

25 May 2011

TAJIKISTAN: Restrictive Parental Responsibility Law to be adopted soon?

By Mushfig Bayram, Forum 18

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 imposes many other restrictions, such as on parents from choosing the names they wish for their children, and restrictions on religious education and dress (see F18News 15 March 2011 http://www.forum18.org/Archive.php?article_id=1552).

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 F18News 26 May 2011 http://www.forum18.org/Archive.php?article_id=1575).

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 (see Forum 18's Tajikistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1553).

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 (see F18News 15 March 2011 http://www.forum18.org/Archive.php?article_id=1552).

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, Mahmatali 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 Jabborova'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." (END)

More coverage of freedom of thought, conscience and belief in Tajikistan is at <http://www.forum18.org/Archive.php?query=&religion=all&country=31>.

For more background see Forum 18's Tajikistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1553.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

A printer-friendly map of Tajikistan is available at <http://education.nationalgeographic.com/education/mapping/outline-map/?map=Tajikistan>.

If you need to contact F18News, please email us at: f18news@editor.forum18.org

Forum 18

Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY