

PC.DEL/662/10
29 June 2010

ENGLISH
Original: RUSSIAN

Delegation of Tajikistan

**STATEMENT BY MR. MAVLON MUKHTOROV,
DEPUTY CHAIRMAN OF THE COMMITTEE FOR RELIGIOUS
AFFAIRS OF THE REPUBLIC OF TAJIKISTAN, AT THE OPENING
SESSION OF THE OSCE HIGH-LEVEL CONFERENCE ON
TOLERANCE AND NON-DISCRIMINATION**

Astana, 29 and 30 June 2010

Religious rights and freedoms in Tajikistan

Mr. Chairperson,
Distinguished Conference participants,

We welcome the initiative taken by Kazakhstan in organizing a conference at this level.

The State policy of the Republic of Tajikistan in the area of freedom of conscience and religious associations is implemented in strict compliance with the constitutional principles for the development of public life on the basis of political and ideological pluralism and the basic principles for relations between the State and religious associations. These principles include the separation of religious associations from the State, non-interference by the State in the activities of religious associations, except in cases provided for by the law, the ensuring of the secular nature of education in State educational institutions, the promotion of tolerance and respect between believers and non-believers, between religious associations of different religions and confessions and between their adherents, and the prevention of manifestations of fanaticism and extremism in the activities of religious associations. Religious associations carry out their activities in line with the procedures of their own internal system concerning worship and other matters, without contravening the laws of the Republic of Tajikistan, and elect, appoint and replace their personnel in accordance with their own religious statutes.

The law does not favour any religious movement or tendency and does not allow any group to impose its ideology on the rest of society. If a religious group attempts to impose its understanding of the truth on the rest of society, the State authorities will then take appropriate measures to suppress such manifestations.

The State authorities will intervene if individual citizens or religious associations, abusing their religious rights and freedoms, act in a manner that is detrimental to other citizens and religious associations, if their actions give rise to discord and conflicts in society

and in so doing pose a danger to peace and stability in the country, or if the peace and tranquillity of citizens is disturbed.

It should not be forgotten that together with an atmosphere of religious consciousness there also exists a secular outlook, which is also protected by law. The law provides equal protection for freedom of religious consciousness and freedom of secular consciousness.

In actual fact, the Law of the Republic of Tajikistan on the Freedom of Conscience and Religious Associations provides for certain restrictions as regards the right to freedom of religion, but they are within the framework of the norms of the Constitution and do not contravene the international legal instruments recognized by Tajikistan or the commitments undertaken by Tajikistan within the OSCE.

In particular:

- Article 8 of the Constitution, which states that no ideology of a party, public or religious association, movement or group may be recognized as a State ideology, and that the formation and operation of public associations that advocate racial, ethnic, social or religious animosity or that incite the violent overthrow of the constitutional system and the organization of armed groups is prohibited;
- Article 14 of the Constitution on the restrictions of the rights and freedoms of citizens for the purpose of ensuring the rights and freedoms of other citizens, ensuring public order, and protecting the constitutional system and territorial integrity of the Republic;
- Article 30 of the Constitution on the prohibition of campaigning and propaganda that results in social, racial, ethnic, religious or linguistic enmity and animosity;
- Article 34 of the Constitution on the responsibility of parents for raising their children;
- Article 41 of the Constitution on the right of every person to education, on the obligatory nature of general education and on the determination by law of other forms of education;
- Article 42 of the Constitution on the obligation of every person to respect the rights, freedoms and honour of others;
- Article 29 of the Universal Declaration of Human Rights stating that everyone has duties to the community and that, in the exercise of their rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society;
- Article 18, paragraph 2, of the International Covenant on Civil and Political Rights stating that no one shall be subject to coercion which would impair their freedom to have or to adopt a religion or belief of their choice;

- Paragraph 3 of the aforementioned article stating that freedom to manifest one's religion or beliefs may be subject only to such limitations as are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others;
- The provision in article 6 of the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief that the right to freedom of thought, conscience, religion or belief shall include the freedom to make, acquire and use to an adequate extent the necessary articles and materials related to the rights or customs of a religion or belief;
- Article 14 of the Convention on the Rights of the Child concerning respect for the right of the child to freedom of thought, conscience and religion, respect for the rights and duties of the parents to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child, and the fact that freedom to manifest one's religion or beliefs may be subject only to such limitations as are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

A Public Council headed by the President of the country operates in the Republic of Tajikistan. Representatives of national minorities – V.M. Kim of the community of Koreans in Tajikistan and Sh.B. Koberidze of the community of Georgians in Tajikistan – chair the two committees of this Council. The representative of the Russian Orthodox Church, Archpriest Sergey Klimenko, is a member of the Public Council of Tajikistan.

The Russian Orthodox Church is represented in the Republic of Tajikistan by five officially registered places of worship operating in the cities of Dushanbe, Kurgan-Tyube, Khujand, Chkalovsk and Tursunzade. The Saint Nicholas Cathedral has been carrying out its work in Dushanbe since the early 1940s. Throughout this period, the Russian Orthodox Church has shown itself to be a true peacemaker in Tajikistan, demonstrating tolerance and playing an active part in the efforts to strengthen spiritual relations between the representatives of different religions and confessions.

Strict observance of the laws makes it possible for the citizens of the Republic of Tajikistan, stateless persons and foreign nationals living in our country to make extensive use of the guaranteed rights and freedoms and to fully satisfy their religious needs without any harassment or discrimination.

Thank you for your attention.