



USCIRF Annual Report 2013 - Countries of Particular Concern: Tajikistan

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USCIRF STATUS: Tier 1 Country of Particular Concern

BOTTOM LINE: The Tajik government suppresses all religious activity independent of state control, particularly the activities of Muslims, Protestants, and Jehovah's Witnesses. The government also imprisons individuals on unproven criminal allegations linked to Islamic religious activity and affiliation.

EXECUTIVE SUMMARY

FINDINGS: Tajikistan's restrictions on religious freedom remained in place during the reporting period, and systematic, ongoing, and egregious violations of freedom of religion or belief continue. The government suppresses and punishes all religious activity independent of state control, and imprisons individuals on unproven criminal allegations linked to religious activity or affiliation. These restrictions and abuses primarily affect the country's majority Muslim community, but also target minority communities, particularly Protestants and Jehovah's Witnesses. The Jehovah's Witnesses community has been banned since 2007. In recent years, the Tajik government has destroyed a synagogue, a church, and three mosques, and it has closed down hundreds of unregistered mosques.

Based on these systematic, ongoing, and egregious violations of religious freedom, USCIRF again recommends in 2013 that Tajikistan be designated a country of particular concern (CPC). USCIRF first recommended that Tajikistan be designated a CPC in 2012. Previously, Tajikistan had been on USCIRF's Watch List since 2009.

The government's recent actions against peaceful religious practice are based on an expansion, over the past four years, of repressive laws limiting religious freedom. The 2009 religion law establishes onerous and intrusive registration requirements for religious groups; criminalizes unregistered religious activity as well as private religious education and proselytism; sets strict limits on the number and size of mosques; allows government interference with the appointment of imams; requires official permission for religious organizations to provide religious instruction and communicate with foreign co-religionists; and imposes state controls on the publication and

import of religious literature. In 2011 and 2012, administrative and penal code amendments set new penalties, including large fines and prison terms, for religion-related charges. In addition, a 2011 law on parental responsibility banned minors from any organized religious activity except in official religious institutions. Women are not allowed to wear headscarves in educational institutions, and men are not permitted to wear beards in public buildings.

PRIORITY RECOMMENDATIONS: Tajikistan is strategically important for the United States due to its long and porous border with Afghanistan and the key role of ethnic Tajiks in that country. The U.S. government should designate the country a CPC and engage the Tajik government about the importance of enacting specific religious freedom reforms. In doing so, the U.S. government should press Tajik officials and work with civil society to bring relevant laws into conformity with international commitments. The U.S. embassy should monitor the trials of those charged solely because of religious belief or peaceful practice and advocate for the release of such prisoners. The United States also should work with the international community to provide training for judges and prosecutors in civil law and human rights standards. U.S. officials should criticize publicly violations by the Tajik government of its international and Organization for Security and Cooperation in Europe (OSCE) human rights commitments. Additional recommendations for U.S. policy toward Tajikistan can be found at the end of this chapter.

RELIGIOUS FREEDOM CONDITIONS

2012 USCIRF VISIT

In December 2012, a USCIRF delegation visited Tajikistan to gain on-the-ground information about the current status of freedom of religion or belief in the country. This was the first Commissioner-level visit to Tajikistan, although USCIRF staff had visited in 2009. The USCIRF delegation met with Tajik government officials, representatives of the Council of Ulema, the head of the Islamic Renaissance Party, the U.S. Ambassador to Tajikistan, and officials from the OSCE Mission, as well as representatives of various religious communities, think-tanks, independent journalists, and civil society activists in Dushanbe and Khujand. The delegation found that the concerns expressed in USCIRF's previous reporting on Tajikistan continue.

RESTRICTIVE LEGAL FRAMEWORK

Tajikistan enacted a highly restrictive religion law in 2009, and since then it has increased the criminal and administrative penalties for violations, including with amendments setting heavy new fines that came into force during the current reporting period. The religion law places onerous administrative burdens on religious groups, which prevent or control religious activity. Non-violent unregistered religious groups, which either were denied registration or decided not to seek registration, are deemed "illegal," and the Tajik government has closed many of their houses of worship.

The religion law prohibits unregistered religious activity and private religious education, requires state permission for an institution or organization to provide religious instruction, and requires that both parents provide written permission for a child to receive approved instruction. In addition, the 2011 Parental Responsibility Law bans almost all religious activity by children (except participation in approved religious education), including mosque attendance and participation in funerals, and police have stopped children from entering mosques. This law also restricts children's religious dress and even limits parents' choice of their children's names. The Organization of Islamic Cooperation (OIC), of which Tajikistan is a member, publicly expressed concern about the parental responsibility law, but it is not known if the Tajik government responded to the OIC's request for clarification. In a letter to USCIRF, the Tajik embassy claimed that the law was justified to protect youth from alleged radical influences.

The religion law also bans proselytism and requires prior official approval for religious organizations to invite foreigners into the country or attend religious meetings outside the country. Under the law, the government must approve the content and "appropriate quantities" of all published or imported religious literature, and religious communities must pay for this "service." Although Tajikistan has Central Asia's only legal Islamic political party, the law forbids religious associations from participating in political activities. In addition, a 2007 law on traditions and rituals regulates private celebrations, including religious celebrations, allegedly to protect people from spending excessive amounts of money. National minorities specifically are exempted from restrictions in celebrating their national events, however.

In terms of penalties, organizers and participants in "unapproved gatherings, meetings, demonstrations, pickets and street processions," which could include unregistered or unapproved religious meetings, can be subject to two-year prison terms. Participants in "religious extremist study groups" face prison terms of five and eight years; organizers face eight to 12-year terms. Property confiscation also may be imposed. In addition, individuals who "teach religious knowledge without [state] permission" may be fined up to US \$800; groups, up to US \$1,600; and repeat violators may be fined up to three times these amounts. The 2012 official minimum monthly wage and pension in Tajikistan is US \$43. Similarly onerous fines apply to the production, distribution, import or export of religious literature that has not passed the compulsory official censorship review.

In addition, in July 2012, new penalties came into force for receiving religious education abroad, preaching and teaching religious doctrines, establishing connections with foreign religious organizations, or conducting activities not listed in a group's registration charter. The new punishments set fines ranging between U.S. \$240 and U.S. \$800, which are significant amounts, especially for the unemployed or rural poor. The official Committee on Religious Affairs (CRA) is mandated to administer these penalties without police or prosecutors' investigations or court trials.

The religion law's preamble notes the "special role of the [Sunni] Hanafi school of Islam" in Tajik culture, ignoring the country's Ismaili Shi'i Muslims, who comprise from five to 10 percent of the population, as well as contributions of Tajik Jews, Orthodox Christians or other religious groups.

The UN Special Rapporteur on Freedom of Religion or Belief and the OSCE's Advisory Panel of Experts on Freedom of Religion or Belief have expressed concern that the 2009 law does not meet international standards. In 2011, the UN Human Rights Council undertook its first Universal Periodic Review of Tajikistan, at which the government promised labor and human rights reforms, including on torture, but rejected religious freedom recommendations. During USCIRF's 2012 visit, Tajik officials defended current laws and implementation, including based on the need to prevent radical influences from Afghanistan.

Minority religious communities in Tajikistan, including Seventh-day Adventists, Baptists, Baha'is and Hare Krishna, have also expressed concerns about the 2009 religion law's impact on freedom of religion or belief. In 2011, Russian Orthodox Patriarch Kirill reportedly also noted the new law's numerous restrictions. Government officials have accused Tajik groups that share such concerns of supporting "alien ideas."

REGISTRATION ISSUES

The religion law requires religious groups to register, and the administrative and criminal codes penalize unregistered religious activity. There are two types of registration: as a religious organization, which has legal personality, or as a religious community, which does not. National religious centers, central mosques, central prayer places, religious educational institutions, churches, and synagogues can apply for registration as religious organizations. Other religious entities, such as smaller central mosques and prayer mosques, can register only as religious

communities. To register as a religious organization, 10 adult citizen founders must present a certificate from local officials attesting that they have lived in the area for at least five years, and also provide proof of citizenship, dates of birth, home addresses, and descriptions of beliefs and religious practices, views on education, family, and marriage, and data on their founders' state of health. State officials and members of political parties are not eligible to be among the 10 founders. Religious organizations must specify activities in their charters and report annually or face loss of registration. The religion law also requires that charters define the geographic status of religious organizations and religious communities, thereby limiting activities to national, town, or district levels.

Mosques are subject to particularly strict legal regulation: one large, so-called Friday prayer mosque is allowed for 10,000-20,000 people and one smaller five-time-daily prayer mosque for 100-1,000; quotas are higher for the capital, Dushanbe. Mosques that exceed the area's quota can be closed. Under the law, "appropriate state bodies in charge of religious affairs" select all imams and their assistants (*imam-khatibs*); other religions are allowed to appoint their own leaders. Muslim worship is restricted to mosques, homes, and cemeteries, and is not permitted in places of work or on streets near mosques. Under the 2009 religion law, only state-licensed mosques can hold Qur'an study classes, whereas any mosque could do so previously.

The 2009 religion law imposed a re-registration deadline of January 1, 2010. The State Department reported that as of late 2010, most religious groups had applied for re-registration. As of March 2011, some mosques were denied re-registration and many others were still waiting. According to the Tajik embassy, 4,000 religious organizations, 74 of which are non-Muslim, are registered, including 3,366 mosques, 345 Friday mosques, 41 central mosques and one national Islamic Religious Center. These figures did not include Ismaili *Jamatkhonas* (places of worship). During USCIRF's meetings in December 2012, with the Committee on Religious Affairs (CRA) and the Ministries of Internal Affairs and Education, Tajik officials confirmed the 2011 registration statistics. They claimed that Tajikistan has more registered religious communities than any other post-Soviet Central Asian state. The CRA chairman claimed to USCIRF that only mosques that violated Tajik law had been closed by courts and that 46 of the closed mosques are undergoing registration.

RESTRICTIONS ON MUSLIMS

The Tajik government controls the practice of Islam through the legal provisions described above, as well as via the state-appointed Council of Ulema (CoU). The CoU promotes official government policies on Islam, issues *fatwas* and religious guidance to Islamic religious organizations, and drafts Friday sermon topics for national distribution. Under the religion law, it is the only "national center" allowed for Muslims; its "decisions and *fatwas* are viewed as government policies," according to the State Department. The government indirectly controls the selection and retention of imams, including through "attestations" on Islamic teachings and religious principles. Moreover, the CRA selects, controls, collects the fees and limits the age and the numbers of those who participate in the *hajj*. According to the State Department, observers have noted that the government drafts Muslim sermons and manipulates teachings so as to bolster its own political standing vis-a-vis the Islamic Renaissance Party (IRP).

In December 2011, the CoU accused three prominent IRP religious and political opposition leaders, the Turajonzoda brothers, of "endangering the spiritual unity of our nation" by performing the "alien" Shi'i ritual of Ashura at their mosque near Dushanbe. Although the brothers denied observing Ashura, the CoU requested that all the country's imams read its statement at Friday prayers; several imams who refused to do so were later dismissed. The CoU also called on the government to examine if the Turajonzoda family's religious activity was in line with the religion law. Three days later, 50 police and officials raided the Turajonzoda mosque during Friday prayers, and detained nine worshippers without charges for 10 days.

The CRA then downgraded the Turajonzade mosque's status for three months so that Friday sermons – which had drawn 10,000 worshippers – could not legally be held, and the government dismissed two brothers, Nuriddin and Mahmudjon, as the mosque's imams. A court also fined Nuriddin and his brother, Akbar, about U.S. \$70 each for allegedly insulting the CoU director, but ignored their counterclaims. In May 2012, a court ruled that the Turajonzade mosque must be closed, EurasiaNet reported.

The CoU 2004 *fatwa* that bans women from praying in Tajik mosques remains in effect. In an uninvestigated 2010 incident a fire destroyed the IRP's Dushanbe cultural center, the country's only mosque that officially allowed women to pray with men. Reportedly, some unregistered mosques, particularly in remote regions of Tajikistan, still allow women to pray in their buildings. The CRA chairman told USCIRF in December 2012 that if the government were to countermand the 2004 *fatwa*, it illegally would be interfering in the internal affairs of religious communities. The CoU, however, is considered controlled by the Tajik government.

Government officials, including those from the State Committee on National Security, monitor mosques throughout the country, by listening to imams' sermons, observing mosque attendees, and monitoring audio and video cassettes for extremist and anti-government views. Weddings and funerals are also monitored for compliance with the law on traditions and rituals.

APPLICATION OF EXTREMISM LAWS

Tajikistan's criminal code penalizes extremist, terrorist, or revolutionary activities without requiring acts that involve violence or incitement to imminent violence. The law prohibits "inciting ethnic, communal or religious hatred" and "organization of a religious extremist study group and participation in it without regard to the place of study." However, the criminal code does not define "extremist religious" study or teaching. These overly broad provisions permit the government to apply these laws against peaceful religious activity in an arbitrary fashion or to penalize other non-violent activities.

Tajikistan is unique among former Soviet republics in its experience of a civil war in which liberals and Islamists faced off against former communists led by President Rahmon. Over 100,000 were killed during the five-year conflict, which ended in 1997. Tajikistan still faces security concerns due to serious threats from groups which advocate or commit violence in the name of religion and from terrorist groups based in neighboring Afghanistan. Nevertheless, the Tajik government's policies are highly problematic, partly due to its application of broad anti-extremism laws against religious adherents and others who pose no credible threat to security.

In a 2011 report, the International Crisis Group, a non-governmental organization, noted the inept policies of the Soviet-trained Tajik leadership in dealing with a society increasingly drawn to observant Islam. According to the Tajik embassy, its government has banned 12 organizations for extremism and terrorism, including al-Qaeda, the Islamic Movement of Eastern Turkestan, the Taleban Movement, *Ikhvan-almuslimin*, the Pakistan Islamic Society, *Tabligh Jamaat*, and *Hizb-ut-Tahrir* (HT). In January 2013, the country's general prosecutor stated that during 2012, the government had opened 30 criminal cases against 144 suspected terrorists and extremists, Avesta.tj reported. Of these, 26 cases involving 123 suspects were sent to the courts. The suspects were accused of membership in groups including HT, *Tabligh Jamaat*, the Islamic Movement of Turkestan (also known as Islamic Movement of Uzbekistan, or IMU), and *Ansarullah*.

The government of Tajikistan jailed over 500 people for HT membership over ten years, according to the AFP news agency in 2011. Observers have noted that the prosecution of alleged HT members seems mainly motivated by their political activity. Further, during trials of HT members, the government reportedly has not proven that defendants were involved in or advocated violence and the trials generally lacked due process guarantees. While HT is banned in most Muslim countries for its political activities, it has not been officially designated a terrorist

group by the United States due to a lack of proof that HT as an organization has engaged in violent acts. Some HT members may have committed violent acts independent of the organization.

Another group prohibited in Tajikistan, *Tabligh Jamaat*, is an Islamic missionary group from South Asia that emphasizes piety, prayer, and preaching. Some former members who reportedly left the movement due to frustration with its apolitical stance have attempted acts of violence. The Tajik Supreme Court reportedly banned the group in 2006 as an extremist foreign ideology, although two Supreme Court members said in 2009 that they were unaware of this ban. A court in Tajikistan's northern Sughd Province sentenced seven people to prison terms of three to five years as alleged *Tabligh Jamaat* members, RFE/RL reported in February 2012.

The Tajik Supreme Court banned the Salafi school of Islam in February 2009, although no criminal acts have been linked to its followers in Tajikistan. Although the court did not release the text of its decision, reportedly it was based on the alleged need to protect the constitutional order, strengthen national security, and prevent conflict among religions. A Tajik official told Forum 18 that Salafis engage in "hooliganism" by disturbing other mosque worshippers with their bodily gestures and shouting during prayers.

The Tajik government has also charged with extremism journalists who have been critical of official religion policies. In 2011, local BBC reporter, Urunboy Usmonov, was sentenced to a three-year jail term for "complicity" in HT activities. Usmonov, an ethnic Uzbek, said he met with HT members as part of his work as a journalist. He also said that he was burned with cigarettes and beaten while in detention. In December 2012, USCIRF met with Usmonov in Khujand. Although he had been amnestied and released, he told USCIRF that the Supreme Court still had not cleared him of the charges. In another case, Mukhamadyusuf Ismoilov, a journalist in the Sughd region, was fined the equivalent of U.S. \$7,300 on charges including incitement of national, racial, local, or religious hostility in 2010. He was released under amnesty, but banned from journalism for three years.

Opposition journalists also have been subject to violent attacks. Some observers claim government involvement in the January 2012 stabbing in Moscow of Dodojon Atovulloev, founder of the opposition monthly *Charogi Ruz* (Daily Light) and head of the *Vatandor* movement, which is critical of Tajik religion policies. The government has twice charged Atovulloev with inciting ethnic, racial, and religious hatred, a charge subject to a potential 15-year prison term. Russia has refused numerous requests to extradite Atovulloev, most recently in 2011. In another incident, after the reporting period, an unknown assailant attacked prominent Tajik opposition journalist Bakhtior Sattori in Moscow, according to RFE/RL.

CONDITIONS IN DETENTION

The government of Tajikistan has been criticized by the UN Committee against Torture, the European Court of Human Rights, and groups such as Human Rights Watch and Amnesty International (AI), for its widespread use of torture against prisoners, including those detained on charges relating to religious extremism. During the USCIRF visit, the delegation received documentation that Delshodbek Muradov had died in 2009 as a result of torture in a Tajik labor camp. During the USCIRF meeting with the Ministry of Internal Affairs, officials noted that in 2012 a Center to Combat Extremism, modeled on that of Russia, had been set up, even though Amnesty International has reported that the Russian Internal Ministry's Center for Extremism Prevention engages in torture.

BAN ON JEHOVAH'S WITNESSES

The Jehovah's Witnesses were banned in October 2007 for "causing popular discontent." The Ministry of Culture said that their conscientious objection to military service and refusal of blood transfusions were reasons for the ban, and cited "expert analysis" from the Tajik Academy of

Sciences Institute of Philosophy and Law that concluded Jehovah's Witnesses are a "destructive cult" because Jehovah's Witnesses do not interpret the Bible as do Protestants. The CRA chairman confirmed to USCIRF that the Jehovah's Witnesses had been denied registration by the Ministry of Culture (which previously had been in charge of religious affairs). He claimed that the Jehovah's Witnesses could apply for registration with the CRA; he also claimed that a draft law on military service was under consideration by the Tajik government.

In August 2011, a court ordered the deportation of Sherzod Rahimov, a Jehovah's Witness who is an Uzbek citizen. Rahimov, who is disabled, was beaten by police because he did not renounce his faith. He and other Jehovah's Witnesses had been detained and fined for their unregistered religious activity.

CLOSURES AND DESTRUCTIONS OF HOUSES OF WORSHIP

In recent years, the Tajik government has closed dozens of unregistered mosques and prayer rooms, and ordered the demolition of three unregistered mosques in Dushanbe. In 2011, Tajik authorities demolished an unregistered mosque in the city of Qurghonteppa, and the government closed around 50 mosques in Dushanbe. According to the Islamic Renaissance Party, in late 2012 and early 2013 numerous unregistered mosques were closed in and around Dushanbe.

The CoU has claimed that Tajik authorities consult with congregants to reach consensus about their future, but observers could not confirm that such a consultation process exists. In September 2011, the chief religious affairs official of Khatlon Region stated that 229 unregistered mosques in the region will soon "change their status and become first-aid stations and sports halls." In addition, the same region's Jomi District had forcibly changed 16 unregistered mosques into similar "social facilities."

In 2008, the nation's only synagogue, located in Dushanbe, was bulldozed. Dushanbe's small Jewish community later received a building for use as a synagogue. The new building, however, was not provided as compensation by the city of Dushanbe, but was donated by one of the country's richest bankers, who is also President Rahmon's brother-in-law. The Tajik officials have stated that the government could not provide compensation for the building, citing "separation of church and state."

In 2009, the Grace Sunmin Church, the country's largest Protestant congregation, lost its appeal to save its property from repossession by Dushanbe city authorities and had to vacate the premises. Another registered Protestant church in Dushanbe, whose building was demolished in 2008, has not received any compensation. The government typically does not pay compensation for such demolitions.

RESTRICTIONS ON RELIGIOUS LITERATURE

As stated earlier, the government must approve the production, import, export, sale, and distribution of religious literature and other items, which is only permitted for registered religious organizations (not religious communities) and only in an undefined "appropriate quantity." Literature and other items must carry the full name of the registered religious organization that produced them, effectively banning private or commercial publishing by any religious group that is not represented by a registered religious organization. It is unclear whether this ban extends to publications on anti-religious, atheist, or agnostic material. Government-owned presses only occasionally published religious literature, including the Qur'an, in the Tajik language. The government restricted distribution of Christian and Islamic literature that it deemed extremist or promoting foreign ideology, according to the State Department.

The Ministry of Culture has confiscated religious literature it deems inappropriate, including from the Jehovah's Witnesses. A Jehovah's Witness reported that three tons of confiscated Jehovah's

Witnesses literature was destroyed in early 2010 after three years of open storage caused it to become "decayed and unusable."

The registered Islamic Revival Party of Tajikistan distributed one weekly newspaper and one monthly magazine, the State Department reported.

RESTRICTIONS ON RELIGIOUS EDUCATION

As previously stated, a state license is required to conduct religious instruction, and both parents must give written permission for children aged between seven and 18 to receive such instruction. These rules mean that only registered religious organizations can provide religious instruction and that children under the age of seven cannot participate. Another restriction applies only to Muslims: registered central mosques can set up basic educational groups, but local mosques cannot. The religion law permits parents to teach religion to their own children at home, but religious homeschooling outside the nuclear family is forbidden. In 2008, the government nationalized the previously independent Islamic University, the country's only religious institution of higher learning, and took full control of its activities and curriculum. Teachers underwent a vetting process, and the institution was downgraded from a university to an "Islamic institute."

Many religious communities say it is difficult to gain official approval for religious education. A maximum of 80 Islamic educational centers have official approval, a number that religious communities view as insufficient. Children can attend Christian Sunday schools, but officials limit the number of locations for Islamic religious education for children. Registered non-Muslim religious communities must register their religious schools as separate organizations.

As discussed above, Tajikistan faces genuine security concerns due to serious threats from groups which advocate or perpetrate violence in the name of religion, including groups based in Afghanistan. In response to these concerns, however, the Tajik government has developed an ineffectual and heavy-handed policy which restricts access to foreign religious education while providing few suitable domestic alternatives. During a 2010 speech on state television, President Rahmon called on all Tajik parents to recall their children from foreign Islamic colleges to prevent them from becoming "extremists and terrorists." A senior presidential advisor later clarified that he did not mean all students who are studying abroad, but only those "studying in violation of the [2009] Religion Law."

In 2011, the religion law was amended to limit access to religious education abroad only to those Muslims who have completed religious education in officially-approved institutions inside Tajikistan and who receive written permission from the state agencies for religious affairs and education. According to the Tajik embassy in the United States, as of early 2012, 1,219 Tajiks have returned from foreign study programs, mostly in Turkey, Egypt and Pakistan, but at least 700 students remain abroad "illegally."

In May 2010, the Interior Ministry launched "Operation *Madrassa*," mainly targeted against the unlicensed religious instruction of children and youth, including numerous police raids of "illegal" (unregistered) private Qur'an lessons. In January 2011, local authorities in the southern province of Khatlon detained individuals who reportedly had held private, allegedly Salafi, classes on Islam for some 60 local children. Three women were fined in May and June 2011 for unauthorized teaching of the Qur'an to girls in private homes in the Khatlon Region. Local officials visited eight *madrassas*, 93 Friday mosques, and 955 daily prayer mosques in May 2011 and brought charges against 11 individuals for private religious education in the northern Sughd region; three illegal *madrassas* were closed and an administrative investigation launched into school personnel. In addition, an administrative case for the private teaching of religion was opened in June 2011 against the imam of a registered mosque in the Rudaki District near Dushanbe.

In 2011, the government halted teaching at four higher education Islamic schools in northern Tajikistan's Sughd region. A regional religious affairs official told RFE/RL's Tajik Service that the schools had not re-registered as required under the religion law, the teachers had not provided required religious education, and the buildings did not meet official standards.

RESTRICTIONS ON RELIGIOUS DRESS

In 2005, the government banned the wearing of Islamic headscarves in schools, arguing that it was not traditional Tajik dress. This restriction is enforced, although students at the Islamic Institute are allowed to wear headscarves. The Tajik National University fired a teacher and expelled a student in 2010 for wearing a headscarf outside class, the State Department reported. Women have said they chose not to pursue higher education in secular institutions due to the dress code, and women who wore the Islamic headscarves reported difficulty in finding employment, the State Department reported. Some women also expressed concern that men pressure female relatives to wear headscarves.

Girls are not permitted to wear headscarves after the ninth grade and, according to Forum 18, some who tried to do so said that teachers mocked their religious views. In some rural areas, teachers allowed girls to wear headscarves but asked them to leave the classroom during official inspections. CoU members have not disputed the official ban, saying that a scarf, tied in the traditional way, may substitute for an Islamic headscarf.

In 2009, the Tajik government banned teachers from wearing beards and in 2011, Tajik authorities reportedly began to detain, fingerprint, and interrogate bearded men. Some 30 teachers were forced to shave and a journalist whose official identity documents showed him wearing a beard was not allowed to leave the country. Reportedly, Tajik officials associate beards with the conservative Salafi school of Sunni Islam, which was banned in 2009.

U.S. POLICY

Tajikistan is strategically important for the United States, due in part to the key role of ethnic Tajiks in Afghanistan, the country's southern neighbor. Tajiks are the second largest ethnic group in Afghanistan, and included a former Afghan president and Ahmad Shah Masoud, the head of the Northern Alliance who fought the Soviets and the Taliban and was murdered on September 9, 2001. In September 2011, a Taliban suicide bomber killed Burhanuddin Rabbani, the de facto leader of the eight million Tajiks in Afghanistan. Rabbani, a former Afghan president and former Northern Alliance member, was leading peace talks with the Taliban. He was killed four days before he was due to attend a meeting in Dushanbe.

Since 2010, the United States has expanded its security cooperation with Central Asian states, including Tajikistan, to allow it to ship cargo bound for U.S. and ISAF forces in Afghanistan overland through Central Asia via the Northern Distribution Network (NDN), rather than through areas in Pakistan that are subject to frequent attack. According to the U.S. Transportation Command, 40 percent of supplies for U.S. and NATO troops in Afghanistan are shipped via the NDN. U.S. Special Operations Forces were given permission to enter Tajikistan, as well as Kyrgyzstan, Turkmenistan, and Uzbekistan on a "case-by-case" basis, with permission from the host nation, when conducting counter-terrorism operations, according to the U.S. Central Command. The United States has also played a role in internal security issues in Tajikistan. In September 2010, U.S. Special Forces provided tactical support to Tajik government troops in repelling an attempted Islamic militant operation in the Rasht valley. In another incident, however, when Tajik troops were sent to the country's southern Badakhshan region bordering Afghanistan in July 2012, the U.S. Embassy publicly expressed concern for civilian loss of life and called on the government to respect human rights, including those of detainees, and to respect press freedom.

Tajikistan is an isolated and impoverished country that experienced a five-year civil war in the 1990s, which resulted in as many as 100,000 deaths. In the aftermath of the civil war, the official amnesty extended to many officials allegedly responsible for torture and maltreatment of detainees and prisoners. In 2006, the UN Committee against Torture called on the Tajik government to establish an independent body to investigate numerous allegations of torture and to punish those found responsible for such acts including during the civil war.

Tajikistan has a weak state with an inadequate and highly corrupt government. Corruption in Tajikistan is endemic and slows the pace of crucial reforms, according to a 2011 report by the United Nations Development Program and the Strategic Research Centre of the President of Tajikistan. That study also found that corruption tends to become institutionalized over time, and that a key cause is the low salaries of government officials. The country's economy is also heavily dependent on remittances from an estimated one million migrant workers, mostly in Russia. Due to the 2008 economic crisis, these labor remittances declined in 2010, but have since increased. Many Tajik migrant workers have returned home, giving rise to new social tensions in the country. Tajikistan has good relations with Iran, its second-largest trading partner; these two countries also share a common language and heritage.

The State Department has documented the worsening religious freedom conditions in Tajikistan. The State Department's *Annual Report on International Religious Freedom* between 2007 and 2011 stated that the Tajik government's respect for religious freedom was "poor and declined," "remained poor," "continued to decline," and "eroded." Similar concerns were expressed publicly in 2011 by high ranking U.S. officials, including Secretary of State Hillary Clinton, who highlighted the Tajik government's poor human rights record, including freedom of religion or belief during an October 2011 trip to the country. The main purpose of Clinton's visit was to thank the Tajik president for his support for the U.S.-led coalition in Afghanistan and for its role in the NDN overland supply route.

In a January 2012 speech at Johns Hopkins University, Assistant Secretary of State for South and Central Asian Affairs Robert O. Blake, who had raised human rights issues in bilateral consultations with Tajikistan, noted the United States' disagreements with Central Asian governments' anti-extremism policies. He stated that "it's very, very important to distinguish between terrorists who want to use their religion and use violence to achieve their objectives, and those who want to exercise their right to peaceful worship." He observed that most Central Asians want to exercise their beliefs peacefully, while governments have a legitimate fear of religiously-based terrorism. He noted the importance of religious freedom by stating, "if you do not allow peaceful worship, if you do not allow parties like the Islamic Revival Party in Tajikistan to operate, you simply drive people underground and you also take people who might otherwise be quite moderate and turn them into people who will become more radical. So it's very, very important to provide these peaceful opportunities for worship and assembly and media...."

Since 1992, the U.S. government has provided more than \$984 million in development assistance to Tajikistan. According to the State Department, "U.S.-Tajik relations have developed considerably since September 11, 2001" and "the two countries now have a broad-based relationship, cooperating in such areas as counter-narcotics, counterterrorism, non-proliferation, and regional growth and stability." In 2010, the United States and Tajikistan launched an Annual Bilateral Consultation (ABC) process to enhance cooperation on a broad range of policy and assistance issues. The United States assists Tajikistan on economic reforms and integration into the broader global marketplace; in late 2012 Tajikistan joined the World Trade Organization. In October 2012, the U.S. government agreed to provide \$9.5 million to support programs related to border security, law enforcement reform, counter narcotics, trafficking-in-persons, and justice sector development in Tajikistan.

The United States government currently operates six American Corners in the country, in Dushanbe, Kulob, Qurghonteppa, Khorugh, Gharm, and Khujand, providing free Internet access

for educational purposes, free English language materials, educational advising, as well as clubs and web chats on American culture. The State Department's priorities for human rights and democracy promotion include increasing respect for the rights of Tajikistan's citizens and strengthening the country's sovereignty and stability, which is a difficult task due to "acute challenges," including "border security issues, failed educational and healthcare systems, and a legacy of Soviet repression."

RECOMMENDATIONS

USCIRF recommends that the U.S. government designate Tajikistan as a CPC and engage in negotiations to see concrete progress to address religious freedom abuses. If those negotiations fail, the U.S. government should apply a presidential action or a commensurate action under IRFA. As described more fully below, USCIRF also recommends that the U.S. government should prioritize the issue of freedom of religion or belief in U.S.-Tajik bilateral relations, support Tajik civil society and religious actors, and encourage greater international scrutiny of Tajikistan's human rights record.

I. PROMOTING REFORM TO PROTECT FREEDOM OF RELIGION OR BELIEF

In addition to designating Tajikistan as a CPC, the U.S. government should:

- engage the Tajik government in immediate negotiations for the implementation of concrete steps to address religious freedom abuses, with specific areas for improvement including, but not being limited to:
 - amending the 2009 religion law and other relevant legislation to bring them into conformity with Tajikistan's international and OSCE commitments, including eliminating legal and other restrictions on peaceful religious practice and worship for all denominations;
 - limiting its legal definition of extremism to those acts that involve violence or incitement to imminent violence and to drop bans on non-violent organizations, literature, and groups;
 - affirming publicly its official intention to comply fully with Tajikistan's international and OSCE commitments to respect freedom of religion or belief, as well as the rights of members of all non-violent religious communities in the country, including by statements from President Rahmon;
 - establishing a mechanism to review the convictions of persons previously detained or charged with non-violent religious, political, or security offenses;
 - releasing those individuals who have been imprisoned solely as a result of their non-violent practice of their religious or other beliefs;
 - ceasing the harassment, raids, fines, detention and imprisonment of individuals who are exercising their rights to the non-violent practice of their religious or other beliefs;
 - engaging in an open and public dialogue with religious groups and groups with a religious affiliation that explicitly repudiate the use of violence, and repeal laws banning such organizations and encourage their participation in Tajikistan's political and social life; and

- make U.S. assistance to the Tajik government, with the exception of assistance to improve humanitarian conditions and advance human rights, contingent upon the implementation of the above-named benchmarks, if these reforms are not undertaken.

II. EMPHASIZING TAJIKISTAN'S RELIGIOUS FREEDOM AND HUMAN RIGHTS RECORD

The U.S. government should:

- continue to monitor the status of individuals who are arrested for alleged religious, political, and security offenses, and continue to monitor the trials of leaders or members of religious communities that lose their registration;
- publicly criticize any Tajik government violations of international and OSCE commitments on human rights, including respect for freedom of religion or belief, both in Tajikistan and at international meetings;
- urge the Tajik government to implement the religious freedom recommendations, such as reform of its religion law, raised in the October 2011 UN Human Rights Council's Universal Periodic Review of Tajikistan;
- urge the OSCE Mission in Tajikistan to pay particular attention to violations of freedom of religion or belief and to undertake relevant programs, including holding training sessions with local officials and journalists on international obligations;
- work with the international community in Tajikistan to undertake efforts to improve judicial standards and to provide training for judges and prosecutors in civil law and international human rights standards;
- restrict U.S. security and other forms of assistance to ensure that it does not go to Tajik government agencies, such as certain branches of the Interior and Justice Ministries, which have been responsible for violations of religious freedom and other human rights; and
- increase opportunities for Tajik human rights advocates and religious figures to participate in exchange programs, and use appropriate avenues of public diplomacy to explain to the people of Tajikistan both why religious freedom is an important element of U.S. foreign policy and the United States' specific concerns about violations of religious freedom in their country.

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