

TAJIKISTAN

EXECUTIVE SUMMARY

Tajikistan is an authoritarian state that President Emomali Rahmon and his supporters, drawn mainly from one region of the country, dominated politically. The constitution provides for a multiparty political system, but in practice the government obstructed political pluralism. The February 2010 parliamentary elections were marked by widespread fraud to ensure the continued rule of the ruling People's Democratic Party of Tajikistan (PDPT). The PDPT, progovernment independents, and government-affiliated political parties dominated parliament. The opposition Islamic Revival Party of Tajikistan (IRPT) and Communist Party of Tajikistan had two seats each in parliament. Security forces reported to civilian authorities.

The most significant human rights problems included torture and abuse of detainees and other persons by security forces, restrictions on freedoms of expression and religion (especially regarding the prosecution of journalists and repression of faith groups), and violence and discrimination against women.

Other human rights problems included arbitrary arrest; denial of the right to a fair trial; harsh and life-threatening prison conditions; prohibition of international monitor access to prisons; limitations on children's religious education; corruption; and forced labor including begging, cotton harvesting, and trafficking in persons.

Officials in the security services and elsewhere in the government acted with impunity. There were no prosecutions of government officials for human rights abuses.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings, but at least two individuals died while in government custody.

Safarali Sangov died on March 5, four days after police detained him. Sangov's wife told the media that her husband died as a result of torture by Ministry of Interior (MVD) staff. She claimed seven police officers entered their house and severely beat Sangov before taking him away. MVD authorities denied the

allegations. Later a court charged two officers, Abdurahmon Yaqubov and Qodir Hasanov, with “negligence.” At year’s end their case continued, but the defendants were dismissed from their jobs. In a nearly identical case, Bahromiddin Shodiyev died on November 2 after allegedly being tortured in police detention. According to his mother, Shodiyev regained consciousness in the hospital and told her that he had been beaten until he confessed to crimes he had not committed. He told her that police taped his mouth shut so no one could hear him screaming. In both cases police initially claimed that the detainees attempted to commit suicide by jumping out of a second-story window.

b. Disappearance

There were no new reports of politically motivated disappearances. However, during the 95th session of the UN Working Group on Enforced or Involuntary Disappearances (WGEID) in November 2010, the organization examined information on previously accepted but unresolved cases of disappearance. The WGEID requested a site visit based on the high number and credibility of reports it had received. The request was for UN special rapporteurs, including on torture and on the right to adequate housing. The government did not provide a response to this request.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution prohibits the use of torture, but there is no specific definition of torture in the law or a provision of criminal liability for committing an act of torture. An article in the criminal procedure code (CPC) states that evidence acquired through torture is inadmissible. Some security officials reportedly continued to use beatings or other forms of coercion to extract confessions during interrogations. General Prosecutor Sherkhon Salimzoda stated during a press conference that only 13 of the 48 complaints filed in 2010 had evidence of torture. Officials did not grant sufficient access to information to allow human rights organizations to investigate claims of torture.

Urunboy Usmonov, a BBC journalist arrested and detained on June 13, claimed in a court hearing on August 18 that he was tortured while in custody. The judge refused to acknowledge Usmonov’s claims of torture during the trial. A BBC official on a visit to the country reported that Usmonov’s treatment was far worse than he alleged in court and included beatings, electrical shocks, and cigarette

burns. According to the BBC official, Usmonov's abridged testimony occurred because he feared reprisals against him and his family.

Prison and Detention Center Conditions

The government did not permit international observers access to monitor its prisons. Exact conditions in the prisons remained unknown, but detainees and inmates described harsh and life-threatening prison conditions, including extreme overcrowding and unsanitary conditions. Disease and hunger were serious problems. UN agencies reported that infection rates of tuberculosis and HIV in prisons were significant, and the quality of medical treatment was poor.

The government operates eight prisons, including one for females, and four pretrial detention facilities.

The Ministry of Justice (MOJ) continued to deny access to prisons or detention facilities to representatives of the international community and civil society. There were no known cases of prisoners submitting formal complaints regarding conditions. In August the International Committee of the Red Cross (ICRC) resumed negotiations on a prison access agreement with the government. Because of the lack of access, it was not known whether prisoners had access to potable water, whether steps existed to use alternatives to sentencing for nonviolent offenders, or whether the conditions of female prisoners were worse than for men.

d. Arbitrary Arrest or Detention

The CPC does not explicitly prohibit arbitrary arrests, and in practice arbitrary arrests were common. Few citizens were aware of their right to protest an arrest, and there were few checks on the power of police and military officers to detain individuals. Police often detained men wearing beards, for example, and questioned them on suspicion of religious extremism.

Role of the Police and Security Apparatus

The MVD, Drug Control Agency (DCA), Agency on State Financial Control and Fight Against Corruption (an anticorruption agency), State Committee for National Security (GKNB), State Tax Committee, and Customs Service share civilian law enforcement responsibilities. The MVD is responsible primarily for public order and controls the police force. The DCA, anticorruption agency, and State Tax Committee have mandates to investigate specific crimes, and they report to the

president. The GKNB has responsibility for intelligence and controls the Border Service, but it also investigates cases linked to alleged extremist political or religious activity. The Customs Service reports directly to the president. The Prosecutor General's Office oversees the criminal investigations that these agencies conduct.

The agencies' responsibilities overlap significantly, and law enforcement organizations defer to the GKNB. Law enforcement agencies were not effective in investigating organized criminal gangs because the gangs maintained high-level connections with government officials and security agencies. Narcotics agencies, for example, regularly were ordered to drop investigations of possible ties between high-level officials and drug traffickers.

Official impunity continued to be a serious problem. Victims of police abuse may submit a formal complaint in writing to the officer's superior or the Office of the Ombudsman. Most victims reportedly chose to remain silent rather than risk official retaliation. The Ombudsman's Office for Human Rights made efforts to respond to complaints about civil rights violations but rarely intervened, citing that the office does not have the power to make statements or recommendations regarding criminal cases.

Arrest Procedures and Treatment While in Detention

According to the CPC, police may detain an individual up to 12 hours before authorities must file criminal charges. If charges are not filed after 12 hours, the individual must be released. In practice police often did not inform detainees of the arrest charges. If police file criminal charges, they may detain an individual 72 hours before they must present their charges to a judge for an indictment hearing. The judge is empowered to order detention, house arrest, or bail, pending trial.

According to the CPC, family members are allowed access to prisoners after indictment, but officials occasionally denied attorneys and family members access. Authorities held detainees charged in crimes related to national security or extremism for extended periods without formally charging them.

Arbitrary Arrest: The government generally provided a rationale for arrests, although some detainees claimed that authorities falsified charges or inflated minor problems to make politically motivated arrests. Some police and judicial officials regularly accepted bribes in exchange for lenient sentencing or release. Law

enforcement officials must request an extension from a judge to detain an individual in pretrial detention after two, six, and 12 months.

Pretrial Detention: Defense advocates alleged that prosecutors often held suspects for lengthy periods and registered the initial arrest only when the suspect was ready to confess. In most cases pretrial detention lasted from one to three months but could extend as long as 15 months in exceptional circumstances.

Amnesty: As part of the 20th anniversary of independence, parliament approved a prisoner amnesty bill initiated by the presidential administration. Those considered for amnesty reportedly were former Islamic fighters, persons who had served more than three-quarters of their sentence, draft dodgers, all female detainees, male minors and male detainees over the age of 55, and detainees diagnosed as suffering serious illness. The amnesty law did not affect those already serving life terms and those convicted on terrorism charges. During the amnesty period of August 20-November 20, more than 4,300 people were released from prison or pre-detention facilities, including 196 women and 153 people under 18 years old. More than 5,000 people received reductions in their sentences but remained in detention.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, in practice the executive branch exerted pressure on prosecutors and judges. Corruption and inefficiency were significant problems.

Trial Procedures

Defendants are legally afforded a presumption of innocence, but they did not enjoy it in practice. Nearly all defendants were found guilty. During the year there were 54 acquittals in 5,973 cases, of which 15 were fully acquitted and the remaining 39 received partial acquittals and guilt at lesser levels. Trials are presided over by a judge, who issues verdicts. There is no system of trial by jury. Defendants generally were able to consult with an attorney in a timely manner during trials but often were denied the right to an attorney during the pretrial and investigatory periods. By law the government should provide an attorney at public expense if requested, but the government rarely provided free legal aid. A number of local and international nongovernmental organizations (NGOs) provided free legal counsel to defendants.

Defendants may present witnesses and evidence at trial with the consent of the judge. Defendants and attorneys have the right to review all government evidence, confront and question witnesses, and present evidence and testimony. No groups are barred from testifying, and in principle all testimony receives equal consideration. In practice courts generally gave prosecutorial testimony more consideration than defense testimony. The law extends the rights of defendants in trial procedures to all citizens; it also provides for the right to appeal.

Low wages for judges and prosecutors left them vulnerable to bribery, which was a common practice. Government officials subjected judges to political influence.

Although trials are public, civil society members faced difficulties in gaining access to high-profile public cases. The case against Muhammadyusuf Ismoilov, Asht journalist of the Dushanbe independent weekly newspaper *Nuri Zindagi*, was moved from civil court to the Investigation Detention Center, which restricted the access of media and human rights NGOs to the trial. A similar situation occurred with the court case in Khujand against a BBC journalist. NGOs reported that the government generally permitted them to monitor routine trials.

Political Prisoners and Detainees

Authorities claimed that there were no political prisoners and that they did not make any politically motivated arrests. Opposition parties and local observers claimed the government selectively prosecuted political opponents. There was no reliable estimate of the number of political prisoners.

Civil Judicial Procedures and Remedies

Civil cases are heard in general civil courts, economic courts, and military courts. Judges may order monetary compensation for victims in criminal cases. There were no known cases of individuals filing civil cases for alleged violations of human rights.

Property Restitution

The government on several occasions seized private property with little or no justification, public notice, or debate. By law the government must offer residents compensation equal to the value of their abandoned property, but compensation was often of lesser value.

The Roghun power station relocation, which began in 2009, raised concern among those who resided in the future flood area. They reportedly received inadequate compensation and faced forceful relocation. Many families were relocated, but resettlement was suspended until the results become available from two World Bank-commissioned studies examining the dam's economic feasibility and social and environmental impact.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution states that the home is inviolable. With certain exceptions, it is illegal to enter the home by force and deprive a person of a home. The CPC states that police cannot enter and search a private home without the approval of a judge. Searches may be carried out with only a prosecutor's authorization in exceptional cases, "where there is an actual risk that the object searched for and subject to seizure may be delayed in being discovered, be lost, damaged or used for criminal purposes, or a fugitive may escape." The law states that courts must be notified of such searches within 24 hours. In practice police frequently ignored these laws and infringed on citizens' right to privacy, including personal searches without a warrant.

According to the CPC, "when sufficient grounds exist to believe that information, documents, or objects that are relevant to the criminal case may be contained in letters, telegrams, radiograms, packages, parcels, or other mail and telegraph correspondence, they may be intercepted" with a warrant issued by a judge. The law states that only a judge may authorize monitoring of telephone or other communication. In practice government security offices often monitored communication without judicial authorization.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

Freedom of Speech: The law provides for freedom of speech and press, but in practice the government restricted these rights. By law a person can be imprisoned for as long as five years for insulting the president.

Freedom of Press: Independent media were active, despite significant pressure by the government on media outlets. Although some print media published political

commentary and investigatory material critical of the government, journalists observed that certain topics were considered off limits, including derogatory information about the president or his family, or questions about financial impropriety by those close to the president. As observed in the previous year, there was a dramatic increase in the number of lawsuits against independent journalists and media outlets.

There were four state-run television channels that broadcasted throughout the country and five state-run television stations that broadcasted regionally. There was one national and several regional state-run radio stations. Several independent television and radio stations were available in a small portion of the country, but the government controlled most broadcasting transmission facilities. The government allowed some international media to operate freely and also permitted rebroadcasts of Russian television and radio programs.

Violence and Harassment: In November 2010 Makhmadyusuf Ismoilov, a reporter with *Nuri Zindagi*, was arrested in Asht District and later charged with inciting religious and national hatred, slander, insulting honor and dignity of an individual, and extortion. Media analysts alleged that the charges were politically motivated. Ismoilov wrote several articles documenting corrupt acts committed by Asht District officials. He remained in detention until October 14, when he was found guilty but released from detention under the amnesty law.

In July security forces detained BBC journalist Urunboy Usmonov following publication of his interviews with alleged members of Hizb-ut-Tahrir. Police initially charged Usmonov with membership in an extremist organization and ultimately with failure to report his contact with the group. After international and internal pressure, authorities released him, but the case regarding his alleged failure to report his contact with the group continued in court. His case ended on October 14 when a court found him guilty, but his sentence was suspended under the amnesty law.

Censorship or Content Restrictions: Journalists regularly practiced self-censorship to avoid retribution from officials. Opposition politicians had limited access to state-run television. The government gave opposition parties minimal broadcast time to express their political views, while the president's party had numerous opportunities to broadcast its messages.

Publishing Restrictions: The government exercised some restrictions on the distribution of materials, requiring all newspapers and magazines with circulations

exceeding 99 recipients to register with the Ministry of Culture. The government continued to control all major printing presses and the supply of newsprint. Community radio stations continued to experience registration and licensing problems that prevented them from broadcasting. Independent radio and television stations experienced bureaucratic delays to registration. The government restricted issuance of licenses to new stations, in part through an excessively complex application process. For example, new stations must be licensed by the Commission of the National Committee on Television and Radio, which directly managed the national television and radio stations. The government continued to deny BBC a renewal of its license to broadcast on FM radio.

Internet Freedom

There were new and continuing government restrictions on access to Internet Web sites. On May 20, the government restricted access to turajon.com, a Web site created by religious leaders Akbar Turajonzoda and his brothers Eshoni Nouriddin and Eshoni Mahmoudjon. The Web site was available by proxy servers.

Individuals and groups could engage in the expression of views via the Internet, including by e-mail. In August the government formed a cybercrimes and communications unit of the Combating Organized Crime Department. One of its tasks is to monitor activity in Internet cafes and electronic gaming centers.

There was a rise in social networking via Facebook, Twitter, and other social Web sites. Cases of organized public protests via Facebook were emerging. On April 8, 30 people gathered at the state energy agency Barqi Tojik to protest severe electricity shortages. Citizens initiated the protest through Facebook and later posted news and their views of the event on the Web site. This was the first known example of organized public protest via social networking.

Academic Freedom and Cultural Events

Throughout the year pressure continued against the only private higher education institution, the Institute of Innovative Technologies and Communication (IITC), following the Ministry of Education's 2010 revocation of its license. The government claimed that the IITC "failed to meet the ministry's standards." Law enforcement bodies confiscated IITC equipment and documentation. IITC protested unsuccessfully to the government. As the IITC employed several prominent members of opposition political parties, observers alleged that its closure was politically motivated.

The Ministry of Education maintained a dress code that bans the hijab in schools and expelled several students and fired one teacher at Tajik National University for wearing it. Women wearing a traditional local head covering, a scarf that covers hair but not the neck, were allowed to study in schools and universities. According to imams in Khujand, many parents kept their daughters from school rather than allow them to go without the hijab.

The Ministry of Education expanded its ban on beards to all teachers despite previously allowing teachers over the age of 50 to maintain beards less than 1.25 inches in length.

The Ministry of Education led a campaign promoting public discussions of the controversial Law on Parental Responsibility, which bans all secondary school students from attending mosques.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides the right to freedom of assembly, but the government required that individuals obtain permission from the government to stage public demonstrations. Individuals considering staging peaceful protests reportedly chose not to do so due to fear of government reprisal.

Freedom of Association

The constitution protects freedom of association, but in practice the government restricted this right. There was an increase in small-scale demonstrations related to economic issues, land reform, electricity shortages, and corruption of local officials.

On April 27, 10 women from Kulob who were given new homes after the 2010 floods protested in front of the presidential administration building. They claimed local officials were trying to evict them from their new homes. Police and security personnel forced them to disperse but promised to pass their appeal to presidential advisors. At year's end the case remained unresolved.

In late December 2010, members of the Atovullo Raqibov family held a hunger strike and demonstrated in front of the ombudsman's office to demand

compensation for Faizobod District officials' partial demolition of their home to make way for a road in 2009. After their protest Atovullo Raqibov, his wife, and two sisters were charged with hooliganism, allegedly for breaking the window of a bulldozer as it destroyed their residence. On April 25, IRPT Chairman Kabiri and journalists from Asia-Plus met Faizobod officials, who agreed to give the displaced family a new plot of land. Kabiri won media praise for promising to finance a new home for the family. On April 28, a Faizobod court convicted the Raqibovs on the hooliganism charge but released them on probation.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

In-Country Movement: The law provides for freedom of movement, but in practice the government imposed some restrictions. Foreigners are prohibited from traveling within a 15-mile zone along the borders with China and Afghanistan unless they obtain permission from the Ministry of Foreign Affairs. Officials did not always enforce the restrictions along the western border with Afghanistan, although the government continued to require travelers (including international workers and diplomats) to obtain special permits to visit Gorno-Badakhshan. Diplomats and international aid workers could travel to the Afghanistan border without prior authorization.

Exile: There are no laws that provide for exile, and there were no reports of forced exile. Some government opponents remained in self-imposed exile in Russia. On August 17, a Jehovah's Witnesses member, Sherzod Rahimov, was deported to Uzbekistan for participating in unregistered religious activities.

Protection of Refugees

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. However, the process for making asylum status determinations remained problematic and nontransparent. The government processed asylum applications through the National Refugee Status Determination Commission and granted applicants documents to regularize their stay and to

prevent deportation. When denying refugee status, officials usually cited lack of evidence of persecution in the refugee's home country or "malpractice" on the part of refugees applying to renew their status--such as violation of the prohibition of living in Dushanbe. Unofficially some refugees claimed the authorities could deny cases if sufficiently high bribes were not paid.

The government generally succeeded in registering those with a claim to refugee or asylum seeker status, but it also placed significant restrictions on claimants. Officials continued to enforce a 2000 law prohibiting asylum seekers and refugees from residing in urban areas. Security officials regularly monitored refugee populations. Refugees and asylum seekers believed to be residing in prohibited areas were subject to police raids throughout the year.

According to the Office of the UN High Commissioner for Refugees (UNHCR), the inflow of refugees from Afghanistan continued unabated during the year, and the government continued to demonstrate a particular concern about the country's population of refugees from that country. As in previous years, approximately 98 percent of all refugees and asylum seekers were Afghan. During the year the government granted many Afghans refugee status, but only for one year, after which they had to reapply for status to stay in the country.

By December the government had 2,559 registered refugees and an additional 17 asylum seekers seeking refugee status, of whom 2,504 were Afghans. However, the UNHCR believed the government might have underestimated these figures. Official government statistics showed Afghan, Iranian, and Kyrgyz refugees as well as asylum seekers. Overall the government continued to cooperate with the UNHCR, which retained its observer status in the Refugee Status Determination Commission.

Although the law stipulates that refugee status should be granted for as long as three years, the transfer of refugee processing to the Ministry of the Interior in 2009 resulted in much shorter periods. The law officially allows refugees to apply for citizenship after two-and-one-half years, but very few applicants were granted citizenship in the past. Several citizenship cases the UNHCR submitted for direct consideration during the year were either refused or remained pending.

Employment: Refugees and asylum seekers were generally required to secure employment, food, shelter, education, and access to basic services themselves, although the UNHCR provided significant assistance. By law registered refugees should have equal access to law enforcement and the judicial system. An

increasing percentage of refugees entering the country did not possess professional backgrounds or job skills, and many faced discrimination by the local Tajik population. The requirement to live outside urban areas created additional problems for finding adequate work. The UNHCR provided some assistance to female refugees by providing vocational job training in skills such as sewing, cooking, and hairdressing. Most male refugees worked for small enterprises. Most female refugees did not work and remained in the home, in accordance with traditional cultures. Refugees and asylum seekers are legally entitled to education and health services alongside Tajik citizens. The Ministry of Education allowed Afghan parents to send their children to local schools without paying fees. UNHCR partners provided books and school uniforms and some language classes to these children and assisted with their medical expenses.

Durable Solutions: In 2008 the government and UNHCR signed an agreement regarding local integration of refugees into the general population as a more durable solution to the refugee situation. The government promised to consider individual refugee cases for citizenship, but many of these cases remained pending.

According to the UNHCR, there were 440 stateless persons and 2,300 persons whose citizenship status was undetermined, meaning they were still using Soviet Union passports.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully through elections. In practice the government restricted this right.

The president and his supporters continued to dominate the government. The president's political party, the PDPT, dominated both houses of parliament. PDPT members held most government positions. The president had broad authority to appoint and dismiss officials, and he exercised that authority throughout the year.

Elections and Political Participation

There were eight legally registered political parties, including the PDPT. Observers considered only three of these parties to be independent of the government. Opposition political parties had moderate popular support and faced scrutiny by the government. All senior members of President Rahmon's government were PDPT members, and most members of the country's 97-seat

parliament were members of the PDPT, belonged to progovernment parties, or were PDPT-affiliated independents.

In the lower, 63-member chamber of the parliament, there were 12 female members and one minority group member. In the upper, 33-member chamber of parliament, there were five women and one member of a minority group. Cultural practices discouraged female participation in politics, although the government and political parties made efforts to promote their involvement.

There were no female ministers or ministers from minority groups. The deputy prime minister was a woman; several women held deputy minister positions.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the government did not implement the law effectively. Officials frequently engaged in corrupt practices with impunity. Corruption, nepotism, and regional hiring bias were pervasive at all levels of government.

Corruption in the Education Ministry was systemic. Prospective students were required to pay thousands of dollars in bribes to enter the country's most prestigious universities, while even provincial colleges required several hundred dollars. Students often paid additional bribes to receive good grades on exams.

Many traffic police retained fines they collected for violations. Traffic police posted at regular intervals along roads arbitrarily stopped drivers to ask for bribes. The problem was systemic in part due to the low official wages paid to traffic police. According to reports many traffic police must pay for their jobs, an expense they try to recoup by extracting bribes from motorists.

The MVD and the Prosecutor General's Office are responsible for investigating, arresting, and prosecuting corrupt officials. The government acknowledged a problem with corruption and took some steps to combat it, including putting lower-level officials on trial for taking bribes. The government did not charge high-level officials with corruption.

The prosecutor general investigated some cases of corruption by government employees, but the bulk of the cases involved mid- or lower-level officials, and none involved large-scale abuses. Public officials were not subject to financial disclosure laws. According to the anticorruption agency, the government

identified 1,017 cases of corruption by government officials and dismissed 60 officials for misconduct in the first six months of the year.

Public budgets, particularly those involving major state-owned enterprises, lacked transparency. Although parliament has oversight over the state budget, in practice it passed annual budgets almost without comment despite large, unexplained, and undefined expenses. In May 2010 the government released a report on budget performance for the previous year; the report contained numerous details about education, health, and other social sector spending. No such report was released during the year. A considerable amount of government spending appeared to occur off-budget, including major buildings, parks, and other special projects such as summer residences for the president.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

As in previous years, domestic and international human rights groups usually were able to monitor and report on the general human rights situation in the country. NGOs and journalists were careful, however, to avoid public criticism of the president or other high-ranking officials.

UN and Other International Bodies: The government generally cooperated with international NGOs. It facilitated visits by high-ranking officials from the UN, the Organization for Security and Cooperation in Europe (OSCE), and other international organizations but continued to deny the ICRC access to prison facilities, although it opened a new dialogue in August.

Government Human Rights Bodies: The Office of the Human Rights Ombudsman made very little effort to respond to civil complaints during the year, and its limited staff and budget further constrained its capacity to do so. As opposed to efforts made in the previous year, the Ombudsman's Office did not show any initiative to meet with NGOs to discuss specific human rights cases and general human rights issues in the country. Some meetings that were conducted were of general character and did not result in anything specific. The office lacked full independence; the ombudsman publicly defended some government policies that violated human rights.

The government's Office for Constitutional Guarantees of Citizens' Rights continued to investigate and answer citizens' complaints, but staffing inadequacies and uneven cooperation from other government institutions hampered the office's

effectiveness. The parliamentary committee on legislation and human rights examined proposed legislation for compliance with human rights obligations, but according to observers it did not fulfill its primary responsibility to raise human rights concerns in new legislation.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for the rights and freedoms of every person regardless of race, gender, disability, language, or social status, but in practice there was discrimination against women and persons with disabilities. Trafficking in persons remained a problem.

Women

Rape and Domestic Violence: The law prohibits rape, which is punishable by up to 20 years' imprisonment. There is no separate statute for spousal rape. The government was unable to provide statistics on the number of cases or convictions. Law enforcement officials usually advised women not to file charges but registered cases on insistence of the victim. Most observers believed the majority of cases were unreported because victims wished to avoid being stigmatized.

Violence against women, including spousal abuse, remained a widespread problem. Between a third and a half of women experienced physical, psychological, or sexual abuse by husbands or other family members. Women massively underreported violence against them, fearing reprisals or because of inadequate response by the police and judiciary, resulting in virtual impunity for the perpetrators. Domestic violence was widely justified as a "family matter" by the authorities wishing to promote traditional gender roles. Women and girls were even more vulnerable to domestic violence because of early and unregistered marriages and an increased early drop-out rate from school.

There was one police station fully equipped to work with domestic violence victims. The station was one of the five nationwide staffed with police officers trained, also with OSCE support, to respond to family violence cases and address the needs of victims in a gender-sensitive manner. There was one comprehensive shelter for victims of domestic violence in the country, supported by the OSCE and operated by an NGO in Khujand. The government and NGOs operated additional crisis centers and hotlines for women in rural areas, where women could seek guidance on domestic violence problems and legal assistance, but many centers lacked funding and resources. Local governments donated the premises for three

of the shelters. The Committee for Women's Affairs (within the government) had limited resources to assist domestic violence victims, but local committee representatives referred women to the crisis shelters for assistance.

There is no comprehensive law against domestic violence. The government took some steps to conduct public information campaigns and collect information on domestic violence, but most cases of domestic abuse went unreported. Authorities seldom investigated reported cases, and few alleged perpetrators were prosecuted. By law police cannot act without a written complaint from the victim, even if there were other witnesses, and police often gave only warnings, short-term detentions, or fines for committing "administrative offenses" in cases of domestic violence.

In some rural areas, officials observed a continued trend of female suicide; domestic abuse by in-laws or labor migration may have been contributing causes.

Sexual Harassment: There was no specific statute banning sexual harassment in the workplace. Victims often did not report incidents because of fear of social stigma.

Reproductive Rights: The government did not interfere with the rights of individuals and couples to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. According to the Ministry of Health, 26.7 percent of women between ages 15 and 49 used modern forms of contraception and 76 percent of births were attended by skilled personnel. The ministry also reported in November that 80.6 percent of women received postpartum care and that the maternal mortality rate was approximately 37 per 100,000 births.

Women were increasingly vulnerable to HIV infection because of social taboos on discussion of sex education issues and popular sentiment against the use of condoms. Women remained a minority of those infected with HIV, although their incidence of infection was increasing. According to the government's National Center on HIV, under the Ministry of Health, 989 new cases (707 men and 282 women) of HIV infection were detected during the year. The total number of officially registered HIV cases in the country was 3,846 individuals-- 2,987 men and 859 women.

Discrimination: Women were underrepresented in decision-making processes at all levels of political institutions. Female representation in all branches of power was less than 30 percent. The country had no female ministers or ambassadors.

The 2004 Council of Ulema fatwa (religious edict) prohibiting women from praying in mosques remained in effect.

Amnesty International noted gender segregation in employment, “with the vast majority of the working female population (86 percent) working in the low-paid sectors, such as agriculture (75 percent), public health services, and education. Wages in these branches are approximately four to seven times lower than in other spheres (as in industry, construction, transportation, and communication). Furthermore, a significant number of women of employable age are engaged in housekeeping or in the informal sector of the economy.” The law provides that women receive equal pay as men for equal work, but cultural barriers continued to restrict the professional opportunities available to women. According to the World Bank’s *Women, Business, and the Law* report, women and men have equal ownership rights to property, although in practice women owned significantly less property than men. There was no specific statute prohibiting sexual harassment in the workplace. Victims often did not report incidents because of fear of social stigma.

The law protects women’s rights in marriage and family matters, but some female minors were pressured to marry against their will. NGOs estimated that up to 10 percent of men practiced polygamy, although it is illegal. Women in polygamous marriages often were married in religious ceremonies but not registered with the government. Husbands who simply repeated a phrase in front of two witnesses could easily divorce unregistered wives. Inheritance laws do not discriminate against women, although in practice some inheritances passed disproportionately to sons.

Children

Birth Registration: Citizenship is derived both by birth within the country’s territory and from one’s parents. The government is required to register all births. Many parents do not register births until a child is ready to enter school, since birth registration is required to receive public services.

Education: Free and universal public education is compulsory until the age of 16 or completion of the ninth grade. UNICEF indicated that school attendance was generally good through the primary grades, but girls faced disadvantages, especially in rural school systems where families elected to keep them home after primary grades to take care of siblings or work in agriculture. Underage marriage

was widespread in some rural areas, and many parents directed their daughters to quit school after the ninth grade.

Child Abuse: The Committee on Women and Family Affairs and regional child rights protection departments are responsible for addressing issues of violence against children. Girls who had been subject to all kinds of violence could receive support from several centers throughout the country. The Women of Science of Tajikistan Association, supported by UNICEF and the Dushanbe mayor's office, organized a hotline for free legal and psychological consultations for girls who were victims of violence.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law on social protection of persons with disabilities applies to individuals having either physical or mental disabilities. The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and provision of other state services, but public and private institutions generally did not have the resources to provide legal safeguards. The law requires government buildings, schools, hospitals, and transportation to be accessible to persons with disabilities, but the government did not enforce these provisions. To attend school, children must be deemed "medically fit" by doctors. Many children with disabilities were not able to attend school because doctors considered them to be not "medically fit."

The government's Commission on Fulfillment of International Human Rights, the Society of Invalids, and local and regional governmental structures are charged with protecting the rights of persons with disabilities. Although the government

maintained group living and medical facilities for persons with disabilities, funding was limited and facilities were in poor condition.

National/Racial/Ethnic Minorities

Generally discrimination was not a significant problem. There were reports that some law enforcement officials harassed ethnic Afghans and Uzbeks, but such reports were not common.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Gay and lesbian relationships have been legal in the country since 1998, and the age of consent is the same as for heterosexual relationships. Throughout the country there was significant societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons, and there was little to no public activism on their behalf. There were no known acts of violence against members of LGBT communities, and there were no documented cases of government discrimination against LGBT persons.

Other Societal Violence or Discrimination

There was societal discrimination against individuals with HIV/AIDS. The government offered HIV testing free of charge at 140 facilities, and partner notification was mandatory and anonymous. The World Health Organization noted officials systematically offered HIV testing to prisoners, military recruits, street children, refugees, and persons seeking visas, residence, or citizenship.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides workers the right to form and join independent unions but requires all NGOs, including trade unions, to be registered. By law unions are allowed to conduct activities without interference, except “in cases specified by law,” but those cases are not defined. Workers have the right to strike. The Law on Meetings does not restrict the right to strike but requires that meetings and other mass actions have prior official authorization, thus limiting trade unions’ ability to organize meetings or demonstrations. The law provides for the right to organize

and bargain collectively. The law does not specifically prohibit antiunion discrimination.

In practice workers joined unions. The government used informal means to exercise considerable influence over organized labor, including influencing the selection of labor union leaders. The umbrella Federation of Trade Unions of Tajikistan did not effectively represent worker interests. There were reports that the government compelled some citizens to join state-endorsed trade unions and impeded formation of independent unions. According to official figures, 1.3 million persons belonged to unions, approximately 63 percent of the active work force. There were no reports of antiunion discrimination during the year.

Citizens were reluctant to strike due to fear of government retaliation. Ninety percent of workers were covered by collective bargaining contracts. Foreign, specifically Chinese, workers in some cases received preferable treatment to Tajik workers in labor disputes.

Zervashan Gold Company continued to deny that Tajik workers went on strike in September to demand wages equivalent to their Chinese counterparts, who made 15-20 times more than Tajik workers. The case continued at year's end.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including of children, except in cases defined in the law. Since the Soviet era, local officials compelled state workers, particularly in the Khatlon and Sughd regions, to pick cotton during the annual cotton harvest.

On September 20, local media reported that companies in the Sughd region sent employees to the cotton fields to help with harvesting. Residents disputed claims by local authorities that this was voluntary. The head of the local administration's industry department received instructions to provide cotton pickers from the town of Qairoqqum and that "everyone going is a volunteer." Reports from the government and independent NGOs suggested that work done in the cotton fields was on a volunteer basis in most cases. Media reports of forced labor could not be corroborated.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

Forced child labor was a dwindling problem, and the government aggressively enforced labor laws and worked with the International Organization for Migration (IOM) to prevent the use of forced child labor in the autumn cotton harvest. The highest incidences of child labor were in the domestic and agricultural sectors, but over the past two years these cases have been isolated. The instances of forced child labor in the cotton harvest decreased drastically. The IOM interim report for the fall showed almost no cases of forced child labor, and most of these cases were prosecuted by local or national government authorities.

The minimum age for children to work is 16, although children may work at the age of 15 with local trade union permission. By law children younger than 18 may work no more than six hours a day and 36 hours per week. Children as young as seven years old may participate in household labor and agricultural work, which are separately classified as family assistance. Many children younger than age 10 worked in bazaars or sold goods on the street.

The Inter-Ministerial Commission to Combat Trafficking in Persons disseminated a directive to local officials reiterating existing prohibitions. The government accredited NGOs working through the IOM to monitor the cotton harvest. These NGOs, with the cooperation of the government, conducted monitoring visits to cotton fields and schools. Government officials accompanying IOM representatives met with local officials to reiterate the law's prohibition against forced child labor. Site visits by diplomats confirmed monitors' observations that government efforts resulted in a significant reduction in the use of forced child labor. The government also distributed a second draft National Action Plan on Trafficking in Persons, including benchmarks and strategies for combating child labor for NGO and diplomatic community comment.

Enforcement of child labor laws is the responsibility of the Prosecutor's Office, MOJ, Ministry of Social Welfare, MVD, and appropriate local and regional governmental offices. Unions also are responsible for reporting any violations in the employment of minors. Citizens can bring unresolved cases between unions and employers before the prosecutor general for investigation. Few violations were reported, because most children worked under the family assistance exception.

d. Acceptable Conditions of Work

The estimated average monthly wage was TJS 472 (approximately \$100), but in many sectors the average wages were far lower. In the agricultural sector, for example, the average wage was estimated at TJS 108 (\$24.50). The government acknowledged the problem of low wages and provided subsidies for workers and their families who earned the minimum wage of TJS 80 (\$17) per month. Some establishments compensated their employees with food commodities or enterprise-produced products, which employees either sold or bartered in local markets. The government defines the minimum standard of living as a basket of goods equal to \$24 per month. Thus a family of four requires a minimum of \$96 a month to stay above the poverty line. The government does not have a formal poverty line.

The law provides for a standard workweek of 40 hours for adults older than 18 years old. The law mandates overtime payment, with the first two hours paid at one-and-one-half times the normal rate and the remainder at double the rate. The regulation was not enforced, and government employees were not paid for overtime work. Overtime payment was inconsistent in all sectors of the labor force. The Ministry of Finance enforces financial aspects of the labor law, and the Agency of Financial Control of the presidential administration oversees other aspects of the law. There is no legal prohibition on excessive compulsory overtime.

There are laws that establish relatively strict occupational health and safety standards. In practice the government did not fully comply with these standards, partly because of the degree of corruption and the low salaries paid to inspectors. The State Technical Supervision Committee under the Council of Ministers is responsible for enforcing health and safety standards. The law permits workers to remove themselves from hazardous conditions without risking loss of employment. This law was not enforced effectively, and in practice few workers removed themselves.

Farmers and agricultural workers, accounting for approximately 50 percent of the workforce, continued to work under difficult circumstances. There was no system to monitor or regulate working conditions in the agricultural sector. Wages were low, and many workers were paid in kind. Despite some changes, the government's failure to introduce and implement comprehensive property and land usage reforms continued to limit its ability to protect agricultural workers' rights.