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TAJIKISTAN: Draft Religion Law causes "deep anxiety"

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Tajikistan's religious minorities have expressed "deep anxiety" about the country's latest draft Religion Law, Forum 18 News Service has learnt. They fear the draft Law will make it almost impossible for any non-Muslim religious communities to gain legal status. The government is currently refusing to accept new legal status applications. A joint letter of concern to the Tajik President and parliament has been signed by 22 religious minorities, including the Baha'is, the Catholics, Baptists, Pentecostals, Adventists, Lutherans, and other Protestant denominations. Although the draft Law limits the number of mosques, the officially-backed Muslim leadership refuses to comment on the Law, referring all Forum 18's enquiries to the government. The OSCE is critical of the draft Law's "over-intensive state control on religion and religious activities" and is working with the government, civil society, and all religious organisations to enable a Law which will meet Tajikistan's international commitments.

Tajikistan's religious minority communities have expressed deep concerns about the government's latest draft Religion Law. They fear that the Law will be presented to the parliament, the Majlisi Oli, at some point after it returns from summer recess in mid-August. The draft – if adopted - would limit the number of mosques and make it all but impossible for any non-Muslim religious communities to reach the high numerical thresholds needed to gain legal status. A joint letter to Tajik President Emomali Rahmon (formerly Rahmonov) and the Majlisi Oli was signed by 22 religious minorities at a meeting in the capital Dushanbe on 28 June. Amongst the signatories were the Baha'is. "We want the law to be more acceptable for all faiths," one Baha'i involved in the process who preferred not to be named told Forum 18 News Service on 2 July. "We want all faiths to be comfortable in our national home."

The latest text of the proposed new Religion Law is designed to replace the relatively liberal 1994 Religion Law, which was amended in 1997, 1999 and 2001. Human rights activists and religious minorities have expressed repeated concerns about earlier drafts of the Law and the secretive way it is being prepared (see F18News 7 June 2006 http://www.forum18.org/Archive.php?article_id=795).

The latest text includes many restrictive provisions – especially over legal status for religious communities - that some argue go even further than those in earlier texts (see F18News 2 July 2007 http://www.forum18.org/Archive.php?article_id=985).

One Protestant complained to Forum 18 that, since plans were launched in spring 2006 to amend the Religion Law, the state Religious Affairs Committee has stopped accepting applications for legal status from religious communities. "Officials tell us that they will consider new applications only when the new Law is adopted," the Protestant told Forum 18. "They never give this refusal in writing, but merely refuse to accept the documents." The Protestant says he knows of five different Protestant churches, from separate denominations, which have in this way been prevented from gaining legal status.

The joint letter from the religious minorities – which Forum 18 has seen - expressed "deep anxiety" over provisions "which violate human rights and limit the holy right of every citizen of Tajikistan on freedom of conscience and belief written in the Constitution of our Republic". The letter also complained of "unrealisable conditions" for religious minority communities – whether existing ones or new ones – to gain legal status. "This will mean that believers are doomed to confess their faith illegally, which will in future cause repressions towards them from the state for their faith." The 22 religious communities also fear that the draft Law would give the government's Religious Affairs Committee too much power (see F18News 2 July 2007 http://www.forum18.org/Archive.php?article_id=985).

Fr Carlos Avila, who heads the small Catholic Church in Tajikistan, said that like other participants in the 28 June meeting, the Catholics hope that their joint letter to the authorities will help to improve the Law and allow it to meet the needs of all religious communities in the country. "This in turn will help promote the further establishment of our democratic state," the spokesperson for the Catholic Church, Sergei Kvyatkovsky, told Forum 18 from Dushanbe on 29 June.

The 22 religious minorities – who included not just the Catholics and the Baha'is but Baptists, Adventists, Lutherans, Pentecostals and other Protestant denominations as well as the New Apostolic Church - also complain about the government's failure to include them in discussions over the provisions of the draft Law.

Also critical of the draft Law is the Dushanbe-based Bureau of Human Rights and Rule of Law. "Several provisions of this draft Law violate Tajikistan's Constitution and international norms that Tajikistan has signed," the organisation told Forum 18 on 29 June.

One Protestant, who preferred not to be identified, told Forum 18 that the latest draft law was prepared by the Religious Affairs Committee, which is under the Culture Ministry and headed by Murodullo Davlyatov. The Committee then passed the text to the government in January, where it was approved by presidential aides and signed by Amirsho Miraliev, the president's Chief of Staff. It was then passed to other ministries and state agencies for their comments, though it has not yet reached parliament. However, the Protestant complained that no officials are prepared to discuss the draft law. "The law exists, but the government makes a show that it does not."

The Protestant was even more critical of the draft than the 22 religious minorities. "The main effect of the entire Law is that it fully prohibits religious freedom and freedom of conscience in Tajikistan," the Protestant told Forum 18. "The Law breaks the Tajik Constitution as well as other local laws in many points. The creators of the new Law are ready to transform Tajikistan into a totalitarian state, and the new Religion Law will be the first step towards the full realisation of that plan."

The telephone at Miraliev's office in the Presidential Administration went unanswered on 2 July. Forum 18 was also unable to reach Davlyatov at the Religious Affairs Committee between 26 June and 2 July. An official told Forum 18 that only Davlyatov could speak about the draft Religion Law. But, despite repeated calls, he was always either out of the office or the telephone went unanswered.

Officials of the Muftiate, the officially-backed Muslim leadership, declined to comment on the draft Law. Reached on 2 July, an official who did not give his name referred all enquiries to the government's Religious Affairs Committee. Asked whether the Muftiate did not have its own views on the draft Law independent of the government, the official repeated his insistence that Forum 18 should ask the Committee.

Representatives of the opposition Islamic Revival Party (IRP) – the only legal religiously-based political party in Central Asia – told Forum 18 they have not been given the latest text of the draft Law. However, they are wary about provisions they have heard about, especially the restrictions on the numbers of mosques allowed. "The government wants to limit the number of mosques – of course this is bad," Hikmatullo Saifullozoda, head of the party's Analytical Centre, told Forum 18 from Dushanbe on 2 July. "The number allowed has fallen since the earlier draft of the law." He said that Dushanbe is already short of mosques and needs a further 25 to 30 large mosques to accommodate the worshippers.

However, Saifullozoda was ambivalent about the restrictions in the draft Law on religious minorities. "My soul hurts when people cannot pray. I want all religious communities to be allowed to function," he told Forum 18. "But speaking personally, I hate missionaries – they just do what they like regardless of the law." He stressed that Muslims are by far the majority of the population and thinks that their needs should be addressed first. "Don't forget that the Muslims include not just ethnic Tajiks, but Uzbeks, Azeris and others who live in our country."

Saifullozoda said the IRP has its own draft law, which its two members of the Majlisi namoyandogon (the lower house of parliament) will try to present when the parliament resumes after the summer break.

Helping to secure achieve a law that meets Tajikistan's human rights commitments is the Organisation for Security and Co-operation in Europe (OSCE). The OSCE Centre in Dushanbe has hosted several roundtable discussions with religious minority communities and human rights activists to discuss the new law. Also, the OSCE's Advisory Council on Freedom of Religion or Belief produced a detailed legal analysis of the March 2006 text

<http://www.legislationline.org/upload/lawreviews/3f/8a/2e2ebcda04dce962d620711d6be9.pdf> and is currently working on an analysis of the latest text.

Payam Foroughi, Human Dimension Officer at the Centre, notes that as a participating State of the OSCE, Tajikistan has committed itself to abide by a series of documents passed by the OSCE. "One such document is Helsinki 1975, in which OSCE participating States pledge to respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all," he told Forum 18 from Dushanbe on 2 July. "The same document says that participating States will recognise and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience."

"Given the above and a series of other OSCE documents, we are hopeful that Tajikistan will not hamper or interfere in the methods and type of worship and meditation of believers of whatever religious denomination an individual chooses to be," Foroughi added. "We expect the good authorities of Tajikistan not to hamper the activities of its citizens and legal guests. Even in cases when numbers in a given locality are few, believers from any Islamic or non-Islamic denominations must be allowed to meet and worship as they choose."

He observed that over 90 per cent of the population are Muslim, and stressed that "Tajikistan, based on Islamic tradition as well, must respect the beliefs and existence of religious minorities."

Foroughi notes that the current draft Law, as had previous versions, prescribes "an over-intensive state control on religion and religious activities". "Among other things, we consider the issue of requiring a total of 200 believers to exist in order to legally form a local religious association to be contrary to the spirit of Tajikistan's international commitments." (see F18News 2 July 2007 http://www.forum18.org/Archive.php?article_id=985)

The OSCE Centre in Dushanbe is, Foroughi told Forum 18, awaiting an analysis of the latest text by the OSCE Advisory Council on Freedom of Religion or Belief. He said that when the analysis is received "and with approval of the Government of Tajikistan", the Centre hopes to hold a further roundtable "to allow all sides, the Government of Tajikistan, civil society, and representatives of religious organisations, to express themselves on this issue and communicate in a cordial setting." (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&results=50>

For more background see Forum 18's Tajikistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=190

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806, and of religious intolerance in Central Asia is at http://www.forum18.org/Archive.php?article_id=815.

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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