

Title	USCIRF Annual Report 2010 - The Commission's Watch List: Tajikistan
Publisher	United States Commission on International Religious Freedom
Country	Tajikistan
Publication Date	29 April 2010
Cite as	United States Commission on International Religious Freedom, <i>USCIRF Annual Report 2010 - The Commission's Watch List: Tajikistan</i> , 29 April 2010, available at: http://www.unhcr.org/refworld/docid/4be2840e1a.html [accessed 24 February 2011]

USCIRF Annual Report 2010 - The Commission's Watch List: Tajikistan

FINDINGS: There are serious restrictions, in both law and practice, on freedom of religion or belief in Tajikistan. The religious freedom situation in Tajikistan has deteriorated significantly over the past several years. In 2009, the Tajik government passed a new religion law that codified some restrictions that had been informally implemented and introduced a framework for further restrictions. The Tajik government's restrictions on religious freedom primarily affect Muslims, but also single out minority communities viewed as "foreign influenced," particularly Protestants and Jehovah's Witnesses. In 2008, a synagogue, three mosques and a church were bulldozed. In June 2009 a court ordered a Protestant church to vacate its building and its property by the Dushanbe city government expropriated its property.

Based on this downward trend, USCIRF in 2010, as it first did in 2009, again places Tajikistan on its Watch List. While conditions in Tajikistan do not support designation as a "country of particular concern," they require close monitoring due to the nature and extent of the violations engaged in or tolerated by the government.

The Tajik government "expanded its efforts to control virtually all aspects of religious life, and government officials actively monitored religious groups, institutions, and figures," the State Department reported in 2009, noting a decline in respect for the right to religious freedom for the third year in a row. The 2009 religion law extended these policies aimed at the country's majority Muslim population. The law includes provisions that violate international standards on the freedom of religion or belief, such as onerous and intrusive registration requirements; criminalization of unregistered religious activity, private religious education, and proselytism; strict limits on mosque construction; state interference with the appointment of imams; the requirement of official permission for religious organizations to provide religious instruction and for contacts with foreign co-religionists; and state censorship of religious literature and controls on its import. Previous bans remain in effect on women attending mosque, the public wearing of religious dress as well as Jehovah's Witnesses and two Protestant churches. Eleven Jehovah's Witnesses currently face criminal charges of inciting inter-religious discord.

PRIORITY RECOMMENDATIONS: U.S. policy towards Tajikistan should place greater priority on the importance of the issue of freedom of religion or belief, especially because of the potentially destabilizing impact of the new religion law on the many observant Muslims in Tajikistan. The religion law's severe restrictions on Tajikistan's majority population should also be seen as a regional security issue. The U.S. government should work with Tajik officials and civil society to assist in amending the new religion law to bring it into conformity with international commitments, particularly because some officials have indicated that the new law could be amended. U.S. Embassy

representatives should continue to monitor the trials of those charged in connection with religion, and work with the international community to provide training for judges and prosecutors in civil law and international human rights standards. U.S. officials should publicly criticize violations by the Tajik government of its international and Organization for Security and Cooperation in Europe (OSCE) human rights commitments, including on freedom of religion or belief. Additional recommendations for U.S. policy towards Tajikistan can be found at the end of this chapter.

Religious Freedom Conditions

Restrictive Legal Framework

Tajikistan enacted a problematic new religion law in March 2009. According to observers, due to political considerations the Tajik government was expected to begin implementing the new religion law's provisions after the February 28, 2010 parliamentary elections, but has yet to do so. Tajikistan has the only legal Islamic political party in Central Asia, and, as the law will impose particularly serious restrictions on the rights of the country's Muslim majority, its implementation could increase support for the Tajik political opposition.

The law singles out mosques for specific regulation, including population quotas. According to the State Department, Friday prayer mosques can function in districts with 10,000-20,000 persons; five-time prayer mosques can function in areas with populations of 100-1,000 (the quotas are higher for Dushanbe). The law stipulates that imams and imam-khatibs of mosques are selected by "the appropriate state bodies in charge of religious affairs," as the State Department notes, while other religions appear to be allowed to appoint their own leaders. Further, the place of Muslim worship is restricted to mosques, homes and cemeteries, and specifically excludes places of work and streets around mosques. Moreover, while any mosque previously could hold Koran study classes, in the future only central mosques licensed by the government will have permission to do so. Further, the preamble of the law notes the "special role of the Hanafi school of Islam" in Tajik culture, ignoring the important role of the country's Ismaili Shi'a, who constitute about ten percent of the country's population.

More generally, the new law prohibits private religious education and requires state permits before an institution or organization can provide religious instruction. The law also requires both parents' written permission for a child to receive religious education. Police already try to prevent children from praying at mosques after school hours on Fridays, and it is unclear whether children attending a religious service will be viewed as involving them in religious education. The law further mandates government approval of all published or "appropriate quantities" of imported religious literature, bans proselytism, and requires religious organizations to obtain government consent to invite foreigners to the country or attend religious conferences outside the country. The law also forbids religious associations from participating in political activities.

Registration

The new law increases to 400 the number of members required for a religious group to register. The law also requires the legal founders of a religious organization seeking registration to present a document from their local government attesting that they have lived in the area for at least five years and adhered to the same religion. Under the new law, all religious communities in the country were required to re-register by January 1, 2010. As the State Department noted in 2009, the Tajik government "continued to use the registration process to hinder, influence, or intimidate religious organizations and communities." Groups that do not register or are denied registration will become illegal.

On December 10, 2009, Tajik government officials reportedly said that as of that date, only 1,500 of the country's 3,500 mosques and less than ten of the 84 non-Muslim organizations had been re-registered. As of March 2010, even Tajikistan's highest officially-approved Islamic body, the Council of Ulema (Council of Islamic Scholars), also reportedly had not been reregistered.

Tajikistan also has a Law on Observing National Traditions and Rituals that regulates private celebrations allegedly to protect the public from spending excessive amounts of money. This law also restricts the manner in which individuals can conduct private celebrations, including those with religious significance, such as weddings, funerals, and the birthday of the Prophet Muhammad.

Criticism of the 2009 Religion Law and Response

The international community, including the OSCE and USCIRF, raised numerous concerns about various aspects of the new law while it was under consideration. In March 2009, the UN Special Rapporteur on Freedom of Religion or Belief told the UN Human Rights Council that the law "could lead to undue limitations on the rights of religious communities and could impermissibly restrict religious activities of minority communities." The OSCE's Advisory Panel of Experts on Freedom of Religion or Belief also found that many of the law's provisions do not meet international standards regarding the freedom of religion or belief.

The country's former chief mufti Akbar Turajonzoda – who is a leading member of the Islamic Renaissance Party (the legal Islamic political party) – offered an alternative, more liberal, draft religion law in parliament. His bill did not pass and he has condemned the new law because of its severe restrictions on the rights of both Muslims and non-Muslims. As a result, Turajonzoda was deprived of his official transportation, on which he relies due to his severe disabilities, and he resigned from the Tajik parliament. Members of various Tajik minority religious communities have expressed similar concerns about the law's impact on freedom of religion or belief.

Tajik officials have made contradictory statements on possible future amendments to the new religion law. While President Rahmon has said that the law "will not be changed," Mavlon Mukhtarov, the Deputy Ministry of Culture, told USCIRF staff that the law is "not a dogma." In March 2010, President Rakhmon announced a reorganization of Tajik government bodies under which the Religious Affairs Committee will be moved from the Ministry of Culture to the Presidential Administration.

Restrictions on Muslims

Government policies reflected official anxiety about Islamic extremism which was used to justify imposing restrictions, engaging in surveillance, and passing the 2009 religion law that included major restrictions on religious expression, particularly on the majority Muslim population. Authorities unofficially were implementing some provisions before the law was passed in 2009, but they were not enforced uniformly throughout Tajikistan.

Tajik officials, including those from the State Committee on National Security, monitor mosques throughout the country. Officials attend services to listen to imams and observe individuals attending the mosques, as well as monitor audio and video cassettes for possible extremist and anti-government views. Officials also monitor weddings and funerals for compliance with the law on traditions and rituals.

The Tajik government attempts to control Islamic clergy through the Council of Ulamo, a group of scholars and imams that interprets religious practice. While state officials refer to the Council as an independent body, it usually is seen being under government influence or control. Therefore, the Council's "decisions and *fatwas* are viewed as government policies," according to the State Department. In addition, Council members draft and approve sermons for distribution to imams throughout Tajikistan so that these texts will be read as Friday sermons.

In recent years, the Tajik government has closed many unregistered mosques and prayer rooms, ordered the demolition of three unregistered mosques in the capital, Dushanbe, and allowed sermons at Friday prayers to take place only in central mosques. The government also indirectly controls the selection and retention of imams, including through "attestations" on Islamic teachings and religious principles. In addition, the government controls and limits the numbers of those who participate in the *hajj*; in

early 2009 that number was reduced from 5,200 to 4,800. In contrast, the first center for Ismaili Muslims in Central Asia, the Aga Khan Cultural Center, opened in Dushanbe in October 2009.

The Tajik government "continued to enforce official and unofficial dress codes that hindered religious expression, including an unevenly enforced ban on girls wearing the *hijab* at public schools and universities," the State Department noted in 2009. Although four women students reportedly were expelled from Tajikistan State University for wearing the *hijab* in 2009, government and university officials have made conflicting comments on the existence of an official *hijab* ban. Women wearing the *hijab* may be photographed for official identification purposes, particularly on the *hajj*, but authorities reportedly prevented women from wearing "non-traditional" headscarves and men from wearing Islamic-style beards in public. The Minister of Education told the founders of a private *madrassa* in Dushanbe that they would not obtain an education license if they allowed women or girls to wear the *hijab*. Tajik authorities also have told observant Muslim men they would have to shave their beards if they wanted to work in bazaars, obtain passports, or work in government offices, the State Department reported. Government officials also harassed a prominent imam-khatib, Eshoni Nuriddin, who leads a large mosque in the Dushanbe area, in part because of his comments during Friday sermons, including criticism of *hijab* bans. A *fatwa* that bans women from praying in mosques was issued by the government-influenced Council of Ulema in 2004 and remains in effect, although reportedly some unregistered mosques still allow women to pray there.

In 2008, the government nationalized the previously independent Islamic University, the country's only religious institution of higher learning. Teachers underwent a vetting process, and the institution was downgraded from a university to an "Islamic institute." The Tajik president also established a Center for Islamic Studies to direct religious policy under the Presidential Administration, headed by the former Committee on Religious Affairs director, Murodullo Dovlatov, who reportedly is also linked to the security services. During a meeting with USCIRF staff in May 2009, he denied that the new religion law violated international law, but expressed interest in cooperating with the international community.

There are 19 private post-secondary school *madrassas* in Tajikistan, including one that opened in May 2009 in Dushanbe. The religion law permits parents to teach religious beliefs to their own children at home, but religious homeschooling outside the nuclear family is forbidden. In southern Tajikistan, officials have ordered Muslim leaders to prevent school-age boys from attending any prayers at local mosques.

The government has, however, relaxed a ban on printing in Arabic script by government publishing houses. However, state censors still review texts to determine whether the material is nonthreatening. In 2009, the Tajik government printed Tajik-language versions of the Koran and several Koranic commentaries in Tajik and Arabic.

Restrictions on Religious Minorities

Bans imposed in 2007 continue in effect on Jehovah's Witnesses and two Protestant churches, Ehyo Church and Abundant Life Christian Center. Although the Jehovah's Witnesses had been registered in Tajikistan since 1994, the Ministry of Culture banned the group in 2007 for alleged violations of the Constitution and the religion law. In 2008, a higher court in Dushanbe upheld the ban. In October 2009, a court in Dushanbe banned an unregistered Baptist group because it had met for worship in a private home and also because it was not registered.

The Grace Sunmin Church, the country's largest Protestant congregation, lost its appeal to save its property from repossession by Dushanbe city authorities, and the congregation was ordered to vacate its church in July 2009. Church leaders told USCIRF staff that the courts finally gave in to pressure from the Dushanbe mayor who wanted to take over the property that the congregation had renovated. Another registered Protestant church in Dushanbe, whose building was demolished in 2008, had not

received compensation after ten months, and the Culture Ministry still had not approved its rented place of worship, Forum 18 reported in June 2009.

The Ministry of Culture also has banned the religious literature of organizations it considered inappropriate, including from the Jehovah's Witnesses. In September 2009, 16 Jehovah's Witnesses in the city of Khujand face possible criminal prosecution on charges of inciting inter-religious hatred, with a maximum sentence of nine years; in June religious literature was confiscated from them, Forum 18 reported. In April 2008, the Tajik government refused to allow into the country a shipment of books by a Baptist organization because the size of the shipment was deemed disproportionate to the organization's membership.

In 2008, the nation's only synagogue, located in Dushanbe, was bulldozed. The Tajik delegation at a 2008 OSCE meeting stated that the government could not provide compensation for the building, citing "separation of church and state." Dushanbe's Jewish community received a building for use as a synagogue, which is now being used for worship services. The new building, however, was not provided as compensation by the city of Dushanbe, but donated by one of the country's richest bankers who is also President Rakhmon's brother-in-law.

An estimated 15,000 Jews lived in Tajikistan during the Soviet period; today the community is estimated at a few hundred. Although there were no confirmed public anti-Semitic acts, some imams and mullahs preached anti-Semitic messages in mosques, according to the State Department. In addition, Tajik government officials have occasionally stated to the press that minority religious groups undermine national unity.

U.S. Policy

Tajikistan has strategic importance for the U.S., due in part to the key role that ethnic Tajiks also play in Afghanistan, the country's southern neighbor. Tajiks are the second largest ethnic group in Afghanistan and have included such major figures as that country's former president, as well as Ahmad Shah Masoud, the head of the Northern Alliance who fought the Soviets and the Taliban. Moreover, Tajikistan resembles Afghanistan, in that it is a weak state with an inadequate and highly corrupt government. Tajikistan also is an isolated and impoverished country that experienced a five-year civil war in the 1990s that resulted in as many as 100,000 deaths. In the aftermath of the civil war, most Tajik officials, allegedly responsible for torture and maltreatment of detainees and prisoners, were amnestied. The UN Committee against Torture called on the Tajik government in 2006 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.

The country's economy is heavily dependent on labor remittances, mainly from migrant laborers in Russia, which, due to the economic crisis, have decreased sharply. Many Tajik migrant workers have returned, giving rise to new social tensions in the country. U.S. foreign, humanitarian, and security assistance to Tajikistan amounted to approximately \$30 million in fiscal year 2009; more than \$50 million has been requested for fiscal year 2010. According to the State Department, the U.S.'s priority in terms of human rights and democracy promotion in Tajikistan is the development of democracy over the long term – a difficult task "due to the country's isolation, isolation and other environmental challenges, citizens' lack of exposure to democratic principles, and government resistance to meaningful democratic reforms." U.S. programs focus on efforts to improve government capacity to function more fairly and competently, develop mutual accountability between local government and civil society, and assist the country in making needed legal reforms. The United States also would like to establish a Peace Corps program in Tajikistan. The United States also assists in funding legal support for NGOs in their efforts to meet highly technical official registration requirements. U.S. projects also focus on reforming local law in Tajikistan in four key areas: criminal justice, land use, basic freedoms, and the business environment.

The State Department's 2009 *Annual Report on International Religious Freedom* stated

that, "respect for religious freedom continued to decline during the reporting period," the third consecutive year that the Department has noted a marked deterioration. The State Department also highlighted the following human rights problems: torture and abuse of detainees and other persons by security forces; impunity for security forces; denial of right to fair trial; harsh and life-threatening prison conditions; prohibition of international monitor access to prisons; and restrictions on freedoms of speech, press, association, and religion. Specific to religious freedom, the U.S. Embassy reported that it held programs intended to foster a better understanding of how democracies address secularism and religious freedom, including roundtables with students, journalists, religious leaders, and political figures, as well as sending key individuals on exchange and International Visitors Programs to the United States.

Recommendations

The U.S. government should:

- work with Tajik government officials responsible for religious affairs, human rights, and legal issues, as well as Tajik parliamentarians, civil society representatives, and the international community, to assist Tajikistan in amending the new religion law to bring it into conformity with Tajikistan's international commitments on freedom of religion or belief, including those of the OSCE;
 - publicly criticize Tajik government violations of international and OSCE commitments on human rights, including respect for freedom of religion or belief, in Tajikistan and at international meetings;
 - continue to monitor the trials of leaders or members of religious communities that lose their registration and urge that appropriate legal measures be adopted;
 - work with the international community in Tajikistan to improve judicial standards as well as provide training for judges and prosecutors in civil law and international human rights standards;
 - urge the OSCE Mission in Tajikistan to pay particular attention to violations of freedom of religion or belief and to undertake programs in that regard, including by conducting training sessions with local media on international obligations; and
 - urge the Tajik government, particularly President Rakhmon, to publicly affirm his intention to fully comply with Tajikistan's international commitments to respect freedom of religion or belief, as well as the rights of members of all peaceful religious communities in his country.
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