

22 June 2011

TAJIKISTAN: Bans on children's religious activity, illegal meetings, and "extremist religious" teaching close?

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

Tajikistan's controversial Parental Responsibility Law - approved by Parliament's Lower Chamber on 15 June – may soon be approved in the Upper House and by the President. Under it the only children allowed to participate in any religious activity, apart from funerals, will be those at state-approved religious education establishments. Many think this is aimed at Muslims, who only have around 80 state-approved establishments throughout the country. Also approved in the Lower House the same day were new Criminal Code amendments specifically extending punishments for unapproved meetings to religious meetings, and imposing harsh prison terms for "religious extremist" teaching. However, "religious extremist" teaching is not defined and could extend to any religious teaching without state approval, Forum 18 News Service notes. "Prosecutors and Courts will be able to distinguish between what is just unauthorised religious education, which will receive Administrative punishment, and what is religious extremism, which will be criminally liable," Sattor Kholov, the Deputy who led the Lower Chamber discussion of the Criminal Code amendments, claimed to Forum 18.

On 15 June, the Lower Chamber of Tajikistan's Parliament approved a controversial new Law and new amendments to the Criminal Code, both of which particularly target the religious education of children, Forum 18 News Service has learned. The new restrictive Parental Responsibility Law would ban almost all children under eighteen from participating in religious activity.

Amendments to the Criminal Code would punish with lengthy prison terms organisers of or participants in unauthorised "extremist religious" teaching, a concept which is not clearly defined, while organisers of unauthorised religious meetings would also now specifically be liable to possible punishment.

When will Law and amendments be adopted?

To become law they need to be approved by the Upper Chamber and be signed by President Emomali Rahmon. Olim Salimzoda, Chair of the Lower Chamber's International Relations Committee, and Muhiddin Kabiri, Chair of the Islamic Renaissance Party (IRP) and a Deputy of the Lower Chamber, both assume the Upper Chamber will consider the new Law and amendments in the autumn, since its latest session was on 9 June and usually there is one session in each season.

Marhabo Jabborova, Chair of the Lower Chamber's Science, Education, Culture and Youth Policy Committee, and Muhamaddato Sultanov, Head of the Lower Chamber's Press Service, however, are "sure" that the Law and amendments will be adopted by the Upper Chamber in July.

Secrecy

Parliamentary Deputies and officials declined to tell Forum 18 where the general public or religious organisations could see the latest text of the Parental Responsibility Law, or the amendments to the Criminal Code. Press-Secretary Sultanov and Deputy Jabborova told Forum 18 from the capital Dushanbe that they are "not authorised" to publicise the text before the Upper Chamber approves it.

"No significant changes" in draft Law

Deputy Kabiri told Forum 18 on 16 June that the draft Law presented by the Presidential Administration to the Lower Chamber was adopted with "no significant changes". Deputy Sattor Kholov told Forum 18 that the proposed amendments to the Criminal Code came from the Presidential Administration.

Faredun Hodizoda, a Dushanbe-based commentator with a long-standing interest in religious affairs, has some concerns about the new legal measures. "I do not want to criticise the government, since something needs to be done to improve compulsory education," he told Forum 18 from Dushanbe on 22 June. "But I think the [Parental Responsibility] Law is very strict and needs to be softened. The ban on children attending religious activity will not improve education. Even during the Soviet times there was a ban but people

still attended Mosque." He believes it would be better to use not a Law, but measures at a regional level to tackle any deficiencies in education.

The new proposed legal changes come as police continue their crackdown on unapproved teaching of religion, with fines on those involved (see F18News 28 June 2011 http://www.forum18.org/Archive.php?article_id=1586).

"Children cannot attend religious activity"

The controversial and restrictive Parental Responsibility Law, approved by Parliament's Lower Chamber on 15 June, is the initiative of President Rahmon, who sent it to Parliament in April. It reinforces restrictions in the 2009 Religion Law and, as well as banning almost all 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. Local religious communities, independent legal experts and human rights defenders have condemned the Law (see F18News 25 May 2011 http://www.forum18.org/Archive.php?article_id=1574).

The ban on children's participation in religious activity, in Article 7 in the previous draft, has been moved to Article 8, and after some modification now reads: "Parents are obliged (..) not to let children-teenagers participate in the activity of religious organisations, with the exception of those officially enrolled in religious education (excluding funerals and mourning events)."

The only change to this provision since the previous drafts is that it would allow children attending state-approved religious education classes to attend religious worship and other religious activity. Previously all children would have been banned from attending religious worship and other religious activity. However, gaining state approval for religious education is difficult to impossible for many (see below).

The almost total ban on children's participation in religious activity was approved almost unanimously. The only deputies to vote against the Law were the two representatives in the Lower Chamber from the IRP. The IRP Deputies had also proposed that the ban be amended to allow children to attend religious activity in their free time from school, but this was rejected. Parents, who in violation of the new Law allow their children to participate in religious activity, will be punished.

Deputy Salimzoda was categorical about the ban. "The ban in Article 8 clearly sets out that children under eighteen - except those who attend legal religious schools - cannot attend Muslim or any other religious confessions' activity either during school hours or outside school hours, even during the holidays," he told Forum 18 from Dushanbe on 17 June. This means that except for funerals, only children enrolled in religious education will be able attend worship, Salimzoda explained. Religious schools will have to gain official registration from the State Religious Affairs Committee, he added.

Why ban children from attending religious activity?

Officials gave Forum 18 conflicting arguments to justify the ban on most children's participation in religious worship and punishments for unapproved religious teaching.

Mahmadali Vatanov, Chair of the Lower Chamber's Committee on Laws and Human Rights, refused to explain to Forum 18 why such a controversial ban was adopted, and why the proposal of the IRP deputies was not adopted. "You should have participated in the discussions in Parliament - there were long debates about it," he claimed to Forum 18 on 15 June. Asked by Forum 18 to give one argument for the ban, Vatanov refused to answer and put the phone down.

Objecting to Deputy Vatanov's claim, Deputy Kabiri of the IRP said that there were "discussions on many other points but not our proposal" to allow children to join in religious activity in their free time outside school.

Deputy Jabborova vigorously defends the ban on most children participating in religious activity. "Recent events in Tajikistan revealed that religious extremists and especially Salafis in Tajikistan were recruiting children mainly," she claimed to Forum 18. "It's terrifying to see children have become zombies by this kind of movement. These children grow up without any secular education, and then in the best case they become guest workers in Russia and elsewhere. In the worst case they become extremists, and we don't want this to happen."

Asked why the 2009 Religion Law and the new Parental Responsibility Law are necessary, and whether he agrees that the authorities are concerned over religious extremism, Deputy Salimzoda insisted: "We have no religious extremism, we just want our children to receive good and comprehensive education in schools." Asked why children cannot receive religious education, he replied: "While they are children they need to attend [compulsory state] schools."

Asked why he thinks the authorities want such a law, Deputy Kabiri of the IRP responded: "I do not even want to comment on a law that I do not understand. I can only say that this law will infringe even further upon citizens' rights and will bring even more restrictions."

Deputy Salimzoda rejected this, insisting that the Law will "not infringe upon" the rights of the Muslim majority or religious minorities. "If children see their parents praying and observing their religious traditions, they will follow them when they grow up," he maintained. "But while they are children they must attend school."

Gaining permission for religious education difficult to impossible

With the new punishments aimed at any unapproved religious education, many religious communities point to the difficulty gaining approval for religious education. At most 80 Islamic educational centres have state approval in the entire country.

Idibek Ziyoyev, the state Religious Affairs Committee's official overseeing religious education, told Forum 18 on 20 June that children may attend the existing 18 medresses (secondary education schools teaching Islam) and one Islamic Lyceum (High School level), as well as Sunday schools at Christian churches. He did not mention non-Muslim or non-Christian religious communities.

Forum 18 could not continue talking to Ziyoyev as the call was terminated, and further calls to Ziyoyev the same day went unanswered.

A Religious Affairs Committee official, who refused to give his name, told Forum 18 on 21 June that Muslim adults or children wishing to receive Islamic education "need to enrol in the officially registered medresses or attend study groups at the Central Cathedral Mosques in each of the 61 Districts of Tajikistan," he added. However, he said that he is "not sure" whether all the Central Cathedral Mosques have religious study groups but "they have right to organise one". The official added that registered non-Muslim religious communities need to register their religious schools separately. The numbers of Central Cathedral Mosques are limited by the 2009 Religion Law (see Forum 18's Tajikistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1553).

Some non-Muslim communities, including Christians, hold religious education for children, but a number told Forum 18 they do not have approval from the State Committee.

The State Committee official categorically told Forum 18 the State Committee will not register any other private Muslim study groups but refused to explain why. He also refused to explain how such a small number of existing or potential 61 schools could accommodate all the Muslim children who wished to receive religious education, and why such restrictions on religious education were necessary.

Prison terms for "religious extremist" teaching

Deputy Kholov, who led the discussions of the amendments to the Criminal Code, told Forum 18 on 21 June that Parliament's Lower House approved the addition to the Criminal Code of a new Article 307-4, punishing illegally teaching religious "extremist" doctrines.

Article 307 of the 1998 Criminal Code punishes anti-constitutional activity, while Articles 307-1, 307-2 and 307-3 – all added to the Criminal Code in 2004 and since amended further – punish extremist-related activity.

Article 307-4 ("Organisation of study groups of a religious extremist nature"), as read to Forum 18 by Kholov over the phone, reads: "Organisation of a religious extremist study group and participation in it with no regard to the place of study shall be punishable: between five and eight years' imprisonment for those who participate in such study groups; between eight and twelve years' imprisonment for those who organise such groups."

Kholov added that such possible punishment even extends to Tajik citizens who organise such groups or participate in them outside the country.

A ban on religious education abroad was passed by the Lower House on 25 May (see F18News 26 May 2011 http://www.forum18.org/Archive.php?article_id=1575).

What is "extremist"?

Forum 18 has been unable to find out how the authorities propose to establish whether any unauthorised religious education is "extremist" or not. Gaining state approval for religious education is almost impossible (see above). Unapproved religious education is already subject to administrative punishment. Article 474 of the Administrative Code ("Violation of legislation on religious organisations") specifies "teaching religious knowledge without [state] permission" as one such "violation".

Several non-Muslim leaders – including Christians and a Baha'i – told Forum 18 that they do not believe they will be targeted by these new measures, which they believe are directed at Muslims.

However, one Protestant pastor told Forum 18 of concern that both the Law and the amendment on "extremist" teachings are

unclear, may be easily manipulated, and the mechanisms of how they will be implemented are unclear. "In fact theoretically the authorities might interpret the teaching of some Christian doctrines as extremist."

Why imprison for teaching "wrong" religious doctrines?

Asked by Forum 18 what need there is for heavy punishments for teaching "extremist" religious doctrines, Lower Chamber Deputy Kholov claimed that many young people recently arrested on charges of extremism have claimed that they were taught religion and then used by the Afghan Taliban and other extremist groups. "We want to prevent this from happening in future," he claimed. "We have threats of extremism, so the government needs to control the religious life in the country."

Echoing Kholov, General Sharif Nazarov, Chief of Sugd Regional Police, told Forum 18 on 20 June that "such laws are needed because religious extremism is increasing". General Nazarov led the large-scale so-called Operation Medresse throughout the Region to crack down on unauthorised Muslim religious education (see F18News 28 June 2011 http://www.forum18.org/Archive.php?article_id=1586).

Asked if he, or any deputies who voted for the amendments, could guarantee that innocent adults or children – including Muslims who want to study Islam or how to read the Koran - would not be punished under this provision of the Law, Kholov responded: "If the officials investigating such cases are honest and conduct a thorough investigation, they will never punish innocent people."

Deputy Kholov told Forum 18 that extremism is defined in other Criminal Code Articles, such as 307-2, which defines an extremist group as "an organised group of persons for the preparation or carrying out of crimes for motives of ideological, political, racial, national, local or religious hatred or enmity, as well as for motives of hatred or enmity to any social group".

"Prosecutors and Courts will be able to distinguish between what is just unauthorised religious education, which will receive Administrative punishment, and what is religious extremism, which will be criminally liable," Deputy Kholov claimed.

Prison terms for unauthorised religious meetings

Also adopted in the Lower House was an amendment to Criminal Code Article 160. This already punishes "violation of the procedure for organising and conducting gatherings, meetings, demonstrations, street processions and pickets" with fines or imprisonment of up to two years for the first violation, with repeat violations attracting a possible prison term of between two and five years. Kholov told Forum 18 the new amendment specifically adds illegal religious meetings to the provisions of the Article.

Increasing restrictions

State-imposed restrictions on exercising the right to freedom of religion or belief have been steadily increasing in recent years. The Jehovah's Witnesses are completely banned in the country. 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). (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