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TAJIKISTAN

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Introduction

1. ADF International is a global alliance-building legal organization that advocates for religious freedom, life, and marriage and family before national and international institutions. As well as having ECOSOC consultative status with the United Nations (registered name “Alliance Defending Freedom”), ADF International has accreditation with the European Commission and Parliament, the Fundamental Rights Agency of the European Union, the Organization for Security and Co-operation in Europe, and the Organization of American States.
2. This report highlights the severe restrictions on freedom of religion in Tajikistan and calls on the government to adhere to its international human rights commitments to protect this freedom.

(a) Religious Freedom

Background

3. Tajikistan has a population of approximately 7.9 million people, more than 90 percent of whom are Muslim, most of whom are in the Hanafi school of Sunni Islam, and four percent of whom are Ismaili Shia.¹ There are approximately 150,000 Christians, most of whom are Russian Orthodox, but there are also Baptists, Roman Catholics, Seventh-Day Adventists, Lutherans, and Korean Protestants. There are small numbers of Baha’is, Hare Krishnas, Jehovah’s Witnesses, and Jews.
4. The constitution guarantees religious freedom. The law guarantees freedom of conscience and religion, including the right to adhere to a religion individually or with others. There is also a right to choose and change religious beliefs freely, as well as to act in accordance with those beliefs. However, many laws and policies seriously restrict religious freedom, and in practice religious freedom is severely hampered. After its first UPR, Tajikistan rejected most recommendations that it improve its adherence to international norms on the protection of freedom of religion.²
5. The U.S. Commission on International Religious Freedom has listed Tajikistan as a Tier 1 Country of Particular Concern since 2012, including again in 2015.³ Tajikistan is number 45 on the 2015 World Watch List, which ranks the top 50 countries where Christians are most persecuted,⁴ due primarily to “dictatorial paranoia” and “Islamic extremism,” but also, to a lesser extent, to “tribal antagonism” and “organized corruption.”⁵ The most targeted Christians are converts from Islam and non-traditional Protestant groups.⁶

¹ USCIRF, ANNUAL REPORT 2015: TAJIKISTAN 121 (2015), <http://www.uscirf.gov/sites/default/files/Tajikistan%202015.pdf>.

² See UPR-Info, Recommendations and Pledges: Tajikistan, http://www.upr-info.org/sites/default/files/document/tajikistan/session_12_-_october_2011/recommendations_to_tajikistan_2012.pdf.

³ USCIRF, *supra* note 1, at 121.

⁴ Open Doors, 2015 World Watch List, <https://www.opendoorsusa.org/christian-persecution/world-watch-list/>.

⁵ World Watch Monitor, WWL 2015 Summaries 21to 50, <https://www.worldwatchmonitor.org/research/WWL15Summ21to50.pdf>.

⁶ *Id.*

6. Tajikistan has recently enacted several laws restricting freedom of religion. These laws are ostensibly to reduce security threats posed by radical Islam, but they serve to hamper the free practice of all religions, including Christianity.
7. On 1 April 2009, the restrictive Religion Law came into effect.⁷ The law prohibits activities by unregistered religious groups. It set an arbitrary deadline of 1 January 2010 for already-registered groups to re-register. It also sets out onerous requirements for a religious group to register, including number of members, location of residency, and length of residency in the location where the religious group seeks to be registered. It sets limits on the number of like religious groups that can be registered in a locality. Punishment for conducting activities without being registered includes fines and forced closure.
8. The Religion Law also requires that “mass worship, religious traditions, and ceremonies should be carried out according to the procedure of holding meetings, rallies, demonstrations, and peaceful processions prescribed by law.”⁸
9. The Religion Law regulates evangelism and other sharing of beliefs, prohibiting “informational activity” by religious groups in schools and residential homes, as well as “propaganda of religious superiority.”⁹
10. With written parental consent, minors between the age of 7 and 18 years are allowed to receive religious education outside of school and to participate in educational activities at religious institutions. However, in practice it is extremely difficult to get approval for religious education for children.¹⁰
11. An addition to the Administrative Code in January 2011 punishes with severe fines the production, import, and distribution of literature not approved by the government.¹¹
12. In July 2011, an amendment to the 2009 Religion Law was passed, restricting the ability to receive religious education abroad, including in universities, without government permission.¹²
13. On 21 July 2011, amendments to the Criminal Code were passed. One amendment punishes organizing and/or participating in “extremist” religious study groups, without defining what is extremist.¹³ Punishment ranges from five to eight years in prison for participating and eight to twelve years for organizing, as well as property confiscation. Another amendment punishes organizing and/or participating in

⁷ Mushfig Bayram & John Kinahan, *TAJIKISTAN: Religious Freedom Survey, March 2011*, FORUM 18, 17 Mar. 2011, http://www.forum18.org/archive.php?article_id=1553.

⁸ U.S. STATE DEP'T, *TAJIKISTAN 2013 INTERNATIONAL RELIGIOUS FREEDOM REPORT 4 (2014)*, available at <http://www.state.gov/documents/organization/222555.pdf>.

⁹ Bayram & Kinahan, *supra* note 7.

¹⁰ Mushfig Bayram, *TAJIKISTAN: Bans on children's religious activity, illegal meetings, and "extremist religious" teaching close?*, FORUM 18, 22 June 2011, http://www.forum18.org/archive.php?article_id=1583.

¹¹ Bayram & Kinahan, *supra* note 7.

¹² Felix Corley, *TAJIKISTAN: "Religious activity is only banned up to the age of 18"*, FORUM 18, 21 July 2011, http://www.forum18.org/archive.php?article_id=1595.

¹³ *Id.*

unapproved gatherings, such as religious meetings, with a possible penalty of two years in prison.

14. Also on 21 July, the Parliament passed the Parental Responsibility Law, which prohibits children under 18 from attending religious services, such as worship services, with the exception of funerals.¹⁴

Governmental Abuse of Freedom of Religion of Christians

15. The human rights organization Forum 18 reported that the State Committee on Religious Affairs (SCRA) warned several Protestant churches that unless they cease allowing children to attend worship meetings, the government will punish them under the Religion Law and Parental Responsibility Law.¹⁵ Until the latter half of 2014, the SCRA had primarily targeted Muslims but then began to target only Protestant churches with warning letters. SCRA officials have even attended worship meetings and warned churches in person that children should not be there. One Protestant pastor speculated that the SCRA targeted Protestants because they “actively propagate their faith.”¹⁶ One church repeatedly responded that not allowing children in worship services would violate international human rights law, in particular the Convention on the Rights of the Child, and observers speculate that the government did not suspend church activities because they relied on international law in their responses.
16. Forum 18 reported in March 2014 that the SCRA has offered to pay the salaries of some ministers, including ministers of the Russian Orthodox Church and some Protestant churches. Christian pastors are concerned that such a practice would allow the government to control their activities even more.¹⁷
17. In 2013, a registered Christian church ended its children’s Sunday school classes because they feared they would be harassed or arrested due to the Parental Responsibility Law.¹⁸
18. In June 2013, the Department of Religious Affairs in Khujand shut down the Grace (Faiz) house church for not having enough members to be registered and for being located in a residential building.¹⁹ Authorities took the pastor to administrative court for illegally setting up the church and conducting religious services in his apartment. The authorities accused him of engaging in “religious propaganda” and conducting Tajik-language Bible studies without registration. Authorities raided and closed the church, which had around 25 members, many of whom converted from Islam.

¹⁴ *Id.*

¹⁵ Mushfig Bayram, *TAJIKISTAN: Thoughtcrime banned*, FORUM 18, 21 Jan. 2015, http://www.forum18.org/archive.php?article_id=2030.

¹⁶ *Id.*

¹⁷ Mushfig Bayram, *TAJIKISTAN: State control of Islam increasing*, FORUM 18, 3 Mar. 2014, http://www.forum18.org/archive.php?article_id=1933.

¹⁸ U.S. STATE DEP’T, *TAJIKISTAN 2013 INTERNATIONAL RELIGIOUS FREEDOM REPORT*, *supra* note 9, at 5.

¹⁹ *Id.*

19. In late September 2013, a district court in Dushanbe fined a Baptist 1,200 Somonis for “illegally importing unlicensed religious literature” under the Religion Law.²⁰ The secret police had questioned three Baptists after the police confiscated Christian magazines intended for personal use. At least five other Protestants were fined by the same court in August and September. The secret police instigated these proceedings as well. Other Protestants were fined for importing illegal Christian books. The fine was 1,200 Somonis per person. The judge told Forum 18 that they received fines because “all religious literature must be licensed before use.”
20. However, licensing, which occurs through “expert analysis” to determine if religious material is acceptable, is too expensive for many churches and religious communities.²¹ A Baptist community had to pay 3,000 Somonis for SCRA expert analysis on three books. A Protestant community said that having to pay as much as they did meant that they would no longer be able to import any religious literature. The government’s response was that they could not review the materials for free— instead of recognizing that it would be free to allow the publication, distribution, and importing of religious materials without any “expert analysis.”
21. In March 2012, authorities told a court to shut down and take the property of Millennium, an international organization, due to a law on holding religious activities in a house. The Ministry of Justice had accused Millennium of spreading Christian propaganda.²²
22. The 2009 Religion Law had an arbitrary deadline for re-registration of religious organizations and the Head Department for Religious Affairs (HDRA) refused to re-register certain organizations.²³ For example, the HDRA refused to re-register the Baptist Union because it had already re-registered the Association of Evangelical Christians-Baptists, even though they were both successfully registered in 1999. A spokesman stated that the Religion Law allows only one national organization per denomination.

Societal Abuse of Freedom of Religion of Christians

23. Societal and familial opposition to Christianity is also present. In 2012, “Father Frost,” 24-year-old Parviz Davlatbekov, dressed in costume as the Russian version of Father Christmas, was stabbed to death by a mob motivated, according to police sources, by religious hatred.²⁴

²⁰ Mushfig Bayram, *TAJIKISTAN: “The law demands that all religious literature be checked by the state”*, FORUM 18, 18 Nov. 2013, http://www.forum18.org/archive.php?article_id=1897.

²¹ *Id.*

²² U.S. STATE DEP’T, *TAJIKISTAN 2012 INTERNATIONAL RELIGIOUS FREEDOM REPORT 7* (2013), available at <http://www.state.gov/documents/organization/208654.pdf>.

²³ Mushfig Bayram, *TAJIKISTAN: Officials insist unregistered activity “illegal”*, FORUM 18, 15 Apr. 2010, http://www.forum18.org/archive.php?article_id=1431.

²⁴ Roman Kozhevnikov, *‘Father Christmas’ stabbed to death in Tajikistan*, REUTERS, 3 Jan. 2012, <http://in.reuters.com/article/2012/01/03/tajikistan-fatherchristmas-idINDEE80202N20120103>.

24. A young convert to Christianity from Islam named Nadia has been beaten and harassed by family members.²⁵

Violations of International Protections of Freedom of Religion and Freedom of Expression

25. These laws unquestionably violate international human rights law on the freedom of religion and freedom of expression.
26. Article 18 of the International Covenant on Civil and Political Rights (ICCPR) protects the right to freedom of thought, conscience and religion.
27. Tajikistan's numerous restrictions on the freedom to manifest one's religion violate article 18. The restrictions are not necessary to protect public safety; they go beyond the protecting national security by essentially restricting all aspects of religious practice, including of individuals and of religious groups. The government's attempts to control religion mean that no one has the freedom to worship and observe as guaranteed in article 18.
28. The restrictions on religious education of children also violate the right of parents, as outlined in article 18(4), "to ensure the religious and moral education of their children in conformity with their own convictions." Given the difficulty of registering religious education institutions and programs, parents have limited options for their children to receive any education.
29. The Parental Responsibility Law violates children's right to freedom of religion, as outlined in article 14 of the Convention on the Rights of the Child (CRC). Children should be allowed to participate in religious activities, including worship services, with the guidance of their parents.
30. Tajikistan's laws also violate the right to freedom of expression outlined in article 19 of the ICCPR. The prohibitions on "extremist" teaching are ambiguous and broad because they do not define "extremist," and they give immense power to the government to decide what is acceptable. This has a chilling effect on speech.

(b) Recommendations

31. Given Tajikistan's record of violating the rights to freedom of religion and freedom of expression of all people, including Christians, ADF International recommends the following:
- Repeal the provisions of the Religion Law that impose serious restrictions on the free exercise of religion and freedom of expression;
 - Repeal the provisions of the Parental Responsibility Law that prohibit the participation of children in religious activities;
 - Ensure the rights of religious minorities, including Christians, to worship and observe their faith.

²⁵ Voice of the Martyrs, *Young Convert Suffers Severe Persecution*, 27 June 2013, <https://www.vomcanada.com/tj-2013-06-27.htm>.



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