

1. Tajikistan has a record of violating freedom of religion or belief and related human rights such as the freedoms of expression and association. Among violations documented by Forum 18 are: a ban on all participation by people under the age of 18 in all exercise of freedom of religion or belief, apart from funerals; 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 exercise of freedom of religion or belief without state permission; severe limitations on the numbers of mosques permitted and activities allowed inside those mosques; limitations on the right to share beliefs; forcing imams in state-controlled mosques (the only sort permitted) to preach sermons ordered by the state; forcible closure of all except one of the country's madrassahs (Islamic religious schools) bar one; and tight government censorship of religious literature.

2. Space does not permit a detailed analysis of all freedom of religion and belief violations, so this UPR submission concentrates on some of the more important issues documented by Forum 18.

3. Parliamentary elections on 1 March 2015 were found by an Organisation for Security and Co-operation in Europe (OSCE) Election Observation Mission to feature violations including "multiple voting and ballot box stuffing. The disregard of counting procedures meant that an honest count could not be guaranteed". President Emomali Rahmon's People's Democratic Party (PDPT) has 51 out of the total of 63 deputies in the new parliament and the now-banned opposition Islamic Renaissance Party (IRP) has no deputies. The IRP was Central Asia's only legal religious-based political party and was thought by independent observers to have more support than the 2 deputies it had in the previous parliament indicates. Secular civil society organisations, even those not working on political or human rights issues, spoke to a human rights defender known to Forum 18 of a climate of fear before the elections. The Justice Ministry banned the IRP in August 2015.

4. Just before the elections, on 27 February, a sermon apparently prepared by the State Committee for Religious Affairs (SCRA) was read – or at least partly read - during Friday prayers in central mosques nationwide. The text attacked the opposition IRP, praised President Rahmon and his PDPT, and called on Muslims to vote only for candidates from Rahmon's Party. After the elections, another SCRA written sermon called for the IRP to be closed down and for there to be only one party in the country. SCRA Deputy Head Solehjon Zavkiyev denied to Forum 18 that imams were required to read the two state-produced sermons at Friday prayers. Orders to imams to read out such sermons are "not compulsory but only a recommendation", he claimed.

5. Preaching in mosques is state controlled. For example the SCRA instructed imams across Tajikistan through the state-backed Council of Ulems in February 2014 to preach against LGBTI people and "nontraditional sexual relations". Asked why imams cannot themselves decide what they should preach on, and why the SCRA issued an instruction to all imams on what to preach, Solehjon Zavkiyev, Deputy Chair of the SCRA responsible for overseeing work with mosques, denied to Forum 18 that the instruction came from the SCRA. "It was a decision of the Council of Ulems," he claimed, "and I don't see anything wrong in it." He became noticeably upset when Forum 18 asked why the topic of homosexuality was chosen for a centralised preaching instruction, instead of another topic. He refused to answer the question and put the phone down.

6. President Rahmon on 6 March condemned women wearing "uncharacteristic" dress and state TV showed footage of police stopping 10 women in hijabs on the street, claiming they were prostitutes. Women nationwide then began to be stopped at kindergartens and told they must not drop off their

children while wearing a hijab. However, SCRA Deputy Head Zavkiyev claimed to Forum 18 that "no one ever banned the hijab or spoke against it".

7. About the same time, police began forcibly shaving bearded Muslim men throughout the country, local people told Forum 18. Independent legal expert Faredun Hodizoda noted that "aren't such actions and bans something that those interested in promoting jihad will use to provoke a reaction?" Deputy Interior Minister Ikrom Umarzoda refused to tell Forum 18 who ordered the beard-shaving campaign. Officials have contradicted themselves on whether police will be held responsible. One victim of the beard-shaving, human rights defender and blogger Rustom Gulov, publicly complained to the President and other senior officials about the campaign's lack of legal basis and the need to punish perpetrators. Gulov stated that the official response "will be an indicator of the value of human dignity in Tajikistan". The only formal response has been for him to be questioned about an allegedly "negative comment insulting President Rahmon" left on his blog. Officials demanded this be removed, which was done.

8. In April 2009 a new Religion Law came into force, which made all exercise of freedom of religion or belief with others without state permission illegal. The wording of many parts of the Law is extremely unclear, and allows much room for arbitrary official actions. Exercise of the right to freedom of religion or belief without state permission is punishable with fines under Article 477 of the Code of Administrative Offences.

9. Arbitrary official actions were not new; in 2007 Jehovah's Witnesses were banned, and as one put it to Forum 18 in 2010, they "live in uncertainty and fear, and cannot worship openly". For example, twice in July 2015, police in the northern Sogd Region detained Jehovah's Witnesses and prepared administrative punishments. Officers raided a meeting for prayer and Bible study in a flat, seizing Bibles, questioning those present at the police station and demanded that they renounce their faith. Khurshed Barotov, Deputy District Police Chief who questioned those detained, claimed to Forum 18 that "we have freedom of religion", but they were "teaching religion unlawfully in a private flat".

10. On 26 July 2015 police detained two female Jehovah's Witnesses - Gulnora Tegniyeva and Chaborkhon Bozorboyeva - at a meeting at a bus stop arranged with them by an apparent police agent provocateur. This person had previously repeatedly phoned the two Jehovah's Witnesses asking for a meeting to discuss their faith. When the two Jehovah's Witnesses arrived they were arrested by police. The two Police refused to confirm or deny to Forum 18 whether the apparent agent provocateur works for them. The two Jehovah's Witnesses were "hit on the head and slapped" for refusing to sign a police report, though police denied this to Forum 18.

11. Military comments in 2007 suggested that the ban on the Jehovah's Witnesses might possibly be linked to this community's conscientious objection to compulsory military service – which is not permitted in Tajikistan.

12. 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 – the Islamic community is singled out for special restrictions in the Law, as well as in arbitrary official actions. The life of the Islamic community is mainly restricted from inside its structures by the state, notably through the Council of Ulems, and the lives of other communities tend to be restricted from outside their structures. The main state agency for such repression is the SCRA. Among restrictions on freedom of religion or belief are limitations on the numbers of mosques allowed per head of population, non-permitted mosques having been in the past demolished. Officials also impose an extra-legal ban on Islamic preaching in all but the largest mosques, designated as Central cathedral mosques, medium sized ones as Cathedral mosques, and the smallest as Five-fold mosques.

13. Tajikistan penalises people for their ideas, not their actions. On 8 December 2014 the Supreme Court decided that Salafi Muslims are "extremist". Court Deputy Chair Makhmudjon Ashurov replied "I cannot tell" when Forum 18 asked him what the difference between this and the 2009 ban on Salafis is. He also refused to state how the authorities will identify a person as a Salafi Muslim. SCRA Deputy Head Mavlon Mukhtarov claimed to Forum 18 that Salafis are "extremist" because they "attend Tajik Sunni mosques and pray differently, and they also argue with Mosque attendees about the teachings of Islam."

14. During Friday prayers on 3 July 2015 in the central Khodji Yokub Mosque in Dushanbe, Police Colonel Barotali Khamidzoda, who represents the Interior Ministry's Special Forces controlling "religious extremism" cases, warned attendees that "anyone leaving Tajikistan's mosques before Friday prayers are fully read will be punished." He did not specify what the punishments would be. Colonel Khamidzoda warned that the law-enforcement agencies "will ensure order and discipline during the namaz [Muslim prayer] in all the country's mosques and will spare no effort for the sake of peace and security of believers during prayers." He told Forum 18 that "sometimes Salafis or people from other Muslim movements banned in Tajikistan may attend a mosque and leave in the middle of the prayers, and we would like to identify those". Asked why all Muslims are being forced to accept the Hanafi school of Islam, Colonel Khamidzoda did not answer.

15. Rustom Gulov, a human rights defender from Khujand, described Colonel Khamidzoda's statements and warnings as an "example of direct state interference in the private matters of faith of its citizens". Some Muslims do not remain in the mosques until all the prayers are read, Gulov explained to Forum 18. They think that they need stay only until the main part of the prayer is done and then do the rest at home privately. "Who can guarantee that the police will not begin catching innocent people who leave prayers early because they have to leave urgently for important reasons, or think they may do the rest at home?"

16. On 13 April 2015 the SCRA imposed more restrictions on the haj pilgrimage to Mecca, banning under-35s from participating. From 2009 officials imposed a ban on people younger than 16 and older than 80 taking part. The SCRA claims that the under-35s ban is due to renovation works at Mecca, but Saudi Arabia's Embassy in Dushanbe would not conform this to Forum 18.

17. The SCRA has also barred the international contacts of other communities in 2015. Protestant churches state that since the beginning of the year the SCRA appears to have adopted a policy of refusing all requests for permission to invite foreign visitors and religious workers to their communities. Article 474-4 of the Code of Administrative Offences, which came into force in July 2012, punishes religious organisations' unapproved international ties with fines of up to 100 Financial Units. Article 478 of the Code already punished foreign citizens or organisations for conducting religious activity without Tajik government approval.

18. State control of Muslims exercising freedom of religion or belief is also imposed in other ways. Only one madrassah (Islamic religious school) is allowed to operate, all others having been closed. Mavlon Mukhtarov of the SCRA, as well as Abdukhakim Sharipov of Sogd Region's Religious Affairs Department claimed to Forum 18 that the suspensions came because the authorities wanted to "bring order" to the madrassahs' legal documents and curricula. Mukhtarov said he "cannot give an exact time" for their reopening. Article 474-3 of the Code of Administrative Offences, introduced in July 2012, punishes religious teaching in homes or educational institutions. The United Nations Human Rights Committee criticised the state's restrictions on religious education – and other "severe restrictions on freedom of religion" – in a report published in August 2013 (reference CCPR/C/TJK/CO/2).

19. Officials continue to impose the ban on educating children in Islam. For example, in December 2014 police in Vahdat arrested and took into custody two Muslim men after raids. Criminal cases were opened against them for teaching school-aged children the Koran and Islam. The families are afraid to give details of the raids and arrests.

20. Related to this, the 2011 Parental Responsibility Law is hostile to freedom of religion or belief and related rights such as the rights of the child and the freedoms of expression and association. This Law bans jewellery and tattoos, limits the names parents can choose for their children, 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", requires parents "not to allow the education of adolescent children abroad without the permission of appropriate state agencies" (now punishable under the Code of Administrative Offences) and bans the participation of children and young people below the age of 18 in religious events apart from funerals. Officials continue to implement this. The SCRA wrote to various Protestant churches in December 2014 warning them not to allow children to be at meetings for worship. But threats to suspend the churches' activity have yet to be carried out. Supreme Court Deputy Chair Ashurov did not answer when asked what Tajikistan intends to do to remove the contradiction between its international human rights obligations and the Religion and Parental Responsibility Laws.

21. As noted above, a particular target for a variety of restrictions by the authorities has been the Islamic Renaissance Party (IRP), Central Asia's only legal Islamic political party (until the authorities banned it in August 2015). For example, in 2013 police in the northern city of Khujand seized "hundreds of booklets" from IRP members, a party member complained to Forum 18. The booklets, seized ahead of the 15 October Islamic festival of Kurban Bayram (Eid al-Adha), explained "the meaning of the holiday and its values". Police warned party members they could be punished for distributing unapproved religious literature.

22. Officials apply such censorship to all texts by people of all beliefs. A Baptist was fined in the capital Dushanbe in September 2013 after three church members received religious magazines by post from Belarus. The NSC secret police brought this case – and all of at least five other earlier cases. Mavlon Mukhtarov, then Deputy Head of the SCRA, told Forum 18 that censorship "must be done according to the Religion Law." The "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 is punishable under Article 474-1 of the Code of Administrative Offences, which came into force in January 2011. Religious communities of all faiths have long complained of the high cost of gaining an "expert analysis" from the SCRA for every item of literature, describing the SCRA's censorship fees as "unaffordable".

23. The authorities often deny that they have violated the right to freedom of religion or belief, frequently invoking spurious justifications for their actions. For example, Forum 18 asked Abdulkhakim Sharipov, the north-western Sogd Region's senior religious affairs official, on 26 February 2014 whether he thought state control of Islam is being increased. He replied: "Do you think western countries would allow just anybody to open any kind of religious organisation and teach anything they want?" Sharipov explained that by "western countries", he meant any country in Western Europe or North America. Forum 18 noted that in such countries, unless some kind of financial or other state assistance is sought, anyone is free to - without state registration or any kind of state permission - form a religious organisation to teach their beliefs. Sharipov then claimed that "we are not totally controlling exercise of freedom of religion or belief, but we want some order in it."

Tajikistan UPR submission – Forum 18 www.forum18.org - September 2015

24. As Forum 18 noted before Tajikistan's last October 2011 UPR, 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. 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)