

DECREE

OF THE GOVERNMENT OF THE REPUBLIC OF TAJIKISTAN

on the bill of the Law of the Republic of Tajikistan “ABOUT FREEDOM OF CONSCIOUS AND RELIGIOUS UNIONS”

According to article 58 of the Constitution of the Republic of Tajikistan the Government of the Republic of Tajikistan takes decision:

To find the bill of the Law of the Republic of Tajikistan “About Freedom of Conscious and Religious Unions” approved and to present it for consideration of Majlisi Namoyandagon of Majlisi Oli of the Republic of Tajikistan.

**Head of the Government
of the Republic of Tajikistan**

Bill

THE LAW

OF THE REPUBLIC OF TAJIKISTAN

ABOUT FREEDOM OF CONSCIOUS AND RELIGIOUS UNIONS

Acknowledging and confirming the right of every person of the society for freedom of conscious and the equal responsibility of all before the law regardless of religion and faith,

basing on the fact that the Republic of Tajikistan shall be a secular state, acknowledging that Islam shall be an important aspect of history and culture of people of Tajikistan and

with respect to other religions existing in the territory of the Republic, this Law shall be adopted.

CHAPTER 1. THE GENERAL REGULATIONS

Article 1. The theme of regulation of the present Law

The present Law shall regulate social relations concerning freedom of conscious and religion, and shall define the order of implementation of the right of establishing religious unions.

Article 2. The tasks of the present Law

The tasks of this Law shall be securing human right for freedom of conscious, religion, and protecting rights and interests of the citizens.

Article 3. The legislature of the Republic of Tajikistan about freedom of conscious and religious unions

The legislature of the Republic of Tajikistan about freedom of conscious and religious unions shall be based on Constitution of the Republic of Tajikistan, the present Law, other legal regulative acts of the Republic of Tajikistan, as well as international legal pacts ratified by the Republic of Tajikistan.

Article 4. The main terms that shall be used in the present Law.

The following main terms shall be used in this Law:

freedom of conscious – the right of every person and citizen in determining his (her) relation to a religion freely and independently, separately or collectively following any religion or not following any religion, changing religious faith and also expressing and spreading faith concerning the relation to a religion as well as an atheistic belief;

freedom of religion – the right of every person and citizen for independent choosing of any religion and following it, participating in religious ceremonies, completing religious customs and religious education;

religious unions – any kind of voluntary and non-commercial unions of the citizens of the Republic of Tajikistan, foreign citizens and stateless persons, which shall be established in the forms provided by the present Law;

Article 5. The right for freedom of conscious and religion

No compulsion shall be allowed in expressing the right for freedom of conscious and religion in the Republic of Tajikistan.

Restricting the rights for freedom of following a religion or belief shall be possible only for protecting the rights and freedoms of others, ensuring security, order, health and public ethics by the law.

Indicating the relation of a citizen to a religion in official documents shall be not allowed, except the cases when the person shall have such wish himself.

Nobody can release himself from the responsibilities provided by law because of religious faith. The change of responsibility bearing to another one because of the faith shall be possible only in the cases provided by the legislature of the Republic of Tajikistan.

With the agreement of sides, the parent or the persons changing them shall have the right to bring up their children according to their own relation to a religion.

The foreign citizens and stateless persons being in the Republic of Tajikistan shall use the right for freedom of conscious and religion in the order provided by the present Law.

CHAPTER 2. THE STATE AND RELIGIOUS UNIONS

Article 6. The relation of the State to the religious unions.

The State shall provide favorable opportunity for securing the freedom of faith and freedom of religion, observance of legal rights and interest of the religious citizens and religious unions.

Not any religion shall be acknowledged as a state and universally obliged religion in Tajikistan.

The interference of state agencies and officials to the activity of religious unions and also the interference of the religious unions to the activity of state agencies and officials shall be prohibited, except the cases provided in the law.

In the framework of its authority the State shall regulate the tax relations of the religious organizations, presenting tax exemptions, assisting financially to religious unions in repairing the historic and cultural monuments being in their possession, supporting religious educational institutions.

In implementing the freedom of faith and propaganda and agitation activities, the religious unions shall be responsible to take into consideration the interests of the State, national values, independence and state security.

The authorized state agency on religion shall coordinate the relations of the State and religious unions in the Republic of Tajikistan. The authorized state agency on religion shall provide the organizational issues, general control, observance of the requirements of the regulations of the religious organizations, organization of religious ceremonies in coordination with other authorized state agencies.

Article 7. The separation of the religion and religious unions from the state authority

All religions and religious unions shall be separated from the state authority and shall be equal before the law.

The religious unions cannot fulfill the tasks of the state authority. During their activity in the religious unions the religious, the workers shall have not right to be elected or appointed to agencies of the state authority.

The religious unions shall not participate in the activity of political parties and shall not assist them materially or morally.

Religious ideology, religious agitation and learning cannot be the mean of struggle of public and political movements.

Article 8. The state system of education and religious unions

The state system of education in the Republic of Tajikistan shall be separated from the religion and religious unions.

The State shall provide the secular education in all educational institutions, as well as the accessibility of types and different levels of education regardless of the relation to religion.

It shall be possible to include subjects about religion to academic programmes of the system of education of the Republic of Tajikistan, but including

religious subjects shall not be possible, except the special educational institutions preparing specialists for the field of religion.

Article 9. The religious education

The citizens shall have right to be engaged in religious education, they can get religious education individually or together with others.

According to the order provided by the present Law and the regulations of the organization, the religious unions, which have been established as a legal person shall be authorized to establish the provided types of religious educational institution for religious education of children and adults.

Giving children religious education shall be allowed when they reach age 7, with the written agreement of their parents or the persons changing them and only in free from the study at a comprehensive school time and in special¹ buildings.

Involving adolescents in religious education against their will shall not be allowed.

The persons involved in giving religious education, must have special religious education and a license for this kind of activity.

Article 10. The control and inspection of the religious unions.

The control and inspection of the religious unions shall be conducted by the authorized state controlling and financial agencies in the order provided in the legislature of the Republic of Tajikistan.

CHAPTER 3. THE TYPES OF RELIGIOUS UNIONS.

Article 11. The types of the religious unions

The religious unions shall be established in the form of religious communities and religious organizations.

The religious organizations shall be established in a form of religious centers, religious institution, church, synagogue and other forms not contradicting with legislature.

The religious communities shall be established in a form of mosques, agitating societies, worship and pilgrimage places and other forms not contradicting with legislature.

According to the order provided by the Civil Code of the Republic of Tajikistan, not least than 3 religious organizations can establish an association.

Article 12. The legal status of the religious unions.

The religious organizations shall be legal person and shall act based on the Regulations in the order provided by the present Law.

The religious unions without legal person status shall be registered in the authorized state agency on religion and shall work based on a sample regulations that prepared and approved by the authorized state agency on religion.

¹ Note – by special building is meant a building, that shall have a license for conducting classes in it from respective agencies

Article 13. The religious centers

The religious centers shall be voluntary and independently religious organization established at least by 10 founders, citizens of the Republic of Tajikistan for organizing and completing non-worship religious activity.

The religious centers shall have right to be the founder of the religious organizations and religious communities.

Article 14. The church and synagogue

The church and synagogue shall be types of the religious organizations working on the basis of their regulations in the order provided by the present Law. The regulations of the church and synagogue shall be prepared according to the requirements of this Law and the sample Regulations approved by the authorized state agency on religion.

Article 15. The religious educational institutions

The religious educational institutions shall be a special type of the religious organizations engaged in teaching and providing religious knowledge. The religious centers and associations of the religious unions can establish religious educational institutions, as well as high institutions for preparing religious workers.

The condition and order of the studies in the religious educational institutions shall be defined by the Ministry of Education of the Republic of Tajikistan.

The educational activity of the religious educational institutions shall be allowed on the basis of a license. Issuing licenses for educational activity of the religious educational institutions shall be conducted according to the order provided by the Law of the Republic of Tajikistan “About Issuing License for Some Kinds of Activities”.

Article 16. The mosque

The mosque shall be the place for public praying.

The mosque as a kind of religious community shall work on the basis of the sample Regulations approved by the authorized state agency on religion.

The registration of the mosques shall be conducted by local administration of the state authority together with authorized state agency on religion of Gorno-Badakhshon Autonomous Region (GBAR), regions and Dushanbe city. The registration of the mosques of the Districts and Towns of the Republican Subordination shall be conducted by local administration of the state authority together with central authorized state agency on religion.

According to its activity scale and location the mosques may be divided to five-time and public mosques. The founders of the five-time mosques can be the religious centers or at least 10 citizens of the Republic of Tajikistan, and the founders of the public mosques can be the religious centers or at least 30 citizens of the Republic of Tajikistan.

The imams of the five-time mosques and imam-khatibs of the public mosques shall be appointed with the suggestion of the Public Council of Ulamo of the respective district, town and region by the authorized state agency on religion

together with local administration of the state authority. The imams of the five-time and public mosques shall be selected from the persons possessing high religious education.

The order of registration of the five-time and public mosques shall be conducted according to sample Regulations approved by the authorized state agency on religion.

The requirements of the sample Regulations concerning the registration of the mosques shall be applied to the five-time and public mosques, which shall be established after enactment of the law.

Article 17. The agitating societies, worship and pilgrimage places

The agitating societies, worship and pilgrimage places shall be other types of the religious communities. For establishment of these types of the religious communities, their founders (not least than 10 citizens of the Republic of Tajikistan) shall apply with not least than 50 signatures of citizens of the Republic of Tajikistan belonging to a certain religion.

For registration the agitating societies, worship and pilgrimage places it must be necessary to apply to the authorized state agency on religion of GBAR, regions, Dushanbe city and respective central state agency on religion.

CHAPTER 4. THE ESTABLISHMENT AND REGISTRATION OF THE RELIGIOUS ORGANIZATIONS

Article 18. The establishment of the religious organizations

The religious organizations shall be established voluntary and openly with the purpose of satisfying religious needs of the citizens in the Republic of Tajikistan.

The founders of the religious organizations, except religious educational institutions in the Republic of Tajikistan can be only the citizens of the Republic of Tajikistan possessing full work competency.

The leaders, the members of political parties, officials and state workers cannot be the founders of the religious organizations.

Only full competent person shall be considered the member or the participant of the religious union.

If the foreign citizens and stateless persons shall have permanent residence or a certificate of residence in the Republic of Tajikistan, they can be a member or a participant of the religious union.

The name of the religious organization must include the information about that religion. The religious organization shall be responsible to indicate its full name in a course of its activity.

The establishment and activity of the religious organizations, the aims and actions of which shall contradict the legislature of the Republic of Tajikistan shall be banned.

Article 19. The registration of the religious organizations

In order to get the status of the legal person, the religious organizations must be on the state registrar.

The state registration of the religious unions shall be conducted by the Ministry of Justice and its agencies in local areas.

The state registration and anew registration of the religious organizations, as well as refusal for registration shall be conducted according to the order and term provided by the legislature of the Republic of Tajikistan.

In necessary cases for conducting religion analysis, getting the conclusions of the religious specialists and other inspection and analytic actions the state registration of the religious organizations shall be delayed.

The following documents shall be presented to the authorized state agency for the state registration:

- an application for registration;
- the regulations of the organization;
- a protocol of the foundation session or general meeting of the founders;
- information about the founders of the organizations;
- a reference from regional administration of the state authority about the residence of the followers of that religion for last 10 years;
- a positive conclusion of the authorized state agency on religion about the fact that the aims and tasks of the religious organization shall not contradict culture, national and religious values;
- a document about payment of state fee;
- a document about the legal address of the religious organization;

In the case of introducing amendments to the Regulations of the religious organization, the religious organization shall go through anew registration in the order stated in this article.

For the state registration and also for introducing amendments to the regulations, the religious organizations must pay state fees in the order and amount provided by the Law of the Republic of Tajikistan "About State Fee".

The state registration of the religious organizations shall be finished in one month from the day of presenting documents indicated in this article. The religious organization registered as a legal person shall be issued an appropriate certificate about the state registration.

The religious organizations shall acquire a legal status from the moment of getting state registration.

Article 20. The refusal for registration of the religious organizations

The state registration of the religious organizations shall be refused on the following basis:

- if the regulations of the religious organizations shall contradict with Constitution of the Republic of Tajikistan and the laws of the Republic of Tajikistan;
- if all the required documents for the state registration indicated in the present Law shall not be presented;

- if it shall prove out that there was false information in the presented documents;
- if the name of the religious organization shall insult the ethic, national and religion feeling of citizens;
- in other cases provided by the legislature of the Republic of Tajikistan.

Article 21. The regulations of the religious organization

The regulations of the religious organization shall provide the following:

- the name, aim of the religious organization, type and its religious belonging;
- the structure of the religious organization, managing and controlling body of the religious organization, the territory, where this organization shall work;
- the power and the order of renewing the managing body of the religious organization, its term, the location of the permanent managing body;
- the order of introducing amendments and additions to the regulations of the religious organization;
- the sources of the financial resources and other property of the religious organization, the rights of the religious organization and its structural branches concerning the management of the property;
- the order of anew establishment or liquidation of the religious organization.

Article 22. The state list of the religious organizations

The state list of the religious organizations shall be bank of information about the religious organization. The authorized state agency shall regulate the type of the list.

The following shall be included to the state list of the religious organizations:

- the name of the religious organization, its religious belonging;
- its legal address and its location;
- the type of the religious organization;
- the information about the type of licensed activity;
- the number and date of the certificate about the state registration of the religious organization
- information about anew registration of the religious organization;
- information about annual activity of the religious organization
- information about the process of anew registration or liquidation of the religious organization.

CHAPTER 5. THE RIGHTS AND RESPONSIBILITIES OF THE RELIGIOUS UNIONS

Article 23. The rights of the religious organizations.

For implementing the goals of its regulations, the religious unions shall have right:

- to spread freely information about its activity;

- to represent and protect its own rights, the legal rights and interests of its member and participant, as well as of other citizens in the court and other agencies of the state authority;
- to apply with initiatives about different issues of religious life, to present proposals to the administration of the state authority;
- to engage in production and economic activity according to the legislature of the Republic of Tajikistan;
- to implement the other rights provided in the present Law and other laws of the Republic of Tajikistan.

Article 24. The responsibilities of the religious unions

The religious unions shall be responsible:

- to observe the Constitution of the Republic of Tajikistan, other legal regulative acts, international legal acts ratified by the Republic of Tajikistan concerning its activity, as well as rules provided in the regulations and other founding documents;
- by request of the authorized state agency on religion to present information;
- to allow the representatives of the authorized state agency on religion, controlling and investigating agencies to attend the events organized by the religious organization.

CHAPTER 6. THE RIGHTS OF THE CITIZENS AND RELIGIOUS ORGANIZATIONS CONNECTED WITH FREEDOM OF RELIGION

Article 25. The religious customs, traditions and ceremonies

Religious customs, traditions and ceremonies of the citizens shall be conducted freely in the framework of the Law of the Republic of Tajikistan “About Regulating Customs and Ceremonies in the Republic of Tajikistan”.

The worship, customs and traditions connected with worship in pilgrimage and worshipping places, buildings of the religious unions, houses of the citizens and cemeteries shall be completed relative to the peculiarities of the religions.

The commanding staff of the military units shall not stop the soldiers to participate and complete religious customs in their free time.

For completing worship the religious unions shall have right to apply with offers to the citizens being in the hospitals, invalid houses, places of the preliminary arrest and prisons.

By a request of the citizens being in the hospitals, invalid houses, places of the preliminary arrest and prisons, the worship and religious traditions and customs shall be completed in those places. The administration of these institutions shall assist to the invitations of the religious workers; participate in defining time and other conditions of conducting worship, religious customs and traditions or ceremonies.

In other cases, the public worship, religious customs and traditions shall be conducted in order of conducting peaceful meetings, demonstrations and marches provided by legislative acts of the Republic of Tajikistan.

Article 26. The rights of the citizens for completing Hajj and Umra

The citizens of the Republic of Tajikistan shall have right to complete Hajj and Umra. The order of the trip of citizens shall be regulated by the Government of the Republic of Tajikistan.

Article 27. The religious literature and objects

The citizens and religious unions shall have right to get and use religious literature and objects.

The religious unions shall have right to produce, export, import and spread the religious objects, religious literature and other information objects of religious content according to the legislature of the Republic of Tajikistan.

The religious literature and religious objects shall be spread in the places, where shall live the followers of that religion.

The export and import of the large number of the religious literature and as well as other religious objects shall be conducted only after getting the conclusion (agreement) of the authorized state agency on religion.

Without prior agreement with the authorized state agency, the international organizations working in the Republic of Tajikistan cannot be involved in agitating activity, religious or non-religious worship, importing literature and papers of religious content.

The state agency shall give agreement for (religious) agitating activity only if the followers of that religion shall be citizens of the Republic of Tajikistan or the persons equaled with them living in the Republic of Tajikistan for last 10 years.

Article 28. The charity activity of the religious unions

The religious unions shall have the right for charity activity according to the legislature of the Republic of Tajikistan.

Donations and financial means allocated for these purposes shall be tax-deductible.

All kinds of charity and agitating activities directed to involving the citizens to religion, possessing mental and other stressing character shall be banned.

Article 29. The international relation and connections of the religious unions

In agreement with authorized state agency, the religious unions shall have right for international relations.

In agreement with authorized state agency on religion, the religious unions shall have right to send the citizens of the Republic of Tajikistan for study to educational institutions of foreign countries and also to invite foreign citizens for this purpose.

CHAPTER 7. THE PROPERTY OF THE RELIGIOUS UNIONS

Article 30. The property of the religious organizations

According to the Civil Code of the Republic of Tajikistan, the religious unions shall have public property. They shall use the right of possession,

enjoyment and disposal of property, and other objects necessary for their activity according to the legislature and property earmarking.

The building and property of the mosque, church, synagogue shall be the public property of the religious unions.

The religious unions shall pay tax from financial and commodity charities presented to them according to Tax Code of the Republic of Tajikistan.

Article 31. The enjoyment of property of the state, public associations and citizens

For their needs the religious unions shall have right to use the building and property given by the state agency, public associations and citizens on the basis of a contract.

Local and central administration of the state power can give the worship and pilgrimage places or other properties of the state to the religious unions for enjoyment.

Assignment of historic and cultural building and objects to the religious unions shall be conducted according to the legislature of the Republic of Tajikistan.

The religious unions shall use land according to the Code of Land of the Republic of Tajikistan.

Article 32. The productive and economic activity of the religious unions.

According to the legislature of the Republic of Tajikistan, the religious unions can be involved in productive and economic activity.

The income and benefit from economic activity and other incomes of the religious unions shall be subject to taxation according to Tax Code of the Republic of Tajikistan.

Article 33. The management of property of the religious unions, which stopped their activity

In the case of stopping activity of the religious unions, the management of property being in their possession shall be finished according to the legislature and its regulations.

The property connected with worship being the property of the religious unions shall not be taken by the claims of creditors.

In the absence of the legal heritors, the property of the religious unions shall be the state property.

CHAPTER 8. THE LABOUR RELATIONS IN THE RELIGIOUS UNIONS

Article 34. The labour relations and labour rights of the citizens in the religious unions

The religious unions shall have right to accept the citizens to work. The conditions of the work shall be defined in a work contract between the religious

union and an employee in written form according to the labour legislature of the Republic of Tajikistan.

The legislature of the Republic of Tajikistan about labour, social security, tax and insurance shall be applied to the **citizens** working in the religious unions.

CHAPTER 9. THE RESPONSIBILITY FOR VIOLATING THE LAW ABOUT THE FREEDOM OF CONSCIOUS AND RELIGIOUS UNIONS

Article 35. The responsibility for violating the Law about the Freedom of Conscious and Religious Unions

The natural, legal persons and religious communities violating the legislature about the freedom of conscious and religious unions shall be called to account in an order provided by the legislature of the Republic of Tajikistan.

Article 36. The responsibility of the religious unions for violating the legislature of the Republic of Tajikistan

According to the present Law and other laws of the Republic of Tajikistan, the religious unions shall be responsible for the violation of the legislature of the Republic of Tajikistan.

In a case of taking actions going out the framework of goals and tasks mentioned in the regulations or violating the laws and the legal interests of legal and natural persons by the religious organizations, a written instruction shall be issued to the administration of the religious union by the authorized state agency or prosecutor.

The religious union shall be responsible to eliminate the committed violations during a month from the day of receiving the written instruction and to report to the agency that issued the written instruction. In a case of not eliminating the violations in a defined period, the authorized state agency on religion with its own initiative or with order of the prosecutor shall issue a decree about the activity suspension of the religious union up to three months.

Article 37. The reasons for activity suspension of the religious unions

The activity of the religious unions shall be suspended by the decision of the court up to three months in the following cases:

- in the case of violating the legislature of the Republic of Tajikistan;
- in the case, when the actions of the religious organizations shall contradict with its Regulations or the Sample Regulations of the authorized state agency on religion;
- the violation of legal rights and interests of the legal and natural persons by the religious union;

If in the defined period, the religious union shall eliminate the violations and shortcomings defined in the instruction of the authorized state agency about the activity suspension, the activity of the religious union shall be reactivated from the moment of eliminating violations.

In a case of not eliminating these violations by the religious union, the court can stop the activity of the religious union by the suggestion of the authorized state agency (the Ministry of Culture, the Ministry of Justice) or prosecutor.

The appeal over the decision about the suspension and stopping activity of the religious union shall be submitted in the order provided by the legislature of the Republic of Tajikistan.

Article 38. The activity stopping of the religious union.

The activity of the religious union as a legal person shall be stopped by liquidation or anew establishment.

The liquidation or anew establishment of the activity of the religious union shall be conducted according to the Civil Code of the Republic of Tajikistan.

CHAPTER 10. THE FINAL REGULATIONS

Article 39. The registration of the religious unions, which were established before taking effect of the present Law

The regulations of the present Law about the state registration of the religious unions shall be also applied to the religious unions, which were established before taking effect of the present Law.

The regulations of the religious unions, which were established before taking effect of the present Law, should be brought to accordance with the requirements of the present Law from the moment of taking effect of the present Law. Only those parts of the regulations of the religious unions not contradicting with the present Law shall be effective. The anew registration of the religious unions that were established before the moment of taking effect of the present Law shall be conducted not later than December 31, 2008 with exemption from paying the state fee.

The religious organizations that did not go through the regulations of this article in the defined period shall lose the status of the legal person and their certificate about the state registration shall be recognized invalid by the decision of the registering agency. Such case shall release them from their responsibilities.

Article 40. About recognizing the Law of the Republic of Tajikistan “About Religion and Religious Unions” ineffective

The Law of the Republic of Tajikistan “About Religion and Religious Unions” of December 1, 1994 (The Information of the Supreme Soviet of the Republic of Tajikistan of 1994 year, # 23-24, article 452; The Information of Majlisi Oli of the Republic of Tajikistan of 1997 year, # 9, article 117, part XXIV; # 23-24, article 333, part VI; 1999 year, # 9, article 232; 2001 year, # 4, article 155) shall be recognized ineffective.

Article 41. The order of taking effect of the present Law

The present Law shall take effect from the moment of its official publication.