

United Nations Human Rights Council
Universal Periodic Review of Member-State: Republic of Tajikistan

Freedom of Religion

1. Despite that the Constitution of Tajikistan grants freedom of religion, the government has made countless efforts to put restrictions on any religious activity that is not directly under the control of the government. These restrictions have only tightened in recent years as laws and amendments have been passed allowing increased government control over specific religious activities and promoting the punishment of those who do not abide by the strict rules set in place.
2. Approximately 96 percent of the population in Tajikistan is Muslim, while a minority Christian group comprises only one percent of the population. The Tajik government enforces many restrictions on religion, of which affect many in the Muslim majority, but often times have a more crippling impact on the Christians because of their limited amount of human and public resources. The religious laws and restrictions are so complex and comprehensive that they could be seen as an attempt to deter people from practicing a religion that does not adhere completely to the state's approval because many will want to avoid exposing themselves to potentially violating the law.
3. Although there is not an official religion of Tajikistan, Hanafi Islam holds special status. The government takes measures to keep Islam teachings aligned with their own beliefs and must approve any religious organization. Religious groups may only operate if they are first approved by and registered with the state. An amendment in 2011 to the 2009 religion law, that is still enforced today, created extensive requirements for a religious group to obtain recognition by the state and forbids activity by non-registered religious groups.
4. Upon the amendments made to the religion law in 2011, article 8 restricts persons from traveling abroad to acquire religious education from a foreign source unless they have obtained domestic education in that field by a state-authorized institution. This is one of the stipulations that potentially affects any Tajik member wishing to get additional religious education abroad but has the most severe impact on the Christian minority. This is so because there are currently no state-authorized institutions in Tajikistan that provide a Christian curriculum, meaning Christians have no ability to attain Christian theological education at home nor abroad.

5. Amendments made to the administrative and penal code by the Tajik Parliament in 2012 approve of stricter control by the state on religious activity and fines for those who do not uphold their religious laws. Though these were claimed as necessary amendments by the government as a supposed effort to prevent terrorism, these amendments have grave impacts for religious minorities, and may even be a masked attempt to eliminate religious activity that is outside of direct government control.
6. The government tracks persons traveling abroad for education by having them first register with the Committee on Religious Affairs (CRA). They impose penalties on anyone who violates the restrictions they have set or travels for religious purposes without the prior consent of the committee.
7. Article 474 establishes punishment for anyone who has ties in another country for religious purposes that have not been approved by the state. This restriction of unapproved contact greatly impedes the access that Christians and other religious minorities have to an extended religious community and also impedes on their right to practice religion in association with others as is their right according to the Tajik Constitution.
8. Tajik government interferes with the transmission of religious idea by controlling the publication and distribution of religious literature and materials. In several cases in 2013, the National Security Committee (NSC) secret police took religious materials from Muslims, Protestants, and Jehovah's Witnesses. Cases have also been reported in which people were either fined or warned for having religious literature that had not passed through the state mandatory censorship system for religious materials.
9. According to the Parental Responsibility Law of 2011, persons under 18 are prohibited from taking part in public religious activities. Tajikistan is the only country in the world to implement this kind of restriction on participation in religion.
10. The State Committee for Religious Affairs (SCRA) is responsible for the punishment of anyone who violates Tajik religious law. SCRA is able to directly involve themselves and to give punishment without any further police investigations or court rulings.
11. The Christian minority consists largely of Russian Orthodox, but also includes Baptists, Roman Catholics, Seventh-day Adventists, Lutherans, Korean Protestants, and Jehovah's Witnesses. In 2014, the United States Commission of International Religious Freedom (USCIRF) added Tajikistan to the list of Countries of Particular Concern (CPCs). The report made a point that along with repression put on the Muslim majority by the

government, there is heavy pressure particularly put on Protestants and Jehovah's Witnesses.

12. Certain religious groups have been completely banned. Jehovah's Witness has been banned since 2007 because the government claimed it was causing discontent among the people as well as for their opposition to service in the military. Since then it has been reported that in September 2013 a Jehovah's Witness was fined for speaking of his faith on a Dushanbe street. In October 2014, the Supreme Court rejected an appeal by the Jehovah's Witnesses to register their community, again denying them state recognition. Then in July 2015, police intruded a Bible study held in a private apartment and demanded that everyone there renounce their faith.

Summary of Recommendations

1. Tajikistan must adhere to article 26 of its constitution which states that, "Each person has the right independently to determine her or his religious preference, to practice any religion alone or in association with others or to practice no religion, and to participate in the performance of religious cults, rituals, and ceremonies." This mandate should be upheld not just in part, but in whole, to secure true religious freedom in Tajikistan.
2. The Law on Religion enacted in 2009, as well as its 2011 amendments, calling for stricter government control on religious activity needs to be repealed because it is unconstitutional and opposes religious freedom. The Parental Responsibility Law should also be amended for the same reasons.
3. Jubilee Campaign agrees with the following United States State Department recommendation for Tajikistan: Continue to monitor the trials of those charged on account of their religious affiliation, and work with the international community, particularly the Organization on Security and Cooperation in Europe (OSCE), to provide training for the judiciary in civil law and human rights standards.
4. Special attention should be paid to religious minorities of the state. With the current religious laws in place, minorities are particularly hindered from freely practicing their beliefs. Laws that restrict the religious freedom of religious minorities should be prohibited, even if the stated motive for these laws is to serve another purpose.
5. The Tajik government needs to be pressured to stay in line with international standards for religious freedom. Freedom of religion should not be a human right that is ignored in this state by the international community.