



**United States Commission *on*
International Religious Freedom**

**Annual Report of May
2011 - Tajikistan**

Tajikistan

FINDINGS: The religious freedom situation in Tajikistan continued to deteriorate during the reporting period, as it has sharply over the past several years. The state suppresses and punishes all religious activity independent of state control. The government's restrictions on the freedom of religion or belief primarily affect the country's majority Muslim community, but also target minority communities viewed as foreign-influenced, particularly Protestants and Jehovah's Witnesses. Jehovah's Witnesses have been banned, and reportedly as many as 17 Jehovah's Witnesses currently face criminal charges of inciting inter-religious discord. In recent years, the Tajik government has destroyed a synagogue, a church, and three mosques, and it has closed down nearly 75 mosques including 50 in early 2011.

Based on these concerns, USCIRF has decided to maintain Tajikistan on its Watch List in 2011.* Tajikistan has been on the Watch List since 2009. Conditions in Tajikistan are close to meeting the statutory standard for a "country of particular concern" and require careful monitoring.

The 2009 Tajik religion law established onerous and intrusive registration requirements for religious groups; criminalizes unregistered religious activity, private religious education, and proselytism; sets strict limits on the number of mosques as well their size; allows government interference with the appointment of imams; requires official permission for religious organizations to provide religious instruction and communicate with foreign co-religionists; and imposes state controls on the publication and import of religious literature. A draft law under consideration would ban minors from any organized religious activity except funerals. Women are not permitted to go to mosques or wear headscarves in educational institutions, and men are not permitted to wear beards in public buildings.

PRIORITY RECOMMENDATIONS: Tajikistan is strategically important for the United States due to its long and porous border with Afghanistan to the south and in part to the key role ethnic Tajiks play in that country. U.S. policy towards Tajikistan should place greater priority on freedom of religion or belief, particularly in light of the issue's effect on regional security. The U.S. government should press Tajik officials and work with civil society to bring the relevant laws into conformity with international commitments and should oppose the draft law on parental responsibility which would exclude children from organized religion. U.S. Embassy representatives should continue to monitor the trials of those charged in connection with religion, and work with the international community to provide training for judges and prosecutors in civil law and human rights standards. U.S. officials should publicly criticize violations by the Tajik government of its international and Organization for Security and Cooperation in Europe (OSCE) human rights commitments, particularly at the upcoming October 2011 UN Human Rights Council Universal Periodic Review (UPR) of Tajikistan. Additional recommendations for U.S. policy toward Tajikistan can be found at the end of this chapter.

*Commissioner Van Der Meid dissented from the Watch List placement, concluding that the status of freedom of religion or belief in Tajikistan meets, or is close to meeting, the legal criteria for a “country of particular concern” and that the situation has deteriorated in the past year. Not only has the government imprisoned 60 people on unproven criminal allegations linked to religion, it has destroyed or forced the closure of over 75 mosques and other houses of worship; it also bans women from praying in mosques. Further, the 2009 Tajik religion law contains many provisions that violate international standards, such as setting onerous registration requirements and banning private religious education and proselytism. The law also requires that the government permit an institution or organization to provide religious instruction and also approve the content and “appropriate quantities” of all published or imported religious literature. The law particularly restricts Islam, the country’s majority population: Muslim worship is restricted to mosques, homes and cemeteries, and is not permitted in places of work and streets around mosques; only state-licensed mosques are permitted to hold Koran study classes. In this way, the Tajik government attempts to tightly restrict any worship other than that sanctioned by the state.

Religious Freedom Conditions

Restrictive Legal Framework

2009 Religion Law

Tajikistan enacted a highly restrictive new religion law in March 2009 and increased its enforcement of the law after February 2010 parliamentary elections. The law places onerous burdens on religious groups, which has the affect of preventing or controlling religious activity. Non-violent unregistered religious groups, which either chose that status or were denied registration, are deemed “illegal” and the government has closed their houses of worship. Under these provisions, in January 2011, the government closed approximately 50 mosques in the capital Dushanbe.

The law requires religious groups to register, and the Tajik Administrative Code penalizes unregistered religious activity. Under the law, there are two types of registration: as a religious organization, which has legal personality, or as a religious community, which does not. National religious centers, central mosques, central prayer places, religious educational institutions, churches, and synagogues can apply for registration as religious organizations; other religious entities, including smaller central mosques and prayer mosques, can register only as religious communities. To register as a religious organization, ten adult citizen founders must present a certificate from local officials attesting that they have lived in the area for at least five years, as well as provide proof of citizenship, dates of birth, home addresses, and descriptions of their beliefs and religious practices, their views on education, family, and marriage, and their adherents’ health. State officials and members of political parties are not eligible to be among the ten founders. Religious organizations must specify all their activities in their charters and report annually on their activity or face loss of registration. The religion law also requires that the charters define the geographic status of religious organizations as well as religious communities, thereby limiting their activities to the national, town, or district level.

According to the State Department's 2010 *Annual Report on International Religious Freedom*, the Tajik government uses the registration process to "hinder, influence, or intimidate religious organizations and communities."

The 2009 religion law imposed a re-registration deadline of January 1, 2010. As of March 2011, some mosques had been denied re-registration and many others were still waiting for registration. Also, the Tajik government had not granted registration to the Baptist Union and the country's only synagogue. According to a January 2011 statement by the Chairman of the Tajik Religious Affairs Committee, 74 non-Muslim religious groups had been registered by that date, and 3,347 mosques, 327 Friday prayer mosques, and 31 central mosques had been registered. The Tajik Ministry of Justice was still considering the registration applications of 10 central mosques, 14 Friday prayer mosques, and 65 other mosques.

The law singles out mosques for particularly strict regulation: one large, so-called Friday prayer mosque is allowed in a district of 10,000-20,000 people and one smaller five-time-daily prayer mosque is permitted in an area of 100-1,000 people. While the quotas are higher for the capital, Dushanbe, they also exist there. Mosques that exceed the quota for an area can be shut down. Under the law, "appropriate state bodies in charge of religious affairs" select all imams and their assistants (imam-khatibs); other religions appear to be allowed to appoint their own leaders. Muslim worship is restricted to mosques, homes, and cemeteries, and is not permitted in places of work or on streets around mosques. Under the religion law, only state-licensed mosques are permitted to hold Koran study classes; previously, any mosque could do so.

The 2009 law also prohibits private religious education, requires state permission for an institution or organization to provide religious instruction, and requires that both parents provide written permission for a child to receive such instruction. It is not clear whether, under the law, religious instruction includes children attending religious services, though police have tried to prevent children from praying at mosques after school hours on Fridays. The law also bans proselytism and requires prior official approval for religious organizations to invite foreigners into the country or attend religious conferences outside the country. Under the law, the government must approve the content and "appropriate quantities" of all published or imported religious literature, and religious communities must pay for this "service." Although Tajikistan has the only legal Islamic political party in Central Asia, the law forbids religious associations from participating in political activities.

The law's preamble notes the "special role of the [Sunni] Hanafi school of Islam" in Tajik culture, downplaying the role of the country's Ismaili Shi'a Muslims, who comprise from five to ten percent of the population, as well as the contributions of Tajik Jews and Orthodox Christians.

The international community, including the United Nations, Organization of Security and Cooperation in Europe (OSCE), and USCIRF, raised numerous concerns about the 2009 law. The UN Special Rapporteur on Freedom of Religion or Belief told the UN Human Rights Council that the law "could lead to undue limitations on the rights of religious communities and could impermissibly restrict religious activities of minority communities." The OSCE's

Advisory Panel of Experts on Freedom of Religion or Belief also found that many of the law's provisions do not meet international standards regarding the freedom of religion or belief.

Tajik government officials, however, have said that concerns about the religion law are baseless and have accused Tajik organizations that share these concerns of supporting "alien ideas." In April 2009, President Emomali Rahmon told parliament that the law would not be changed. In March 2011, however, the Islamic Renaissance Party (IRP) told Forum 18 that it was planning to seek a Constitutional Court ruling on the law's constitutionality, as well as to propose a draft revised law. Members of various Tajik minority religious communities have expressed similar concerns about the law's impact on freedom of religion or belief.

Law on Traditions and Rituals

Tajikistan's 2007 Law on Observing National Traditions and Rituals regulates private celebrations, allegedly to protect the public from spending excessive amounts of money; reportedly the law is supported by some Tajiks. This law restricts the manner in which individuals can conduct private celebrations, including those with religious significance, such as weddings, funerals, gatherings after the return of a pilgrim from the *hajj*, and the birthday of the Prophet Muhammad. National minorities are specifically exempted from restrictions in celebrating their national events.

Draft Parental Responsibility Law

The Tajik parliament is currently considering a draft law on Parental Responsibility for the Education and Upbringing of Children, initiated by President Rahmon. A wide range of human rights defenders and religious communities have expressed concerns about the draft, which includes numerous vague requirements that could impinge upon parental rights to raise children according to their religious beliefs. The law would require that children be educated "in the spirit of respect for the homeland, national and universal values," omitting religious values. It would also require parents "give a worthy name to the child according to [undefined] national values," leading members of various religious communities to complain that this could make it difficult to give children religious names. Further, adolescent children would not be allowed "to participate in the activity of religious associations and organized religious activities with the exception of funeral rituals." The draft law also could open the door to banning religious garb due to its stipulation that the government must provide children "a school uniform at all levels of education" and "control the wearing of it within the bounds of etiquette."

The deadline for public discussion was March 15, 2011, and it remains unclear whether there will be any amendments or when the parliament may pass the law.

Restrictions on Muslims

Tajik officials, including those from the State Committee on National Security, monitor mosques throughout the country. Officials attend services to listen to imams and observe individuals attending the mosques, as well as monitor audio and video cassettes for possible extremist and

anti-government views. Officials also monitor weddings and funerals for compliance with the law on traditions and rituals.

The Tajik government sets controls on Islamic clergy through the state-appointed Council of Ulema. The Council is the only “national center” allowed for Muslims under the religion law, and its “decisions and *fatwas* are viewed as government policies,” according to the State Department. Council members draft and approve sermons for distribution to imams throughout Tajikistan to read as Friday sermons. In January 2011, Tajikistan’s Religious Affairs Committee announced that it and the Council were compiling a list of some 60 topics deemed suitable for sermons, which would be distributed to all imams. The government also indirectly controls the selection and retention of imams, including through “attestations” on Islamic teachings and religious principles. In addition, the Religious Affairs Council selects, controls and limits the age and the numbers of those who participate in the *hajj*; in 2010, 5,500 were allowed to participate amidst numerous allegations of official corruption.

In 2010, Tajik courts jailed at least 59 people for terms of three to eight years, and fined at least 33 others between US \$5,340 and US \$10,680, for alleged membership in *Tabligh Jamaat*. According to Forum 18, those imprisoned include Igbolsho, Amirali and Murodali Davlatovs (brothers), Nosir Rakhimov, Doniyor Khashimov, Saynurdin Kalugshoyev, Churabek Saidzoda, Jamshed Boyakov, Mahkamjon Azizov, Umarjon Azizov, Nasrullo Khisomov, Talabsho Abdusamadov, Abdumanon Sattorov, Khudaydod Alnazarov, Churakhon Mirzoyev, Toirjon Samadov and Abduvali Murodov. Tajik officials claimed that the Supreme Court banned the group as extremist in 2006, but two Supreme Court officials said in May 2009 that they were not aware of this ban.

Tabligh Jamaat is an Islamic missionary group with origins in South Asia. With a presence in 150 countries, its 12 to 80 million followers emphasize prayer, preaching and respect for others. The State Department, the International Crisis Group, and Stratfor, among others, describe *Tabligh Jamaat* as a non-political, non-violent movement that stresses the strict practice of individual piety. Some former members, who reportedly left the movement in frustration with its apolitical stance, have attempted acts of violence. Tajik officials have expressed concern that the group propagated foreign ideology and was a threat to social stability. In March 2011, four Tajik women accused of belonging to *Tabligh Jamaat* were released from detention, although their husbands reportedly continue to serve prison terms for alleged membership in this group.

Although there have been no known criminal acts linked to followers of Salafism in Tajikistan, the Tajik Supreme Court banned the Salafi school of Islamic thought in February 2009. The court did not release the text of its decision, but reportedly it was based on the need to protect the constitutional order, strengthen national security, and prevent conflict between religious confessions. A Tajik official also told Forum 18 that Salafis engage in “hooliganism” by disturbing other believers with their bodily gestures and shouting during the prayers in mosques.

In May 2010, the Tajik Interior Ministry launched “Operation *Madrassa*,” mainly targeted at individuals teaching Islam to children and youth without official licenses. This effort included

police raids of “illegal” (unregistered) private Koran lessons. In January 2011, local authorities in the southern province of Khatlon detained two groups of alleged members of the banned Salafi school who reportedly had held classes on Islam for some 60 local children and planned to send them abroad to study.

In 2009, the Tajik president established a Center for Islamic Studies, under the Presidential Administration, to direct religious policy. This center is headed by a former director of the state Committee on Religious Affairs, Murodullo Dovlatov, who reportedly is also linked to the security services.

Restrictions on Religious Minorities

The Tajik government banned Jehovah’s Witnesses in 2007 for allegedly causing “discontent” among the people. According to reports, a Tajik Culture Ministry official stated that the main reasons for the ban were the Jehovah’s Witnesses’ conscientious objection to military service and refusal of blood transfusions. In 2009, after a raid as many as 17 Jehovah’s Witnesses were criminally charged for “inciting inter-religious hatred.” As of March 2011, these charges, which carry a possible prison term of between five and nine years, remain pending. The prosecutor reportedly has said that the accusation is based on the fact that Jehovah’s Witnesses do not interpret the Bible as Protestants do.

In 2008, the Tajik government temporarily halted the activity of the Ehyo Church and the Abundant Life Christian Center, two Protestant churches in Dushanbe. The Ehyo Church was allowed to resume its activity in late 2008, but the Abundant Life Christian Center decided in May 2008 to close permanently due to official restrictions.

Closures of Houses of Worship

In recent years, the Tajik government has closed dozens of unregistered mosques and prayer rooms, and ordered the demolition of three unregistered mosques in Dushanbe. Recent examples of closures include the following: In December 2010, the Religious Affairs Division in the south-eastern Badakhshan Region denied registration to 22 out of the 32 mosques in that region, forcing their closure. In January 2011, the government closed around 50 mosques in Dushanbe. Asked whether the authorities would demolish these places of worship, an official of the Dushanbe Mayor’s Office said: “None of the places will be torn down, but the people were warned not to use them for religious worship.” It was not clear what, if any, measures would be taken if individuals continued worshipping in the closed mosques.

In contrast, however, it is important to note that the first center for Ismaili Muslims in Central Asia, the Aga Khan Cultural Center, opened in Dushanbe in October 2009.

In 2008, the nation’s only synagogue, located in Dushanbe, was bulldozed. Dushanbe’s Jewish community later received a building for use as a synagogue, which is now being used for worship services. The new building, however, was not provided as compensation by the city of Dushanbe, but rather was donated by one of the country’s richest bankers, who is also President

Rahmon's brother-in-law. The Tajik delegation at a 2008 OSCE meeting stated that the government could not provide compensation for the building, citing "separation of church and state."

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

The Council of Ulema has claimed that Tajik authorities hold consultations with those who attend houses of worship to reach a consensus about their future, but as of March 2011, Forum 18 was unable to confirm from worshippers at any demolished place of worship that such a consultation process exists.

Restrictions on Religious Literature

As previously mentioned, the government must approve the production, import, export, sale, and distribution of religious literature and other items, which may only be done by registered religious organizations (not religious communities) and only "in an appropriate quantity," which is not defined. The literature and other items must carry the full name of the registered religious organization that produced them. These rules effectively ban private or commercial publishing by any religious group that is not represented by a registered religious organization. It is unclear whether this ban extends to publications on anti-religious, atheist, or agnostic material.

In January 2011, the Code of Administrative Offences was amended to increase the fines for violating these rules. Individuals may be fined up to US \$800; groups, up to US \$1,600; and up to three times these amounts for repeat violations. The 2010 official minimum monthly wage and pension in Tajikistan is US \$19.

The Ministry of Culture has confiscated religious literature it deems inappropriate, including from the Jehovah's Witnesses. A Jehovah's Witness reported that three tons of confiscated Jehovah's Witnesses literature was destroyed in early 2010 after three years of open storage caused it to become "decayed and unusable."

Although in the past it restricted printing in Arabic by government publishing houses, in recent years, the Tajik government has printed Tajik-language versions of the Koran and several Koranic commentaries in Tajik and Arabic.

Restrictions on Religious Education

As previously discussed, a state license is required to conduct religious instruction, and both parents must give written permission for children aged between seven and 18 to receive such

instruction. These rules mean that only registered religious organizations can provide religious instruction and that children under the age of seven cannot participate. Another restriction applies only to Muslims: large central mosques and smaller central mosques can set up basic educational groups, but local mosques cannot. The religion law permits parents to teach religion to their own children at home, but religious homeschooling outside the nuclear family is forbidden.

In 2008, the government nationalized the previously independent Islamic University, the country's only religious institution of higher learning, and took full control of its activities and curriculum. Teachers underwent a vetting process, and the institution was downgraded from a university to an "Islamic institute." In an August 2010 speech on state television, President Rahmon called on parents to recall their children from foreign Islamic colleges to prevent them from becoming "extremists and terrorists." A senior advisor to the president later told Forum 18 that he did not mean all students who are studying abroad, but only those "studying in violation of the [2009] Religion Law." As of late 2010, a Committee of Religious Affairs official reported that about 1,435 Tajik students in foreign Islamic institutions had returned to their native country; of this number, 800 had been enrolled in Tajik schools and institutes.

Restrictions on Religious Dress

Although four women students reportedly were expelled from Tajikistan State University for wearing the Islamic headscarf, or *hijab*, in 2009, government and university officials have made conflicting comments on the existence of an official *hijab* ban. Women wearing the *hijab* may be photographed for official identification purposes, particularly for going on the *hajj*, but authorities reportedly prevented women from wearing "non-traditional" headscarves and men from wearing Islamic-style beards in public.

Tajik authorities also have told observant Muslim men they would have to shave their beards if they wanted to work in bazaars, obtain passports, or work in government offices, the State Department reported. In January 2011, the Tajik government reportedly began to enforce a policy of detaining and fingerprinting men who wear long beards, and took action against 30 teachers and others whose official identity documents show them wearing beards.

Restrictions on the Religious Role of Women

The government-influenced Council of Ulema issued a *fatwa* in 2004 that bans women from praying in Tajik mosques. The ban remains in effect, though reportedly some unregistered mosques still allow women to pray. In October 2010, a fire destroyed the IRP's Dushanbe cultural center, the country's only mosque that officially allowed women to pray alongside men. An IRP official has claimed that the fire, which took place one day after Religious Affairs Committee officials visited the center to tell party officials that they could no longer use it for prayers, was not an accident.

U.S. Policy

Tajikistan is strategically important for the United States, due in part to the key role of ethnic Tajiks in Afghanistan, the country's southern neighbor. Tajiks are the second largest ethnic group in Afghanistan, and include a former Afghan president and Ahmad Shah Masoud, the head of the Northern Alliance who fought the Soviets and the Taliban and was murdered in 2001. Moreover, Tajikistan resembles Afghanistan in that it is a weak state with an inadequate and highly corrupt government. Tajikistan also is an isolated and impoverished country that experienced a five-year civil war in the 1990s, which resulted in as many as 100,000 deaths. In the aftermath of the civil war, most Tajik officials allegedly responsible for torture and maltreatment of detainees and prisoners were amnestied. In 2006, the UN Committee against Torture called on the Tajik government to establish an independent body to investigate numerous allegations of torture and to punish those found responsible for such acts including during the civil war.

The country's economy is heavily dependent on labor remittances, mainly from migrant laborers in Russia, which, due to the economic crisis, have decreased sharply. Many Tajik migrant workers have returned, giving rise to new social tensions in the country. U.S. foreign, humanitarian and security assistance to Tajikistan amounted to approximately \$49 million in FY 2010. According to the State Department, the U.S. priority for human rights and democracy promotion in Tajikistan is to increase respect for the rights of Tajikistan's citizens and strengthen the country's sovereignty and stability, which is a difficult task due to "acute challenges" including "border security issues, failed educational and healthcare systems, and a legacy of Soviet repression."

According to the State Department, "U.S.-Tajik relations have developed considerably since September 11, 2001" and "the two countries now have a broad-based relationship, cooperating in such areas as counter-narcotics, counterterrorism, non-proliferation, and regional growth and stability." In February 2010, the United States and Tajikistan launched an annual bilateral consultations process to enhance cooperation on a broad range of policy and assistance issues. The United States continues to assist Tajikistan on economic reforms and integration into the broader global marketplace, for example in pursuing World Trade Organization (WTO) accession.

In 2010, the United States expanded its security cooperation with Central Asian states to allow it to ship cargo bound for U.S. and NATO forces in Afghanistan overland through Central Asia via the "Northern Distribution Network" (NDN), rather than through areas in Pakistan that are subject to constant Taliban attack. According to the U.S. Transportation Command, 40 percent of supplies for U.S. and NATO troops in Afghanistan are now shipped via the NDN. In 2011, U.S. Special Operations Forces were given permission to enter Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan on a "case-by-case" basis, with permission from the host nation, when conducting counter-terrorism operations, as the U.S. Central Command confirmed in March. In September 2010, U.S. Special Forces reportedly provided tactical support to helping Tajik government troops repel an attempted Islamic militant operation, which left 20 militants and one Tajik government soldier dead.

As it has in the previous three years, the State Department's 2010 *Annual Report on International Religious Freedom* for Tajikistan stated that the government's respect for religious freedom "remained poor." It emphasized the following concerns: the tight controls on religious institutions, including places of worship and schools, under the 2009 religion law; the restrictions on some forms of religious dress; and the banning of religious groups deemed "extremist" and the sentencing of some individual alleged members to long prison terms. In addition to religious freedom, the following human rights problems in Tajikistan were highlighted: torture and abuse of detainees and other persons by security forces; impunity for security forces; denial of the right to fair trial; harsh and life-threatening prison conditions; prohibition of international monitor access to prisons; and restrictions on the freedoms of speech, press, and association.

Recommendations

I. Promoting Reform to Protect Freedom of Religion or Belief

The U.S. government should:

- urge the Tajik government to limit its definition of extremism to address only acts that involve violence or incitement to imminent violence and to drop bans on non-violent organizations, literature, and groups;
- work with Tajik government officials responsible for religious affairs, human rights, and legal issues, as well as Tajik parliamentarians, civil society representatives, and the international community, to seek amendments to the 2009 religion law and other relevant legislation to bring it into conformity with Tajikistan's international commitments, including those of the OSCE, on freedom of religion or belief;
- continue to monitor the status of individuals who are arrested for alleged religious, political, and security offenses, and continue to monitor the trials of leaders or members of religious communities that lose their registration and urge that appropriate legal measures be adopted;
- urge the Tajik government officials, particularly President Rahmon, to affirm publicly their intention to comply fully with Tajikistan's international commitments to respect freedom of religion or belief, as well as the rights of members of all non-violent religious communities in the country.

II. Emphasizing Tajikistan's Religious Freedom and Human Rights Record

The U.S. government should:

- publicly criticize Tajik government violations of international and OSCE commitments on human rights, including respect for freedom of religion or belief, in Tajikistan and at international meetings, particularly at the October 2011 UN Human Rights Council Universal Periodic Review (UPR);

- urge the OSCE Mission in Tajikistan to pay particular attention to violations of freedom of religion or belief and to undertake relevant programs, including holding training sessions with local officials and journalists on international obligations;
- ensure that U.S. assistance to the Tajik government, with the exception of assistance to improve humanitarian conditions and advance human rights, be contingent upon establishing and implementing a specific timetable for the government to take concrete steps to reform the religion law and improve conditions of freedom of religion or belief;
- ensure that U.S. security and other forms of assistance are scrutinized to make certain that this assistance does not go to Tajik government agencies, such as certain branches of the Interior and Justice Ministries, which have been responsible for violations of religious freedom;
- work with the international community in Tajikistan to undertake efforts to improve judicial standards and to provide training for judges and prosecutors in civil law and international human rights standards; and
- increase opportunities for Tajik human rights advocates and religious figures to participate in exchange programs, and use appropriate avenues of public diplomacy to explain to the people of Tajikistan both why religious freedom is an important element of U.S. foreign policy and what specific concerns about violations of religious freedom exist in their country.