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Tajikistan

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

July-December, 2010 International Religious Freedom Report

Report

September 13, 2011

The constitution protects religious freedom; however, other laws and policies place restrictions on religious freedom and, in practice, the government enforces these restrictions. The Law on Freedom of Conscience and Religious Associations (Law on Religion) and governmental decrees regulated religious practices and organizations.

The government's level of respect for religious freedom in law and in practice was poor and declined during the reporting period. Most minority religious communities were able to attend places of worship, but only Muslim men were able to attend mosques due to a 2004 Council of Ulema fatwa (religious ruling) against women attending mosque. The March 2009 Law on Religion expanded the government's power to regulate religious communities and required all registered religious organizations to reregister with the government by January 1, 2010. Most religious groups completed the re-registration process by the deadline, although at least 28 mosques were "temporarily closed" by the government, and some religious minority communities continued to report that local officials obstructed their efforts to register new churches. The government expressed concern about religious practices and groups that it believed represented a foreign ideology or presented a threat to social order.

In August 2010, the president ordered the government to return all local students who were studying religion in foreign madrassahs without the approval of the government. The government also maintained bans on religious groups it has classified as "extremist." Restrictions existed on forms of religious expression. The Ministry of Education maintained a dress code that banned the hijab (women's headscarf) in schools and universities. Officials defended the ban, saying it was needed to preserve the secular education system. Women wearing a traditional local head covering, a scarf which covers the hair but not the neck, were allowed to study in schools and universities. Government officials, including the Minister of Education, made public statements deriding women who wore the hijab.

The U.S. government regularly discusses religious freedom with government officials, including members of the government's Committee on Religious Affairs (CRA) as part of its overall policy to promote human rights and engage

religious communities. Embassy staff, including the ambassador and visiting U.S. government officials, met regularly with community leaders of different faiths. Embassy staff investigated instances of potential discrimination and discussed such cases with the government.

Section I. Religious Demography

The country has an area of 55,300 square miles and a population of more than seven million. According to local academic experts, the population is 97 percent Muslim. Overall, active observance of Islam appeared to be increasing steadily, especially among youth.

The majority of inhabitants adhere to the Hanafi school of Sunni Islam. Approximately 4 percent of Muslims are Ismaili Shia, the majority of whom reside in the remote eastern Gorno-Badakhshan Autonomous Region, some districts in Khatlon Region, and in the capital, Dushanbe. The country has approximately 3,347 "five-time" prayer mosques and 327 Friday prayer mosques (larger facilities built for weekly Friday prayers). Neither of these figures included Ismaili Jamatkonas (places of worship).

There are 74 registered non-Muslim religious organizations. Approximately 150,000 Christians, mostly ethnic Russians and other Soviet-era immigrants, reside in the country. The largest Christian group is Russian Orthodox; there are also Baptists, Roman Catholics, Seventh-day Adventists, Lutherans, Korean Protestants, and Jehovah's Witnesses. Other religious minorities include Bahais and Jews. Some religious communities have been banned or denied registration, including the Jehovah's Witnesses. In November a new Russian Orthodox church was built in Khujand.

The small Dushanbe Jewish community was able to conduct ceremonies without incident and did not face any persecution during the reporting period. Due to reregistration requirements in the religion law, the Jewish community was unable to officially register as a religious organization because, according to its leader, there were fewer than 10 Jews remaining in the city.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Please refer to Appendix C in the Country Reports on Human Rights Practices for the status of the government's acceptance of international legal standards <http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm>.

The constitution protects religious freedom; however, other laws and policies place restrictions, and in practice, the government enforces these restrictions. There was no official state religion, but the government recognized the "special status" of Hanafi Islam.

Religious organizations and institutions must register with the government. The CRA oversaw the registration process. The Center for Islamic Studies within President Rahmon's executive office monitored religious developments and helped formulate the government's religious policy.

In December the government began circulating a "draft law on the responsibilities of parents" for public comment. The draft would require parents to "prevent children from participation in religious communities and organizations." At the end of the reporting period, the final draft text of the law was not made public.

The March 2009 Law on Religion expanded the government's power to regulate religious communities and required all registered religious organizations to reregister with the government by January 1, 2010. Most religious communities completed reregistration by the deadline.

To register with the CRA under the law, religious organizations must provide a large number of documents. Some religious organizations reported that they were regularly asked to submit additional documents to the government. A religious group must submit a charter listing at least 10 members who have been resident and registered in an area for at least five years and evidence of local government approval of the location of a house of worship. A religious group must have a physical structure in order to register. In the absence of registration, local authorities can force a place of worship to close and fine its members. Restrictions existed, although most unregistered minority communities have been able to worship unimpeded. The government maintained a list of banned groups it considered "extremist."

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The religion law singled out mosques for specific regulations and limited the number of mosques that may be registered within a given population area. Friday mosques were allowed in districts with 10,000 to 20,000 persons; five-time mosques were allowed in areas with populations of 100 to 1,000. The quotas were higher for Dushanbe, where Friday mosques may function in areas with 30,000 to 50,000 persons; five-time mosques were allowed in areas with populations of 1,000 to 5,000. The law stipulated that imams and imam khatibs were selected by "the appropriate state bodies in charge of religious affairs." The religion law allows one central Friday mosque per district; other mosques were subordinate to this central one. The law also restricted the rights of Muslims to pray to only four locations: a mosque, a cemetery, at home, and at a holy shrine. The government argued that the Islamic Revival Party of Tajikistan (IRPT), a registered political party, violated this provision by allowing individuals to pray at IRPT headquarters.

The law gives the government broad authority to regulate religious education. All institutions or organizations wishing to provide religious instruction must first obtain permission and be registered by the CRA. Only central district mosques may operate madrassahs for high-school graduates. Other mosques, if registered by the government, may operate religious schools for younger students. Only one madrassah was registered by the CRA. The CRA was considering registration of another 7 out of 18 officially recognized madrassahs. According to the CRA, these 18 madrassahs were permitted to continue functioning while their registration was being considered.

One madrassah that provided both religious and secular instruction for students who completed at least the ninth grade continued to operate in Dushanbe. It was legal for parents to teach religious beliefs to their children in the privacy of their home, provided the child expressed a desire to learn.

The Ministry of Education (MOE) oversaw implementation of legal provisions related to religious instruction in schools. Government public schools taught a weekly one-hour course on Islam in the eighth grade. The only higher education Islamic institution in the country, the Islamic Institute of Tajikistan, was under the MOE, which approved the rector, faculty, and all programs of study. The government inspected the curricula at madrassahs and periodically monitored classes.

A 2004 Council of Ulema fatwa prohibiting women from praying in mosques remained in effect. Mosques generally enforced the fatwa; many imams believed that they would face problems with the government if they allowed women to attend their mosques. Council of Ulema members promoted official government policies regarding women praying in mosques. Council members stated that according to the country's school of Islam, women should pray at home. The MOE continued to enforce dress and personal conduct codes that infringed on religious expression. School and university students were prohibited from wearing the hijab, although the national head covering was permitted. Some women stated that they chose not to pursue higher education in secular institutions as a result of the dress code. Some girls who tried to wear the hijab in schools reported that schoolteachers mocked their religious views. Council of Ulema members have not disputed the MOE dress code banning the hijab in schools and have promoted official government policies, saying that the national head covering may substitute for the hijab. Women who studied at the Islamic Institute were able to wear the hijab.

In September 2009 the Ministry of Education issued a dress code prohibiting teachers under age 50 from wearing a beard. The restriction was not fully enforced. There were reports that men were not able to obtain a passport if photographed with a beard, and women were not permitted to be photographed while wearing a hijab, unless traveling for the Hajj. The Council of Ulema stressed the need for persons to wear traditional robes and headwear, as opposed to religious dress considered foreign, such as a hijab, while in public.

The Law on Observing National Traditions and Rituals regulates private celebrations and funeral services, including weddings, funerals, and Mavludi Payghambar (the birthday of the Prophet). The stated intent of the law was to protect the public from spending excessive amounts of money on celebrations. The law limited number of guests, eliminated engagement parties, and controlled ceremonial gift presentations and other rituals. The religion law reiterated these principles, mandating that "mass worship, religious traditions, and ceremonies are carried out according to the procedure of holding meetings, rallies, demonstrations, and peaceful processions prescribed by law of the Republic of Tajikistan."

Government owned presses generally did not publish religious literature, but did so on occasion, including copies of the Qur'an in the Tajik language. On December 27 President Rahmon signed a new law applying heavy fines for "production, export, import, sale, and distribution of religious literature" without permission from the CRA. The government charges a fee per page to "review" any religious literature before granting this permission. The fines went into effect on January 1, 2011.

The government tightly controlled the publication, importation, and distribution of religious literature. Religious organizations were required to submit copies of all literature to the ministry of culture for approval one month prior to delivery. Under the Law on Freedom of Conscience, religious associations may import an unspecified "proper number" of religious materials. In the past, officials have not permitted large shipments of books by Christian organizations, including Jehovah's Witnesses.

The CRA regulated citizen's participation in the Hajj. The CRA collected applications and fees for citizen's to participate in the Hajj and made all flight and hotel arrangements in Saudi Arabia. The country's 2010 Hajj quota set by Saudi authorities was 5,500 pilgrims--500 more than in 2009. The fee to participate in the Hajj was \$3,191, which was \$150 less than last year. Most who applied were allowed to go. The authorities restricted participation of local citizens under age 18. During the year more than 5,200 pilgrims went on the Hajj.

The nominally independent Council of Ulema is an Islamic council that issues fatwas and religious guidance to Islamic religious organizations. Many observers believed that the Council of Ulema was heavily influenced by the government and tasked to promote official state policies regarding Islam. The Council drafts and approves topics for distribution to imams throughout the country for use during Friday prayers. Some imams used the topics, while others did not.

The government observed the following religious holidays as national holidays: the Islamic holy days of Idi Ramazon (Eid al-Fitr) and Idi Qurbon (Eid al-Adha).

Restrictions on Religious Freedom

The government's level of respect for religious freedom in law and in practice was poor and declined during the reporting period. The government generally enforced legal restrictions on religious freedom, interpreting its right to restrict religious activity very broadly and essentially requiring that any activity must be government-approved to be legal.

The government's list of banned "extremists" includes several religious groups, including Jehovah's Witnesses, which the government banned in 2009 despite a lack of any evidence that Jehovah's Witnesses members engaged in extremist activities. In October courts rejected Jehovah's Witnesses' appeals against the government's denial of their registration as

a religious organization. Government officials expressed concern that aggressive proselytizing by non-Muslim groups might lead to social instability. Jamaati Tabligh, an Islamic missionary organization, and the Salafiya sect continued to be banned as extremist groups.

Some religious minority communities continued to report that local officials obstructed their efforts to register new churches, refused to provide necessary documentation for registration, and intimidated community members. In November the government "temporarily closed" 28 mosques in Darvaz. District officials said the mosques had failed to reregister as religious organizations by January 1, as required by law.

The government imposed restrictions on worship. In July education officials in Khatlon province ordered imams to bar children from attending mosques, telling imams that attendance at mosque interferes with children's secular education, although school was not in session at the time. During two sweeps in Qurghonteppa, security officials reportedly ordered 132 children to leave mosque premises. The CRA reported that it investigated the incident and stated that the law does not prohibit children from attending mosque outside of school hours. Police regularly monitored mosques in Dushanbe, Khatlon Province, and Sughd Province to prevent children from attending prayers.

From August to October, officials monitored a prayer facility located adjacent to IRPT headquarters and asked the IRPT to close the facility. The facility was the only prayer venue in the country that allowed women to worship individually and in congregation. Officials reportedly criticized the IRPT for allowing women to pray at the facility despite the Council of Ulema fatwa mandating that women pray only at home. On October 23 a day after a visit by government officials, a fire destroyed the facility. The Dushanbe fire department reported that the fire was caused by an electrical problem. Some IRPT members indicated they thought it was arson, but the IRPT leadership has not directly blamed the government.

In November the Justice Ministry ordered the IRPT to cease allowing individuals to pray at party headquarters, arguing that prayer at the headquarters violated the law. The party agreed to end prayer at the headquarters.

The government tightly controlled religious instruction. In August the president called for local youth to be returned to the country from foreign madrassahs. Officials later clarified that only students who were studying abroad "illegally" were to be returned. Officials said that only those students who were studying religion abroad based on agreement with the MOE were engaged in legal study; however, the MOE has reported that it did not approve any Tajik students to study religion abroad. Officials voiced concern that foreign madrassahs were training students to be extremists and terrorists. The government returned hundreds of students who were studying in foreign religious institutions, including reputable institutions such as Cairo's Al-Azhar University.

The only higher education Islamic institution in the country was under the MOE. Religious homeschooling outside the immediate family was forbidden. The government closed private religious schools that were not registered with the CRA. Some citizens complained that because of transportation difficulties, it was difficult for children to attend registered religious schools.

On September 1 President Rahmon criticized the practice of wearing clothing considered to be foreign, such as the hijab, and told students that "if women want to wear the clothing of other countries, I will send them to those countries."

On September 13 Education Minister Abdujabbor Rahmonov publicly criticized a group of mothers who wore hijabs at a school opening. He ordered school administrators to expel the women in hijab, along with their children, and referred to the women as "monkeys."

Officials have inspected bookstores, newsstands, kiosks, and areas around markets and mosques and confiscated unregistered religious materials. Vendors are allowed to sell basic Islamic texts including the Qur'an, Hadith, history of the

Prophet, and prayer books. Vendors have been blocked from selling Shia literature, texts considered "non-Hanafi," and disks featuring prominent Tajik imams.

Abuses of Religious Freedom

There were reports of abuses of religious freedom in the country.

In December 2010 authorities detained four women whom they accused of carrying religious materials affiliated with Jamaati Tabligh. The women's husbands were arrested for membership in Jamaati Tabligh earlier in the year. In December police in Dushanbe reportedly detained dozens of men wearing beards and ordered many of them to shave.

In August 2010 the Supreme Court rejected an appeal by 18 members of Jamaati Tabligh seeking to have their prison terms reduced. Jamaati Tabligh, an Islamic missionary organization considered to be "extremist," was banned in 2006. Earlier in the year, the courts sentenced at least 59 individuals to periods of three to eight years in prison and fined at least 33 others for membership. Jamaati Tabligh had no record of violent activity and many of the country's traditional Islamic leaders believed its members engaged only in peaceful proselytizing of Islamic practices. Government officials expressed concern that the group propagated foreign ideology and was a threat to social stability.

In May 2010 the State Committee for National Security sent letters to the 17 accused members of Jehovah's Witness interrogated in June 2009; the letters informed the members that criminal cases remained open against them for membership in a banned extremist organization.

In January 2010 seven individuals were sentenced to five to seven years in prison for membership in the Salafiya movement. The men were arrested in June 2009 when local police and security service officials raided a mosque in Dushanbe during evening prayers. The government did not present evidence that they engaged in violent activities or advocated violence but expressed concern that Salafis propagated a divisive ideology that was a threat to social order. Some individuals accused of Salafism did not identify themselves as members of the Salafiya movement. Some citizens have stated they believe Salafi practices include loudly saying the word "amen" during prayers, having a beard, and wearing clothing associated with foreign Islamic sects.

Section III. Status of Societal Actions Affecting Enjoyment of Religious Freedom

There were no cases of conflict or animosity among religious groups.

Some women expressed concern that an increasing number of men, including many who returned from the Hajj, pressured women in their families to wear the hijab.

Some women who wore the hijab reported they had difficulty finding employment due to discrimination against women in this religious dress.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. U.S. embassy officials regularly met representatives of the CRA to discuss joint efforts to promote international religious freedom. The embassy discussed religious freedom cases of concern with CRA officials.

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