

Tajikistan

FINDINGS: The religious freedom situation in Tajikistan further deteriorated during the reporting period, as it has over the past several years, leading to systematic, ongoing, and egregious violations of freedom of religion or belief. The state suppresses and punishes all religious activity independent of state control, and imprisons individuals on unproven criminal allegations linked to religious activity or affiliation. The Tajik government's restrictions on freedom of religion or belief primarily affect the country's majority Muslim community, but also target minority communities viewed as foreign-influenced, particularly Protestants and Jehovah's Witnesses. Jehovah's Witnesses are banned and, as a result, that community has faced numerous official penalties, including allegations of inciting inter-religious discord. In recent years, the Tajik government has destroyed a synagogue, a church, and three mosques, and it has closed down hundreds of unregistered mosques, including 50 in early 2011.

Based on this deterioration and these systematic, ongoing, and egregious violations of religious freedom, USCIRF recommends for the first time in 2012 that Tajikistan be designated a country of particular concern (CPC). Tajikistan had been on USCIRF's Watch List since 2009.

The government's actions against peaceful religious practice are based in part on a recent and ongoing expansion of repressive laws limiting religious freedom. The 2009 Tajik religion law establishes onerous and intrusive registration requirements for religious groups; criminalizes unregistered religious activity, private religious education, and proselytism; sets strict limits on the number of mosques and their size; allows government interference with the appointment of imams; requires official permission for religious organizations to provide religious instruction and communicate with foreign co-religionists; and imposes state controls on the publication and import of religious literature. In 2011, new administrative and penal code provisions set new penalties, including large fines and prison terms, for religion-related charges. A new parental responsibility law also came into force in 2011, banning minors from any organized religious activity except in official religious institutions. Women are not permitted to go to mosques or wear headscarves in educational institutions, and men are not permitted to wear beards in public buildings.

PRIORITY RECOMMENDATIONS: Tajikistan is strategically important for the United States due to its long and porous border with Afghanistan and the key role of ethnic Tajiks in that country. The U.S. government should designate the country a CPC and engage the Tajik government about the importance of enacting specific reforms. In doing so, the U.S. government should press Tajik officials and work with civil society to bring the relevant laws into conformity with international commitments. The U.S. embassy should monitor the trials of those charged solely because of religious belief or practice and call for the release of such prisoners. The U.S. should work with the international community to provide training for judges and prosecutors in civil law and human rights standards. U.S. officials should criticize publicly violations by the Tajik government of its international and Organization for Security and Cooperation in Europe (OSCE) human rights commitments. Additional recommendations for U.S. policy toward Tajikistan can be found at the end of this chapter.

Religious Freedom Conditions

Restrictive Legal Framework

New Legal Restrictions

In 2011, the Tajik government successfully sought passage of several repressive and vague amendments to the criminal and administrative codes. The changes empower the government to arbitrarily limit the peaceful practice of religion by setting lengthy prison terms for “unapproved” religious activity and placing heavy fines for religious education and expression.

Two new Administrative Code articles went into effect in January 2011 that set new penalties for peaceful religious activity. One article sets onerous fines for “teaching religious knowledge without [state] permission.” Individuals may be fined up to U.S. \$800; groups, up to U.S. \$1,600; and repeat violations are subject to fines of up to three times these amounts. The 2010 official minimum monthly wage and pension in Tajikistan is U.S. \$19. Another article similarly sets onerous fines for the production, distribution, import or export of religious literature that has not passed the compulsory review by state censors.

The Tajik parliament amended the criminal code in June 2011 and set maximum two-year prison terms as punishment for organizers and participants in “unapproved gatherings, meetings, demonstrations, pickets and street processions,” which could include unregistered or unapproved religious meetings. Another criminal code provision was added that punished the “organization of a religious extremist study group and participation in it without regard to the place of study.” Alleged participants in such groups face prison terms of five and eight years; organizers face eight to 12-year terms. Property confiscation also may be imposed.

The Parental Responsibility Law went into effect in August 2011. The law bans almost all religious activity by children, including mosque attendance and participation in funerals, but permits participation in approved religious education. The law also restricts children’s religious dress and even limits parents’ choice of their children’s names. The state Religious Affairs Committee (RAC) and other state agencies are tasked with enforcing parents’ responsibilities under the law. In August 2011, the heads of the RAC and of the government-backed Council of Ulema traveled around the country to clarify the new law’s practical effects, but some communities were not satisfied with the explanations about the new law’s implementation.

Nevertheless, many young people reportedly were still attending places of worship after the law took effect. It was reported in August that police stopped people under 18 from entering mosques to celebrate Eid al-Fitr at the end of Ramadan. The 57-member Organization of Islamic Cooperation (OIC), of which Tajikistan is a member, publicly expressed concern about the law, which it noted affects not only Muslims, but also Christians and members of other religious communities. It is not known if the Tajik government has responded to the OIC’s official request for clarification but, in a February 2012 letter to USCIRF, the Tajik embassy claimed that the law was justified to protect youth from alleged radical influences and argued that it did not violate international legal commitments on freedom of religion or belief.

2009 Religion Law

Tajikistan enacted a highly restrictive religion law in March 2009 and aggressively enforced the law after February 2010 parliamentary elections. The law places onerous administrative burdens on religious groups, which prevent or control religious activity. Non-violent unregistered religious groups, which either were denied registration or decided not to seek registration, are deemed “illegal” and the Tajik government has closed their houses of worship.

The 2009 law also prohibits private religious education, requires state permission for an institution or organization to provide religious instruction, and requires that both parents provide written permission for a child to receive such instruction. It is not clear whether under the law religious instruction includes children attending religious services, though police have tried to prevent children from praying at mosques after school hours on Fridays. The law also bans proselytism and requires prior official approval for religious organizations to invite foreigners into the country or attend religious conferences outside the country. Under the law, the government must approve the content and “appropriate quantities” of all published or imported religious literature and religious communities must pay for this “service.” Although Tajikistan has the only legal Islamic political party in Central Asia, the law forbids religious associations from participating in political activities.

The law’s preamble notes the “special role of the [Sunni] Hanafi school of Islam” in Tajik culture, ignoring any role of the country’s Ismaili Shi’a Muslims, who comprise from five to 10 percent of the population, as well as contributions of Tajik Jews and Orthodox Christians.

The international community, including the United Nations, the OSCE, and USCIRF, raised numerous concerns about the 2009 law. The UN Special Rapporteur on Freedom of Religion or Belief told the UN Human Rights Council that the law “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 regarding the freedom of religion or belief. In October 2011, the UN Human Rights Council undertook its first Universal Periodic Review of Tajikistan. Tajik representatives promised to undertake various labor and human rights reforms, including on torture. Nevertheless, Tajikistan rejected key recommendations on freedom of religion or belief, including amending the new Parental Responsibility Law.

Members of various Tajik minority religious communities, including Seventh-day Adventists, Baptists, Baha’is and Hare Krishna, expressed similar concerns about the law’s impact on freedom of religion or belief. In February 2011, Patriarch Kirill of the Russian Orthodox Church reportedly noted the new law’s numerous restrictions. Tajik government officials, however, have said that concerns about the religion law are baseless and have accused Tajik organizations that share these concerns of supporting “alien ideas.”

Registration Issues

As discussed above, the Tajik religion law requires religious groups to register, and the administrative and criminal codes penalize unregistered religious activity. There are two types of registration: as a religious organization, which has legal personality, or as a religious community, which does not. National religious centers, central mosques, central prayer places, religious educational institutions, churches, and synagogues can apply for registration as religious organizations. Other religious entities, including smaller central mosques and prayer mosques, can register only as religious communities. To register as a religious organization, 10 adult citizen founders must present a certificate from local officials attesting that they have lived in the area for at least five years, as well as provide proof of citizenship, dates of birth, home addresses, and descriptions of their beliefs and religious practices, their views on education, family, and marriage, and data on their founders' state of health. State officials and members of political parties are not eligible to be among the 10 founders. Religious organizations must specify all their activities in their charters and report annually on their activity or face loss of registration. The religion law also requires that the charters define the geographic status of religious organizations as well as religious communities, thereby limiting their activities to the national, town, or district level.

The law singles out mosques for particularly strict regulation: one large, so-called Friday prayer mosque is allowed in a district of 10,000-20,000 people and one smaller five-time-daily prayer mosque is permitted in an area of 100-1,000 people; quotas are higher for the capital, Dushanbe. Mosques that exceed the quota for an area can be closed. Under the law, "appropriate state bodies in charge of religious affairs" select all imams and their assistants (*imam-khatibs*); other religions appear to be allowed to appoint their own leaders. Muslim worship is restricted to mosques, homes, and cemeteries, and is not permitted in places of work or on streets around mosques. Under the 2009 religion law, only state-licensed mosques are permitted to hold Qur'an study classes; previously, any mosque could do so.

The 2009 religion law imposed a re-registration deadline of January 1, 2010. The State Department reported that as of the end of 2010, most religious groups had applied for re-registration. As of March 2011, however, some mosques had been denied re-registration and many others were still waiting for registration. According to a February 2012 letter from the Tajik embassy to USCIRF, 4,000 religious organizations, 74 of which are non-Muslim, are currently registered. Muslim structures include 3,366 mosques, 345 Friday mosques, 41 central mosques and one national Islamic Religious Center, a modest increase over official statistics from a year ago. These figures did not include Ismaili *Jamatkhonas* (places of worship).

Law on Traditions and Rituals

Tajikistan's 2007 Law on Observing National Traditions and Rituals regulates private celebrations, allegedly to protect the public from spending excessive amounts of money. This

law restricts the manner in which individuals can conduct private celebrations, including those with religious significance, such as weddings, funerals, gatherings after the return of a pilgrim from the *hajj*, and the birthday of the Prophet Muhammad. National minorities specifically are exempted from restrictions in celebrating their national events.

Restrictions on Muslims

Through various legal provisions, the Tajik government in effect controls the practice of Islam. This control is carried out via the state-appointed Council of Ulema (CoU). The CoU promotes official government policies on Islam, issues fatwas and religious guidance to Islamic religious organizations, and drafts Friday sermon topics for national distribution. It is the only “national center” allowed for Muslims under the religion law, and its “decisions and *fatwas* are viewed as government policies,” according to the State Department. The government also indirectly controls the selection and retention of imams, including through “attestations” on Islamic teachings and religious principles. In addition, the RAC selects, controls, collects the fees and limits the age and the numbers of those who annually participate in the *hajj*; in 2010, 5,500 were allowed to participate. According to the State Department, observers have noted that the government drafts Muslim sermons and manipulates teachings so as to bolster its own political standing against the Islamic Renaissance Party (IRP), the major legal opposition party.

In December 2011, the CoU accused three prominent Tajik religious and political opposition leaders in the IRP, the Turajonzoda brothers, of “endangering the spiritual unity of our nation” by performing the “alien” Shi’a ritual of Ashura at their mosque near Dushanbe. Although the brothers denied observing Ashura, the CoU distributed its accusatory statement to all Tajik mosques and requested that imams read it at Friday prayers. Tajik authorities later dismissed several imams who refused to do so, including one brother who was imam at the family mosque. The CoU also called on the Tajik authorities to examine whether the Turajonzoda family’s religious activity is in accord with the religion law.

Three days later, 50 police and officials raided the Turajonzoda mosque during Friday prayers, and detained nine worshippers without charges for 10 days. In addition, the RAC downgraded the mosque’s status for three months so that Friday sermons – which attracted 10,000 worshippers – could not legally be held, and threatened that its return to Friday prayer status would depend on the absence of any further legal violations. In addition, the government dismissed two of the brothers, Nuriddin and Mahmudjon, as the mosque’s imams. A Tajik court also fined Nuriddin and his brother, Akbar, about U.S. \$70 each for allegedly insulting the leader of the CoU, but ignored their counterclaims against the government.

The CoU issued a *fatwa* in 2004 that bans women from praying in Tajik mosques, which remains in effect. In October 2010, a fire destroyed the IRP’s Dushanbe cultural center, the country’s only mosque that officially allowed women to pray alongside men. An IRP official has claimed that the fire, which took place one day after Religious Affairs Committee officials visited the center to tell party officials that they could no longer use it for prayers, was not an accident. There has been no known official investigation of the incident. Reportedly, however, some

unregistered mosques, particularly in remote regions of Tajikistan, still allow women to pray in their buildings.

Tajik officials, including those from the State Committee on National Security, monitor mosques throughout the country. Officials attend services to listen to imams and observe individuals attending the mosques, as well as monitor audio and video cassettes for possible extremist and anti-government views. Officials also monitor weddings and funerals for compliance with the law on traditions and rituals. The Tajik president, Emomali Rahmon, established a Center for Islamic Studies, under the Presidential Administration, to direct religious policy in 2009. This center is headed by a former director of the state Committee on Religious Affairs, Murodullo Dovlatov, who reportedly also is linked to the security services.

Application of Extremism Laws

Several articles of Tajikistan's Criminal Code penalize extremist, terrorist, or revolutionary activities without requiring acts that involve violence or incitement to imminent violence. Article 189 prohibits "inciting ethnic, communal or religious hatred," and, as discussed above, in 2011 a provision was added to punish the "organization of a religious extremist study group and participation in it without regard to the place of study." However, the criminal code does not define "extremist religious" study or teaching. These overly broad provisions permit Tajik authorities to apply these laws against peaceful religious activity in an arbitrary and sweeping fashion or to penalize other non-violent activities which the government claims constitute prohibited practices.

Moreover, in 2011 Tajik officials reportedly claimed that domestic security agencies need additional training to more effectively counter religious extremists. Reportedly, some Tajik security staff was fired in 2010 due to a lack of professional qualifications, according to the Tajik National Security Committee's Counterterrorism Department. In 2011, security staff is being retrained, reportedly with the assistance of Pakistani and Russian specialists.

Tajikistan is unique among the former Soviet republics in that it experienced a civil war in which liberals and Islamists faced off against former communists led by current President Rahmon. During the five-year conflict, which ended in late 1997, over 100,000 persons were killed. Tajikistan continues to face genuine security concerns due to serious threats from groups which advocate or perpetrate violence in the name of religion and from terrorist groups based in neighboring Afghanistan. Nevertheless, the Tajik government's security policies are highly problematic, partly due to its application of overly broad anti-extremism laws against religious adherents and others who pose no credible threat to security. In a May 2011 report, the International Crisis Group, a non-governmental organization, noted the inept policies of the Soviet-trained Tajik leadership in dealing with a society increasingly drawn to observant Islam. According to the Tajik embassy, the Tajik government has legally banned 12 organizations for extremism and terrorism, including al-Qaeda, the Islamic Movement of Eastern Turkestan, the Taleban Movement, *Ikhvan-almuslimin*, the Pakistan Islamic Society, *Tabligh Jamaat*, and *Hizb-ut-Tahrir*. The acting chief prosecutor of the northern Sughd province announced in January

2012 that 135 individuals had been arrested in 2011 on charges of membership in religious extremist groups; 14 criminal proceedings have been initiated.

Hizb ut-Tahrir (HT), or the Islamic Party of Liberation, is an international, secretive, radical Sunni Muslim political movement. While HT is active in 40 countries, its political emphasis varies somewhat in individual countries. HT seeks to establish a trans-national Islamic state by educating Muslims to spread HT views in their countries and thereby cause the eventual collapse of secular governments. At that point, according to HT, a supreme Islamic leader, a Caliph, would rule all Muslims with political and religious authority.

Individual HT members may have committed violent acts, and its literature suggests that it might resort to armed action. While HT is banned in most Muslim countries, it has not been officially designated a terrorist group by the United States due to a lack of proof that HT as an organization has engaged in violent acts. While HT literature expresses virulently anti-Semitic and anti-Western views, it also has denounced the 9/11 terrorist attacks and the London bombings as un-Islamic.

Observers have noted that the Tajik government's prosecution of alleged HT members seems mainly motivated by their political activity. Further, the Tajik government has reportedly not presented proof that specific defendants were involved in or advocated violence during trials of HT members, which generally lacked due process guarantees. The government of Tajikistan has been criticized, by both the UN Committee against Torture and groups such as Human Rights Watch, for its widespread use of torture against prisoners.

Tajikistan has jailed over 500 people for HT membership in the past ten years, according to the AFP news agency; 40 individuals were convicted of this in the first six months of 2011. Two alleged Tajik leaders of the HT movement were arrested in early June 2011. One was the alleged head of a local HT organization in the northern Sughd region and Sharifjon Yoqubov, arrested in Dushanbe, allegedly is a key national HT leader. He was arrested after his emails with HT's London headquarters were monitored; Yoqubov reportedly has spent a decade in prison for his HT membership.

In recent years, the Tajik government also has used extremism charges against journalists who have been critical of official religion policies. On June 13, 2011, Tajik police arrested local BBC reporter, Urnunboy Usmonov, allegedly for being in contact with HT leaders and assisting in the development and distribution of "printed material, calling for the violent seizure of power and change in the constitutional design of Tajikistan." Usmonov, an ethnic Uzbek, said he met with HT members as part of his work as a journalist and that he had been burned with cigarettes and beaten in detention. The BBC and the American and British embassies protested his arrest. The charge against Usmanov was later changed to "complicity" in HT's activities and failing to provide details about HT members to police. On October 14, 2011, Usmonov was sentenced to three years in jail, but the judge granted him an amnesty and ordered his release. In November 2010, Mukhamadyusuf Ismoilov, a journalist in the Sughd region, was fined the equivalent of U.S. \$7,300 on charges including incitement of national, racial, local, or religious hostility. He was released under amnesty, but banned from journalism for three years.

Opposition journalists also have been subject to attacks. In February 2011, Khikmatullo Saifullozoda, the editor of the newspaper of the Islamic Renaissance Party of Tajikistan, was beaten in Dushanbe by unidentified assailants. January 2012 saw the stabbing in Moscow of Dodojon Atovulloev, founder of the Tajik opposition monthly *Charogi Ruz* (Daily Light) and head of the *Vatandor* movement, which is critical of Tajik religious policies. Some observers claim the Tajik government was involved. Since 2001, the Tajik government has charged Atovulloev twice with insulting the president and inciting ethnic, racial, and religious hatred, charges subject to potential 15-year prison terms. Atovulloev left Tajikistan for political reasons 20 years ago, and Russia has refused numerous Tajik extradition requests, most recently in 2011.

Tabligh Jamaat is an Islamic missionary group with origins in South Asia. With a presence in 150 countries, its 12 to 80 million followers emphasize prayer, preaching and respect for others. The State Department, the International Crisis Group, and Stratfor, among others, describe *Tabligh Jamaat* as a non-political, non-violent movement that stresses the strict practice of individual piety. Some former members, who reportedly left the movement in frustration with its apolitical stance, have attempted acts of violence. Tajik officials have expressed concern that the group propagated a foreign ideology and threatened social stability. In March 2011, four Tajik women accused of belonging to *Tabligh Jamaat* were released from detention, although their husbands reportedly continue to serve prison terms for alleged membership in this group.

A court in Tajikistan's northern Sughd Province has sentenced seven individuals to between three and five years imprisonment for their alleged membership in *Tabligh Jamaat*, RFE/RL reported on February 23, 2012. In 2010, Tajik courts jailed at least 59 people for terms of three to eight years, and fined at least 33 others between US \$5,340 and US \$10,680, for alleged membership in *Tabligh Jamaat*. According to Forum 18, those imprisoned include brothers Igbolsho, Amirali and Murodali Davlatov, Nosir Rakhimov, Doniyor Khashimov, Saynuridin Kalugshoyev, Churabek Saidzoda, Jamshed Boyakov, Mahkamjon Azizov, Umarjon Azizov, Nasrullo Khisomov, Talabsho Abdusamadov, Abdumanon Sattorov, Khudaydod Alnazarov, Churakhon Mirzoyev, Toirjon Samadov, and Abduvali Murodov. Tajik officials claimed that the Supreme Court banned the group as extremist in 2006, but two Supreme Court officials said in May 2009 that they were not aware of this ban.

The Tajik Supreme Court banned the Salafi school of Islam in February 2009, although no criminal acts have been linked to followers of Salafism in Tajikistan. The court did not release the text of its decision. Reportedly, it was based on the alleged need to protect the constitutional order, strengthen national security, and prevent conflict between religious confessions. In January 2010, seven individuals were sentenced to prison terms of five to seven years for membership in the Salafi movement, according to the State Department. They were arrested in 2009 when local police and security service officials raided a Dushanbe mosque during evening prayers. A Tajik official also told Forum 18 that Salafis engage in "hooliganism" by disturbing other worshippers in mosques with their bodily gestures and shouting during prayers.

Restrictions on Religious Minorities

The Jehovah's Witnesses were banned in October 2007 on official charges of causing discontent among the people. The Ministry of Culture said that their conscientious objection to military service and refusal of blood transfusions were among the reasons for the ban, and cited "expert analysis" from the Tajik Academy of Sciences Institute of Philosophy and Law that concluded Jehovah's Witnesses are a "destructive cult." A prosecutor reportedly has said that the accusation is based on the fact that Jehovah's Witnesses do not interpret the Bible as Protestants do.

Police raided a Jehovah's Witness meeting in Dushanbe in July 2011; the police had no warrant and took all those present, including children, to a police station, where they were questioned for several hours. In August 2011, a court ordered the deportation of Sherzod Rahimov, a Jehovah's Witness who is an Uzbek citizen. He and other Jehovah's Witnesses were detained and fined in August for their unregistered religious activity. Rahimov, who is disabled, was beaten by police officers because he did not renounce his faith.

In 2008, the Tajik government temporarily halted the activity of the Ehyo Church and the Abundant Life Christian Center, two Protestant churches in Dushanbe. The Ehyo Church was allowed to resume its activity in late 2008, but the Abundant Life Christian Center decided in May 2008 to close permanently due to official restrictions.

Closures and Destructions of Houses of Worship

In recent years, the Tajik government has closed dozens of unregistered mosques and prayer rooms, and ordered the demolition of three unregistered mosques in Dushanbe. In April 2011, Tajik authorities demolished an unregistered mosque in the city of Qurghonteppa; a court also fined its imam. Recent examples of closures include the following: In December 2010, the Religious Affairs Division in the south-eastern Badakhshan Region denied registration to 22 out of the 32 mosques in that region, forcing their closure. In January 2011, the government closed around 50 mosques in Dushanbe. Asked whether the authorities would demolish these places of worship, an official of the Dushanbe Mayor's Office said: "None of the places will be torn down, but the people were warned not to use them for religious worship."

The CoU has claimed that Tajik authorities consult with congregants to reach consensus about their future, but as of March 2011, Forum 18 could not confirm from worshippers at any demolished place of worship that such a consultation process exists. In September 2011, the chief religious affairs official of Khatlon Region stated that 229 unregistered mosques in the region will soon "change their status and become first-aid stations and sports halls." In addition, the same region's Jomi District had forcibly changed 16 unregistered mosques into similar "social facilities."

In 2008, the nation's only synagogue, located in Dushanbe, was bulldozed. Dushanbe's Jewish community later received a building for use as a synagogue, which is now being used for worship services. The new building, however, was not provided as compensation by the city of

Dushanbe, but rather was donated by one of the country's richest bankers, who is also President Rahmon's brother-in-law. The Tajik delegation at a 2008 OSCE meeting stated that the government could not provide compensation for the building, citing "separation of church and state."

In 2009, the Grace Sunmin Church, the country's largest Protestant congregation, lost its appeal to save its property from repossession by Dushanbe city authorities and had to vacate the premises. Another registered Protestant church in Dushanbe, whose building was demolished in 2008, has not received any compensation. The government typically does not pay compensation for such demolitions.

Restrictions on Religious Literature

As stated earlier, the government must approve the production, import, export, sale, and distribution of religious literature and other items, which is only permitted for registered religious organizations (not religious communities) and only in an undefined "appropriate quantity." Literature and other items must carry the full name of the registered religious organization that produced them, effectively banning private or commercial publishing by any religious group that is not represented by a registered religious organization. It is unclear whether this ban extends to publications on anti-religious, atheist, or agnostic material. Government-owned presses only occasionally published religious literature, including the Qur'an in Tajik. The Tajik government restricted distribution of Christian and Islamic literature that it deemed extremist or promoting foreign ideology, according to the State Department.

The Ministry of Culture has confiscated religious literature it deems inappropriate, including from the Jehovah's Witnesses. A Jehovah's Witness reported that three tons of confiscated Jehovah's Witnesses literature was destroyed in early 2010 after three years of open storage caused it to become "decayed and unusable."

The registered Islamic Revival Party of Tajikistan distributed one weekly newspaper and one monthly magazine, the State Department reported.

Restrictions on Religious Education

Tajikistan, as previously stated, requires a state license to conduct religious instruction, and both parents must give written permission for children aged between seven and 18 to receive such instruction. These rules mean that only registered religious organizations can provide religious instruction and that children under the age of seven cannot participate. Another restriction applies only to Muslims: registered central mosques can set up basic educational groups, but local mosques cannot. The religion law permits parents to teach religion to their own children at home, but religious homeschooling outside the nuclear family is forbidden. In 2008, the government nationalized the previously independent Islamic University, the country's only religious institution of higher learning, and took full control of its activities and curriculum. Teachers underwent a vetting process, and the institution was downgraded from a university to

an “Islamic institute.”

Many Tajik religious communities say it is difficult to gain official approval for religious education. At most, 80 Islamic educational centers have official approval, a number deemed insufficient by Tajik religious communities. While children can attend Christian Sunday schools, Tajik officials limit the number of locations for Islamic religious education for children. Registered non-Muslim religious communities must register their religious schools as separate organizations. In addition, some Tajiks complained that it is difficult for children to attend registered religious schools because of transportation difficulties, the State Department reported.

As discussed above, Tajikistan faces genuine security concerns due to serious threats from groups which advocate or perpetrate violence in the name of religion, including groups based in Afghanistan. In response to these concerns, however, the Tajik government has developed an ineffectual and heavy-handed policy which restricts access to foreign religious education while providing few suitable domestic alternatives. During an August 2010 speech on state television, President Rahmon called on all Tajik parents to recall their children from foreign Islamic colleges to prevent them from becoming “extremists and terrorists.” A senior presidential advisor later clarified that he did not mean all students who are studying abroad, but only those “studying in violation of the [2009] Religion Law.” In July 2011, the Tajik religion law was amended to limit access to religious education abroad only to those Muslims who have completed religious education in officially-approved institutions inside Tajikistan and who receive written permission from the state agencies for religious affairs and education. According to the Tajik embassy in the United States, as of early 2012, 1,219 Tajiks have returned from foreign study programs, mostly in Turkey, Egypt and Pakistan, but at least 700 Tajik Muslim students remain abroad “illegally.”

In May 2010, the Tajik Interior Ministry launched “Operation *Madrassa*,” mainly targeted against the unlicensed religious instruction of children and youth, including numerous police raids of “illegal” (unregistered) private Qur’an lessons. In January 2011, local authorities in the southern province of Khatlon detained individuals who reportedly had held private, allegedly Salafi, classes on Islam for some 60 local children. Three women were fined in May and June 2011 for unauthorized teaching of the Qur’an to girls in private homes in the Khatlon Region. Local officials visited eight *madrassas*, 93 Friday mosques, and 955 daily prayer mosques in May 2011 and brought charges against 11 individuals for private religious education in the northern Sughd region; three illegal *madrassas* were closed and an administrative investigation launched into school personnel. In addition, an administrative case for the private teaching of religion was opened in June 2011 against the imam of a registered mosque in the Rudaki District near Dushanbe.

The Tajik government halted teaching at four higher education Islamic schools in northern Tajikistan’s Sughd region. In August 2011, a regional religious affairs official told RFE/RL’s Tajik Service that the schools had not re-registered as required under the religion law, the teachers had not provided required religious education, and the buildings did not meet official standards.

Restrictions on Religious Dress

In 2005, the government banned the wearing of Islamic headscarves in schools, arguing that it was not traditional Tajik dress. Such restrictions were enforced, although students at the Islamic Institute are allowed to wear headscarves. The Tajik National University fired a teacher and expelled a student in April 2010 for wearing a headscarf outside class, the State Department reported. Some women said that they chose not to pursue higher education in secular institutions due to the dress code. Girls are not permitted to wear headscarves after the ninth grade and, according to Forum 18, some who tried to do so reported that schoolteachers mocked their religious views. In some rural areas, teachers allowed girls to wear headscarves but asked them to leave the classroom during official inspections. CoU members have not disputed the Ministry of Education dress code banning headscarves in schools, saying that a scarf, tied in the traditional way, may substitute for Islamic headscarves.

Some women who wore the Islamic headscarves reported difficulty in finding employment due to discrimination against women in religious dress, the State Department reported. Some also expressed concern that men pressure female relatives to wear headscarves.

In 2009, the Tajik government banned teachers from wearing beards and in January 2011, Tajik authorities reportedly began to detain, fingerprint, and interrogate bearded men. Some 30 teachers were forced to shave and a journalist whose official identity documents showed him wearing a beard was not allowed to leave the country. Reportedly, Tajik officials associate beards with the conservative Salafi school of Sunni Islam banned in January 2009.

U.S. Policy

Tajikistan is strategically important for the United States, due in part to the key role of ethnic Tajiks in Afghanistan, the country's southern neighbor. Tajiks are the second largest ethnic group in Afghanistan, and included a former Afghan president and Ahmad Shah Masoud, the head of the Northern Alliance who fought the Soviets and the Taliban and was murdered on September 9, 2001. In September 2011, a Taliban suicide bomber killed Burhanuddin Rabbani, the de facto leader of the eight million Tajiks in Afghanistan. Rabbani, a former Afghan president and former Northern Alliance member, was leading peace talks with the Taliban. He was killed four days before he was due to attend a meeting in Dushanbe.

Tajikistan is an isolated and impoverished country that experienced a five-year civil war in the 1990s, which resulted in as many as 100,000 deaths. In the aftermath of the civil war, the official amnesty extended to most of those Tajik officials allegedly responsible for torture and maltreatment of detainees and prisoners. In 2006, the UN Committee against Torture called on the Tajik government to establish an independent body to investigate numerous allegations of torture and to punish those found responsible for such acts including during the civil war.

Tajikistan has a weak state with an inadequate and highly corrupt government. Corruption in Tajikistan is endemic and slows the pace of crucial reforms, according to a 2011 report by the United Nations Development Program and the Strategic Research Centre of the President of

Tajikistan. That study also found that corruption tends to become institutionalized over time, and that a key cause is the low salaries of government officials. The country's economy is also heavily dependent on remittances from an estimated one million migrant workers, mostly in Russia. Due to the 2008 economic crisis, these remittances declined in 2010, but again increased last year. Many Tajik migrant workers have returned, giving rise to new social tensions in the country.

The State Department repeatedly has documented the worsening religious freedom conditions in Tajikistan. The State Department's *Annual Report on International Religious Freedom* between 2007 and 2010 stated that the Tajik government's respect for religious freedom was "poor and declined," "remained poor," "continued to decline," and "eroded." Similar concerns were expressed publicly in 2011 by high ranking U.S. officials, up to and including Secretary of State Hillary Clinton, who highlighted the Tajik government's poor human rights record, including regarding freedom of religion or belief.

In March 2011, the U.S. Ambassador to the OSCE, Ian Kelly, identified Tajikistan as a government that "cite[s] concerns about political security as a basis to repress peaceful religious practice." During the second Annual Bilateral Consultations with Tajikistan in April 2011, Assistant Secretary of State for South and Central Asian Affairs, Robert Blake, raised human rights concerns, including religious freedom. In October 2011, Secretary Clinton visited Tajikistan, and said publicly that the government's recent steps to control faith could drive "legitimate religious expression underground" and thus fuel extremism. She also stated that "Tajik citizens deserve the opportunity to . . . practice whatever religion they choose," noting that Tajik leaders are responsible to "ensure that fundamental freedoms, including religious freedom, are protected for all people: men and women, young and old." The main purpose of Clinton's visit was to thank the Tajik president for his support for the U.S.-led coalition in Afghanistan and for its role in the Northern Distribution Network (NDN) overland supply route. During a December visit to Tajikistan that focused on Afghanistan, Assistant Secretary of State Blake again raised human rights concerns.

U.S. foreign, humanitarian, and security assistance to Tajikistan amounted to approximately \$49 million in FY 2010. According to the State Department, the U.S. priority for human rights and democracy promotion in Tajikistan is to increase respect for the rights of Tajikistan's citizens and strengthen the country's sovereignty and stability, which is a difficult task due to "acute challenges," including "border security issues, failed educational and healthcare systems, and a legacy of Soviet repression." According to the State Department, "U.S.-Tajik relations have developed considerably since September 11, 2001" and "the two countries now have a broad-based relationship, cooperating in such areas as counter-narcotics, counterterrorism, non-proliferation, and regional growth and stability." In February 2010, the United States and Tajikistan launched an annual bilateral consultations process to enhance cooperation on a broad range of policy and assistance issues. The United States continues to assist Tajikistan on economic reforms and integration into the broader global marketplace, such as pursuing World Trade Organization accession.

In 2010, the United States expanded its security cooperation with Central Asian states to allow it to ship cargo bound for U.S. and NATO forces in Afghanistan overland through Central Asia via the NDN, rather than through areas in Pakistan that are subject to constant attack. According to the U.S. Transportation Command, 40 percent of supplies for U.S. and NATO troops in Afghanistan are now shipped via the NDN. U.S. Special Operations Forces have been given permission to enter Tajikistan, as well as Kyrgyzstan, Turkmenistan, and Uzbekistan on a “case-by-case” basis, with permission from the host nation, when conducting counter-terrorism operations, as the U.S. Central Command confirmed. In September 2010, U.S. Special Forces provided tactical support to Tajik government troops in repelling an attempted Islamic militant operation in the Rasht valley, which left 20 militants and one Tajik government soldier dead.

Recommendations

USCIRF recommends that the U.S. government designate Tajikistan as a CPC and engage in negotiations to see concrete progress to address religious freedom abuses. If those negotiations fail, the U.S. government should apply a presidential action or a commensurate action under IRFA. As described more fully below, USCIRF also recommends that the U.S. government should prioritize the issue of freedom of religion or belief in U.S.-Tajik bilateral relations, support Tajik civil society and religious actors, and encourage greater international scrutiny of Tajikistan’s human rights record.

I. Promoting Reform to Protect Freedom of Religion or Belief

In addition to designating Tajikistan as a CPC, the U.S. government should:

- engage the Tajik government in immediate negotiations for the implementation of concrete steps to address religious freedom abuses, with specific areas for improvement including, but not being limited to:
 - amending the 2009 religion law and other relevant legislation to bring them into conformity with Tajikistan’s international and OSCE commitments, including eliminating legal and other restrictions on peaceful religious practice and worship for all denominations;
 - limiting its legal definition of extremism to those acts that involve violence or incitement to imminent violence and to drop bans on non-violent organizations, literature, and groups;
 - affirming publicly its official intention to comply fully with Tajikistan’s international and OSCE commitments to respect freedom of religion or belief, as well as the rights of members of all non-violent religious communities in the country, including by statements from President Rahmon;
 - establishing a mechanism to review the convictions of persons previously detained or charged with non-violent religious, political, or security offenses;

--releasing those individuals who have been imprisoned solely as a result of their non-violent practice of their religious or other beliefs;

-- ceasing the harassment, raids, fines, detention and imprisonment of individuals who are exercising their rights to the non-violent practice of their religious or other beliefs; and

--engaging in an open and public dialogue with religious groups and groups with a religious affiliation that explicitly repudiate the use of violence, and repeal laws banning such organizations and encourage their participation in Tajikistan's political and social life;

- make U.S. assistance to the Tajik government, with the exception of assistance to improve humanitarian conditions and advance human rights, contingent upon the implementation of the above-named benchmarks; and
- restrict U.S. security and other forms of assistance to ensure that it does not go to Tajik government agencies, such as certain branches of the Interior and Justice Ministries, which have been responsible for violations of religious freedom and other human rights.

II. Emphasizing Tajikistan's Religious Freedom and Human Rights Record

The U.S. government should:

- continue to monitor the status of individuals who are arrested for alleged religious, political, and security offenses, and continue to monitor the trials of leaders or members of religious communities that lose their registration;
- publicly criticize any Tajik government violations of international and OSCE commitments on human rights, including respect for freedom of religion or belief, both in Tajikistan and at international meetings;
- urge the Tajik government to implement the religious freedom recommendations, such as reform of its religion law, raised in the October 2011 UN Human Rights Council after its Universal Periodic Review of Tajikistan;
- urge the OSCE Mission in Tajikistan to pay particular attention to violations of freedom of religion or belief and to undertake relevant programs, including holding training sessions with local officials and journalists on international obligations;
- work with the international community in Tajikistan to undertake efforts to improve judicial standards and to provide training for judges and prosecutors in civil law and international human rights standards; and
- increase opportunities for Tajik human rights advocates and religious figures to participate in exchange programs, and use appropriate avenues of public diplomacy to explain to the people

of Tajikistan both why religious freedom is an important element of U.S. foreign policy and the United States' specific concerns about violations of religious freedom in their country.