

1. Ahead of the October 2011 UN Human Rights Council Universal Periodic Review (UPR) of Tajikistan, Forum 18 News Service has found that the country seriously violates its international commitments on freedom of religion or belief and related fundamental human rights. All activity that is independent of state control has been major targets, including by such means as demolishing mosques and other places of worship. There are 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.

Arbitrary bans and imprisonments without evidence

2. Official actions against religious activity they dislike are usually arbitrary, Tajikistan's 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. The 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. Restricting freedom of religion or belief for these reasons is impermissible under Tajikistan's international human rights commitments.

3. 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 given heavy fines. In May, 32 of these Muslims were given prison terms of between three and six years, with heavy fines being imposed on the remaining four followers, a Tajik lawyer who wished to remain anonymous told Forum 18.

4. 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 only 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.

5. 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 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.

6. 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.

7. Jehovah's Witnesses have been banned since October 2007. 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 had requested from the Institute of Philosophy and Law, at the Tajik Academy of Sciences. An official told Forum 18 that "their expert opinion was, of course, that they [Jehovah's Witnesses] are a destructive cult". The Institute is not on the Justice Ministry's list of organisations which can give expert analyses on religious organisations.

8. 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 had 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.

9. 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, but it was allowed to resume its activity in late 2008. Abundant Life told Forum 18 that the founders decided in May 2008 to close permanently. 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.

Why a new Religion Law?

10. On 1 April 2009 a restrictive new Religion Law came into force replacing the original post-independence Religion Law. The government consistently refused to explain why restrictions were necessary. 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 UN Special Rapporteur on Freedom of Religion or Belief.

11. Then Deputy Culture Minister Mavlon Mukhtarov overseeing religious affairs claimed to Forum 18: "There are no restrictions on religious activity in the new Law." Asked why it 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. State officials often claimed that the Religion Law might be changed. But President Rahmon told Parliament in April 2009 that it "will not be changed" as it is "well-defined and clear".

12. The Islamic Renaissance Party (IRP) – which has come under increasing state pressure, including bans on its members praying in party buildings – intends to ask the Constitutional Court to rule on the constitutionality of the Religion Law. Mahmatali Khait, IRP Deputy Chair, 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 and related laws

- Unregistered activity banned

13. The Religion Law bans unregistered religious activity, in defiance of international human rights standards. Shortly before the re-registration deadline of 1 January 2010 imposed by the Law. 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".

14. Some of the Law's more severe restrictions on permitted activity are outlined below.

- Who can gain legal status, how, and with what restrictions?

15. Among the numerous registration restrictions to gain legal status, 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 ten years. The founders must also obtain a document from their local authority certifying that they have lived in that locality for at least five years and have adhered to the religion in question throughout that time. 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.

16. State officials and all members of political parties are banned 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.

17. The state Religious Affairs Committee is authorised to conduct "expert analyses" of an association's religious teaching, the veracity of information supplied on teaching and rituals, and on the association's literature and religious objects. Religious associations must provide any information the Committee seeks, and 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?

18. 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. These restrictions are not formally applied to places of worship of other faiths.

19. The Religion Law divides mosques into three categories, and the places they may be founded in are restricted. The Law 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. Founders though must meet the requirements for residence and adherence to the faith noted above. “Even imams who were loyal to the government complain of this,” Hikmatullo Saifullozoda of the IRP told Forum 18. Only state-endorsed imams can preach and then only in the highest level of officially registered 'cathedral' mosques.

20. 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.

- Religious education

21. Religious education is placed under tight government scrutiny, contradicting the Law's claim to guarantee the right to religious education. State permission is required for religious education. Parents have to give written permission for their children to be given religious education, and only officially registered religious organisations can give religious education to children between the age of 7 and 18.

22. Only central cathedral mosques and cathedral mosques can establish educational groups “to teach the basics of the religion”, implying that local mosques and perhaps other religious communities cannot do so. It is also implied 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, with licences. 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.

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

24. 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.

25. 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. "We have only identified and stopped illegally acting mullahs who have no licence to teach the Koran," a police officer told Forum 18. Asked what was illegal about teaching the Koran to children he said, "Ask the relevant organs". A Sughd Regional Education Department official told Forum 18 he approved of raids against "illegal" private Koran lessons. “Everything must be done according to the law, and all those illegal groups and organisations must be stopped”. The Religious Affairs Committee in Dushanbe at first denied that raids took place, but then admitted they had: "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."

- Right to share beliefs limited

26. “Agitation and informational activity by religious associations” is banned in state-run nurseries and schools and "in citizens' flats and homes". “Propaganda of the superiority of a religion” is also banned, even though the right to discuss and criticise any or all beliefs is an essential part of religious freedom. Only officially registered religious communities may engage in "mass propaganda".

- Censorship

27. Religious literature remains under tight government censorship, with state permission being necessary for the production, import, export, sale and distribution of it. Individuals are permitted to "own and acquire" such literature, but only registered religious associations are specifically authorised to produce, import and distribute such literature (with state permission) and only "in an appropriate quantity" – without defining what this means or who decides this. Only top-level registered religious

organisations are authorised to set up publishing and printing houses to produce religious literature. The religious literature they produce must identify the full name of the organisation that published it.

28. In January 2011 a new "offence" of producing, distributing, importing or exporting religious literature and items of a religious nature which have not passed through the compulsory prior state religious censorship was created by the addition of Article 474-1 to the Code of Administrative Offences. Those who break the censorship regime face heavy fines.

29. In addition, religious communities pay high prices for censorship. An Imam of an officially registered mosque, who wished to remain anonymous for fear of state reprisals, told Forum 18 he is "surprised" that charges are imposed. "We cannot afford to pay these charges to print books", he lamented. "We do not earn much." The Hare Krishna community have found that "even our main sacred book, the Bhagavad Gita", must be censored. "And it is going to be very expensive for us," Dilorom Kurbanova complained. The state Religious Affairs Committee refuses to make public how much it charges for censorship.

30. 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."

- *Wide scope for permitted organisations to be banned*

31. The Religion Law allows courts to liquidate or ban religious organisations at the request of prosecutors or the Religious Affairs Committee not only if they break the Constitution or any laws, but if they conduct activity contradicting the aims and tasks specified in their charter.

Places of worship limited, closed, and demolished

32. 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 of the state Religious Affairs Department told Forum 18. These were the first mosque demolitions.

33. 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".

34. 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.

35. In 2008 the Mayor's Office valued Nani Hayat's church building, but later told the church that it was sending a church enquiry to the Presidential Administration's committee overseeing compensation for affected buildings in the rebuilding. No compensation has been paid as of March 2011.

36. The authorities carried out the demolition of the century-old synagogue – the only Jewish place of worship in the country – in two stages. In 2006 the authorities began demolishing the mikvah (ritual bathhouse), classroom, and kosher butchery, before an outcry brought the destruction to a halt. But demolition re-started and was completed in June 2008. 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." In March 2009 the Jewish community was provided with an alternative building by a businessman who is President Rahmon's brother in law.

37. No compensation is normally paid for such demolitions. The Council of Ulems claimed in 2007 that the authorities had discussions with people attending those places to 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 demolished mosques 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".

38. The closure of places of worship continues. 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". Officials would not tell Forum 18 what measures will be taken against imams or local Muslims if they continue worshipping in closed mosques.

New draft Parental Responsibility Law “legally” restricting human rights

39. President Rahmon has initiated a new draft Parental Responsibility for the Education and Upbringing of Children Law, which 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.

40. Among the proposals, many of which are unclear and so would allow officials to act arbitrarily, are: parents are explicitly required not to allow the participation of children under the age of 18 “in the activity of religious associations and organised religious activities, with the exception of funeral activities”; parents may only choose education “which does not negatively affect their physical and moral condition”; parents must not allow children to receive education in illegal schools and education institutions, or from individuals who do not have permission for such activity, or abroad without the permission of appropriate state agencies; parents must “educate the child in the spirit of respect for the Motherland, national and universal values”; and parents may only name a child “according to national values”.

41. 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?

42. President Rahmon and other officials claim that repression of religious freedom is motivated by fears about security threats. Yet the wording of laws 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.

43. 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)