

THE INSTITUTE



on Religion
& Public Policy

Institute on Religion and Public Policy Report: Religious Freedom in Tajikistan

Executive Summary

(1) While Tajikistan considers itself to be a secular state, the 1997 Constitution accords its citizens full protection based on religious association and the right to participate in the performance of "religious cults, rituals and ceremonies." However, in a bid to keep religious organizations from becoming overtly political or espousing "extremist tendencies," the Government has sought to actively monitor the activities of religious institutions and some local administrative offices have interpreted the term "secular state" to require a governmental bias against religion.

Institute on Religion and Public Policy

(2) Twice nominated for the Nobel Peace Prize, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally to promote fundamental rights, and religious freedom in particular, with government policy-makers, religious leaders, business executives, academics, non-governmental organizations and others. The Institute encourages and assists in the effective and cooperative advancement of religious freedom throughout the world

Introduction to the Legal Status

(3) Article 17 of the Tajik Constitution guarantees its citizens rights and freedoms "regardless of ethnicity, race, sex, language, faith, political beliefs, education, or social status." Article 26 specifically accords each person the right "independently to determine her or his religious preference, to practice any religion alone or in association with others or to practice no religion, and to participate in the performance of religious cults, rituals, and ceremonies"

(4) However, a 2006 Law "On Religion and Religious Organizations," tends to place restrictions on the religious freedoms as stated in the above constitutional articles. In essence, it requires religious communities to register with Department for Religious Affairs (DRA) within the Ministry of Culture. Under the registration process, a national religious group must submit a charter, a list of at least 10 members, and evidence of local government approval of the location of a house of worship, if one exists. Religious groups are not required to have a physical structure in order to register, but they cannot hold regular meetings without one.

Individual religious groups comprising fewer than 10 adherents do not have to register with the DRA in order to worship privately. The DRA and local authorities share responsibility for the registration of neighborhood mosques and non-Muslim places of worship. According to the DRA, local authorities may object to the registration of a place of worship only if the proposed structure does not meet sanitation or building codes, if it is located on public land, immediately adjacent to government buildings, schools, or other places of worship. If the local government objects to a proposal, the religious community requesting permission must suggest an alternative. In the absence of registration, local authorities can force a place of worship to close, and fine its members.

Instances of Official Discrimination

(5) Reacting to the specter of Islamic extremism in neighboring states, the government in Tajikistan's capital, Dushanbe, has taken what it considers steps to prevent the same from happening within its borders. In early 2007, the Prosecutor General's Office and officials of the Committee on Religious Affairs conducted an investigation into the membership and finances of all religious groups in Tajikistan. Religious leaders were asked to present lists of all members who regularly attend their services and to provide tax and land-use documentation.

(6) Another draft law under consideration by the government would not only require all religious groups to re-register, but also mandate that each of the group's followers provide documentary proof that they had legal residence in the country for at least 10 years.

(7) In October 2007, Jehovah's Witnesses were banned from conducting any religious activities in Tajikistan. According to Forum 18, the ban was because of the sect's position of conscientious objection to military service, and because Jehovah's Witnesses "propagate faith in public places."

(8) As part of the capital's redevelopment plans, other places of worship have been razed without compensation being paid to the affected communities. For example, in June 2007, a synagogue was bulldozed after the city's court refused to accept evidence that the building belonged to Tajikistan's Jewish community. After repeated attempts to save the building, the only concession the court gave to Rabbi Mikhail Abdurakhmanov was that the community could demolish the synagogue themselves "if it wanted to save the materials". Two months later, the Nani Hayat (Bread of Life) Protestant church was also destroyed. Another church property seized by the city belonged to the Grace Sun Min congregation despite the fact that the church bought the property legally 10 years ago. Also in 2007 at least three unregistered mosques were demolished in Dushanbe and others were reportedly forced to close.

(9) Referring to the above demolitions in Dushanbe, Payam Foroughi, Human Dimension Officer of the Organization for Security and Co-operation in Europe

(OSCE) in Tajikistan, stated that "Among the issues of concern has been the lack of transparency in the process of forced evictions, confiscations, and destruction of properties".

(10) The New York Times reported on July 8 that these demolitions came two months after President Emomali Rakhmon had directed lawmakers to adopt legislation outlawing "witchcraft". The purpose of the new legislation was: "to eliminate a drain on the poverty-stricken population's finances, to crack down on "un-Islamic" activity and to reduce the number of people practicing medicine without a license — since the fortunetellers often also prescribe folk remedies." Though the country is primarily Sunni, there is a large mystic tradition which includes belief in spells, soothsaying, and paranormal activities.

Sectarian Instances of Discrimination and Violence

(11) Conflict between different religious groups was rare, in part because there are so few non-Muslims. However, some Muslim leaders occasionally expressed the opinion that minority religious groups undermined national unity and complained that laws and regulations give preference to religious minorities.

(12) On August 18, 2006, unknown assailants threw Molotov cocktails at a synagogue in Dushanbe, setting parts of the building on fire. A month later the Russian Orthodox Church in the capital also suffered a Molotov cocktail attack. The Ministry of Interior investigated the incidents, but the Government has yet to prosecute anyone for the attacks.

Conclusion

(13) Tajikistan's Constitution offers a more tolerant stance regarding religious freedoms than its neighbors. However, ongoing legal problems and issues, especially the 2006 draft law "On Freedom of Conscience, on Religious Associations and Other Religious Organizations," could only worsen the present nebulous situation in that country.