

Restrictive NGO Law on the Way in Tajikistan

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Outcry over attempts to curb foreign funding for civil society groups.

Tajikistan is following its former Soviet neighbours by moving to amend legislation that regulates non-governmental organisations – to fierce criticism from civil society groups.

According to the proposed changes to the country's Law on Public Associations, NGOs will only be able to implement programmes supported by foreign governments if the funding has been registered with Tajikistan's justice ministry.

The draft legislation, currently being considered by the government but not yet submitted to parliament, is seen as a further step towards increasing state control over NGOs' activities.

As the new bill takes shape, an open letter addressed to the Tajik government and signed by 92 rights groups from around the world called on it to respect NGOs' right to access funding freely.

The letter, published on November 25, said that the organisations were "alarmed at the recent initiative by the government of Tajikistan to regulate and restrict access of NGOs to financial assistance".

The letter referred to restrictive legislation such as the 2012 law adopted by Russia that forces NGOs receiving foreign funding to register as "foreign agents".

A bill currently going through Kyrgyzstan's parliament would similarly force civil society groups to register as "foreign agents" and comply with a set of stringent requirements. (See: **[Kyrgyzstan Follows Russia Backwards on NGO Rights](#)** .)

"This draft legislation in Tajikistan forms part of a broader trend in many countries in the former Soviet Union, in which governments are stepping up efforts to control and restrict access, in particular, to foreign funding of NGOs," the letter said.

There are some 3,000 NGOs in Tajikistan, mostly funded by foreign donors. Since Tajikistan gained independence in 1991, such groups have made a significant contribution, rights activists say.

The letter to the government points out that the bill is ambiguous on funds received "through other physical and legal entities", meaning it remains unclear whether money received from local sources would also be subject to the new requirement.

The signatories also criticised "a non-transparent drafting process" as civil society groups have not been involved in discussions on the new law.

Last time the Law on Public Associations was amended seven years ago, the government introduced a requirement that NGOs register with the justice ministry. Non-government groups currently submit annual reports about their activities to the authorities. But Oinikhol Bobonazarova, head of the Perspektiva Plus group, says the new law will give the government much greater control over their operations.

"Work under a [funder's] grant can proceed only after it has gone through registration [with the justice ministry]," she said. "But it's up to them whether they approve registration. This means that the state wants to exert total control over activities of non-governmental organisations."

Others are similarly critical of the proposals. The director of the Bureau for Human Rights and Rule of Law, Nargiz Zokirova, told IWPR that the proposed amendments are a blow to civil society, and a way "to get rid of NGOs the government doesn't like".

A staff member of an international organisation based in the capital, Dushanbe, who asked to remain anonymous, expressed a similar view, describing the law as "an additional instrument of pressure and control".

Signatories to the letter said "there are reasons to fear that it in practice would amount to a system of pre-authorisation for the use of funds that would involve direct government interference in the activities of NGOs and could result in arbitrary delays and denials to register grants".

The Tajik government has defended the proposed amendments to the law. The head of the department for registering public organisations and political parties at the justice ministry, Qurbonali Boboev, told IWPR that NGOs need not worry about restrictions on their activities.

“It is simply about public organisations informing the justice ministry about their funding sources and the purpose of grants,” he said. “It isn’t about restrictions.”

However, a Tajik official who spoke to IWPR anonymously said more or less the opposite – that the legal changes came out of a desire to prevent civic uprisings seen in other post-Soviet states.

“Tajikistan wants to prevent the kind of events that took place in Ukraine, Kyrgyzstan and other countries,” the official said. “The main aim of these amendments... is to prevent funding from abroad that could be used to overthrow the government, or spread terrorist and extremist ideas.”

Nuriddin Karshiboev, head of the Independent Association of Mass Media, said the negative repercussions of the bill would be felt well beyond the civil society sector.

“Each group works in its area of expertise and if it stops its activities, hundreds of people will be left without help,” Karshiboev said.

Zokirova warned that the legislation would damage Tajikistan’s reputation internationally and pointed out that in two years’ time, the country will have to submit its periodic report to the United Nations Human Rights Council.

Maina Kiai, the United Nations Special Rapporteur on freedom of peaceful assembly and of association, has underlined that international treaties like the International Covenant on Civil and Political Rights prevent signatory states from restricting funding to NGOs unless it is doing so in pursuit of a legitimate aim.

Besides the current legislative changes, there are reports that the government might go even further and that it is considering a Russian-style “foreign agents” bill.

A government official who declined to be named told IWPR that such a bill was indeed being considered. While the draft text of the amended Law on Public Associations was leaked to civil society groups, no one has seen a draft of the foreign agents law.

Asked about plans for such legislation, Boboev denied that government was drawing up such a law.

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