admitted to Forum 18 on 10 November that a person judged undesirable by the authorities could not be an imam.

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"Although formally the Islamic clergy is independent of the secular authorities, in fact the authorities make sure that the mosques are governed only by people under their control," Kabiri told Forum 18. "For example, recently the authorities noticed that the leaders of the IRP party were praying in one of Dushanbe's mosques, and they immediately changed its imam-hatyb."

The Committee for Religious Affairs also closely monitors religious literature imported into the country. No religious book may be imported until it has been subjected to expert analysis at the Committee for Religious Affairs.

In several academic institutions students are not allowed to attend lessons wearing the hijab (a scarf covering the hair and neck which is traditional to Muslims countries). The police also frequently refuse to accept photographs for passports when women are shown wearing the hijab. However, Kabiri believes that these cases of discrimination against believers are not state policy, but are simply "at the whim of the official".

Religious minorities are in general experiencing much less pressure than the Muslims. For example, there have been no recorded instances of attempts on the part of the authorities to sack non-Muslim clergy. According to Pastor Tsirulev, the authorities are also not hindering missionaries coming to Tajikistan. The main problems experienced by religious minorities are the refusal to register communities, and the sporadic pressure exerted on unregistered communities. However, Tsirulev does not regard this as a targeted policy on the part of the authorities. "It is more the case of the arbitrary will of local officials, who feel very negative about the spread of Christianity in a Muslim country."

Tsirulev noted that as soon as their mission reported the refusal to register a particular community to international organisations, it was immediately registered without question. The Jehovah's Witnesses agreed. "Unlike Uzbekistan and Turkmenistan, where the authorities refuse to register our communities despite pressure from the world community, in Tajikistan we can in principle come to an understanding on registration with the authorities," Melnik told Forum 18.

However, one cannot rule out the possibility that government pressure on believers may intensify in the near future. A new draft Law on Religion is currently being drafted by the Committee for Religious Affairs. "We have more than once appealed to the authorities to show us this draft Law, but we have been refused on the basis that it has not yet been through its first draft," Lepri of the OSCE told Forum 18. "We ourselves have no information about what changes will be made to the Law. I personally do not think that the new draft Law will be considered in parliament before summer 2004."

According to Ahmedov of the Committee for Religious affairs, the new draft Law proposes that the number of people required for registration of a religious community should be raised from 10 to 70 people, and that the requirement for a religious community to register should be spelled out precisely. However, Ahmedov believes it is still too early to comment on the new draft Law, because it is impossible to know what changes will be introduced before the final version is adopted.

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

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