

**Status of Human Rights in Tajikistan
for the 39th Session of the
Universal Periodic Review**

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting and protecting human rights around the world. The ECLJ holds special Consultative Status before the United Nations Economic and Social Council. The purpose of this report is to raise concerns regarding human rights violations in the Republic of Tajikistan (Tajikistan) for the 39th Session of the Universal Periodic Review (UPR).

Background

2. Tajikistan is located in Central Asia and has an estimated population of 9.6 million people¹. It is a predominately Muslim country with approximately 96% of the population identifying as Muslim, 2.6% as Russian Orthodox, and the remaining as either none or other². According to a human rights group, Tajikistan ranks as the 33rd worst place to live for Christians³. This ranking primarily stems from the government conducting raids on churches, monitoring religious activities, and seizing religious materials⁴.

3. Tajikistan's previous review was held on 6 May 2016. As a result of this review, Tajikistan received 204 recommendations, out of which Tajikistan supported 158⁵. One recommendation in particular, which Tajikistan noted, was that they "[a]mend the Law on Freedom of Conscience and Religious Organizations to fully protect the right to freedom of religion or belief in compliance with international norms and obligations. Remove restrictions imposed over religious education and literature, activities of religious organizations, and religious dress to promote religious tolerance"⁶. However, despite those recommendations and both its domestic and international obligations, Tajikistan has taken no steps to ensure religious freedom for minority religions.

Legal Framework

4. The Constitution of Tajikistan establishes the country as a secular state and protects the right to practice one's religion according to the dictates of their faith. As stated in Article 26 of the Constitution, "Everyone has the right to independently determine his (her) relationship toward religion, to profess any religion, individually or together with others, or to profess none, and to participate in the performance of religious cults, rituals, and ceremonies"⁷.

5. Furthermore, the Constitution states that "[i]nternational legal acts recognized by Tajikistan are a constituent part of the legal system of the Republic"⁸. Tajikistan is a party to the International Covenant on Civil and Political Rights (ICCPR), which further enshrines protections for religious freedom. As stated in Article 18 of the ICCPR:

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and

teaching⁹.

6. However, despite both domestic and international laws protecting the right to freedom of religion, the Tajikistan government has taken actions that infringe on the religious rights of its citizens, particularly those of religions minorities. The Law on Conscience and Religious Associations (LCRA) imposes restrictions on religious organisations and requires them to legally register with the government in order to qualify as a religious association. Those that fail to register, or fail to submit an annual report, may have their religious activities suspended by the government. According to Article 10 of the LCRA:

Religious associations must provide information to the registered body on the annual basis about the continuation of activities in accordance with own statute (provision), indicating the information that is part of the state register of religious associations. Failure to submit specified information may be the ground for suspension of the activities of a religious association¹⁰.

7. Under Article 30 of the LCRA religious associations that have had activities suspended are no longer permitted to “organize and hold meetings, rallies, demonstrations, marches, and other events, use bank deposits, except for the calculation of economic activities and employment contracts, compensation of damage caused by its action, tax payments and fees and fines”¹¹.

8. Furthermore, the government uses “state theological expertise” to determine the accuracy of information submitted by religious associations.

Article 17. State theological expertise

1. State theological expertise is carried out by the Authorized State Body in order to establish the distinctive features of the denomination of religious associations; the accuracy of the information about their beliefs and religious activities; and analysis of the literature and religious articles.

2. State theological expertise is carried out in accordance with the legislation of the Republic of Tajikistan.

3. The procedure for state theological expertise is determined by the Government of the Republic of Tajikistan¹².

9. In 2020 the government amended the penal code to further target religious minorities by now including the internet and telecommunications networks as locations where it is now prohibited to incite “social, racial, national, local or religious (mashab) hatred or dissension”¹³. Article 189 of the Penal Code now states:

Inciting social, racial, national, local or religious (mashab) hatred or dissension, humiliation of racial, national, religious (mashab) or local dignity, as well as propaganda of specificity and superiority of citizens based on their attitude to religion (mashab), language, racial, national or local origin, if committed in public or using the mass media or telecommunications networks, including the internet,

within a year after the imposition of administrative penalties for such offences are punishable by imprisonment for a period of two to five years¹⁴.

10. In January of 2020, President Rahmon signed into law the Law on the Republic of Tajikistan on Countering Extremism¹⁵. Under this new law, extremism is defined as “an expression of ideology and extremist activity aimed at resolving political, public, social, national, racial, regional and religious issues by force and other illegal actions”¹⁶.

Violation of Religious Freedom

11. In 2016, the Department for Religious Affairs and Regulations of Traditions, Ceremonies, and Rituals of Sogd Regional Administration commissioned a “state religious expert analysis” of the Bible translated in Tajik¹⁷. The analysis was conducted by three Imams who concluded that “The book does not correspond to our society of Hanafi Muslims, its propaganda and distribution among the Muslim people does not meet the goals of our society, and its distribution among Hanafi Muslims causes confrontation and schism and leads to misunderstandings”¹⁸.

12. In April of 2017, the National Security Committee arrested Christian pastor Bakhrom Kholmatov and accused him of “extremism”¹⁹. Following his arrest, he was sentenced to three years in prison for “singing extremist songs in church and so inciting religious hatred”²⁰. He ended up serving all but three months of his sentence in prison. His arrest stems from article 189 of the Penal Code, which can be, and has been, used broadly to target religious minorities.

13. In June of 2017 Brother Sahat (name changed to protect identity) was arrested as he was sharing the gospel with a stranger in public²¹. As Sahat was walking around he met a stranger and began having a conversation about Christianity and the Gospel²². When Sahat went to hand the stranger New Testament literature he was arrested by the stranger who turned out to be an officer of the Security Service. He was arrested for distributing “religious propaganda”²³. It remains uncertain as to whether he has been released.

14. In August of 2018, ten Christians were arrested as they were sharing the gospel and distributing Christian literature in Russian, Tajik, as well as other languages²⁴. They were later released from jail but were forced to pay a fine equivalent to \$1,000²⁵.

15. In 2019, a Baptist church in Tajikistan ordered 5,000 Christian calendars, however customs confiscated the calendars and proceeded to burn all 5,000 of them²⁶. A customs official confirmed that “[f]ollowing the conclusion of linguistic experts in the Culture Ministry that found elements of propaganda of an *alien faith* [emphasis added], the calendars were confiscated”²⁷. Furthermore, the church who had ordered the calendars were forced to pay a fine equivalent to \$420²⁸.

16. Four churches were accused of participating in a Bible translation project between August 2019 and January 2020²⁹. As a result, the church leaders were fined an amount equivalent to between \$700 and \$1000, a staggering amount given the average monthly salary in Tajikistan is equivalent to only \$150³⁰. One local Christian stated that “[t]hey were fined for arranging a translation of the Bible into modern language” and that “[t]hey want to make us weary and stop”³¹.

Conclusion

17. It is critical that Tajikistan remove restrictions on religious freedom. In order for the Tajik government to allow for people of all faiths to worship as they see fit, it must take steps to ensure that its domestic laws and practices are in line with its Constitution and the international laws that Tajikistan has recognized. The current laws and their implementation restrict the ability of religious minorities to freely practice their faith, including having access to basic items such as religious literature and texts. The laws must be changed so that religious minorities can freely practice their faith. The government must allow for minority religions to be able to practice their religion according to the dictates of their faith as well as possess and distribute religious literature without fear of arrests and confiscation.

¹ *Tajikistan Population 2021 (Live)*, WORLD POPULATION REVIEW, available at <https://worldpopulationreview.com/countries/tajikistan-population>.

² *Id.*

³ *Tajikistan*, OPEN DOORS, available at <https://www.opendoorsusa.org/christian-persecution/world-watch-list/tajikistan/>.

⁴ *Id.*

⁵ UPR of Tajikistan – Second Cycle – Thematic List of Recommendations, A/HRC/33/11/Add. 1, available at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/TJindex.aspx>.

⁶ *Id.*

⁷ Constitution of Tajikistan art. 26, available at https://www.constituteproject.org/constitution/Tajikistan_2003.pdf?lang=en.

⁸ *Id.* at art. 10.

⁹ International Covenant on Civil and Political Rights, Dec. 16, 1966, S. Treaty Doc. No 95-20, 6 I.L.M. 368 (1967), 999 U.N.T.S. 171, art. 18.

¹⁰ *Law of the Republic of Tajikistan “On Conscience and Religious Associations”* art. 10, available at https://www.legislationline.org/download/id/6658/file/Tajikistan_law_conscience_religious_associations_2009_am2011_eng.pdf.

¹¹ *Id.* at art.5.

¹² *Id.* at art. 17.

¹³ *Tajikistan: Religious Freedom Survey, December 2020*, (FORUM 18), available at https://www.forum18.org/archive.php?article_id=2625,

¹⁴ Criminal Code of Tajikistan art. 189, available at http://mmk.tj/system/files/Legislation/574_tj.pdf, *Unofficial translation available at, Tajikistan: Religious Freedom Survey*, FORUM 18 (22 Dec. 2020), available at https://www.forum18.org/archive.php?article_id=2625.

¹⁵ *Tajikistan: Religious Freedom Survey, December 2020*, *supra* note 13.

¹⁶ Law of the Republic of Tajikistan on Countering Extremism art. 1, available at https://www.legislationline.org/download/id/8835/file/Tajikistan_law_countering_extremism_as_of_2020_en.pdf.

¹⁷ *Tajikistan: Pensioner Faces Up to 10 Years’ Imprisonment*, FORUM 18 (7 Aug. 2019), available at http://www.forum18.org/archive.php?article_id=2499.

¹⁸ *Id.*

¹⁹ *Tajikistan: “Extremism” Prison Term For Christian Books?*, FORUM 18 (28 April 2017) available at https://www.forum18.org/archive.php?article_id=2276.

²⁰ *Tajik Pastor Freed After 3 Years in Prison for “Signing Extremist Songs in Church”*, WORLD WATCH MONITOR (18 Dec. 2019), available at <https://www.worldwatchmonitor.org/2019/12/tajik-pastor-freed-after-3-years-in-prison-for-singing-extremist-songs-in-church/>.

²¹ *MBB Arrested in Tajikistan*, OPEN DOORS (27 Feb. 2017), available at <https://www.opendoorsusa.org/take-action/pray/mbb-arrested-tajikistan/>.

²² *Id.*

²³ *Id.*

²⁴ *Tajikistan – Christians Arrested and Fined*, VOICE (16 Aug. 2018), available at <https://releaseinternational.org/tajikistan-christians-arrested/>.

²⁵ *Id.*

²⁶ “*Alien Religion*”: *Tajik Customs Officials Burn 5,000 Baptist Calendars*, RADIO FREE EUROPE / RADIO LIBERTY (14 Feb. 2019), available at <https://www.rferl.org/a/customs-officials-burn-5-000-baptist-christian-calendars-in-tajikistan/29769755.html>.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Church Leaders Fined for Translating the Bible*, THE VOICE OF THE MARTYRS (16 Apr. 2020), available at <https://www.icommittopray.com/request/2016/fined-churches/?fbclid=IwAR3CfZuDyTu6mH4Y5FaRHGHVY93Ba11Xc3csMgk6EYMpqZGqmvE28vM6fW8>.

³⁰ *Id.*

³¹ *Id.*