

On June 10, the Majlisi Namoyandagon of the Majlisi Oli (the Lower Chamber of the Tajik Parliament), approved amendments to the Code of Administrative Offenses and the Criminal Code. They toughen the punishment for intentional dissemination of false information in the media and online amid the appearance and spread of dangerous diseases. Civil society and journalists oppose the adoption of these amendments and address the country's President Emomali Rahmon urging him to reject the bill. We answer questions on why these amendments should not be adopted.

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What will happen if the amendments are adopted?

Article 374, paragraph 1 of the Administrative Code of the Republic of Tajikistan provides for administrative liability in the form of fines and administrative arrest for disseminating false information about the pandemic in the media and online. If the bill is adopted, then fines will be excessive: from 580 to 11,600 somoni (\$56-1,125). For Tajikistan, where the average salary does not exceed \$150, these are very large amounts.

Is this an attempt to limit the freedom of speech?

Yes, the journalists and lawyers claim that the bill is another blow to freedom of speech and expression in Tajikistan.

Doctor of juridical science Shokirjon Khakimov believes that the amendments may become a tool for restricting journalistic activities or other sources of information, which concerns him.

"The bill is rather an attempt to silence journalists than to help Tajik society. Any project that opposes freedom of expression can damage the image of Tajikistan not only internally but also abroad," says Khakimov.

Why did these amendments appear at the first place?

Most likely, not to look ridiculous for the international community. Tajikistan did not introduce emergency or quarantine during the coronavirus pandemic and officially recognized COVID-19 cases on its territory only on April 30, on the eve of the official visit of WHO representatives to the country.

In less than two months, Tajikistan outranked the neighboring countries in disease growth rates. The number of confirmed cases, according to official statistics as of June 23, is 5,567; the number of deaths is 52. This mortality rate is the second highest in Central Asia after Kazakhstan.

Tajik activists have repeatedly accused the country's authorities on social networks of covering up the statistics, and created the national website kvtj.info, which collects data on death rate from COVID-19. On this website, the numbers far exceed official statistics. Now, it is blocked in Tajikistan, but the information is still being updated there.

That is, these amendments will silence journalists?

Unlikely. Nuriddin Karshibaev, Chairman of the National Association of Independent Media of Tajikistan, believes that in the age of information technology, "it is impossible to shut people's mouths". The amendments aim to intimidate journalists and civil society activists by saying "we can punish you". However, the main target is the information disseminated from sources outside of Tajikistan. The adoption of such laws will not block these sources.

"That is, they disseminate all kinds of information, and these efforts have no effect on those who work "against the state and nation of Tajikistan."

Was there a good reason for the amendments?

Lawyers believe not. Codes of Administrative, Criminal and Civil Offences already provide

for various types of punishments for disseminating false information. That is, there was no need to create a new punishment for each specific case, since the norms previously established by the legislation cover all areas, including coronavirus.

Karshibaev believes that in the situation of limited access to information in the country, the authorities should better think of the provision of correct and timely information instead of punishing journalists.

Is not that against the law?

Of course, it is. Any information related to public health should not be kept secret. However, new amendments contradict this legal norm. According to the Criminal Code, the officials of a government agency is required to publicly reveal the situation, but these amendments force them to remain silent.

On the other hand, the fines for “publishing false information about common disease” is contrary to the constitutional right of citizens to access information.

Who and how will qualify the information as false?

It is not clear so far. The amendments do not clearly define the “falsity” of information, which means they can be selectively applied to an independent journalist or independent media that uses an alternative source of information.

Where did these amendments come from?

Nuriddin Karshibaev believes that the adoption of such a bill is a repetition of the other countries’ experience, including Russia, Uzbekistan and Kyrgyzstan. However, it is disturbing that Tajikistan is copying not so much the positive as the negative aspects of other countries’ laws.

What should one expect if the amendments are

finally adopted?

According to Shokirjon Khakimov, as soon as the amendments come into force, this will lead to:

- Increase in corruption level;
- Malpractice;
- Restriction of freedom of speech and expression;
- Pressure on information sources;
- Self-censorship;
- Unofficial censorship.



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