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Creeping implementation of Parental Responsibility Law?

By Mushfig Bayram

Forum 18 News (07.10.2011) / HRWF Int. (11.10.2011) – <http://www.hrwf.net> - Tajikistan appears to be hesitantly implementing its repressive Parental Responsibility Law, whose Article 8 includes the clause: "Parents are obliged (..) not to let children-teenagers participate in the activity of religious organisations, with the exception of those officially enrolled in religious education". However local observers have told Forum 18 News Service that many young people – far more than attend officially registered religious education – are still attending places of worship.

After the Law entered into force on 6 August, officials appeared unsure when asked by Forum 18 how the Law's numerous repressive articles would be implemented. Hikmatullo Sayfullozoda of the Islamic Renaissance Party (IRP) told Forum 18 that he thought that "the authorities will act once Ramadan is over [at the end of August]". On 31 August, Radio Free Europe/Radio Liberty reported that police stopped people under 18 from entering mosques to celebrate Eid al-Fitr, which marks the end of Ramadan.

"Religious leaders cannot tell young people not to come to mosques"

Faredun Hodizoda, a Dushanbe-based commentator with a long-standing interest in religious affairs, told Forum 18 on 6 October that he had observed children attending mosques during Ramadan and in September. He observed that "religious leaders cannot tell young people not to come to mosques because that would be against Islamic law". So he expected that young people would continue to attend mosques, and so "the authorities will have to punish the believers". He expected that in some circumstances

this might lead to prison sentences against some young people or their parents thought to be violating the Law.

Christians and other minorities have also repeatedly expressed their opposition to the Parental Responsibility Law and how it may be implemented. Religious leaders of all faiths have also opposed an amendment to the Criminal Code passed at the same time punishing organisers of undefined "extremist religious" teaching, as well as an amendment to the Religion Law passed two weeks previously imposing tight restrictions on religious education in Tajikistan and abroad.

But so far the authorities appear to have targeted only Muslims in implementing their latest repressive measures. Leaders of several Christian communities, who wished to remain anonymous for fear of state reprisals, told Forum 18 on 5 October that they have not so far faced any obstacles to children attending their worship services. "It looks like the authorities are quiet for the time being," one Protestant commented.

"It's the Law"

Daler Saidmurodov of the Interior Ministry's Press Service claimed to Forum 18 on 6 October that police in the capital Dushanbe have been told to stop schoolchildren from attending mosques during school hours. "It's the Law and - as an executive organ of the state - we must implement it," he told Forum 18 on 6 October. He denied to Forum 18 that the Parental Responsibility Law banned children under 18 throughout Tajikistan, who are not receiving state-approved religious education, from attending places of worship, claiming that "as it says in the Law, schoolchildren are not allowed to attend the mosque during school hours".

Saidmurodov also stated that on Fridays there is "tightened control" of mosques, as more people attend Friday prayers. He declined to comment on whether the Law is good or bad, or what kind of measures will be taken against parents who continue to send their children to mosques.

Other Interior Ministry officials did not answer their telephones on 6 October.

Oleg Kadyrov, assistant to Dushanbe's Mayor Mahmadsaid Uboydulloev, told Forum 18 on 6 October that Uboydulloev was busy and could not talk to Forum 18. He referred Forum 18 to Shakat Saidov, the Mayor's Spokesperson. However, Saidov's phones went unanswered on 6 October.

Mosque closures continue

Tajikistan also continues to close mosques. Bobokhon Sharbatov, 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", independent press agency news.tj quoted him as declaring on 20 September. The Region's Jomi District had "transformed 16 unregistered mosques into similar social facilities", the agency reported. "This initiative is being adopted by other Districts in southern Tajikistan."

The official who answered Sharbatov's phone on 6 October told Forum 18 that Sharbatov was busy and not available to talk. He added that it was not in his competence to answer Forum 18's questions. Other phone numbers at the Regional Administration went unanswered on 6 October.

Mavlon Mukhtarov, Deputy Chair of the state Religious Affairs Committee, said he is "not aware" of such continuing mosque closures. "I will find out about it, and you can call me

later," he told Forum 18 from Dushanbe on 6 October. He did not want to discuss other issues with Forum 18 saying that he was "in a meeting and very busy".

Tajikistan has been carrying out a sustained mosque closure campaign for some years.

Independent commentator Hodizoda observed to Forum 18 that many places used as mosques are so-called public places used by local residents for funerals and prayers. It is convenient for people to use them for prayers as they are close to where they live. "The authorities want these places to officially register as mosques," he said, "but it is very difficult to register these places as mosques as the authorities demand 24 different stamps or permissions from different state agencies." He further observed that many leaders of local Muslim communities do not know how to deal with this, so it is easier for the authorities to close them down.

Jehovah's Witness deported

Sherzod Rahimov, a Jehovah's Witness who is an Uzbek citizen was deported to Uzbekistan from Tajikistan on 17 August by the Tajik authorities, Jehovah's Witnesses told Forum 18. Jehovah's Witnesses have been banned in the country since October 2007.

Rahimov was along with other Jehovah's Witnesses detained and fined on 12 August for breaking Article 474 Part 1 of the Code of Administrative Offences ("carrying out religious activity without state registration or re-registration of the organisation"). He was also accused under Article 499 part 1 of the Code of Administrative Offences ("violation by foreign citizens of the procedure for being in Tajikistan").

Rahimov, who is 24, can only walk with the aid of crutches and was beaten and threatened by police officers as he did not want to renounce his faith. Jehovah's Witnesses told Forum 18 on 6 October that Judge Izzatullo Shirinjonov of Dushanbe City Court on 17 August upheld the previous Court decision to fine and deport Rahimov, and "so he was deported on the same day".

As the Tajik border authorities put a "deported" stamp on each page of Rahimov's passport, he now needs a new Uzbek passport.

Phones at the State Border Service of Tajikistan went unanswered on 6 October. Asked the same day why a legally resident person was deported, Olimkhon Shamsov, Head of Tajikistan's Foreign Ministry's Consular Section, told Forum 18 this is "the first time I have run into such a problem". After he took down the details of the deportation, he promised Forum 18 that the Ministry "will look into the matter."

Tajikistan: the influence of migration on religion

By Bruno De Cordier*

22 August 2011

While the impact of labour migration and remittances on the economies and societies of the migrants' countries of origin is well documented, their influence on religion remains relatively underexposed, especially when it comes to the countries of the former USSR where labour migration, to Russia in particular, has become a major economic and social dynamic. Yet as the example of the Vakhsh valley in Tajikistan shows, large-scale seasonal and international labour migration and the stark social and economic changes

that it causes affect both the perception and practice of Islam in ways that challenge the usual fixation on 'religious radicalisation'.

When one strolls around the central bazaar of Kurgan-Tyube, a town of about 80,000 inhabitants situated a hundred kilometres south of the Tajik capital, Dushanbe, it is difficult to look past the signs of the prevalence and importance of labour migration and remittances. Ticket counters advertising flights to two dozen destinations in Russia - and, to a lesser extent, to Kazakhstan, Dubai and Ukraine, - are plentiful, just like the money transfer points that are often situated in the same offices, the call shops and the currencies on offer in the money exchange booths. Away from the market, the morning queues of young men at the passport counter and the international status that Kurgan-Tyube's airport has had for quite some years already suggest the same. Kurgan-Tyube, which is officially called Qurgonteppa, although many still use the Russianised Soviet name, is the administrative centre of Khatlon, Tajikistan's southern and most populous province. It is also the main city in the Vakhsh valley, a major cotton-growing area that stretches along the river of the same name. According to official statistics, in 2008 Khatlon province had over 140,000 labour migrants in a total population of 2.5 million. [1] The real figure, however, is likely much higher.

This situation is in no way unique to Tajikistan, but does reflect the reality of massive seasonal labour migration that exists in all parts of the country. Although not a new phenomenon, the present phase and proportions of labour migration started in the late 1990s due to economic growth and a labour deficit in Russia, and a labour surplus and economic dislocation in Tajikistan and other southern former Soviet countries. Estimates of the actual size of labour migration from Tajikistan vary widely according to the source, yet the most likely number is 630,000-800,000 migrants, depending on the year. [2] According to year and region, between 85 and 95 percent of these migrants, called mardikoron, are men and almost all are of Muslim background. They work in construction, transport, markets, technical services, agriculture and other menial jobs.

The remittances from this migration movement amounted up to \$2.6 billion in 2008, which was 52 percent of Tajikistan's gross domestic product, before plummeting to \$1.8 billion in 2009 due to the global financial crisis, which also affected Russia and the demand for labour there. [3] Much more than international development aid, in the Vakhsh valley and elsewhere, the effect of remittances at the grassroots level is real and visible in the form of recent maintenance and expansion of houses and farms, a clear increase in cars and other motorised vehicles or European and newer Russian brands that have replaced the worn-out Soviet cars that were still prevalent a few years ago, the spread of new communication technologies such as mobile phones and satellite dishes, and bazaars with much more on offer, thus indicating more demand, as compared to ten years ago. From my personal observations, there is also more confidence and much less lethargy among people than before, despite the weariness with the economic and social factors that oblige large numbers of men to make a living away from their families.

Religiosity in times of migration

Simultaneously with the spectacular growth of international labour migration - which is called Muhajirat in Tajikistan - comes the highly controversial increase of religiosity in Tajikistan, a trend that manifests itself well beyond the areas, social categories and age groups that were traditionally considered to be more religious and 'more conservative' than the rest of the country. Here also, the increase in religiosity is visible, at times defying official restrictions, by outward signs like the clear increase in the number of young and middle-aged women, especially in the cities, who wear the hijab, the Islamic head scarf - which differs from the traditional peasant headscarf - and the increase in grocery shops and small supermarkets that no longer sell alcohol. Research statistics on religion and religious observance confirm the trend. According to International Foundation for Election Systems surveys, for instance, daily prayers were done by 63

percent of the respondents in 2010, compared to 27 percent in 1996, while 52 percent claimed to attend the Salat al-Juma (Friday prayers) at the mosque, as compared to just 13 percent a decade and a half earlier. In 2010, 71 percent of respondents claimed that religion played an important role in their lives to a great or to some extent. [4]

That this growing religiosity (or at least religious identification), like any social and ideological movement that is difficult to control, makes the regime in Dushanbe and the Soviet-style secular elites not a little nervous is clear from a number of laws and measures put in place over the last ten years to curb, if not discourage, religiosity, leading some to claim that Tajikistan has a problem of secular rather than religious radicalism. Among such steps are the prohibition on women and recently also minors from visiting mosques, the imposition of a government-issued list of approved sermon topics, the closure of non-official mosques, the restriction of permitted Islam to the traditionally dominant Hanafi Sunni school, and increasing pressure on independent religious opinion leaders. [5] In 2010 came the forced repatriation of hundreds of young Tajiks who went to Al-Azhar and other institutions in Egypt, Pakistan, Saudi Arabia and Iran to study Islam. [6] The latter formed a comparatively tiny, but socially all but insignificant educational migration, in the sense that it involved young Tajiks who acquired religious knowledge that was often of a higher level than that of the official clergy, who are mandated to back the government line, and that of the muysafedon - elders who traditionally play a leading religious role at the local level, but often have a patchy religious knowledge. As such, the returned students pose a challenge to their authority. [7] In the meantime, many have joined the labour migration to Russia as well.

The (in)visible consequences of Muhajirat

From my field observations and my interaction with former and recently returned migrants (many of them from Moscow city and province, and from Yekaterinburg), informal and formal authorities, researchers, opinion leaders and religious figures in both the capital, Dushanbe, and the urban as well as rural Vakhsh valley, it appears that, as one can expect, migration clearly influences the position and practice of the Islamic religion in several ways. [8] To start with, mosque attendance differs considerably during and outside the migration season – which runs roughly from spring to late fall – due to the absence of many men during the season. The imams of the village mosques in the district of Vakhsh who were asked reported a decrease of one-third to almost two-thirds - a fall in numbers that increases again once the migrants return home. This seemed to be less the case in Kurgan-Tyube, because, as a province capital and market centre, it attracts many internal migrants from rural districts and smaller towns in Khatlon province.

More importantly, labour migration affects religious self-identification and the degree of practice. While several respondents state that a minority, which is estimated at 10-15 percent by local researchers, cadres of non-governmental organisations (NGOs) and migrants themselves, become estranged from religion and abandon all religious practice under the influence of the predominantly non-Muslim host society once working abroad, a solid majority of migrants, even among those who practise little at home, tend to do the opposite and rediscover the Islamic part of their background and continue with or increase practice to one extent or another. [9] This is seen as a continuation of a traditional identity and cultural defence vis-à-vis a new environment and radical social change both at home and abroad. According to almost all respondents, much depends on the individual himself, the social environment, the informal authority of individuals and the avlod - the kinship and regional network that plays a crucial role both at home and in life as a migrant. [10]

'Someone who was already a religious person will generally continue to be so over there, and the other way around', said a young migrant from Bokhtar who worked in garbage collection and in the meat industry.

But some of the lads change. You see, it's my third year that I go to Russia now. I hardly ever practised and prayed here, but started to do it there. Before I went off I was at school and didn't care much. In Moscow, I lived with twenty people from Tajikistan, of which ten or twelve practised regularly. Our foreman, who also lived with us, was from Kulyab and knew much about religion. He was not a cleric really, but he had a positive influence on us. Also, they may not like us over there, but the Russians appreciate us as better workers because we don't drink. So that's how it went.

'In the nineties, just after the civil war, things were dire here', another migrant respondent from Vakhsh stated.

Everything was in shambles. There was a lot of unemployment and lots of alcoholics and drug addicts. But since we have the migration and more income, people change. There is more responsibility and many became more religious when abroad. Where I worked, at Moscow's Cherkizovskii market, the foreman was a hajji who had been to Mecca. He was a good organiser and had the authority to get more discipline among the workers. And through that, more people became observant.

Some migrants who worked in cities with sizeable Muslim Tatar communities, such as Kazan and Yekaterinburg, told me that the presence of their religious infrastructure also encouraged observance. Whether the increased religious practice of a sizeable percentage of the migrants abroad continues once they return home also depends on the individual and his social environment. According to the imam of a village mosque in Vakhsh, for example, 'nearly half of those who return here remain indeed more religious than they were before their departure, while the rest become again like they were. It differs. Over there, you are an alien community, and so identity matters more. But once at home, people are back in their own surroundings.' Other sources had similar views. One student who attended an Islamic institute in Pakistan on an official stipend for two years before he was called home by presidential order also found that during his absence, many of the men in his village who had worked in Russia became clearly more observant than they were before, if not in terms of regular prayers, then at least in terms of abstaining from alcohol.

The confrontation with other lifestyles and mentalities while abroad, and the increase in income and living standards that are part of the mixed effect of labour migration and the emergence of the remittance economy, definitely affect self-awareness both among labour migrants and in the communities they originate from. In turn, part of this translates into a stronger identification with religion. Some of the informal authorities who took the lead in religious observance in emigration also continue to exercise that authority once they return home, especially when they acquire higher economic status through the reinvestment of savings and remittances in a business or farm. The fact that in emigration, Muslim migrants, despite practical problems, generally face fewer official restrictions on Islamic practice in the majority non-Muslim host society than in majority Muslim Tajikistan also affects the perception among many of the nature of religious policy in the country, as well as the level of trust that they have in the official, state-sponsored clergy.

The 'e-Ummah' and religious civil society

Another indirect - yet, in my view, important - influence of labour migration on the position and development of religion is that migration has created both a large demand and more purchasing power for all sorts of new communication technologies like ever-more-sophisticated mobile phones and portable internet facilities, digital video carriers, and satellite dishes. This happens well beyond the elite niches in the capital and other major cities to which demand for such technology was largely confined until about ten years ago. In a sense, this development has nothing to do with religion. Yet the communication channels and media that are used for a wide variety of secular purposes can also carry religious knowledge and messages and increase their accessibility and

audience both in Tajikistan and among emigrants. Popular non-governmental religious opinion leaders like the Turajonzoda brothers (<http://www.turajon.com>) and Hajji Mirzo (<http://hojimirzo.ucoz.com>), an imam from Kulyab who was sacked after he turned down the list of government-approved sermon topics, now have portals where their sermons, opinions and advice are accessible to emigrant Tajik Muslims. Although these sites are blocked in Tajikistan itself, audio and video files do circulate. 'Migrants to Russia or people who go for business to Dubai also bring books and videos from further afield with them', an activist of an NGO in Bokhtar stated. 'So what we have now is that there is a diversification of Islamic knowledge beyond the traditional Islam that people grew up with.'

Remittances seem not yet to have given a serious boost to the emergence of a religious civil society with faith-based charities, social funds and professional associations. Although faith-based charity funded by migration revenue does exist, most of it is informal and not institutionalised in foundations or NGOs. This is in part because of the strong official scrutiny of and clampdowns on religious and faith-based organisations, but also because due to the Soviet legacy, the pious middle class that often takes the lead in religious civil society is still in the process of forming in Tajikistan. [11] One exception is the fledgling social and charitable work of the Islamic Renaissance Party (<http://www.nahzat.tj>), which has a relatively strong support base in Bokhtar and Vakhsh, among others, and is funded through member contributions that unavoidably also come from remittances, given the importance of these in household budgets. Most charitable and social initiatives, however, are ad hoc, informal, and supported by the kinship and regional network, and happen often, though not exclusively, on the occasion of Islamic holidays. They form a continuation of habits and practices that existed before the migration wave, but are now also supported by migration money. Typical examples that were communicated and observed include contributions in cash or kind by migrants and migrant families to the equipping and repair of village mosques, and to Sadaqa - collections to support poorer families in the village. In some instances, like during the floods in 2010 around Kulyab, Khatlon's other main town, village mosques and former migrants organised humanitarian aid.

New task divisions

Finally, and not least, come the changes that labour migration and the absence of many men, has brought in the field of the division of labour between men and women. 'The biggest influence of migration can be felt in the invisible framework in which women are traditionally supposed to live', one NGO cadre in Dushanbe stressed. 'Do not underestimate this. Much work that was traditionally done by men is now done by women, and for this they have to get out of the house more frequently.' Observations in the field confirm this. In the fruit and vegetables section of Kurgan-Tyube's bazaar, for example, more than two-thirds of the vendors were women, which is a clear change compared to the situation, say, ten years ago. A similar situation can be observed in the fields that surround the villages in Vakhsh and Bokhtar. Here again, this is by itself not a religious factor. Yet it becomes one when the absence of the male head of the household, or male family members of active age in general, affects the transfer of religious knowledge and practice that they are supposed to be responsible for. As a result, and because of the recent prohibition on minors to attend the mosque, women increasingly turn to men outside of the immediate family to give their children religious education.

This opens a space and role for Tajik returnee students who attended Islamic courses abroad. As with the former students of Islam who joined the ranks of labour migrants to Russia shortly upon their return, the effects of two forms of migration become intertwined in this way. 'Some fear that the students of Islam who had to return to Tajikistan will "contaminate" migrants and youth with radicalism', the previously quoted activist in Bokhtar stressed. 'But the vast majority of these former students are not extremists at all. Many even went abroad on government stipends. What scares some is

that they bring in ideas and knowledge at a higher level than what is taught at official Islamic institutes and that they are less easy to keep in line.' Labour migration is one of the biggest channels that connect areas like Vakhsh and Bokhtar to the global economy. Its effect on society and religion is not so much 'radicalisation' as social mobility and the (re-)definition of identity that go with it. This process happens at the interface of the traditional identity, the post-Soviet environment and globalisation. As public spaces for religious practice increasingly face official restrictions in Tajikistan, migration, along with personal and regional networks and the new media, can only gain importance as channels of the increasing religiosity in society.

Bruno De Cordier

Notes

[1] Jamshed Kuddusov, *Vliyanie mirovogo finansovo krizisa na trudovyh migrantov iz Tadjikistana: mneniye migrantov*, Moscow and Dushanbe, International Labour Migration and the Ministry of Labour and Social Protection of Tajikistan, 2009, p. 4.

[2] For an overview and discussion of the different estimates of the number of migrants, see Alexei Kireyev, 'The macro-economics of remittances: The case of Tajikistan', IMF Working Paper no. 06/2, Policy Development and Review Department, 2006, p. 7.

[3] Martin Brownbridge and Sudharshan Canagarajah, 'Remittances and the macroeconomic impact of the global economic crisis in the Kyrgyz Republic and Tajikistan', *China and Eurasia Forum Quarterly*, 8(4), 2010, pp. 3-6 and Hojimahmad Umarov, *Tadjhikskaya trudovaya migratsia v usloviyah globalnogo finansovo krizisa: pritshiny i posledstviye*, Dushanbe, International Organisation for Migration, 2010.

[4] Steven Wagner, *Public Opinion in Tajikistan 1996*, Washington, DC, International Foundation for Election Systems, 1997, p. 44 and IFES (International Foundation for Election Systems), *Public Opinion in Tajikistan 2010*, Washington, DC, IFES, 2010, p. 41. See also Saodat Olimova, 'La jeunesse du Tadjikistan face à l'islam et l'islamisme', *Cahiers d'Asie centrale*, 15(16), 2007.

[5] It must be stressed, however, that the ban on women attending mosques, which was issued by the government-approved Ulema Council in mid-2005 and outraged many, formalised a traditional practice that had long existed in these parts and is, according to some, of local pre-Islamic origin, for in many other Hanafi Sunni societies outside the region, women do attend mosque.

[6] Some of these measures, such as the prohibition on minors attending prayer services, also apply to other confessions, such as the evangelical Protestants that came to Tajikistan in the 1990s and often use humanitarian and development aid or businesses as a front. But in popular perception, the measures are seen to primarily target Islam and Muslims.

[7] Estimations of the number of Tajiks that followed Islamic studies abroad in 2009 range from 1,350 to 2,200 (David M. Abramson, *Foreign Religious Education and the Central Asian Islamic Revival: Impact and Prospects for Stability*, Central Asia-Caucasus Institute, 2010, pp. 36-43 and 47).

[8] Most interviews and conversations with migrants took place in the rural Bokhtar and Vakhsh districts, who jointly have some 370,000 inhabitants. As almost everywhere in Tajikistan, a substantial part of the active male population works abroad. According to statistics from the state migration agency, there were nearly 13,000 migrants in Bokhtar and 7,300 in Vakhsh, although here again the actual numbers are higher.

[9] This has already been briefly pointed out, but not really elaborated on in Saodat Olimova and Igor Bosc, *Trudovaya migratsia iz Tadzhiqistana*, Dushanbe, International Organisation for Migration, 2003, p. 131.

[10] A more extensive discussion of the role and importance of avlod can be found in *ibid.*, pp. 59-60.

[11] For in-depth case studies on the role of the religious middle class in faith-based civil society, see Janine A. Clark, *Islam, Charity, and Activism: Middle-class Networks and Social Welfare in Egypt, Jordan, and Yemen*, Series in Middle East Studies, Bloomington, Indiana University Press, 2004.

* Dr Bruno De Cordier is with the [Conflict Research Group](#) at Ghent University.

Ban on children in worship "once Ramadan is over"?

By Felix Corley

Forum 18 News (16.08.2011) / HRWF Int. (22.08.2011) – <http://www.hrwf.net> - Now that the highly controversial Law on Parental Responsibility for Education and Upbringing of Children has entered into force, religious communities of all faiths are struggling to find out how the Law's almost complete ban on children's participation in religious activity will be enforced. The Law was the personal initiative of President Emomali Rahmon. "I have heard that the President gave a verbal instruction to local administrations not to touch people during [the Muslim holy month of] Ramadan," Hikmatullo Sayfullozoda of the Islamic Renaissance Party (IRP), an opponent of the Law, told Forum 18 News Service from the Tajik capital Dushanbe on 16 August. "I believe that the authorities will act once Ramadan is over [at the end of August]."

Forum 18 was unable to confirm that President Rahmon had issued such instructions. The telephone of presidential spokesperson Abdufattoh Sharifzoda went unanswered on 16 August. Another member of the Presidential Administration refused to say if the President had issued such an instruction or how the Law would be implemented. But he vigorously defended the new Law. "Let a child form himself and find his place in society. Why should children go to religious organisations?" the official told Forum 18.

Sayfullozoda, as well as members of other Muslim, Christian and Baha'i communities, all told Forum 18 that the Law's ban on children's participation in worship has not yet been implemented. "We haven't felt any effect on us yet," one Baha'i told Forum 18 from Dushanbe on 16 August. The Baha'i noted that their statute submitted when they gained re-registration already includes a commitment that children should not attend without their parents' written approval. "This clause was included on the recommendation of the government's Religious Affairs Committee."

However, other existing restrictions on religious activity have led to raids on two Jehovah's Witness communities, one in Dushanbe in July, after which two community members were fined, and in the western town of Tursunzade [Tursunzoda] in August. Jehovah's Witnesses were banned in Tajikistan in 2007.

Parental Responsibility Law comes into force

The Parental Responsibility Law was finally approved by Parliament on 21 July and was then sent on to the President.

Despite widespread criticism from inside and outside Tajikistan, President Rahmon signed the Law on 2 August. It came into force on its official publication on 6 August in the government newspaper Jumhuriyat and on its website. The National Legislative Centre also published the text on its website mmk.tj in Tajik and in Russian.

Article 8 of the new Law includes the clause: "Parents are obliged (..) not to let children-teenagers participate in the activity of religious organisations, with the exception of those officially enrolled in religious education."

Article 9 "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". It also requires parents "not to allow the education of adolescent children abroad without the permission of appropriate state agencies".

Article 11 includes the state Religious Affairs Committee among the wide range of state agencies tasked with enforcing parents' responsibility for their children.

The Law also includes numerous wide-ranging restrictions on all forms of education, and on children's and teenagers' behaviour. These include bans on jewellery and tattoos, as well as limitations on the names parents can choose for their children.

Complaints continue

Akbar Turajonzoda, the country's former Chief Mufti and a former member of Parliament's Upper Chamber, expressed his regret that the President signed the Law. He told the Dushanbe-based Asia-Plus news agency on 3 August that it was doubly painful as it came during Ramadan. He said he had never shared the optimism some people had that the President would choose not to sign the Law and send it back to Parliament for further work.

Turajonzoda said no-one would voluntarily abide by the ban on children's participation in religious activity. But he insisted that as the ban "contradicts not only the laws of Allah but also the culture and spirit of Tajikistan's Muslims", he was convinced this part of the Law "will be forgotten by everyone, including the authorities".

Blogs linked with Protestant churches have repeatedly expressed concern since the Law was first proposed over a possible state crackdown on children attending worship, and particularly over whether dedicated children's services will be allowed to continue. The intensity of concern in such comments mounted when the President signed the Law.

"Many people are angered by this Law," human rights defender Nargis Zokirova told Forum 18 from Dushanbe on 16 August. "The ban on children's participation in religious activity represents interference in the personal life of the children and their families." But she noted that boys are still going to mosques, especially for the Tarawih prayers conducted in mosques at night during Ramadan. "Of course, girls are banned from attending mosques." (The Muslim authorities banned all women from attending mosques in 2004.)

Government's Religious Affairs Committee (and Mufti) explain Law

The government's Religious Affairs Committee in Dushanbe is preparing written instructions to its local officials on how the new Law should be implemented, the senior official for the city of Dushanbe, Shamsuddin Nuridinov, told Forum 18 on 16 August.

No-one at the Religious Affairs Committee in Dushanbe was prepared to explain to Forum 18 on 16 August what religious activity by children is now permitted. The only official

Forum 18 could reach, who did not give his name, put the phone down as soon as Forum 18 asked its first question. Subsequent calls went unanswered.

The head of the Religious Affairs Committee, Abdurahim Holikov, has been travelling around Tajikistan to explain the new Law, together with the government-backed head of the Islamic Centre Saimukarram Abdukodirzoda. On 16 August they were in the northern city of Khujand, where they addressed local imams, as an official of the city administration told Forum 18 the same day. "Maybe they will meet with members of other religious communities later."

The official, who had been present at the meeting, told Forum 18 that children would be allowed to participate in religious activity with their parents' written permission. However, he could not explain how this matched the clear ban on children's participation unless they are studying their faith in approved religious courses.

Muminjon Aripov, the senior religious affairs official in Khujand, refused to explain to Forum 18 what involvement children can have in religious activity now the new Law has come into force and what Holikov told the imams. "I don't want to talk to you," he said on 16 August before putting the phone down.

.. gives others "unclear" direction

A number of Christian communities tried to gain clarification from the Religious Affairs Committee about how the new Law will be enacted. The Committee agreed to meet representatives – including various Protestant pastors and a Catholic priest – on 12 August.

"Officials explained that the Law exists, but didn't explain how it will be put into practice," a member of Dushanbe's Catholic parish, who asked not to be identified, told Forum 18 on 16 August. "The Law has had no effect on parish life so far – we live as we did before."

Protestants came away from the meeting equally dissatisfied. "We got no sensible responses from the officials," one complained to Forum 18 from Dushanbe on 16 August. "Our church has not taken any action, except that we asked parents to decide for themselves whether they wish their children to continue to attend – as the Law clearly states that they would bear any responsibility for the presence of their children."

"The official was not competent to give answers," another Protestant told Forum 18. "But he said we have no right to have our children participate in our activity and that persistent offenders will be closed down. None of us really knows how things will be."

No government response to OIC criticism

The Parental Responsibility Law has aroused criticism not only from human rights defenders and religious communities within Tajikistan but from other governments and intergovernmental organisations.

On 23 June, after the Law had been approved by the Lower Chamber of Parliament, Ambassador Nuriddin Shamsov, the head of Tajikistan's delegation to the Permanent Council of the Organisation for Security and Co-operation in Europe (OSCE) in Vienna, was forced to defend the Law against criticism. He told the Permanent Council, in a statement posted on the OSCE website, that the Law, "by setting a minimum age for attending the mosque, can effectively protect children from the growing religious pressure to which they have been subjected during the past few years". At the same time he claimed that his government "remains committed to its national and international obligations in the field of human rights and freedoms, including the freedom of religion".

Since the Law came into force, the Jeddah-based Organisation of Islamic Cooperation (formerly the Organisation of the Islamic Conference) noted in a short statement on its website on 7 August that it had "expressed concern at reports that the Government of Tajikistan has imposed a ban on Tajik youths from praying in mosques". It said the OIC had "sought clarification" from the Tajik authorities. (Tajikistan became a member of the OIC in 1992.)

Foteh Okai, an OIC spokesperson, told Forum 18 from Istanbul on 16 August that so far the Tajik Foreign Ministry has made no response to the OIC's complaint. "We're still waiting." He pointed out that the ban will affect not only Muslims but Christians and other religious communities.

The Foreign Ministry spokesperson Davlatali Nazriev told Forum 18 from Dushanbe on 16 August that he had "no information" on if and when the Ministry will respond to the OIC's complaint. He referred Forum 18 to Mirzosharif Jalolov of the Ministry's International Organisations Department. However, his telephone went unanswered on 16 August.

Two Jehovah's Witnesses fined

Police raided a Jehovah's Witness meeting in a private home in Dushanbe on 22 July, Jehovah's Witnesses told Forum 18 from the city. The police, who had no warrant, questioned those present, separating children from adults. They were all then taken to the police station, where they continued to be questioned for several hours.

One of the detainees, Sherzod Rahimov, alleged that police beat him while in custody and threatened to charge him with several unsolved terrorism cases, his lawyer told EurasiaNet.org on 11 August. Rahimov claimed authorities, pressuring him to renounce his faith, accused him of "organising bomb explosions in Dushanbe".

Rahimov and one of the other Jehovah's Witnesses, Zebo Shoiyeva, were then accused of violating Article 474 Part 1 of the Code of Administrative Offences ("carrying out religious activity without state registration or re-registration of the organisation"). Rahimov – an Uzbek citizen whose visa was about to expire days after he was detained – was also accused under Article 499 part 1 of the Code of Administrative Offences ("violation by foreign citizens of the procedure for being in Tajikistan").

Rahimov and Shoiyeva was tried on 12 August at Shohmansur District Court and found guilty of the charges. They were each fined 350 Somonis (401 Norwegian Kroner, 51 Euros or 74 US Dollars). The official minimum monthly wage is currently 80 Somonis.

Both lodged appeals against the fines on 13 August, which were transferred to the City Court on 15 August. No date has yet been set for the appeal hearing. "The court alleged that the two taught religion without a licence from the state," Jehovah's Witnesses told Forum 18. "While Rahimov admits he violated the visa regime, neither of the two believes the other charge was justified."

Nuridinov, Dushanbe city administration's senior religious affairs official, claimed to Forum 18 that he had not heard about the raid on the Jehovah's Witness meeting or the subsequent fines. "No-one appealed to us about this."

Tursunzade raid

This is the first time any Jehovah's Witnesses have been fined for their religious activity this year, as they told Forum 18. They say that after an earlier raid in Dushanbe, they appealed against an administrative case and it was dropped on 25 May.

However, raids and interrogations have continued. The local police officer and officers of the Police's Organised Crime Unit raided a Jehovah's Witness meeting in a private home in Tursunzade on 1 August. Four Jehovah's Witnesses were detained for three hours for questioning, but no charges have yet been brought.

Further madrasahs closed

The authorities have halted teaching at four higher education Islamic schools in northern Tajikistan. A Religious Affairs official in Sughd Region told RFE/RL's Tajik Service from the regional capital Khujand on 8 August on condition of anonymity that the management at the madrasahs failed to re-register their schools as required by the 2009 Religion Law.

He added that the teachers at the madrasahs in the Asht, Jabbor Rasulov, Maschoh, and Maschohi Kuhi districts do not provide the requisite religious education and the madrasah buildings also do not conform to state standards.

Sadullo Mirahmadov, the chairman of the Asht madrasah, told RFE/RL on 8 August that he was ordered to close the school because the building is too old. He said he hopes to find new premises soon so his 75 students can continue their studies.

Authorities in Sughd Region closed down three illegal madrasahs earlier this year and launched an administrative investigation into personnel at the schools.

Religious education – especially by Muslims – has been a particular target of the authorities in recent years.

"This is not the first time..."

By Mushfig Bayram

Forum 18 News (28.06.2011) / HRWF Int. (17.08.2011) – <http://www.hrwf.net> - Police in Tajikistan continue to try to suppress unregistered Muslim education throughout the country, Forum 18 News Service notes. The authorities have brought administrative charges against at least fifteen Muslim teachers in three different regions – one of them the Imam of an officially registered Mosque – in the current repression. Some have already been fined by the courts, for teaching the Koran to children and adults without a special license from the state Religious Affairs Committee.

"This is not the first time.."

Police in northern Sughd Region are conducting a large-scale "Operation Madrassah" - as they have named the operation – aiming to stop all unapproved Muslim religious education. General Sharif Nazarov of Sughd Regional Police, who leads the operation, on 20 June tried to play down the seriousness of the violations of freedom of religion or belief. "This is not the first time we have exposed illegal religious teachers, and given them administrative fines," he told Forum 18. He declined to give details of previous cases, only stating that previous "violators" had also been given administrative fines.

The latest "Operation Madrassah" came a year after the Interior Ministry in 2010 launched a similar nationwide operation with the same codename, to suppress "illegal" instruction Koranic education.

New "legal" restrictions

The raids and fines came as Parliament's Lower Chamber adopted a controversial Parental Responsibility Law banning almost all children under eighteen from participating in any religious activity except for funerals. Amendments to the Criminal Code were also adopted by the Lower Chamber making unregistered teaching of "extremist" religious doctrines punishable with prison terms of up to twelve years. This legislation has yet to reach the Upper Chamber.

Restrictive amendments to the harsh 2009 Religion Law banning religious education abroad are also going through Parliament.

No prison terms?

General Nazarov, commenting on the prison terms proposed in the draft Criminal Code amendments, claimed to Forum 18 that: "I do not think that after the final signing of the amendments into law, individuals who teach how to read the Koran without authorisation will be given prison terms".

The 2011 "Operation Madrassah"

2011's "Operation Madrassah" involved all the regional security agencies. In the northern Sughd Region it began on 1 May and covered all cities and districts in the Region. Regional authorities visited eight Madrassahs [Islamic schools], 93 Cathedral mosques and 955 Five-fold prayer mosques, according to the Asia-Plus independent news agency. Charges were brought against all the teachers involved in unapproved religious teaching, under Article 474 of the Code of Administrative Offences.

Article 474 of the Code of Administrative Offences ("Violation of legislation on religious organisations") specifies "teaching religious knowledge without [state] permission" as one such "violation". For first time offenders, the Article prescribes a fine on individuals of 7 to 10 state Financial Indicators, 20 to 30 on religious leaders, and 100 to 200 on registered religious organisations. One Financial Unit is currently 35 Somonis (41 Norwegian Kroner, 5 Euros or 8 US Dollars). Fines are higher for those who commit the same "violation" within one year, being 12 to 20 state Financial Indicators for individuals, 40 to 50 for religious leaders, and 300 to 400 for registered religious organisations.

Police General Nazarov would not give specific details, but told Forum 18 that "eight cases of illegal teaching of religion were exposed, and the violators of the Religion Law were all fined under Administrative Code Article 474".

Unnamed police from the Region told Asia-Plus on 16 June that at least 11 cases of illegal teaching of religion were exposed during raids. The "violations" took place in Isfara, Bobojongafurov and Spitamensk Districts and Kayrakum. In Isfara District, police stated that among those fined were Kamol Pochoyev, a 41-year-old man who taught eleven children, and Muhayyo Jurayeva, a 40-year-old woman who taught three adult women Islam.

More Mosques closed

Sughd region authorities have also recently closed down several Mosques. Muminjon Oripov, Head of Khujand's Religious Affairs Department, admitted to Forum 18 on 20 June that two mosques in the city, Dawud Hoja and Abubakri Siddik, had been closed. He claimed however that their activity was only "temporarily suspended". He said that this was because they were built before the 2009 Religion Law came into force, and needed to bring their activity into line with the Law. "We are looking into registering them after they collect all the necessary documents," he claimed.

Rejecting this claim, Imam Inomjon Saidov of Abubakri Siddik Mosque, told stan.tv, a Bishkek-based independent Central Asian news agency, on 30 May that he had visited various authorities for the last two years with no success to receive permission for the Mosque. "Now the neighbours who attended the Mosque have to travel several kilometres to attend another mosque for prayers," he complained.

Oripov refused to tell Forum 18 whether other mosques had been closed in the city.

For some years Tajikistan has been closing down places of worship, primarily mosques.

"Just teaching how to read the Koran"

In the south-western Khatlon Region, Judge Hasan Muminov of Qurghonteppa City Court in separate cases in May and June fined Zuhro Muhammadjanova, Mavluda Mavlonova and a third woman (whose name was not given) 10 Financial Indicators under Administrative Code Article 474. As a Financial Indicator is currently 35 Somonis, they were each fined 350 Somonis (414 Norwegian Kroner, 53 Euros or 75 US Dollars).

The three women were fined for "just teaching how to read the Koran" to groups of young girls in their private homes without state permission, a Muslim who wished to remain unnamed for fear of state reprisals told Forum 18 on 15 June. The three taught children the Arabic alphabet and so how to read to Koran.

Public Prosecutors in a different Khatlon Region district are preparing several administrative cases for similar "violations". The person who wished to remain anonymous did not those involved to protect them from state reprisals.

Teaching how to read the Koran a crime?

Judge Muminov told Forum 18 on 15 June that the women violated the Religion Law by by teaching religion without the approval of the state. "They did not receive permission from the Religious Affairs Committee or regional religious affairs officials."

He "did not think" the Religion Law violates the fundamental right to freedom of religion or belief and so international human rights standards. The Religion Law attracted strong international criticism for violating the human rights Tajikistan has committed itself to implement.

"There is a registered Madrassah in the city [Qurghonteppa] offering Koranic and Islamic courses", the Judge insisted. "Those who wish to study the Koran should attend it."

Officially registered mosque's imam prosecuted for teaching children

On 11 June police in Rudaki District opened an administrative case against the Imam of an officially registered mosque, for teaching religion without permission from the authorities, a Muslim who wished to remain unnamed for fear of state reprisals told Forum 18 on 15 June. The District is 20 kms (12 miles) north of the capital Dushanbe.

The Imam had been teaching five children aged between nine and 17 in his private home, the Muslim added, and he "will have to pay a fine now". As of 28 June the Imam had not yet been fined.

Where did you get this information?

Nemat Mahmudov, Deputy Chief of Rudaki District Police, told Forum 18 on 15 June that he could not comment on the case. He asked where Forum 18 had the information on the case from and whether the Imam's relatives had complained. Mahmudov said that when

the Interior Ministry gives its approval the police would send written answers to Forum 18. No written answers had been received as of 28 June.

Fear of a Dushanbe "Arab Spring"?

In a recent easing of the sustained campaign to close down mosques, Dushanbe city has decided to "temporarily" give Cathedral mosque status to 10 more mosque. (Cathedral mosque is one of the mosque categories imposed by the Religion Law, and allows these mosques only to hold sermons with Friday prayers – see Forum 18's Tajikistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1553.)

Shamsuddin Nuriddinov, the Dushanbe City mayoral official in charge of religious affairs told Forum 18 on 15 June that the decision was made as "recently there were massive gatherings in and around some of the mosques for Friday prayers. So", he continued, "the authorities in order to ease the crowds temporarily gave the status of cathedral mosques to ten more mosques."

Muslims in the country, however, suspect that the authorities acted fearing the example of the Arab Spring uprisings against dictatorships for freedom, human rights and democracy. A Muslim who wished to remain anonymous for fear of state reprisals told Forum 18 on 28 June that the authorities "may be wary of the population's growing discontent with official religious policies". Hikmatullo Saifullozoda of the opposition Islamic Revival Party told Forum 18 on 28 June that the authorities did this "not out of good will but for fear of spread of Arab Spring movements to Tajikistan."

Nuriddinov of the Mayor's Office has in the past been markedly less respectful of the population's wish to have open mosques, defending the sustained mosque closure campaign.

Permanent status?

However Nuriddinov was less forthcoming about whether the mosques might permanently become Cathedral mosques. In order for this to happen, "they need to make changes to their charters, also make other appropriate changes, as well as not to violate the Religion Law during their temporary status."

Nuriddinov told Forum 18 that the city authorities did not have any plans to build more cathedral mosques in future. But they were open to approaches from investors or private persons, "if they would like to build beautiful mosques which correspond to architecture, sanitary and other requirements".

Bans on children's religious activity, illegal meetings, and "extremist religious" teaching close?

By Mushfig Bayram

Forum 18 News (22.06.2011) / HRWF (28.06.2011) – www.hrwf.net – On 15 June, the Lower Chamber of Tajikistan's Parliament approved a controversial new Law and new amendments to the Criminal Code, both of which particularly target the religious education of children, Forum 18 News Service has learned. The new restrictive Parental Responsibility Law would ban almost all children under eighteen from participating in religious activity.

Amendments to the Criminal Code would punish with lengthy prison terms organisers of or participants in unauthorised "extremist religious" teaching, a concept which is not clearly defined, while organisers of unauthorised religious meetings would also now specifically be liable to possible punishment.

When will Law and amendments be adopted?

To become law they need to be approved by the Upper Chamber and be signed by President Emomali Rahmon. Olim Salimzoda, Chair of the Lower Chamber's International Relations Committee, and Muhiddin Kabiri, Chair of the Islamic Renaissance Party (IRP) and a Deputy of the Lower Chamber, both assume the Upper Chamber will consider the new Law and amendments in the autumn, since its latest session was on 9 June and usually there is one session in each season.

Marhabo Jabborova, Chair of the Lower Chamber's Science, Education, Culture and Youth Policy Committee, and Muhamaddato Sultanov, Head of the Lower Chamber's Press Service, however, are "sure" that the Law and amendments will be adopted by the Upper Chamber in July.

Secrecy

Parliamentary Deputies and officials declined to tell Forum 18 where the general public or religious organisations could see the latest text of the Parental Responsibility Law, or the amendments to the Criminal Code. Press-Secretary Sultanov and Deputy Jabborova told Forum 18 from the capital Dushanbe that they are "not authorised" to publicise the text before the Upper Chamber approves it.

"No significant changes" in draft Law

Deputy Kabiri told Forum 18 on 16 June that the draft Law presented by the Presidential Administration to the Lower Chamber was adopted with "no significant changes". Deputy Sattor Kholov told Forum 18 that the proposed amendments to the Criminal Code came from the Presidential Administration.

Faredun Hodizoda, a Dushanbe-based commentator with a long-standing interest in religious affairs, has some concerns about the new legal measures. "I do not want to criticise the government, since something needs to be done to improve compulsory education," he told Forum 18 from Dushanbe on 22 June. "But I think the [Parental Responsibility] Law is very strict and needs to be softened. The ban on children attending religious activity will not improve education. Even during the Soviet times there was a ban but people still attended Mosque." He believes it would be better to use not a Law, but measures at a regional level to tackle any deficiencies in education.

The new proposed legal changes come as police continue their crackdown on unapproved teaching of religion, with fines on those involved.

"Children cannot attend religious activity"

The controversial and restrictive Parental Responsibility Law, approved by Parliament's Lower Chamber on 15 June, is the initiative of President Rahmon, who sent it to Parliament in April. It reinforces restrictions in the 2009 Religion Law and, as well as banning almost all children's religious activity, also imposes many other restrictions, such as on parents from choosing the names they wish for their children, and restrictions on religious education and dress. Local religious communities, independent legal experts and human rights defenders have condemned the Law.

The ban on children's participation in religious activity, in Article 7 in the previous draft, has been moved to Article 8, and after some modification now reads: "Parents are obliged (..) not to let children-teenagers participate in the activity of religious organisations, with the exception of those officially enrolled in religious education (excluding funerals and mourning events)."

The only change to this provision since the previous drafts is that it would allow children attending state-approved religious education classes to attend religious worship and other religious activity. Previously all children would have been banned from attending religious worship and other religious activity. However, gaining state approval for religious education is difficult to impossible for many (see below).

The almost total ban on children's participation in religious activity was approved almost unanimously. The only deputies to vote against the Law were the two representatives in the Lower Chamber from the IRP. The IRP Deputies had also proposed that the ban be amended to allow children to attend religious activity in their free time from school, but this was rejected. Parents, who in violation of the new Law allow their children to participate in religious activity, will be punished.

Deputy Salimzoda was categorical about the ban. "The ban in Article 8 clearly sets out that children under eighteen - except those who attend legal religious schools - cannot attend Muslim or any other religious confessions' activity either during school hours or outside school hours, even during the holidays," he told Forum 18 from Dushanbe on 17 June. This means that except for funerals, only children enrolled in religious education will be able attend worship, Salimzoda explained. Religious schools will have to gain official registration from the State Religious Affairs Committee, he added.

Why ban children from attending religious activity?

Officials gave Forum 18 conflicting arguments to justify the ban on most children's participation in religious worship and punishments for unapproved religious teaching.

Mahmadali Vatanov, Chair of the Lower Chamber's Committee on Laws and Human Rights, refused to explain to Forum 18 why such a controversial ban was adopted, and why the proposal of the IRP deputies was not adopted. "You should have participated in the discussions in Parliament - there were long debates about it," he claimed to Forum 18 on 15 June. Asked by Forum 18 to give one argument for the ban, Vatanov refused to answer and put the phone down.

Objecting to Deputy Vatanov's claim, Deputy Kabiri of the IRP said that there were "discussions on many other points but not our proposal" to allow children to join in religious activity in their free time outside school.

Deputy Jabborova vigorously defends the ban on most children participating in religious activity. "Recent events in Tajikistan revealed that religious extremists and especially Salafis in Tajikistan were recruiting children mainly," she claimed to Forum 18. "It's terrifying to see children have become zombies by this kind of movement. These children grow up without any secular education, and then in the best case they become guest workers in Russia and elsewhere. In the worst case they become extremists, and we don't want this to happen."

Asked why the 2009 Religion Law and the new Parental Responsibility Law are necessary, and whether he agrees that the authorities are concerned over religious extremism, Deputy Salimzoda insisted: "We have no religious extremism, we just want our children to receive good and comprehensive education in schools." Asked why children cannot receive religious education, he replied: "While they are children they need to attend [compulsory state] schools."

Asked why he thinks the authorities want such a law, Deputy Kabiri of the IRP responded: "I do not even want to comment on a law that I do not understand. I can only say that this law will infringe even further upon citizens' rights and will bring even more restrictions."

Deputy Salimzoda rejected this, insisting that the Law will "not infringe upon" the rights of the Muslim majority or religious minorities. "If children see their parents praying and observing their religious traditions, they will follow them when they grow up," he maintained. "But while they are children they must attend school."

Gaining permission for religious education difficult to impossible

With the new punishments aimed at any unapproved religious education, many religious communities point to the difficulty gaining approval for religious education. At most 80 Islamic educational centres have state approval in the entire country.

Idibek Ziyoyev, the state Religious Affairs Committee's official overseeing religious education, told Forum 18 on 20 June that children may attend the existing 18 medresses (secondary education schools teaching Islam) and one Islamic Lyceum (High School level), as well as Sunday schools at Christian churches. He did not mention non-Muslim or non-Christian religious communities.

Forum 18 could not continue talking to Ziyoyev as the call was terminated, and further calls to Ziyoyev the same day went unanswered.

A Religious Affairs Committee official, who refused to give his name, told Forum 18 on 21 June that Muslim adults or children wishing to receive Islamic education "need to enrol in the officially registered medresses or attend study groups at the Central Cathedral Mosques in each of the 61 Districts of Tajikistan," he added. However, he said that he is "not sure" whether all the Central Cathedral Mosques have religious study groups but "they have right to organise one". The official added that registered non-Muslim religious communities need to register their religious schools separately. The numbers of Central Cathedral Mosques are limited by the 2009 Religion Law.

Some non-Muslim communities, including Christians, hold religious education for children, but a number told Forum 18 they do not have approval from the State Committee.

The State Committee official categorically told Forum 18 the State Committee will not register any other private Muslim study groups but refused to explain why. He also refused to explain how such a small number of existing or potential 61 schools could accommodate all the Muslim children who wished to receive religious education, and why such restrictions on religious education were necessary.

Prison terms for "religious extremist" teaching

Deputy Kholov, who led the discussions of the amendments to the Criminal Code, told Forum 18 on 21 June that Parliament's Lower House approved the addition to the Criminal Code of a new Article 307-4, punishing illegally teaching religious "extremist" doctrines.

Article 307 of the 1998 Criminal Code punishes anti-constitutional activity, while Articles 307-1, 307-2 and 307-3 – all added to the Criminal Code in 2004 and since amended further – punish extremist-related activity.

Article 307-4 ("Organisation of study groups of a religious extremist nature"), as read to

Forum 18 by Kholov over the phone, reads: "Organisation of a religious extremist study group and participation in it with no regard to the place of study shall be punishable: between five and eight years' imprisonment for those who participate in such study groups; between eight and twelve years' imprisonment for those who organise such groups."

Kholov added that such possible punishment even extends to Tajik citizens who organise such groups or participate in them outside the country.

A ban on religious education abroad was passed by the Lower House on 25 May.

What is "extremist"?

Forum 18 has been unable to find out how the authorities propose to establish whether any unauthorised religious education is "extremist" or not. Gaining state approval for religious education is almost impossible (see above). Unapproved religious education is already subject to administrative punishment. Article 474 of the Administrative Code ("Violation of legislation on religious organisations") specifies "teaching religious knowledge without [state] permission" as one such "violation".

Several non-Muslim leaders – including Christians and a Baha'i – told Forum 18 that they do not believe they will be targeted by these new measures, which they believe are directed at Muslims.

However, one Protestant pastor told Forum 18 of concern that both the Law and the amendment on "extremist" teachings are unclear, may be easily manipulated, and the mechanisms of how they will be implemented are unclear. "In fact theoretically the authorities might interpret the teaching of some Christian doctrines as extremist."

Why imprison for teaching "wrong" religious doctrines?

Asked by Forum 18 what need there is for heavy punishments for teaching "extremist" religious doctrines, Lower Chamber Deputy Kholov claimed that many young people recently arrested on charges of extremism have claimed that they were taught religion and then used by the Afghan Taliban and other extremist groups. "We want to prevent this from happening in future," he claimed. "We have threats of extremism, so the government needs to control the religious life in the country."

Echoing Kholov, General Sharif Nazarov, Chief of Sughd Regional Police, told Forum 18 on 20 June that "such laws are needed because religious extremism is increasing". General Nazarov led the large-scale so-called Operation Medresse throughout the Region to crack down on unauthorised Muslim religious education.

Asked if he, or any deputies who voted for the amendments, could guarantee that innocent adults or children – including Muslims who want to study Islam or how to read the Koran - would not be punished under this provision of the Law, Kholov responded: "If the officials investigating such cases are honest and conduct a thorough investigation, they will never punish innocent people."

Deputy Kholov told Forum 18 that extremism is defined in other Criminal Code Articles, such as 307-2, which defines an extremist group as "an organised group of persons for the preparation or carrying out of crimes for motives of ideological, political, racial, national, local or religious hatred or enmity, as well as for motives of hatred or enmity to any social group".

"Prosecutors and Courts will be able to distinguish between what is just unauthorised religious education, which will receive Administrative punishment, and what is religious

extremism, which will be criminally liable," Deputy Kholov claimed.

Prison terms for unauthorised religious meetings

Also adopted in the Lower House was an amendment to Criminal Code Article 160. This already punishes "violation of the procedure for organising and conducting gatherings, meetings, demonstrations, street processions and pickets" with fines or imprisonment of up to two years for the first violation, with repeat violations attracting a possible prison term of between two and five years. Kholov told Forum 18 the new amendment specifically adds illegal religious meetings to the provisions of the Article.

Increasing restrictions

State-imposed restrictions on exercising the right to freedom of religion or belief have been steadily increasing in recent years. The Jehovah's Witnesses are completely banned in the country. In 2009 a harsh new Religion Law was adopted, despite strong criticism from local religious communities, human rights defenders and the international community. New or increased penalties for exercising freedom of religion or belief were also introduced. Many mosques and other places of worship have been closed down and some have been destroyed.

Tajik religious figure slams bill banning kids from mosques

Radio Free Europe (17.06.2011) / HRWF (20.06.2011) – www.hrwf.net – A prominent Tajik religious leader and former deputy prime minister has criticized a parental-responsibilities law as being "openly against the will of God," RFE/RL's Tajik Service reports.

The legislation, which was submitted to parliament by President Emomali Rahmon and approved by the lower house of parliament on June 15, bans children under the age of 18 from attending prayers in mosques.

It must still be approved by the upper house and signed by the president before going into effect.

Hoji Akbar Turajonzoda told RFE/RL that under the legislation, parents whose underage children are caught attending prayers would be held legally responsible for allowing them to do so.

Turajonzoda also criticized an amendment to Tajikistan's criminal code approved by parliament on June 15 that makes the opening of illegal religious schools punishable by between five and 12 years in jail.

Previously, running such illegal schools incurred only an administrative punishment or a fine.

During parliamentary debate on June 15, Education Minister Abdujabbor Rahmonov reminded deputies that the draft ban on kids in mosques proposed by Rahmon was published several months ago for public discussion.

Only two parliament deputies -- both from the opposition Islamic Renaissance Party of Tajikistan of which Turajonzoda is a former deputy chairman -- criticized the draft law and opposed it.

The authorities are increasingly concerned about young people coming under the influence of religious extremists.

More than 1,200 young Tajiks were constrained to abandon their studies at Islamic universities and madrasahs abroad after Rahmon "advised" their parents last summer that such students should return to Tajikistan to continue their education.

Ban on religious education abroad without state permission to be adopted soon?

By Mushfig Bayram

Forum 18 News (26.05.2011) / HRWF Int. (31.05.2011) – www.hrwf.net - Without any prior public notice on 25 May the Lower Chamber of Tajikistan's Parliament approved without discussion a government-proposed amendment banning people of any faith from having religious education abroad without state permission. An independent Tajik journalist, who wished to remain unnamed for fear of state reprisals, told Forum 18 News Service on 26 May that the amendment "was rushed to the Parliament without any public discussions". They suggested to Forum 18 that "the authorities may be afraid of the Arab Spring movements. But their main motivation is to totally control religious life, and especially Muslims." A Muslim lawyer from the capital Dushanbe, Zafar Kurbonov, noted to Forum 18 that "our Constitution guarantees everybody's right to education whether at home or abroad. This is a gross violation of our rights." Deputy Marhabo Jabborova told Forum 18 that the changes need to be approved by parliament's Upper Chamber and President Emomali Rahmon. In southern Tajikistan the authorities have continued the nationwide campaign against places of worship, destroying a mosque and banning the activity of a Baptist church.

Without any prior public notice, on 25 May the Lower Chamber of Tajikistan's Parliament approved without discussion a government-proposed amendment to the 2009 Religion Law to restrict individuals' right to gain religious education abroad, the local media reported. The Chair of the government's Religious Affairs Committee, Abdurahim Holikov, presented the amendment to deputies.

"According to the amendment, from now on citizens of Tajikistan have the right to receive religious education outside the republic only after receiving initial religious education on the territory of the republic and with permission from the Education Ministry and the Religious Affairs Committee," Holikov told the Lower Chamber.

Mavlon Mukhtarov, Deputy Chair of the Religious Affairs Committee, confirmed to Forum 18 News Service on 26 May that the only proposed change was to Article 8 of the Religion Law. Under the change, anyone of any faith wishing to receive religious education outside Tajikistan must receive state permission for this. This addition further tightens the existing strict controls on receiving religious education (see Forum (see Forum 18's Tajikistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1553).

Rushed amendment, no public discussion

An independent Tajik journalist, who wished to remain unnamed for fear of state reprisals, told Forum 18 on 26 May that the amendment "was rushed to the Parliament without any public discussions". They commented that only a small circle of journalists found out about it, the wider public not being aware of this.

Mukhtarov of the Religious Affairs Committee would not answer when asked by Forum 18 why the proposals were not made public, and nor on 26 May did Deputy Marhabo Jabborova, Chair of the Lower Chamber's Science, Education, Culture and Youth Policy Committee.

Deputy Jabborova's Committee is also leading discussions of the draft Parental Responsibility Law, which may be passed and come into force soon. This draft Law has also been strongly criticised for the secrecy surrounding discussion and possible changes to it, as well as by the proposed ban on anyone under 18 taking part in any religious activity except funerals (see F18News 25 May 2011 http://www.forum18.org/Archive.php?article_id=1574).

When will the change take effect?

Deputy Jabborova confirmed that the only changes were those stated by the Religious Affairs Committee, adding that it now needs to be approved by parliament's Upper Chamber and President Emomali Rahmon. Deputy Jabborova said she did not know how long this will take. She asked Forum 18 to call parliament's International Relations Committee. However, Committee officials, who would not give their names, stated that they did not know how long the process will take. They also would not comment on why no public discussions took place, stating that Committee Chair Olim Salamzade was not there to comment this.

Deputies comments

One deputy of the ruling People's Democratic Party, Davlatali Davlatzoda, pointed out that most Tajik Muslims are Sunnis, but some Tajiks have been receiving religious education from some other schools of Islam. He claimed this could cause "contradictions and conflicts" over how some canons of Islam are interpreted. He said the government would henceforth decide which countries individuals would go to and for what type of religious education.

The government has long sought to control Islamic thought, in January 2009 banning the Salafi school of thought – even though an official admitted to Forum 18 that the authorities had no evidence that any of its adherents had committed any crimes (see F18News 23 January 2009 http://www.forum18.org/Archive.php?article_id=1243).

Two deputies from the Islamic Renaissance Party (IRP), Muhiddin Kabiri and Umarali Hiseinov, voted against the amendment. Deputy Kabiri complained that the state-imposed controls represent a violation of individuals' rights. He lamented that those who wanted to gain higher religious education abroad could only do so if they have already studied religion within Tajikistan. He also argued that the controls risked turning the role of mullah merely into a profession.

Why?

The independent Tajik journalist suggested to Forum 18 that "the authorities may be afraid of the Arab Spring movements. But their main motivation is to totally control religious life, and especially Muslims." The journalist observed that "our government wants our Muslims to belong only to the Hanafi school of thought, and wants to prevent our youth from adopting various Arabic movements' ideology."

A Muslim lawyer from the capital Dushanbe, Zafar Kurbonov, noted to Forum 18 on 26 May that he "understands that our government may be concerned of the radical or revolutionary Arab Spring influence on our young people". However he commented that

"our Constitution guarantees everybody's right to education whether at home or abroad. This is a gross violation of our rights."

Ongoing crackdown on Islamic religious education

President Rahmon in August 2010 called on parents to recall their children from foreign Islamic colleges, claiming that otherwise "your children will become extremists and terrorists". "We ourselves, the government and the Religious Affairs Committee, will decide how many religious ministers are needed for the country," he insisted. At the same time the Interior Ministry launched an apparently nationwide campaign with raids to end the private teaching of Islam. Among the existing range of "legal" instruments against religious education, including the Religion Law, Article 474 of the Administrative Code bans "teaching religious knowledge without [state] permission".

Jumokhon Giyosov, Deputy Chair of the state Religious Affairs Committee, defended government moves to bring back 1,700 Tajik students studying Islam abroad. "We need to bring order to the process of going abroad to study religion," he told Forum 18 on 1 December 2010. He rejected suggestions that the instructions violated students' right to gain religious education of their choice

Throughout Central Asia and elsewhere, dictatorships have been worried by the impact on their populations of the Arab Spring uprisings for freedom, human rights and democracy. This has led some – for example within Uzbekistan - to suggest that current crackdowns on those who have received Islamic religious education abroad are fuelled by fear of such Arab Spring-type movements

Mosque demolished, church closed

At least one mosque in Qurghonteppa, the central town in Khatlon Region of southern Tajikistan, was destroyed in April, while the elderly imam and a local official were fined, Forum 18 has learnt. That same month the authorities in a nearby town banned the further activity of a Baptist church which had been denied state registration for the past seven years. The Khatlon regional division of the National Security Committee (NSC) secret police told church leaders in February to stop their worship services since they are not registered officially.

An independent human rights defender from Khatlon, who for fear of the authorities wished to remain unnamed, told Forum 18 on 18 May of reports that the regional authorities have halted the activity of many unregistered mosques. "I personally heard from regional officials of plans to destroy one mosque in Shahrtuz District close to the Afghanistan border." The human rights defender did not know whether the mosque had already been destroyed.

The government's forced closure and destruction of many mosques and other places of worship has increased in recent years amid tightening restrictions on all religious activity. A harsh new Religion Law was introduced in 2009, while new or increased punishments for religious activity were introduced

The harsh draft Parental Responsibility Law may ban anyone under 18 from taking part in religious activity, including religious worship. The government seems intent on introducing the Law despite widespread opposition from religious communities and human rights defenders.

Regional Administration refuses to discuss attacks

Bobokhon Sharbatov, Head of Khatlon Regional Administration's Religious Affairs Department, refused to comment on the destruction of mosques or the ban on the Baptist Church. "I am not ready to comment at the moment," he told Forum 18 on 19 May. "I am busy, call me tomorrow." Each time Forum 18 called back on 20 May and afterwards, Sharbatov's phones went unanswered.

Similarly reluctant to comment on 20 May was Barot Boymatov, the Administration's Deputy Head. He said he does "not know what the reasons were" for the authorities to destroy the mosque and ban the Church. Asked why the authorities would so readily destroy a mosque simply because it was not registered, he responded: "Please talk to Sharbatov - he is responsible for religious policies." Boymatov also refused to say how many mosques were stopped or were going to be destroyed.

Mosque destroyed for violation of draft Parental Responsibility Law?

The unregistered mosque in Qurghonteppa's central Mirzo Qodirov Street was demolished by the Khatlon regional authorities in early April. A Qurghonteppa court also fined 81-year-old Muhiddin Mirzomurodov, the Imam of the destroyed Mosque, and Amanullo Kurbonov, head of the local mahalla (residential area), each 350 Somonis (428 Norwegian Kroner, 55 Euros or 77 US Dollars), a local resident who asked not to be identified told Forum 18. The mosque had been built by local residents in 2009.

Asadullo Shulashov, Qurghonteppa's Deputy Prosecutor, confirmed that the Imam and Head of the local mahalla were prosecuted under Tajikistan's Code of Administrative Offences. "I do not remember at the moment under which precise Articles they were charged," he told Forum 18 on 23 May. "The charges were brought for illegal occupation of land, and unregistered religious activity."

However, worshippers of the 300-strong Qurghonteppa mosque believe that "the authorities decided to destroy the mosque especially because they discovered two teenagers praying there, which violates the new [Parental Responsibility] Law," Radio Free Europe/Radio Liberty (RFE/RL) reported on 7 April.

Forum 18 notes that although the Parental Responsibility Law has not yet been adopted, the authorities have long been seeking to restrict children's participation in religious activity

Deputy Prosecutor Shulashov refused to explain why the authorities would destroy a mosque simply because it is not registered. "I am on vacation, and I cannot comment on the case now," he said. He declined to discuss the issue further with Forum 18.

After finding out that the authorities had decided to demolish the mosque, the mosque community belatedly prepared an application to register it. However, this was ignored and the authorities went ahead with the demolition, RFE/RL reported. Last minute appeals to city Administration chief Sharifhon Samiev, who was present for the demolition, went unheeded.

After the closure of the mosque and the fine, Imam Mirzomurodov left Tajikistan for Russia because of the pressure from the authorities, RFE/RL added.

Authorities refuse to register Baptist Church, halt its activity

Pressure has been mounting in recent months on the Baptist congregation in Khatlon Region's Jaloliddin Rumi District south of Qurghonteppa. The congregation, which belongs to the Baptist Union of Tajikistan, has been seeking state registration in vain since 2004. "The Regional religious affairs officials kept asking us to wait until the new Religion Law

was adopted each time we asked for registration," a local Baptist, who wished to remain unnamed for the fear of state reprisals, complained to Forum 18 on 20 May.

The church member said that the Regional NSC secret police moved within days of the congregation's most recent registration application, which it lodged on 7 February 2011. "Our leaders were twice summoned by the Regional NSC secret police on 10 February and 15 March and told to stop our activity."

The Baptist added that on 17 February two NSC secret police officers filmed their worship service. Exactly a month later, on 17 March, Jaloliddin Rumi District Administration's religious affairs officials sent a written refusal to register the Church, the Baptist told Forum 18.

Dilbar Normatova, Deputy Head of Jaloliddin Rumi District Administration, told the local media on 22 April that the Baptist Church was banned "since it was conducting unregistered activity". She said it had failed to provide all the necessary documentation with its registration application.

Restrictive Parental Responsibility Law to be adopted soon?

By Mushfig Bayram

Forum 18 News (25.05.2011) / HRWF Int. (31.05.2011) – www.hrwf.net – Tajikistan's Parliament may adopt a restrictive Parental Responsibility Law, drafts of which ban children from attending religious activities apart from funerals, Forum 18 News Service has found. The latest text of the proposed Law has not been made public – even though it is being discussed in Parliamentary Committees – and deputies and officials have been giving contradictory answers about the expected timetable. It may be adopted by July, even though drafts of the Law – which was initiated by President Emomali Rahmon – break the Constitution and international human rights standards. Local religious communities, independent legal experts and human rights defenders have condemned the draft Law, but Deputy Marhabo Jabborova, Chair of the parliamentary committee leading discussions on the Law, told Forum 18: "I am not aware of any comments from religious communities." An Imam, who wished to remain unnamed, said he is "very concerned" over the impending ban. "They should have a chance to receive religious teaching while they are still children, and it does not matter whether it is Muslim, Christian, Jewish, or other teaching", he told Forum 18.

Pro-government parliamentary deputies and officials have refused to say when Tajikistan's Parliament is likely to hold the first reading of the restrictive Parental Responsibility Law, drafts of which ban children from attending religious activities apart from funerals. The latest text of the proposed Law has not been made public – even though it is being discussed in Parliamentary Committees. It is expected to reach the full Lower Chamber soon, Forum 18 News Service notes.

Muhiddin Kabiri of the Islamic Renaissance Party (IRP), a deputy in the Lower Chamber of Parliament, is a strong critic of the proposed Law. He told Forum 18 from the capital Dushanbe on 25 May that he believes the draft Law will be adopted "in two to three weeks, although the discussions in various Committees of the Lower Chamber have not concluded yet".

Drafts of the Law – which was initiated by President Emomali Rahmon – break the Constitution and international human rights standards. It reinforces restrictions in the 2009 Religion Law and, as well as banning children's religious activity, also impose many

other restrictions, such as on parents from choosing the names they wish for their children, and restrictions on religious education and dress.

Latest text not substantially changed

Deputy Kabiri said that the text presented to Parliament by presidential legal experts has not substantially changed. He commented that "Parliament only changes some wording in the draft Laws but not the essence of them, if the draft Law comes from the President". He suggested for example that the word "children" may be changed to the phrase "growing generation". "But the definition of growing generation in the Law will be children under 18," he said.

Mahmadali Khait, Deputy Head of the IRP, confirmed this from his experience. "Usually draft laws initiated by the President go through the Parliament almost unchanged," he told Forum 18 on 20 May.

The draft Law is being adopted while the authorities continue attacks against religious communities. The authorities in the southern Khatlon Region demolished an unregistered mosque in April after fining the imam, as well as closing down a Baptist church which had been denied registration (see forthcoming F18News article).

State-imposed restrictions on religious activity have been steadily increasing in recent years. In 2009 a harsh new Religion Law was adopted, despite strong criticism from local religious communities, human rights defenders and the international community. New or increased penalties for exercising freedom of religion or belief were also introduced. Many mosques and other places of worship have been closed down and some have been destroyed.

Condemnation of draft Law

Local religious communities, independent legal experts and human rights defenders have condemned the draft Law, which violates the religious freedom of children and parents, among other freedoms guaranteed by Tajikistan's Constitution and international human rights conventions. Among many violations in the draft Law, Article 7 explicitly obliges parents to prohibit participation of their children in the activity of religious associations and organised religious activities with the exception of funerals. Officials in March refused to explain to Forum 18 why they intend to impose such a blanket ban.

The text of the proposed Law was published in January 2011, and public consultation ended on 15 March. President Rahmon then sent the draft Law to Parliament, the news agency avesta.tj reported on 18 April. President Rahmon's Press Service told the agency that the draft Law is "aiming at increasing responsibility of parents, government agencies and organisations, and other relevant agencies in upbringing and training of the growing generation".

Why are discussions and drafts not published?

Forum 18 asked the Parliament why developments concerning the draft Law, or the text of the latest draft, made public. Muhammadato Sultanov, Parliament's Press Secretary, told Forum 18 on 23 May that it is "because the draft Law was published earlier and discussed by the public for about two months, and is now being discussed in Parliament".

Asked why Parliament did not make public changes that might have been made to the draft Law, he referred Forum 18 to Marhabo Jabborova, Chair of the Lower Chamber's Science, Education, Culture and Youth Policy Committee. This Committee is leading discussions of the draft Parental Responsibility Law. Jabborova avoided answering the

question, insisting to Forum 18 on 17 May that the draft Law is still being discussed, and that the texts are "not ready".

When will Law be adopted?

Between 17 and 24 May Deputy Jabborova gave contradictory information to Forum 18 on when Parliament might adopt the draft Law. "We have been given until 1 June to finalise the text of the draft Law," she told Forum 18 on 17 May. "We will then submit it to Parliament's Upper Chamber, and it will not take much time for the Upper Chamber to adopt it before it goes to the President for signature."

However, on 24 May Jabborova said that the Lower Chamber will be considering the draft Law until 15 June, and only by 1 July will it be submitted to the Upper Chamber for further consideration. She said that the first reading of the draft Law will be held after 1 June. Asked when exactly Parliament is expected to adopt the draft Law, she responded: "We have time, and I do not know how many readings in the Lower Chamber we will have. It will all depend on how the discussions go."

In contrast to Jabborova, Mahmadali Vatanov, Chair of Parliament's Legislation and Human Rights Committee, insisted there will "not be several readings since it is not a complicated Law". He added that comments from different Parliamentary Committees are being collected at the Lower Chamber at the moment. "After all the comments come in, the draft Law will be finalised and passed to the Upper Chamber," he told Forum 18 on 20 May.

Parliament's Press Secretary Sultanov told Forum 18 that the Parliament is expected to adopt the draft Law by 1 July.

Representatives of religious communities, members of the IRP, and legal experts also told Forum 18 that "usually when a draft Law is initiated by the President it does not take long for it to go through Parliament."

Why ban children from participating in religious activities?

One independent legal expert from Dushanbe, who has been involved in the analysis of the draft Law, and who wished to remain unnamed, told Forum 18 on 24 May that the ban on children taking part in religious activities is still in the text.

Parliamentary deputy Vatanov played down concern about the ban. "It is only the draft, it may change," he insisted to Forum 18. Asked whether or not the ban violates Tajikistan's Constitution and international human rights standards, he told Forum 18: "I cannot give this kind of evaluation."

Deputy Vatanov also would not say what exactly the ban meant and whether or not the ban meant that children could never attend places of worship. "I do not know, the draft Law is still being worked on."

Explaining the initiation of the ban, Deputy Jabborova said that the authorities are concerned that the "many young people of Tajikistan, instead of attending public schools, attend mosques and other religious activity." She told Forum 18 that "parents are not taking care that their children do not end up in radical religious movements."

Asked whether the new Law might encourage more radicalism among young people, and encourage recruitment by underground radical movements, Jabborova responded: "I do not think that children should be totally banned from attending religious worship, but it can also be done at home. For instance, I advise my family to pray at home."

Asked whether her Committee will still go ahead and include the ban in the Law, Deputy Jabborova refused to say. "I am not sure how this provision will be changed."

Children "should have a chance to receive religious teachings"

An Imam from the northern town of Khudjand [Khojand] in Sugd Region, who wished to remain unnamed for fear of state reprisals, said that he is "very concerned" over the impending ban. "Religion can teach children good morals," he told Forum 18 on 24 May. "They should have a chance to receive religious teaching while they are still children, and it does not matter whether it is Muslim, Christian, Jewish, or other teaching." The Imam added that even during the Soviet period, when children were banned from attending religious worship, the authorities "turned a blind eye" when children did so.

Zafar Kurbonov, a lawyer in Dushanbe, complained that if adopted, the Law would violate people's rights set out in the Constitution. "For the glory of Allah, I have four children," he told Forum 18 on 25 May. "Of course as a Muslim not only would I like, but also I am obliged to lead my children to mosque." He said many other local parents share his view.

"Where should our children go, if not to mosque?" Kurbonov asked. "Should they go to bars, restaurants, casinos and brothels?" Those places will "not give our children spiritual food", he added.

Also concerned about the ban is Rabbi Mikhail Abdurakhmanov of the still not registered Jewish community in Dushanbe. "I understand the authorities' concern over radical and extremist religious movements," he told Forum 18 on 19 May. "It would be good not to include this provision in the Law but strongly recommend parents to watch over their children, and not to allow them to attend radical groups."

Rabbi Abdurakhmanov explained that according to Jewish religious tradition boys become adult at the age 12 and girls at 13. "We have a special ceremony of Bar-Mitzvah for boys when they turn 12," he said. "We would like to be able to continue to carry out this ceremony." Rabbi Abdurakhmanov expressed hopes that the government will "at least" allow children over 12 to attend the ceremonies.

Will concerns be acted on?

Asked whether concerns of or comments from the public, including religious communities, were being taken into account, Deputy Jabborova claimed: "I am not aware of any comments from religious communities." When Forum 18 re-phrased the question, she said, "The law was discussed by the public for four months, and now is being discussed at the Parliament."

Hikmatullo Sayfullozoda of the IRP and a pastor of an officially registered Protestant Church, who wished to remain unnamed for the fear of state reprisals, disputed Deputy Jabboova's lack of knowledge of critical comments.

"Thousands of comments from Muslim believers were sent to the Presidential legal experts who wrote the draft Law, and numerous comments were published in our party's official newspaper Najot," Sayfullozoda told Forum 18 on 19 May. "Even medical doctors and teachers who are not members of our party but who are faithful Muslims spoke against the ban."

Echoing Sayfullozoda, the Protestant Pastor pointed out that "around 8,000" comments from religious communities and human rights defenders were sent to the authorities urging changes to the Law. "We are concerned that our children will not be able to attend church services," he told Forum 18 on 19 May. "Some time ago pastors of several

Protestant churches sent copies of a joint complaint to the relevant authorities asking them to remove the ban on children taking part in religious activities."

Dushanbe, systematic violation of religious freedom and human rights by State

AsiaNews (02.04.2011) / HRWF Int. (05.04.2011) - www.hrwf.net - The Tajik government systematically violates the religious freedom and related human rights of believers of any faith, not subject to full state control. The news agency Forum 18 is calling for an immediate intervention by the United Nations and international organizations, to curb abuses.

A recent draft law now even bans children under 18 from participating in any religious activity, including prayer meetings and catechism, with the exception of funerals. Government authorization is needed to participate in the catechism or other activities and parents are responsible for ANY "violations."

Since 2007, the authorities have primarily targeted places of worship, through the closure, confiscation and demolition of mosques and churches and even the only synagogue in the country (see AsiaNews, 24.6.2008, Dushanbe's old synagogue demolished to make way for a presidential palace , and 13.10.2007, Three mosques demolished and others closed, the only synagogue in danger, in March 2009, a private citizen gave the Jewish community in his palace to meet and pray: 30/03/2009 AsiaNews, New synagogue of Dushanbe to open soon). A limit to the number of mosques was also introduced. In January 2011, about 50 other mosques in Dushanbe were closed down as "not registered and built without public authorization."

For all religious groups any activities without official authorisation are prohibited, even prayer meetings. Since 2007 Jehovah's Witnesses and some Protestant Christians and Islamic movements have been banned and their followers arrested and charged for practising their faith. This was the case with 95 followers of the Tabligh Jamaat Islamic movement banned in 2010 who were sentenced to fines or jailed for 3 to 6 years, because they gathered to pray and talk about their faith.

Even in permitted activities, the authorities impose a strict censorship, among other things, religious texts or books must have state authorization. In January 2011 the new offense of "manufacture, importation, sale and distribution of religious literature" without permission was introduced, punishable with heavy fines equivalent to years of an average salary, even for printing such material.

The small country of about 7 million people has a large Muslim majority. After independence from the Soviet Union, a civil war broke out along ethnic and clan lines, lasting from 1992 to 1997, during which the Islamic Renaissance Party (IRP), the only party with a religious foundation, was outlawed. Since 1992, the country has been led by President Emomali Rahmon, a former Soviet leader, allegedly responsible for systematic violations of rights, including repeated electoral fraud to win elections.

F18 reports that the government wants to practice and prevent any religious activity that is not under rigid state control. Experts say that perhaps Dushanbe fears that group will be created for the protection of rights and democracy that will oppose its rule.

Tajik authorities ban sales of Jesus cartoon

AsiaNews (18.02.2011) / HRWF Int. (21.02.2011) - www.hrwf.net - Dushanbe, Tajikistan - Tajikistan's Religious Affairs Committee banned the sale of a Jesus Christ cartoon in Khorog, the administrative centre of the Gorno-Badakhshan autonomous region, the BBC Persian service reported.

Claiming that the cartoon advocated a foreign religion, the Committee seized 20 copies of the cartoon from sellers. It later confirmed to Interfax that it had seized religious discs in Khorog but did not comment on the matter.

The cartoon had been translated into Shughni, a language spoken by about 250,000 Pamir Tajiks, who are predominantly Ismaili Muslims, a branch of Shia Islam. Most Tajiks (85 per cent) are Sunni.

Under a new version of the Law on Religion and Religious Associations adopted in Tajikistan in 2009, proselytising is against the law. Nevertheless, over 80 religious organisations, most of them Christian, operate in the country.

When is a mosque not a mosque?

By Mushfig Bayram,

Forum 18 (25.01.12) / HRWF (31.01.12)

Tajikistan has this month (January) closed many mosques in the capital Dushanbe and warned local Muslims not to engage in unregistered religious worship, Forum 18 New Service has found. Various sources Forum 18 has spoken to put the number of closed places of worship at more than 50. However, officials claim that "no Mosques were closed down", but that local residents in some mahallas (residential areas) have been warned not to meet for unregistered religious worship in halls designated as being for "cultural purposes".

Muslim communities from these mahallas have previously applied for legal status, but state Religious Affairs Committee officials claimed to Forum 18 that local residents "never asked for registration". However, the Mayor of Dushanbe's office told Forum 18 that these places cannot be used for religious worship "because they are not meant for use for religious purposes". Some reports indicate that the Imams and their communities were warned that criminal cases would be opened against them, if they continued leading prayers in these places. The authorities were unwilling to comment on this to Forum 18.

The closed mosques are often halls used for unregistered religious worship known as 'public places', which have often been used since Soviet times for weddings and funerals.

How many mosques have been closed in 2011?

An imam of a cathedral mosque in Dushanbe, the only kind of mosque where the state allows sermons, told Forum 18 on 24 January that he is not aware of any officially registered mosques being closed down recently. But the number of 'public places' used for Muslim prayers closed down in January is "more than sixty". The imam asked not to be named for fear of the authorities.

Hajji Muhammadali Faiz-Muhammad of the Islamic Renaissance Party (IRP), Central Asia's only legal religious-based party, told Forum 18 on 18 January that the number of recently closed-down mosques "is definitely more than fifty". He said that he knows some of the Imams, but they are afraid of the authorities and so do not wish to discuss the issue publicly.

Saymurod Kadyrov, Dushanbe City Prosecutor, declined to comment on the closure of mosques and referred Forum 18 on 18 January to Tajikistan's Prosecutor-General's office. "I do not have competence to comment on this," he claimed.

Asked how many mosques were closed down, Abdusami Dadabayev, Press Secretary of the Prosecutor-General, claimed to Forum 18 the same day that he did not have such information. "Why should mosques be closed in Tajikistan?" he asked. He claimed that he did not think it was happening. Asked if he was sure that no mosque was closed down recently, he replied that "I need to check out this information."

In contrast to Dadabayev, Kurbonali Muhabbatov, Public Prosecutor of Vahdat near Dushanbe, was quoted on 14 January by the Moscow-based Regnum news agency as saying that "mosques in Avul, Hayoti, Vokzal, Ispechak and Kalinin mahallas, which held unauthorised activity, were closed down." The agency reported that 57 mosques were closed down in Dushanbe's Sino District.

Muhabbatov said that all mosques in other districts of Dushanbe are being checked, and "all the illegally built mosques will be closed down".

Closures, bans, demolitions, repression

Tajikistan has in the past demolished mosques in Dushanbe, as well as a Protestant church and the country's only synagogue. In 2007 Tajikistan "temporarily" banned the Abundant Life Christian Centre, which later closed due to pressure from the authorities, and banned the Jehovah's Witnesses.

The government has also refused to register mosques outside Dushanbe, claiming that 22 mosques in the south-eastern Badakhshan Region are "old stores or car repair shops, which do not look good, and are not clean places".

Tajikistan has also recently introduced a highly restrictive religious censorship regime, and is forcing religious communities to pay for censorship of their literature and other material.

What lies behind the 2011 mosque closures?

Hajji Faiz-Muhammad of the IRP told Forum 18 that he thinks the reason for the mosque closures is that the authorities are "trying to weaken the propagation of Islam among the citizens".

Tajikistan has also: created a "thought crime" by banning the Salafi Islamic school of thought; passed a highly repressive Religion Law; and imprisoned and fined many members of the banned Jamaat Tabligh Islamic movement.

Officials from the Dushanbe Mayor's office and the state Religious Affairs Committee have claimed to Forum 18 was that the closed mosques "are not mosques," and "cannot be used as mosques." The officials also claimed that local people using these places "never asked for registration". It is unclear why the authorities claim that the mosques should apply to be registered as mosques, when the authorities have decided in advance that they cannot be used for worship.

Explaining to Forum 18 why the authorities are closing down the places of worship, Shamsuddin Nuriddinov, a Dushanbe mayoral religious affairs official, said that in Soviet times there were halls in most mahallas of Dushanbe where people would conduct events such as weddings and funerals, which were accepted as public places. "Some people have been using them as mosques, but they have warned by the authorities to stop praying in these places," he told Forum 18 on 19 January. Asked why people cannot gather for prayers in the places of their choice, Nuriddinov replied that this was "because those places are not meant for use for religious purposes".

Echoing Nuriddinov, Husseyn Shokirov of the Religious Affairs Committee said that "no mosques were closed down". He told Forum 18 on 18 January that "the places which were closed down cannot be called mosques", claiming that all mosques have been registered by the Religious Affairs Committee. "These places did not register officially, and were built without state authorisation," he claimed.

Zafar Safarov, Head of Dushanbe's Sino District Hukumat (Administration), was unwilling to explain why Muslims cannot meet in the so-called public places for prayers. "If you have a representative in Dushanbe, send them to my office," he told Forum 18 on 25 January. "Please, pay attention to your words," he retorted when Forum 18 repeated the question. "These are not so-called public places, they are public places." He then hung up the phone.

Attempts to register fail

Shokirov of the Religious Affairs Committee claimed that they mosque leaders "never asked us for registration". However, Hajji Faiz-Muhammad of the IRP told Forum 18 that "many of those Imams in the past asked the authorities to legalise these places as mosques, but the authorities refused."

Davlat Mirzoyev, the Imam of one closed-down mosque – with around 200 members - in the Ispechak Mahalla of Dushanbe's Sino District was reported by the Fergananeews.com agency on 10 January as saying that his mosque was built with the free contributions of the local residents. "We asked the appropriate authorities to register it dozens of times." However, the authorities "without giving any reasons regularly refused" to register the mosque.

Shokirov of the Religious Affairs Committee said he did not know the mosque or the Imam. "I just do not remember them asking us for registration," he claimed. "If we had their application in our registry I would know of them," he said. Dushanbe mayoral religious affairs official Nuriddinov said that "Mirzoyev pretends to be an Imam but he is not," he said. "People in that mahalla just tried to use the place as a mosque".

What will happen to the mosques and worshippers?

The Imam of the Dushanbe cathedral mosque said that he thinks some people from closed mosques are now praying in their homes, while others are attending other mosques.

Another Dushanbe imam, who also wished to remain unnamed, told Forum 18 on 24 January that members of a closed mosque attend his mosque, but are "still hoping to register their mosque with the Religious Affairs Committee". The Imam said that he welcomes members of the closed mosque to his mosque, but "they want to have their own mosque".

Asked whether, as with other mosques in the past, the authorities will tear down these public places, Nuriddinov of the Mayor's Office claimed: "None of the places will be torn down, but the people were warned not to use them for religious worship."

Shokirov of the Religious Affairs Committee told Forum 18 that people from those areas are "free to attend" other officially registered mosques. He declined to comment on why the local Muslims cannot have their own mosque. He referred Forum 18 to the Dushanbe City Administration when asked whether it was still possible to register these places of worship.

Both officials, as well as those from the Prosecutor-General's Office, would not tell Forum 18 what further measures will be taken against the Imams or local Muslims, if they continued worshipping in closed mosques.

Religious communities forced to pay for state human rights violations

Mushfig Bayram

Forum 18 (12.01.2011) / HRWF Int. (17.01.2011) – www.hrwf.net – As well as running a highly restrictive religious censorship regime, Tajikistan is also forcing religious communities to pay for censorship of their literature and other material, various religious communities have told Forum 18 News Service. They have complained that the numbers of books they can import is restricted and that charges for the censorship – which itself violates the country's human rights commitments – are very high. The state's Religious Affairs Committee, which carries out the censorship under the name 'expert analysis', often takes longer than the law allows for censorship. Religious communities are also left unsure whether they will be fined for already having or using uncensored literature, and what will happen to confiscated literature denied a state license.

It is unclear what 'expertise' the Committee has available for its 'expert analyses'.

According to the Religion Law, only officially registered religious organisations and their members may import, export, produce, sell and distribute religious literature or items of a religious nature – and they may do this only if they have specific permission for each item from the Religious Affairs Committee. Heavy fines have been introduced for breaking the censorship regime.

Officials have been insistent that they would stop all unregistered religious activity - without any exceptions - and were imposing extra-legal controls on the religious communities they registered. However, the authorities appear to have currently ceased - at least temporarily - trying to stop unregistered activity, with the exceptions of the banned Jehovah's Witness community and Muslims associated with the Islamic Revival Party.

High payments for state denial of freedoms of religion, belief & expression

An Imam of an officially registered mosque in Khujand [Khojand] in northern Tajikistan, who wished to remain anonymous for fear of state reprisals, told Forum 18 on 11 January that he is confident he will receive Religious Affairs Committee permission to print books. But he is "surprised" that charges are imposed. "We cannot afford to pay these charges to print books", he lamented. "We do not earn much", he observed.

"Even our main sacred book, the Bhagavad Gita", must be submitted to the Religious Affairs Committee for 'expert analysis', Dilorom Kurbanova of the country's Hare Krishna Commune told Forum 18 on 7 January. "And it is going to be expensive for us," she

complained. In Autumn 2010 she asked for an official permit to import 50 copies of the 815-page book. But Religious Affairs Committee officials told her that the charge for 'expert analysis' would be 3,315 Somonis (4,400 Norwegian Kroner, 570 Euros, or 750 US Dollars).

Kurbanova said that their Commune is a very small community, and they cannot afford paying "so much money for just getting the permission" to import the book. "We are a community, who survive on selling our literature here in Tajikistan," pointed out. "Imagine if we import only 50 copies, and then we add on the price of transportation and a little extra on the price of the book to make some profit, the price of it could come up to 130 Somonis" (180 Norwegian Kroner, 24 Euros, or 30 US Dollars). People here in Tajikistan cannot afford paying so much for books, she added.

Wages in Tajikistan are low, especially in rural areas. The official minimum monthly wage and pension from 1 July 2010 is 80 Somonis per month (100 Norwegian Kroner, 15 Euros, or 19 US Dollars).

What will the state charge to violate people's human rights?

Religious Affairs Committee officials told Kurbanova of the Hare Krishna Commune that they charge "roughly" 4 Somonis (less than 5 Norwegian Kroner, 70 Euro Cents, or 75 US Cents) per standard book page. Mavlon Mukhtarov, Deputy Chair of the Committee, refused to say exactly what they charge. Speaking to Forum 18 on 7 January, he stated that the price list was fixed by the Religious Affairs Committee jointly with the Ministry of Economic Development and Trade – but did not say why this Ministry is involved. Asked how much the charge per standard page is, Mukhtarov claimed that price list "is available only to the religious communities, but not the wider public". He would not say why the price list is not public, stating in reply to Forum 18's questions: "Let the communities' representatives come to our office and we can show it to them."

A representative of one community, who asked not to be named for fear of state reprisals, told Forum 18 on 11 January that "we hear that prices may vary between 22 Somonis [30 Norwegian Kroner, 4 Euros, or 5 US Dollars] and 44 Somonis [60 Norwegian Kroner, 8 Euros, or 10 US Dollars] per page."

Censorship violates human rights commitments

Tajikistan's censorship regime directly violates its international human rights commitments, such as Paragraphs 16.9 and 16.10 of the Organisation for Security and Co-operation in Europe's (OSCE) Vienna Concluding Document of 1989. These read:

"(16) In order to ensure the freedom of the individual to profess and practise religion or belief, the participating States will, inter alia,
(16.9) - respect the right of individual believers and communities of believers to acquire, possess, and use sacred books, religious publications in the language of their choice and other articles and materials related to the practice of religion or belief,
(16.10) - allow religious faiths, institutions and organizations to produce, import and disseminate religious publications and materials;
(17) The participating States recognize that the exercise of the above-mentioned rights relating to the freedom of religion or belief may be subject only to such limitations as are provided by law and consistent with their obligations under international law and with their international commitments. They will ensure in their laws and regulations and in their application the full and effective exercise of the freedom of thought, conscience, religion or belief".

"Law is law"

Mukhtarov of the Religious Affairs Committee refused to say why censorship is imposed or why communities must pay for it. The only reason he would give to Forum 18 was that the Religion Law requires religious literature to be licensed. Despite the high prices charged in relation to people's earnings, he insisted that the Committee "will not make exceptions" for any community. "Law is law", he stressed.

Kurbanova of the Hare Krishna Commune told Forum 18 that she understood that, in addition to paying for the 'expert analysis', communities also need to obtain a license for the publication they submit for censorship. This may result in additional charges. However, Mukhtarov said that getting a positive 'expert analysis' "is equivalent to getting a license". He told Forum 18 that "there will not be another kind of licensing".

"You should only import as many books as the number of your members"

Several communities commented to Forum 18 that a related problem is limits put on the import or production of religious literature. Among many restrictions, the 2009 Religion Law's point 2 of Article 22 states that religious organizations shall be allowed "in the appropriate volume" to produce, export, import, and distribute religious literature, objects of religious nature and other religious informational materials in accordance with the laws of Tajikistan.

Asked to explain what "in the appropriate volume" means, Mukhtarov of the Religious Affairs Committee said that "we can agree with each community on each of their request individually". He repeated this response when Forum 18 asked for more clarification. Asked by Forum 18 if his response meant the answer would be 'No', Mukhtarov's answer was ambiguous: "Let them talk to us, I do not see a problem here".

One Protestant, who wished to remain anonymous for fear of state reprisals, complained to Forum 18 on 7 January that Religious Affairs Committee officials refused his church permission to obtain 1,000 copies of a book. "You have only 150 members, so why do you need 1,000 copies" officials asked. When the church responded that the books were not only for their congregation but for other Christians across Tajikistan, officials told them that they "should mind your own church". The Committee stated that "you should only import as many books as the number of your members," the Protestant told Forum 18.

Asked to explain these limitations, Mukhtarov of the Religious Affairs Committee asked Forum 18: "If a religious organisation has only 150 members, why should they want to have 1,000 copies of a book?" When Forum 18 suggested that, in addition to wanting to distribute copies to co-believers, a religious community might want to distribute the literature among people who do not share their faith, he replied that he "does not see a problem with this".

Time taken for 'expert analyses' exceeds legal time limit

Some communities told Forum 18 that it takes a long time - more than the one month maximum allowed in the Religion Law - for 'expert analyses'. One such example was given by Maksim Mordovski of the capital Dushanbe's River of Life Protestant Church. He told Forum 18 on 7 January that the Religious Affairs Committee recently took three months to approve two books.

"We will in an expedient manner - within five to 10 days - give our expertise on the religious literature presented to us by the communities", Mukhtarov of the Religious Affairs Committee told Forum 18. "I don't think all the communities will send us their literature on the same day", he said when asked how the Committee will deal with future requests.

However, Mukhtarov added that "if the required documents for the literature are not submitted on time, the term may be extended". He would not say what documents were needed.

What will happen if uncensored literature is found?

Some religious communities expressed fears to Forum 18 over what will happen if religious literature which has not passed through government censorship is found. Mukhtarov told Forum 18 that the Religious Affairs Committee would not for the moment confiscate unlicensed literature from officially registered communities imported or produced before the censorship regime was imposed. "We will first do an expert analysis of the literature and only then decide what to do with it," he said.

Mukhtarov, however, would not clarify what the Committee will do with unlicensed or confiscated literature in the future.

A Jehovah's Witness from Tajikistan told Forum 18 on 12 January 2011 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 literature was seized at the time the Jehovah's Witnesses were banned in 2007.

Mukhtarov said that he is "not sure what happened" to the literature. "Well, we asked them for three years to ship it back, and they did not", he claimed as justification for the authorities' actions.

In 2007 Tajikistan "temporarily" banned the Abundant Life Christian Centre, one of whose activities was assisting Christian organisations in Tajikistan with importing or printing religious literature. The founder of Abundant Life later decided to close it due to pressure from the authorities.

"Why should I ask the Government what books I can read?"

By Mushfig Bayram

Forum 18 (11.01.2011) / HRWF Int. (17.01.2011) – www.hrwf.net – On 29 December 2010, Tajikistan's President Emomali Rahmon signed into law severe new punishments in the Code of Administrative Offences for producing, distributing, importing or exporting religious literature and items of a religious nature which have not passed through the compulsory prior state religious censorship, Forum 18 News Service has learned. The Religion Law states that only officially registered religious organisations and their members may import, export, produce, sell and distribute religious literature or items of a religious nature – and they may do this only if they have specific permission for each item from the state Religious Affairs Committee.

Religious leaders have complained to Forum 18 about the high new fines, as well as about the continuing religious censorship which violates Tajikistan's international human rights commitments.

Prior compulsory censorship of all religious literature published or distributed in Tajikistan, as well as exported from or imported into the country, was explicitly introduced in Article 22 of the restrictive new Religion Law which came into force in April 2009. As the new Code of Administrative Offences, which came into force on the same day, had been adopted before the new Religion Law, it did not include punishments for

publishing or distributing uncensored religious literature. However, it did prescribe punishments for religious activity, such as meeting for worship without state registration.

The new punishments come amid increasing government restrictions on religious activity. In recent months the government has pressured Muslims studying abroad to return home, has closed mosques and continued to deny state registration to religious communities.

Increased fines reinforce compulsory censorship

The new Article 474-1 of the Administrative Code entered into force on 1 January 2011 after its publication in the government newspaper Jumhuriot. Under the Article, individuals who break the censorship rules will be fined up to 3,500 Somonis (4,700 Norwegian Kroner, 610 Euros, or 800 US Dollars) and religious organisations will be fined up to 7,000 Somonis (9,400 Norwegian Kroner, 1,220 Euros, or 1,600 US Dollars). Repeat violations will lead to fines for individuals of up to 5,250 Somonis (7,100 Norwegian Kroner, 900 Euros, or 1,200 US Dollars) and for organisations up to 10,500 Somonis (14,200 Norwegian Kroner, 1,800 Euros, or 2,400 US Dollars).

In addition to these new fines, religious organisations can also be fined up to 3,500 Somonis (4,700 Norwegian Kroner, 610 Euros, or 800 US Dollars) for not marking on the religious literature the organisation's full name.

Owners of printing companies producing religious books and DVDs can be fined up to 10,500 Somonis (14,200 Norwegian Kroner, 1,800 Euros, or 2,400 US Dollars). The only exceptions are agencies set up by registered religious organisations.

Wages in Tajikistan remain low, especially in rural areas. The official minimum monthly wage and pension from 1 July 2010 is 80 Somonis per month (100 Norwegian Kroner, 15 Euros, or 19 US Dollars). The increased fines are in the amendments calculated as multiples of a Minimum Currency Unit, which the state currently values at 35 Somonis (47 Norwegian Kroner, 6 Euros, or 8 US Dollars).

"Those fines will only come if they continue violations"

Mavlon Mukhtarov, Deputy Chair of the Government's Religious Affairs Committee, told Forum 18 on 7 January that he does "not see" how the provisions of the Religion Law and the newly added punishments in the Administrative Code contradict Tajikistan's Constitution and international norms according to which citizens have rights to freely exercise and spread their faith and religious beliefs.

Asked why religious communities should ask for permission to distribute their literature while non-religious organisations are not required to seek such permission, and whether this was not discrimination, Mukhtarov responded: "We just want to bring some order to this area." Asked why such "order" is needed, he said he could not give a detailed explanation over the phone.

Asked whether he did not think the punishments and fines were huge, Mukhtarov laughed, responding: "Well, we will warn religious organisations not to violate the law, and those fines will only come if they continue violations."

Mukhtarov also dismissed the notion that the changes to the Administrative Code will seriously limit the ability of religious communities to distribute their literature. "Officially registered religious communities have no problem distributing their religious literature," he claimed.

Mahmadali Vatanov, Chair of Parliament's Committee on Laws and Human Rights, failed to answer written questions submitted by Forum 18 on 6 January asking: how the new Religion Law, particularly its provisions on religious literature, and the new Administrative Code Article 474-1 matches Tajikistan's Constitution and international norms and standards on free exercise and sharing of religious beliefs; why religious communities should ask for official permission, which is not always given, to distribute their literature; and why it was necessary to introduce such heavy fines for unlicensed literature.

Vatanov's written response to Forum 18 on 7 January merely stated that the new Article was added to the Administrative Code "in order to fulfil the requirement of Article 22 of Tajikistan's new Religion Law, which allows for production, export, import, sales and distribution of religious literature only after receiving a positive official opinion of the state religious expert commission."

"Why should I ask the Government what books I can read?"

An Ismaili Imam from Mountainous Badakhshan Region, who wished to remain unnamed for fear of reprisals from the authorities, told Forum 18 on 11 January that it is "very bad that such heavy fines" were introduced by the Tajik authorities. "Why should I ask the Government what books I can read?" he asked. "I should be free to read any books about my faith."

Imam Mahmudjon Turajonzoda of the mosque in Turkobod residential area of Vahdat district of Dushanbe told Forum 18 on 11 January that he is "not happy with the huge new fines and the fact that the Muslim communities must ask for official permission for religious literature". He said that he believes the government has undertaken these measures to "stop Tajikistan's Muslims to hear truths about Islam from authoritative sources".

Hikmatullo Sayfullozoda of Tajikistan's Islamic Renaissance Party said that he was not surprised by the latest action of the authorities. "It is a continuation of the government's policy of imposing restrictions on religious activity," he told Forum 18 from Dushanbe on 6 January.

"In theory, the amendments needed to be made to the Administrative Code, since the new Religion Law has a provision that all religious literature must be officially licensed while the Administrative Code did not have punishments for unlicensed literature," Sayfullozoda explained. However, he pointed out that the Government is adopting such laws and punishments, because it "aims to limit all religious activity in the country".

Echoing their concerns is Aleksandr Werwai of Tajikistan's Baptist Union, who said he was "alarmed by the news" of new punishments for unlicensed literature. "We will now be very limited in spreading our faith," he lamented to Forum 18 on 6 January. "We have a significant amount of literature on which we have not had the chance to ask Religious Affairs Committee to give their expertise. We have been busy with the registration of our churches and the Union," he explained.

Werwai also was concerned that criminal cases could be opened against church members caught for repeated similar "violations" of Article 474-1 in future.

Religious communities have complained more broadly about the compulsory prior religious censorship, with frequent denials of permission for specific books, limitations on numbers for those allowed, the length of time it takes to get approval from the Religious Affairs Committee and the fact that religious communities have to pay for the government to censor their literature (see forthcoming F18News article).

What will happen when unlicensed literature is found?

In addition to concern about the new fines, religious communities are also worried whether they will be fined for already having or using unlicensed literature, and what is going to happen to any confiscated religious literature.

"If the authorities find unlicensed literature while checking up on us, we may be fined and the literature confiscated," Werwai of the Baptist Union told Forum 18.

Mukhtarov of the Religious Affairs Committee told Forum 18 that it would not for a time confiscate from officially registered communities unlicensed literature imported or produced before the new punishments were signed into the law. "We will first do an expert analysis of the literature and only then decide what to do with it," he insisted.

However, Mukhtarov did not clarify what the Committee will do with the unlicensed and confiscated literature from now on.
