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TAJIKISTAN: Most repressive religion law in Central Asia drafted

By Igor Rotar, Forum 18

Tajikistan's parliament is to debate a proposed Law on Religion which, if passed, would be the most repressive of all the Central Asian religion laws. The draft was prepared by the state Committee for Religious Affairs. Muslim, Russian Orthodox, Catholic, Protestant and Jehovah's Witness leaders have all told Forum 18 News Service of their deep concerns over many aspects of the draft Law. Amongst the violations of international human rights standards that the Law proposes are: a ban on unregistered religious activity; the highest threshold in the CIS for numbers of citizens to register a religious community; restricting the numbers of mosques; banning evangelism or proselytism; banning the teaching of religion to all children under 7; state control over who can teach religion within religious communities and their education; state control of organising Muslim pilgrimages to Mecca; and a ban on foreigners – such as Catholic priests – leading religious communities.

Tajikistan's parliament is soon due to debate a new draft Law on Religion which, if adopted and enacted, will be the most repressive towards religious believers of all the Central Asian religion laws. Muslim, Russian Orthodox, Catholic, Protestant and Jehovah's Witness leaders have told Forum 18 News Service of their deep concerns over many aspects of the draft law. The draft, of which Forum 18 has received the government's Russian-language version, bans all unregistered religious activity, sets high thresholds for the numbers of citizens required before a religious community can apply for registration, limits the numbers of mosques that can function, enshrines government control over who can teach religion within religious communities and hands the organisation of Muslim pilgrimages to Mecca to the state.

The draft was prepared by the government's Religious Affairs Committee and handed to religious communities in mid-March, with a deadline of 28 March for them to make comments to the Committee. Muhiddin Kabiri, deputy head of the Islamic Revival Party of Tajikistan (the only legal Islamic party in Central Asia), told Forum 18 it is hard to predict when parliament would begin debating the draft law. "The whole of this week has been declared a holiday in honour of the Novruz festival," he told Forum 18 from the capital Dushanbe on 22 March. "Therefore, I'm sure this draft law will not be considered before April."

No parliamentary deputies or officials in the Religious Affairs Committee were available for comment on the draft law, as the country is still celebrating the Novruz New Year festival.

Officials have long had plans to amend the country's religion law, which was originally adopted in 1994 and which has been amended already several times. In the past, members of a variety of faiths and Organisation for Security and Co-operation in Europe (OSCE) officials have complained about the way earlier drafts were prepared in secrecy (see F18News 1 May 2003 http://www.forum18.org/Archive.php?article_id=43).

The draft contains a range of new provisions which severely restrict religious believers' rights. For example:

- Article 16 (on the organisational status of a religious association) of the draft Law forbids the activity of an unregistered religious association, as do – against international human rights standards – the religion laws in Kazakhstan, Uzbekistan and Turkmenistan;
- Under Article 7 of the new Law (on the non-interference of the state and its agencies in the activity of religious associations), actions aiming to convert people from one faith to another are forbidden, as are any other charitable or missionary works that appear to put intellectual, psychological or any other kind of pressure on citizens for the purpose of proselytism. Uzbekistan's law on religious associations contains a similar provision.

Essentially, Dushanbe is simply following the path taken by the other Central Asian states which have adopted similar laws, with the sole exception of Kyrgyzstan.

However, compared to the laws in other Central Asian states, Tajikistan's religion law would impose even more detailed and harsh restrictions on religious believers' rights.

In order to be registered, a religious association will require an application from ten founding members, as well as the signatures of 200 citizens in support of the establishment of a religious association in any given town or settlement. For a central religious

association to be established, 800 signatures will be required for a Muslim association, or 600 for a non-Muslim association. Therefore in order to set up a religious association, a de facto quota of at least 200 people will be introduced. If adopted, the new law would impose the highest quota in Central Asia and in the entire CIS. Currently, Uzbekistan imposes the highest quota, at 100 people.

Additionally, under Article 10 of the draft Religion Law, religious education in private homes is outlawed, as is teaching religion at all to children younger than 7. Moreover, under the same article of the draft Law "persons giving instruction in religious beliefs must have received specialist religious education and operate with the permission of the state agency for religious affairs".

Under Article 15 (on religious educational establishments) "the curriculum and teaching plans at higher and intermediate religious educational establishments must be agreed with the state agency for religious affairs". In other words, this article of the draft law will legitimise state control over religious instruction.

Under Article 11 (on setting up a religious association) "foreigners and those without citizenship may only be members of or participants in religious associations". This means that the new draft law bans foreigners and those without citizenship from leading religious associations.

The draft Law also restricts the number of mosques. Under Article 14 (on mosques and central mosques) "taking into account the administrative and territorial divisions of the Republic of Tajikistan, in every village with a population of between 200 and 2,000 people only one mosque may be set up, while each village with more than 2,000 people may set up an additional mosque for each additional 2,000 people. A central mosque may be established on a calculation of 2,000 people in a rural location, and 30,000 people in a town, with the exception of the city of Dushanbe. In the city of Dushanbe, one central mosque may be established for every 50,000 people in the city."

The draft religion Law also legitimises state interference in how Muslim pilgrims go on the haj, the main annual pilgrimage to Mecca, and the umra, the shorter pilgrimage to Mecca at any time of the year. Under Article 26 (the right of citizens to perform the haj and umra) "citizens of the Republic of Tajikistan have the right to perform the haj and umra, which will be organised and conducted by the state agency for religious affairs. The manner in which the haj and umra are performed and also the way in which citizens travel to perform the haj and umra will be established by the government of the Republic of Tajikistan."

The governments of Uzbekistan and Turkmenistan also regulate pilgrims' journeys on the haj, although their actions do not have legal legitimacy.

Kabiri of the Islamic Revival Party complained that the draft "significantly restricts the rights of religious believers", for example with the quotas on mosques and state-imposed procedures for Muslims to go on pilgrimage to Mecca. "The current draft law is a logical extension of the policy towards believers adopted by the authorities since the Kyrgyz and Andijan events," he told Forum 18. "The revolution in Kyrgyzstan and the subsequent Andijan uprising frightened our authorities and they have started to pursue a much more aggressive policy towards Muslims."

The dean of the Russian Orthodox Church in Tajikistan, Father Sergei Klimenko, said he too believes the draft law needs "substantial reworking" to remove the many "deficiencies". He was particularly alarmed by the preamble to the law which declares that while "Tajikistan is a secular state, and while respecting all religions it also recognises the special role of Islam in the social and spiritual lives of Tajikistan's population". "This overemphasis on one religion could not fail to put me, an Orthodox believer, on my guard," he told Forum 18 from Dushanbe on 22 March. But he said he did not expect other provisions, such as the requirement to register or the quota for the number of mosques, to "complicate" the lives of Orthodox believers in the country.

The Seventh-day Adventist president in Tajikistan, Igor Vasilchenko, said his church is highly concerned by the draft Law. "There are so many clauses placing restrictions on the rights of believers that it's simply impossible to list them all to you," he told Forum 18 from Dushanbe on 22 March. "I'll only pick out the ones that are particularly disturbing to Protestants." He complained of the planned requirement to have 200 adult members before an individual religious community can register. "In small towns we simply do not have that many followers, so these articles of the Law will effectively make us operate outside the Law." He also described his Church as being "very upset" by the articles in the draft Law that outlaw proselytising activity."

Another Protestant, who preferred not to be identified, expressed similar concerns. "Religious freedom and human rights to believe freely are prohibited by the new draft," the Protestant told Forum 18 on 11 March. The Protestant was concerned about the ban on unregistered religious activity and on proselytism. "This makes it prohibited to witness to one's faith in Jesus to a Muslim."

The requirement in Article 12 that every religious leader must have approved higher education could also cause problems. "If believers want to create an official group but they don't have a leader with education, they are prohibited from creating the group." As for the requirement to have hundreds of members to register, the Protestant feared almost all non-Muslim religious communities would lose registration or never receive it. "In reality, the state will prohibit almost all religions except Islam."

The leader of the Catholic Church in Tajikistan, Fr Carlos Avila, was equally concerned. He complained of "a great many errors" in

the draft Law and argued that it needs "substantial reworking". In particular he pointed to difficulties for Catholics over Article 11 of the draft Law, which bans non-citizens from leading religious communities. "This is absolutely unacceptable," Fr Avila told Forum 18 from Dushanbe on 22 March. "Not one Catholic priest in the world has Tajik citizenship. Therefore, following the logic of this draft Law we would have to close our three parishes in Tajikistan."

Jehovah's Witness sources told Forum 18 on 20 March that the draft "is a long way from a reasonable approach". They said they will shortly present their comments to the government, though they are not sure how seriously their comments will be taken. The Jehovah's Witnesses stress that the most important factor is not so much the text of the draft but how it will be implemented in practice. "We've often seen wonderful laws in these countries which are not implemented and the situation is bad," one Jehovah's Witness told Forum 18. "At other times very bad laws are not fully put into effect."

The Jehovah's Witnesses say that so far their problems in Tajikistan have been local and have remained minor, focusing on whether they can preach on the street and whether their literature is legal. Such problems have often been resolved in dialogue with local officials. Several Jehovah's Witness communities exist in Dushanbe, where they have official registration, but another community in the town of Tursunzade has repeatedly been denied registration, though this has not prevented it from meeting. "Local officials keep rejecting the application on technical grounds," Jehovah's Witnesses told Forum 18. "It is clear they don't want to register our community there."

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

A printer-friendly map of Tajikistan is available at
<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=tajiki>

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY