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ON THE COVER: Members of Pakistan's Women Action Forum in Lahore, Pakistan rally against the presence of Taliban and militants in the northwest of Pakistan on Thursday, February 12, 2009. The banners condemn religious extremism, domestic violence, and the burning down of girls' schools in Swat. (AP Photo/K.M. Chaudary)

Tajikistan

The situation for religious freedom in Tajikistan has deteriorated significantly over the past several years. While under its constitution Tajikistan is a secular state and provides for freedom of religion or belief, Tajik law and government policies place major restrictions on this right. The Tajik government's efforts to control religious practice disproportionately affect Muslims, but Tajik state officials also single out religious organizations that are viewed as having "foreign influences." Moreover, in March 2009 a highly restrictive new religion law was adopted and signed by President Imamoli Rakhmon. Due to the marked decline in respect for and protection of freedom of religion or belief in Tajikistan, the Commission determined in 2009 that the country should be added to its Watch List. While religious freedom conditions in Tajikistan do not rise to the statutory level meriting designation as a "country of particular concern," they require additional monitoring due to the nature and extent of violations of religious freedom engaged in or tolerated by the government.

Under the new Tajik religion law, the number required for registration is increased to 400; private religious education is prohibited; proselytism is banned; and religious associations cannot participate in political activities. The Tajik political opposition, various civil society activists, representatives of minority religious groups, and the international community, including the Organization for Security and Cooperation in Europe (OSCE) and this Commission, raised numerous concerns about various aspects of the law while it was under consideration. In March 2009, the United Nations Special Rapporteur on Freedom of Religion or Belief told the UN Human Rights Council that she was seriously concerned about the law, which had just been approved by the Tajik parliament. She warned that it "could lead to undue limitations on the rights of religious communities and could impermissibly restrict religious activities of minority communities." The OSCE's Advisory Panel of Experts on Freedom of Religion or Belief also found that many of the law's provisions do not meet international standards.

Nevertheless, President Emomali Rakhmon signed the new religion law on March 26, 2009. According to Forum 18, problematic parts of the law include the following: its preamble notes the "special role of the Hanafi school of Islam" in Tajik culture, ignoring the important role of the country's Ismaili Shia tradition; it limits the establishment of new mosques based on the number of local residents; it permits state interference in the appointment of imams (other faiths appear free to appoint their own leaders); and it limits worship locations to mosques, homes and cemeteries, and does not include places of work or on the streets around mosques. Moreover, while currently any mosque can hold Koran study classes, only central mosques licensed by the Culture Ministry will have permission to do this in the future.

The new law also requires that the legal founders of a religious organization seeking registration must present a document from their local government that they have lived in the area for at least five years and adhered to that religion. The government must now approve all published or "appropriate quantities" of imported religious literature. Written permission from both parents is required before children can take part in religious education. Police already try to prevent children from attending mosques, and it is unclear whether children attending a religious service will be viewed as involving children in religious education. Religious organizations must obtain the consent of the Ministry of Culture's Religious Affairs Committee to invite foreigners to the country or attend religious conferences outside the country. Statements made by the Deputy Minister of Culture after the passing of the new law gave rise to questions as to whether the Religious Affairs Committee must grant permission or be informed of certain activities, such as religious education, publishing specific literature, or inviting foreigners for religious purposes.

The country's former chief mufti Akbar Turajonzoda—who is a leading member of the Islamic Renaissance Party and had offered an alternative, more liberal, draft religion law—has condemned the new law on the grounds that it would severely restrict the rights of Muslims as well as non-

Muslims. Reportedly in reprisal for these remarks, Turajonzoda was deprived of his official transportation, on which he relies due to his severe disabilities, and he has tendered his resignation from the Tajik parliament. Minority religious communities have expressed similar concerns about the law's impact on freedom of religion or belief.

The State Department reported in 2008 that the Tajik government "expanded its efforts to control virtually all aspects of religious life, and government officials actively monitored religious groups, institutions, and figures." The new religion law will still require religious communities to register with the Department for Religious Affairs (DRA) in the Ministry of Culture, as has been required in the past. Moreover, the Law on Observing National Traditions and Rituals regulates private celebrations, allegedly to protect the public from spending excessive amounts of money. The law, however, restricts the manner in which individuals can conduct private celebrations, including those with religious significance, such as weddings, funerals, and the birthday of the Prophet Muhammad.

Muslims

The government has closed many unregistered mosques and prayer rooms, and while it usually allows most to reopen, in 2007-08 the government ordered the demolition of three unregistered mosques in the capital, Dushanbe. The Tajik government permits only one "Friday mosque" (for weekly prayers) per 15,000 residents in a given geographic area. The government also indirectly controls the selection and retention of imams, including through "attestations" with tests on Islamic teachings and religious principles. In addition, the government controls and limits the numbers of those who participate in the *hajj*.

Government officials, including members of the State Committee on National Security, monitor mosques throughout the country. Officials attend services to listen to imams and observe those attending the mosques, as well as listen to audio and video cassettes to ascertain the presence of alleged extremist and anti-government views. Officials also monitor weddings and funerals for compliance with the law on traditions and rituals. In addition, Tajik law enforcement officials reportedly remove children from mosques. Restrictions on home-based religious education remain in place.

In 2008, the Tajik government installed the former head of the Department for Religious Affairs as the chairman of the Islamic Center, which will oversee the country's Islamic institutions. A *fatwa* that bans women from praying in mosques was issued by the government-influenced Council of Ulema in 2004 and remains in effect, although reportedly on an unofficial basis some unregistered mosques still allow women to pray there. While the Council justified the *fatwa* based on the country's alleged historical tradition, other observers have said that it was a politically-motivated decision by the government to reduce women's access to the Islamic Renaissance Party, a legal Islamic opposition party, as well as their ability to provide religious teaching to their children.

Since 2007, the Ministry of Education has prohibited girls from wearing the *hijab*, an Islamic head covering, at public schools and universities. Although this ban is implemented unevenly throughout the country, female students and teachers have been expelled for wearing headscarves. Women wearing the *hijab* may be photographed for official identification purposes, particularly on the *hajj*. Nevertheless, there were reports that authorities prevented women from wearing "non-traditional" headscarves in public. In January 2008, the government nationalized the previously independent Islamic University, the country's only religious institution of higher learning. The government placed it under the administration of the Ministry of Education and teachers underwent an ideological vetting process.

In February 2009, the Tajik Supreme Court banned Salafism and Salafi literature. No Salafi Muslim has been charged with a crime, but a Religious Affairs Committee official reportedly claimed that Salafis may be "harmful" in the future. The Supreme Court decision has not been released, but reportedly the ban was imposed to protect the

constitutional order, strengthen national security, and prevent conflict on religious grounds.

Since 2000, the Tajik government has banned *Hizb ut-Tahrir* (HT), a highly intolerant organization that promotes hatred of the West, moderate Muslims, Jews, and others. In March 2008 the Tajik Supreme Court ruled that HT was an "extremist organization"—providing a legal basis for tighter restrictions on its Internet presence and media use. Despite lack of legal evidence of responsibility for violent crimes, the Tajik authorities in 2008 continued to arrest, detain, and sentence alleged HT members who face possible prison sentences of up to 12 years.

The government has, however, relaxed a ban on printing in Arabic script by government publishing houses, but only if the material is deemed by state officials to be nonthreatening.

Religious Minorities

Bans imposed in 2007 continued in effect on Jehovah's Witnesses and on two Protestant churches, Ehyo Church and Abundant Life Christian Center. Although the Jehovah's Witnesses had been registered since 1994, the Ministry of Culture banned the group in 2007 for alleged violations of the Constitution and the religion law. In 2008, a higher court in Dushanbe upheld the ban. The Grace Sunmin Church lost its appeal to save its property from repossession by local authorities, and the congregation was ordered to vacate its church.

The Ministry of Culture also banned religious literature from organizations it considered inappropriate, including from the Jehovah's Witnesses. In April 2008, the Tajik government refused to allow into the country a shipment of books by a Baptist organization because the size of the shipment was disproportionate to the organization's membership.

In 2008, the Abundant Life church and the nation's only synagogue in Dushanbe were bulldozed; neither of the two communities was compensated for the destruction. The Rabbi reportedly asked authorities to allow the community to disassemble the synagogue brick by brick, but the chief engineer grew impatient and ordered bulldozers to complete the task. The Jewish community was forced to halt its worship and its food aid program. At a 2008 OSCE conference, the Tajik delegation stated that the government could not provide compensation for the building, citing "separation of church and state." The Jewish community has been unable to conduct religious services since the destruction. A week before the signing of the new religion law, Dushanbe's Jewish community was donated a building for use as a synagogue and that building is currently being used for worship services. The new building was not provided as compensation by the city of Dushanbe, however, but by a private businessman, who reportedly is the brother-in-law of President Rakhmon.

In addition, government officials have occasionally expressed their opinions in the press that minority religious groups undermine national unity.

Recommendations for U.S. Policy

The Commission recommends that the U.S. Government should:

- urge the Tajik government, particularly President Rakhmon, to publicly affirm his intention to fully comply with Tajikistan's international commitments to respect freedom of religion or belief, as well as the rights of members of all peaceful religious communities in his country;

- work with relevant Tajik government officials responsible for religious affairs, human rights and legal issues, as well as with Tajik parliamentarians, civil society, and the international community, to amend the new religion law to bring it into conformity with Tajikistan's international commitments on freedom of religion or belief;

- continue to monitor the trials of leaders or members of religious communities that lose their registration and work with the international community in Tajikistan to provide training for

judges and prosecutors in civil law and international human rights standards;

- urge United States officials, as well as the U.S. delegation to the OSCE, to publicly criticize violations by the government of Tajikistan of OSCE commitments on human rights, including respect for freedom of religion or belief; and

- urge the OSCE Mission in Tajikistan to continue to pay particular attention to violations of freedom of religion or belief and to undertake specific programs in that regard, including by conducting training sessions with the local media on international obligation.