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Working Session 7: Fundamental Freedoms I, including freedom of thought, conscience, religion and belief.

The sphere of freedom of thought, conscience, religion and belief in Tajikistan over the past year, since the last ODIHR / OSCE Human Dimension Implementation Meeting, has undergone serious deterioration.

The population of Tajikistan in its majority (about 98 percent) professes Islam. Religious activity in the country is regulated by the Law on Freedom of Conscience and Religious Associations, in effect since 2009, which establishes the Hanafi madhhab as the official line of the Islamic religion. Any other areas of Islam are recognized as illegal and are prosecuted.

In January 2018, the Law "On Freedom of Conscience and Religious Associations" was supplemented, which created more restrictions and established even greater state control over religious activities. These amendments, in fact, legitimized the possibility of state bodies to restrict human rights to freedom of conscience and religion.

Thus, under the pretext of preserving public order, security of the country, public morals and a number of other grounds, the controlling body and law enforcement agencies violate the rights and freedoms of citizens and involve them in administrative and criminal liability.

The law authorizes the state body for religious affairs, the role of which is carried out by the Committee of Religion, the ordering of traditions, celebrations and ceremonies under the Government of the Republic of Tajikistan (note: the name of the Committee was changed from August 15, 2018, hereinafter referred to as the "Committee of Religion") to monitor the activities of religious associations the performance of religious rites. Receiving religious education is also controlled by the state. Acquisition of religious instruction in foreign countries, including in foreign higher educational religious institutions is possible only after receiving religious education in the Republic of Tajikistan, and with the written consent of the Committee of Religion and the bodies of education.

The requirements for reporting on all of their activities by religious organizations to the Committee of Religion have increased. The process of registration of religious associations and communities is very difficult. In particular, mosques can carry out their activities solely with the consent of the Committee of Religion, in buildings built independently by religious associations and citizens, on sites allocated by local authorities with the consent of the Committee of Religion.

Under the pretext of combating extremism and terrorism, in the course of 2017, authorities closed almost 2,000 allegedly unregistered mosques, and transferred them to public facilities. In the remaining mosques law enforcement officers installed CCTV cameras for constant monitoring of what is happening in the mosques.

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The content of sermons and Friday ceremonies in mosques is formed and regulated by the Committee of Religion. Practically, the policy of the government of the republic is implemented in mosques.

The appointment of all imams and preachers of mosques takes place only with the approval of the Committee of Religion. At the same time, the Committee of Religion classifies imams as public servants and, accordingly, considers religious figures fully under the control of and accountable to the government. Every year, imams and preacher undergo obligatory attestation.

As a result of the attestation carried out in late 2017, many preachers were removed from religious activities. Olimzazar Fayziyev, who worked as a preacher in a rural mosque in the village of Yori of the Penjikent region for 25 years, was among those who failed to pass the certification. According to the Imam, despite the fact that he answered all questions of the commission members, he was suspended from his activities only because he does not have a higher education and did not put in order the place for ritual bathing before prayer. Ignorance of the national anthem of the country and state symbols can also cause the dismissal of the imam from office. Periodically, imams are required to visit theatres and museums. Imams are also often subject to criminal prosecution for adherence to the religious trend of Salafi or other, different from the official Hanafi madhhab in Tajikistan. All other currents of power are called "alien", they are banned on the official level, calling them terrorist and extremist and prosecuted. Very often, accusations of following Salafi or other currents are made against persons who have become objectionable to the authorities: civil activists, bloggers, journalists and others. The so-called struggle against Salafism has become a convenient cover for eliminating individuals who criticize local authorities or disapprove of the actions of law enforcement and other state bodies.

Accusations of extremism are not only the imams, but also representatives of other faiths. Thus, in July 2017, Protestant pastor Bakhrom Kholmatov was sentenced to three years in prison for "singing extremist songs in the church and inciting religious hatred." Earlier, in April 2017, Kholmatov was illegally arrested and kept in a secret prison.

In addition, security forces and law enforcement agencies conduct unauthorized searches in churches, expose members of the church to interrogation and torture, and exert pressure. At the same time, no investigation or prosecution of officials on these illegal actions was conducted.

Jehovah's Witnesses and the country's only Jewish synagogue remain unregistered. Access to information also remains under control. Representatives of Jehovah's Witnesses, some Baptist communities and the Russian Orthodox Church (ROC) reported that it is extremely difficult to bring religious literature to the country, all literature is delayed at customs and confiscated with fines for "possession of unconfirmed religious material."

In 2017, the Ministry of Culture decided that import and export of any printed materials is not allowed without the written permission of the Ministry. "Regardless of the number of books, the permission of the Ministry of Culture is required," said Sherali Khojaev, head of the department for the protection of the cultural heritage of the ministry. "This requirement applies to travelers to / from all countries, regardless of language or script books."

Action continued against women wearing Muslim clothing - hijabs and satyrs. To do this, special groups are created from representatives of local authorities, law enforcement agencies and civilians who put pressure on women in hijabs on the streets, forcing them to remove or bandage the shawl in accordance with the "traditional Tajik style", i.e. tie back, exposing neck. Earlier, the Committee on Women and Family Affairs reported to the media that they had conducted "interviews" with 8,000 women in Dushanbe, and approximately 90 percent of the women interviewed agreed not to wear "religious clothes" and instead wear "Tajik national clothes".

In addition, there are periodic police raids in markets in which law enforcement officials are forced to close shops selling Muslim clothing, and women wearing hijab should take off their scarves. Often, such actions of law enforcement agencies are accompanied by the use of force, insults and humiliation in relation to women. In case of refusal to obey, women are taken to police stations, they are required to write explanatory and threaten with administrative punishment.

Such a case occurred with a resident of Bobojongafurovsky district of Sughd region Mukhabbaton Davlatova. In 2017, she was detained twice for wearing the hijab during raids by law enforcement agencies in the Panjshanbe market and Atush market in Khujand. Women in hijabs are forbidden to enter public buildings of local authorities, civil registry offices, educational, school, preschool and medical institutions. It is also forbidden to appear in hijab at weddings, funerals, shopping malls, restaurants and other places of congestion of people and settlements.

August 29, 2018 Nilufar Rajabova, the daughter of the convicted member of the Islamic Renaissance Party Rahmatullo Rajab, was stopped at the entrance to the hukumat of the Shohmansur district and was insulted by several policemen in the Shohmansur district of the capital, demanding that she change her satyr to a national kerchief.

Men in Tajikistan are also harassed and intimidated for wearing a beard. Law enforcement authorities detain men with beards in the streets, take them to police stations, where they are forcibly forced to shave their beards.

An exception can only be made in extremely rare cases. So, on October 7, 2017, employees of the ATS of the city of Kanibadam detained three men for wearing a beard. It turned out that men work as actors in the Kanibadam Music and Drama Theater named after Tukhfa Fazylova, and they need to wear a beard to play in the play. In this regard, they were registered and issued an official document authorizing them to wear a beard as long as there is a performance on the stage.

Rights of children also continue to be infringed. In accordance with the Law on Parental Responsibility for Teaching and Raising Children, parents are obliged not to allow the participation of children in the activities of religious associations, except for children officially studying in religious institutions, until they reach the age of 18. Children under the age of 18 also do not have the right to visit mosques to fulfil their religious duties. Children are not allowed to visit discotheques, bars, cafes, cinemas, theatres, any playgrounds and generally go out after 6 pm unaccompanied by their parents.

In respect of children, strict restrictions are also imposed on clothing. The Ministry of Education and Science has published on its website a guide that contains requirements for schoolchildren's clothing. For example, children are not allowed to wear hijabs, as well as other clothes, jewellery and fashion items that do not have special religious significance. The Ministry stated that the introduction of these rules emphasizes the importance of conformity to the national, cultural and moral standards of the country.

At the same time, for violations of established rules and prohibitions against children, fines for parents are provided. So, according to the results of 2017, 10 629 parents of the republic were fined for a total of 1 million 477 thousand somoni (~ 157 thousand US dollars). The social life of citizens of Tajikistan is also regulated by the Law "On the Ordering of Traditions, Celebrations and Rites", which establishes a long list of prohibitions on the social life of citizens of the country. After the amendments introduced in 2017 to this law, the agitation struggle against "alien Tajik culture" is actively carried out at different levels, and the control of compliance with all established prohibitions by the Government of Tajikistan has been strengthened.

So, on July 11, 2017, Tajik President Emomali Rahmon, speaking at a meeting with the public in honour of the 10th anniversary of the adoption of the law "On the regulation of traditions, celebrations and ceremonies," said that hijabs and black dresses for women do not correspond to the traditions of the country, and beards not necessarily a reflection of religiosity. On July 21, 2017, the Minister of Culture Shamsuddin Orambekzoda told the media that the government had set up a commission to advertise clothing that it deemed appropriate for its citizens, which, he said, was an initiative aimed at fighting "alien" culture. Speaking at a press conference, he said that the commission will contribute to the development of clothing for men and women "taking into account Tajik traditions" and "modern life." According to Orambekzoda, women dressed in hijab can cause "fear and doubt" in public places. He said: "Some people standing next to each other may ask: "What if she hides something under her hijab? " With such propaganda, a state official is more sowing Islamophobia in society than doing something to prevent extremism.

On September 6, 2017, millions of mobile subscribers received text messages from the government regarding national clothes. SMS messages say: "Wearing national clothes is necessary!", "Respect the national clothes" and "Let's make the tradition of wearing national clothes". It was reported that there were no legal sanctions related to the campaign. The law also prohibits the slaughter of cattle at commemoration events, a memorial meal is forbidden, which is usually held in Muslim communities. It is forbidden to honour the "hoji" who returned from the pilgrimage to the shrines of Islam. It is forbidden to hold lavish birthdays, corporate evenings, balls in schools, banquets. It is forbidden to arrange official receptions in honour of any dates or events. The law limits the number of guests invited to the event, the number of dishes on the table, the size of the table, the length of the celebration (not more than 3 hours), the time of the celebration (it is prohibited after 22.00) and much more.

For violation of established rules and prohibitions, too high penalties are provided. As a result of 2017, the courts of the republic examined administrative cases against 771 citizens for violating the provisions of the law "On the regulation of traditions, celebrations and ceremonies" and they were fined for a total of 3,349,000 somoni (~ 356,000 US dollars).

In such unbearable circumstances created by the authorities of the country for citizens, when there is an authorized state body in every sphere that constantly monitors every step and every action of citizens, people live in constant fear of being punished, fined, convicted.

Teenagers and young people who grow under similar conditions of pressure, control, intimidation and fear, in the absence of full development opportunities, the disclosure of talents, etc., often have to adhere to radical groups. The creation of conditions for total prohibitions increases the risk of radicalization of the population, especially among young people, which leads to an increase in crime and accession to terrorist organizations. Thus, the authorities' imaginary struggle against "extremism" and "terrorism" gives the opposite result.

Laws and regulations adopted by the government should serve for the benefit of the people, and not vice versa. As the historical experience and practice of various states shows, the total restriction of freedom always gives a negative reaction to people and the opposite result. People, being under constant psychological pressure and oppression of all kinds of restrictions, do not have the opportunity to develop, thereby becoming easily prone to wrong ideological currents.

The Human Rights Vision Foundation calls on the Government of Tajikistan to stop creating restrictions on their citizens' fundamental rights and freedoms at both the legislative and practical levels for their citizens and ensure that their obligations are fulfilled in accordance with international instruments signed with respect to the rights and freedoms of Tajik citizens. To abolish by-laws that contradict the norms of international acts. To repeal or amend the legislative provisions imposing disproportionate restrictions on the rights protected by Article 18

of the International Covenant on Civil and Political Rights and to abolish the discriminatory prohibition on registration of certain religious communities.

To create democratic conditions for the development of the younger generation, so that they, in conditions of free choice, learn to distinguish between good and evil.

We call upon all international human rights organizations, the OSCE and the UN Human Rights Committee to pay closer attention or strengthen control over the fulfillment by the Republic of Tajikistan of its obligations under the International Covenant on Civil and Political Rights.

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