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

By Mushfig Bayram, Forum 18 (<https://www.forum18.org>)

A new "offence" of producing, distributing, importing or exporting religious literature and items of a religious nature which have not passed through the compulsory prior state religious censorship was created with the addition of Article 474-1 to the Code of Administrative Offences. The Article, which came into force on 1 January 2011, imposes heavy fines. An Ismaili Imam from Mountainous Badakhshan Region, who wished to remain unnamed for fear of reprisals from the authorities, is among those to complain to Forum 18 about the fines and the censorship system. "Why should I ask the Government what books I can read? I should be free to read any books about my faith." Mavlon Mukhtarov of the Government's Religious Affairs Committee denied that the censorship violates Tajikistan's international human rights commitments. Asked about the huge fines, he told Forum 18: "Well, we will warn religious organisations not to violate the law, and those fines will only come if they continue violations."

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 (see F18News 3 April 2009 http://www.forum18.org/Archive.php?article_id=1279).

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 (see F18News 3 December 2010 http://www.forum18.org/Archive.php?article_id=1517).

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 state Financial Indicator, which the state currently sets for fines 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.

Wervai 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 F18News 12 January 2011 http://www.forum18.org/Archive.php?article_id=1529).

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. (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://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=tajiki>.

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