

TAJIKISTAN 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Tajikistan is an authoritarian state dominated politically by President Emomali Rahmon and his supporters. The constitution provides for a multiparty political system, but the government has historically obstructed political pluralism and continued to do so during the year. Constitutional amendments approved in a 2016 national referendum outlawed nonsecular political parties and removed any limitation on President Rahmon's terms in office as the "Leader of the Nation," allowing him to further solidify his rule. The most recent national elections were the 2015 parliamentary elections, which lacked pluralism and genuine choice, according to international observers, many of whom called the process deeply flawed. The most recent presidential election, which took place in 2013, also lacked pluralism and genuine choice, and did not meet international standards.

Civilian authorities only partially maintained effective control over the security forces.

Human rights issues included reports of torture and abuse of detainees by security forces; arbitrary arrest or detention, beatings, and other forms of coercion by the government; harsh prison conditions; political prisoners; arbitrary or unlawful interference with privacy; censorship, site blocking, and criminal libel; substantial interference with the rights of peaceful assembly and freedom of association, such as restrictive nongovernmental organization (NGO) laws and repression, harassment, and incarceration of civil society and political activists; politically motivated prosecutions of human rights lawyers and journalists; significant restrictions of religious freedom; significant restrictions on freedom of movement; restrictions on political participation; high-level and widespread corruption and nepotism; trafficking in persons; violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; and forced labor.

There were very few prosecutions of government officials for human rights abuses. Officials in the security services and elsewhere in the government acted with impunity.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

While the law prohibits extrajudicial killings by government security forces, there were several reports that the government or its agents committed arbitrary or unlawful killings.

On March 29, Abdurahmon Nazarov, a resident of Southern Kulob suspected of drug trafficking, died in police custody. Nazarov was detained by police officers in Dushanbe's Sino district on March 28, and a source at a local hospital told the media that Nazarov was already dead when police officers brought him there the following day. Nazarov's wife, Sadbarg Bobokhonova, believes her husband died due to mistreatment, accusing police of using excessive force after she saw evidence of beatings on her husband's body. A police spokesperson claimed Nazarov had a heart attack when he was taken to the police station and he died on the way to the hospital. The Dushanbe chief prosecutor's office launched an investigation into the matter, which was ongoing.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution prohibits the use of torture. Although the government amended the criminal code in 2012 to add a separate article to define torture in accordance with international law, there were reports of beatings, torture, and other forms of coercion to extract confessions during interrogations. Officials did not grant sufficient access to information to allow human rights organizations to investigate claims of torture.

There were reports that police tortured suspects, and in the first six months of the year the Prosecutor General's Office received 37 complaints of torture. In the first three months of the year, 16 new cases of mistreatment were documented by the Coalition against Torture--a group of local NGOs--with a number of victims alleging severe physical abuse. Of these complaints, 14 were against the Interior Ministry and two were against the State Committee on National Security. On January 12, police arrested Rasht District residents Saidmurod Abdurahmonov, Madadsho Yatimov, and Ibrokhim Kakhhorov, and the prosecutor's office opened a criminal case against them in connection with the September 1998 unsolved murder of then head of the Rasht district Akbar Makhmadov. The three defendants

stated that during their detention, they were tortured to obtain confessions, claiming the district inspector and officers of the Criminal Investigation Department of the Department of Internal Affairs for Rasht beat them on the lower part of the body and on the head. Abdurahmonov claimed he became deaf from the beatings. On May 29, the defendants' lawyers sent a petition with allegations of torture to the Supreme Court, which approved the petition and sent the case to the general prosecutor's office.

There were conflicting reports on the mistreatment of imprisoned lawyer Buzurgmehr Yorov, in prison since 2015 (see section 1.e.). After reports by Amnesty International that Yorov might have been held in solitary confinement four times, media reported that he was transferred to a high-security penal colony in December 2017.

Prison and Detention Center Conditions

Prison conditions reportedly were harsh and life threatening due to overcrowding and unsanitary conditions.

Physical Conditions: The government operated 10 prisons, including one for women, and 12 pretrial detention facilities. Exact conditions in the prisons remained unknown, but detainees and inmates described harsh and life-threatening conditions, including extreme overcrowding and unsanitary conditions.

Penal Reform International, an organization conducting prison reform work with regional representation out of Kazakhstan, described the conditions in the women's prison as frigid in the winter, with only intermittent electricity and heat, and a lack of food provisions for inmates and staff alike. Disease and hunger were serious problems. UN agencies reported that infection rates of tuberculosis and HIV in prisons were significant. Authorities often held juvenile boys with adult men.

Administration: A government Office of the Ombudsman exists, and its ombudsman visited prisons but resolved fewer than 2 percent of filed complaints. NGOs reported mistrust of the ombudsman due to the office's loyalty to the president and frequent dismissal of human rights concerns. A special monitoring group with ombudsmen and NGO representatives conducted announced visits of prison conditions. No known complaints were filed regarding specific prison conditions.

Independent Monitoring: The Ministry of Justice continued to restrict access to prisons or detention facilities for representatives of the international community. Throughout the year the Coalition against Torture and the human rights ombudsman conducted visits of closed institutions, although officials denied Coalition against Torture monitors private interviews with detainees or access to internal correctional institution documents. The International Committee of the Red Cross continued to lack access due to the absence of an agreement with the government, a situation existing since 2004.

d. Arbitrary Arrest or Detention

The law does not explicitly prohibit arbitrary arrests, which were common. The law states that police must prepare a detention report and inform the Prosecutor's Office of an arrest within 12 hours and file charges within 10 days. The law provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but use of this provision was limited. Few citizens were aware of their right to appeal an arrest, and there were few checks on the power of police and military officers to detain individuals. Although military commissars throughout the country were dismissed in 2016 from their positions on the accusation of using force (so called "oblava") to recruit young men into the army, human rights activists reported incidents of forced military conscription. In April local officials entered the house of 19-year-old Shahrom Abdulloev of Hissor to take him away for obligatory military service. Despite Abdulloev's mother's attempts to request his release from military service due to epilepsy, the officials dragged Abdulloev to their car and drove him to the commissariat for induction into the military. After Abdulloev lost consciousness en route the officials realized he was sick and released him.

Role of the Police and Security Apparatus

The Ministry of Internal Affairs, Drug Control Agency, Agency on State Financial Control and the Fight against Corruption (Anticorruption Agency), State Committee for National Security (GKNB), State Tax Committee, and Customs Service share civilian law enforcement responsibilities. The Ministry of Internal Affairs is primarily responsible for public order and manages the police. The Drug Control Agency, Anticorruption Agency, and State Tax Committee have mandates to investigate specific crimes and report to the president. The GKNB is responsible for intelligence gathering, controls the Border Service, and investigates cases linked to alleged extremist political or religious activity, trafficking in persons, and politically sensitive cases. The Customs Service reports directly to

the president. The Prosecutor General's Office oversees the criminal investigations that these agencies conduct.

Agency responsibilities overlap significantly, and law enforcement organizations defer to the GKNB. Law enforcement agencies were not effective in investigating organized criminal gangs, reportedly because the gangs maintained high-level connections with government officials and security agencies. A tacit understanding among law enforcement that certain individuals were untouchable prevented investigations.

Official impunity continued to be a serious problem. While authorities took some limited steps to hold perpetrators accountable, reports of torture and mistreatment of prisoners continued, and the culture of impunity and corruption weakened investigations and prosecutions. In some cases, during pretrial detention hearings or trials judges dismissed defendants' allegations of abuse and torture during detention. 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 Office of the Ombudsman made few efforts to respond to complaints regarding human rights violations and rarely intervened, claiming it did not have the power to make statements or recommendations regarding criminal cases.

Arrest Procedures and Treatment of Detainees

By law police may detain an individual for up to 12 hours before authorities must decide on whether to open a criminal case against the defendant. If authorities do not file charges after 12 hours, the individual must be released, but 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.

By law family members are allowed access to prisoners after indictment, but officials often denied access to attorneys and family members. The law states that a lawyer is entitled to be present at interrogations at the request of the detainee or lawyer, but in many cases authorities did not permit lawyers timely access to their clients, and initial interrogations occurred without them. Detainees suspected of crimes related to national security or extremism were held for extended periods without being formally charged.

Arbitrary Arrest: The government generally provided a rationale for arrests, but detainees and civil society groups frequently reported that authorities falsified charges or inflated minor incidents to make politically motivated arrests. On July 25, three activists informed the media that they were detained and interrogated by security agencies after signing a petition asking authorities to allow the grandson of Muhiddin Kabiri, the exiled leader of the banned Islamic Renaissance Party of Tajikistan (IRPT), to travel abroad for urgently needed medical treatment. According to the activists, security personnel told them that by signing the petition, they support the activities of the banned party.

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 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 it could extend as long as 15 months.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Persons arrested or detained, regardless of charge, are entitled to challenge in court the legal basis or arbitrary nature of their detention. Despite such rights to challenge detention, the decrease in the number of lawyers licensed to take on criminal cases and the general apprehension with which lawyers take on sensitive cases limited the use of this entitlement for those arrested on cases suspected to be politically motivated.

e. Denial of Fair Public Trial

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

Trial Procedures

Defendants legally are afforded a presumption of innocence, but the presumption did not exist in practice. The courts found nearly all defendants guilty.

Although the law requires that defendants be informed of the criminal charges against them within 10 days, in practice they were not always promptly informed

or granted a trial without undue delay. Courts generally allowed defendants to be present at their trial and to consult with an attorney in a timely manner during trials but often denied defendants the right to an attorney during the pretrial and investigatory periods, particularly in politically sensitive cases. Authorities continued to level politically motivated criminal charges against some defense lawyers to obstruct detained political opposition figures' access to legal counsel and dissuade other lawyers from taking the cases.

The government provided attorneys at public expense when requested, but defendants and civil society complained the government sometimes appointed attorneys as a means to deny defendants' access to the legal counsel of their choice. Defendants and private attorneys said government-appointed attorneys often provided a poor and counterproductive defense. Moreover, the government abolished a grandfather clause allowing experienced lawyers to continue to practice after a 2016 law required all lawyers to retake the bar exam to renew their licenses. As a result, the number of lawyers accepting criminal defense cases in the country shrank significantly. International observers of court cases stated there were criminal cases in which defendants did not have legal representation. Although criminal defendants enjoy the right to adequate time to prepare a defense, they were often not granted adequate facilities to do so.

Defendants may present witnesses and evidence at trial with the consent of the judge. Defendants and attorneys have the right to confront and question witnesses and to present evidence and testimony. An interpreter is provided for defendants who do not speak Tajik, the official language used for court hearings. No groups are barred from testifying and, in principle, all testimony receives equal consideration. Courts, however, generally give prosecutorial testimony far greater consideration than defense testimony. Tajik legislation allows criminal defendants not be compelled to testify or confess guilt. Defendants also enjoy the right to appeal.

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

Although most trials are public, the law also provides for secret trials when there is a national security concern. Civil society members faced difficulties in gaining access to high-profile public cases, which the government often declared secret. Three trials involving human rights attorney Buzurgmehr Yorov, the defense attorney for members of the banned IRPT, were closed to the public because they were classified "secret." Major international human rights organizations raised

concerns over Yorov's court hearings, which they alleged failed to ensure due process protections. He was convicted in 2016 of issuing public calls for the overthrow of the government and inciting social unrest and was initially sentenced to 23 years in prison. In January 2017 the court prolonged the same sentence by three years and sentenced him to two additional years in a subsequent closed-door trial for contempt of court and insulting a government official.

On August 22, the Sughd Regional Court did not allow media and other observers to attend the public appeal hearing for imprisoned journalist Khayrullo Mirsaidov, a whistleblower case that garnered international attention. Mirsaidov's family members, the media, and civil society and international community representatives gathered in front of the courthouse but were not allowed to enter the courtroom. The court did not provide any explanation for its actions.

Political Prisoners and Detainees

While authorities claimed there were no political prisoners or politically motivated arrests, opposition parties and local and international observers reported the government selectively arrested and prosecuted political opponents. Although there was no reliable estimate of the number of political prisoners, the government reported 239 prisoners who were members of banned political parties or movements.

In December 2017 local prosecutors in Rasht District arrested Farhod Khudoyorov, head of the Social Democratic Party branch office in Rasht Valley. Khudoyorov was charged with insulting and threatening authorities and in January was sentenced to 15 days of imprisonment for allegedly using coarse language with local officials. Khudoyorov did not admit his guilt and said he merely sent several SMS messages to the Rasht District head complaining about local problems.

On August 24, human rights lawyer Shukrat Khudratov was released after more than four years in jail. Khudratov was sentenced in 2015 to nine years in prison following a trial regarded by the human rights community as politically motivated.

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. No separate juvenile justice system exists, although there were some courts that provide a separate room for children linked to the courtroom by video camera.

Individuals or organizations may seek civil remedies for human rights violations through domestic courts or through administrative mechanisms.

f. Arbitrary or Unlawful 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 or deprive a person of a home. The law states that police may not enter and search a private home without the approval of a judge. Authorities may carry out searches without a prosecutor's authorization in exceptional cases, "where there is an actual risk that the object searched for and subject to seizure may cause a possible delay in discovering it, 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. Police frequently ignored these laws and infringed on citizens' right to privacy, including personal searches without a warrant.

According to the law, "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. Security offices often monitored communications, such as social media and telephone calls, without judicial authorization.

In August and September, in advance of the September 10 Independence Day celebration, local police again conducted door-to-door sweeps to identify "unregistered citizens"--individuals registered in one jurisdiction but residing in another.

According to the Law on Parental Responsibility, government authorities can punish family members for offenses allegedly committed by their relatives, such as if an underage child commits an offense. There were ongoing reports of Tajikistan-based relatives of perceived government critics in exile being harassed or targeted by local authorities.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The law provides for freedom of speech, including for the press, but the government restricted these rights.

Freedom of Expression: The authorities continued to curb freedom of speech through detentions, prosecutions, the threat of heavy fines, the passage of strict and overreaching slander legislation, and the forced closure of media outlets. By law a person may be imprisoned for as long as five years for insulting the president.

In 2016 the Parliament amended Article 137 of the Criminal Code providing for criminal responsibility for public insult or slander against the leader of the nation, including on the internet, for which an individual can go to jail for up to five years. In August the Khatlon Region court sentenced labor migrant Umar Murodov from Muminobod to five and a half years of imprisonment for “insulting and humiliating the president.” According to court documents, Murodov “liked” videos critical of the president on the Russian-language social media site Odnoklasniki, widely used among Tajik labor migrants in Russia. Law enforcement officers arrested Murodov on June 12 when he returned to the country from Moscow. On July 18, law enforcement officials told the media that while in Moscow, Murodov “liked” videos with calls for the violent overthrow of the government and insulted the head of state in the comments section of his Odnoklasniki page. In a conversation with Radio Ozodi in May, Murodov claimed that Muminobod authorities promised they would not arrest him should he return voluntarily.

Press and Media Freedom: Independent media faced significant and repeated government threats on media outlets. Although some print media published political commentary and investigatory material critical of the government, journalists observed that authorities considered certain topics off limits, including, among other matters, questions regarding financial improprieties of those close to the president, or content regarding the banned IRPT.

Several independent television and radio stations were available in a small portion of the country, but the government controlled most broadcasting transmission facilities. A decree issued by the government, “Guidelines for the Preparation of Television and Radio Programs,” stipulates that the government through a state broadcast committee has the right to “regulate and control the content of all television and radio networks regardless of their type of ownership.”

The government allowed some international media to operate and permitted rebroadcasts of Russian television and radio programs.

Violence and Harassment: Journalists continued to face harassment and intimidation by government officials. Although the government decriminalized libel in 2012, state officials regularly filed defamation complaints against news outlets in retaliation for publishing stories critical of the government.

After eight months in detention, the government on August 22 released and reduced the charges against independent journalist Khairullo Mirsaidov. Mirsaidov was sentenced on June 11 to 12 years in a high-security penal colony, after the Khujand city court found him guilty of “embezzlement of public funds,” “forgery of documents,” and “dissemination of false information.” Criminal charges were filed against Mirsaidov in December 2017, soon after he publicly accused government officials from the local Department of Youth and Sports of soliciting a bribe. The original charges included “inciting ethnic and religious hatred,” a charge that was later dropped. The severe nature of the charges and their timing created concern that authorities were punishing Mirsaidov for his whistleblower activities.

Censorship or Content Restrictions: Journalists regularly practiced self-censorship to avoid retribution from officials. Opposition politicians had limited or no 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.

Newspaper publishers reported the government exercised 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. Independent community radio stations continued to experience registration and licensing delays that prevented them from broadcasting. The government restricted issuance of licenses to new stations, in part through an excessively complex application process. The National Committee on Television and Radio, a government organization that directly manages television and radio stations in the country, must approve and then provide licenses to new stations. The government continued to deny the BBC a renewal of its license to broadcast on FM radio.

Libel/Slander Laws: In 2012 the government repealed the law criminalizing libel and defamation and downgraded the offenses to civil violations, although the law retains controversial provisions that make publicly insulting the president an offense punishable by a fine or up to five years in jail. Nevertheless, libel

judgments were common, particularly against newspapers critical of the government.

Internet Freedom

Individuals and groups faced extensive government surveillance of internet activity, including emails, and often self-censored their views while posting on the internet. Authorities blocked some critical websites and news portals, and used temporary full blackouts of internet services and messaging to suppress criticism.

According to a World Bank report issued in June 2017, 17 percent of the population used the internet regularly.

There were new and continuing government restrictions on access to internet websites, such as Facebook, YouTube, Google, Google services, and Radio Free Europe/Radio Liberty, although some of the restrictions were lifted during the year. Independent and opposition news agencies and websites located outside of the country have been blocked by the government for several years. The State Communications Service, the official communications regulator, routinely denied involvement in blocking these sites, but the government admitted to periodically implementing a law that allows interruption of internet content and telecommunications “in the interest of national security.” The government continued to implement a 2015 law enabling the GKNB to shut off internet and telecommunications during security operations.

In 2017 the Majlisi Milli, the upper house of parliament, passed a law giving law enforcement bodies the right to track citizens using the internet. According to the new bill, the security agencies can monitor internet traffic and have access to information regarding which internet sites citizens visit and the type of information they seek. On June 13, the lower house of the parliament adopted amendments to the Criminal Code, making those who use the “like” or “share” function on social media regarding “terrorism” and “extremism-related” topics subject to up to 15 years in jail. Members of Parliament amended article 179 that said, “Public calls for the commission of terrorist crimes and (or) publicly justifying terrorist activities,” adding “via the internet” to the second part of this article.

Academic Freedom and Cultural Events

The Ministry of Education maintained a dress code that bans wearing the hijab in schools and government institutions. Authorities allowed women to wear a

traditional version of the head covering--a scarf that covers hair but not the neck--to schools and universities. Some female students wore the hijab to and from school but removed it upon entering the school building. Parents and school officials appeared to accept this arrangement. The ministry also maintained its ban on beards for all teachers. Students with beards reported being removed from class, questioned, and asked to shave. A Ministry of Education decree obliges all female teachers, university students, and schoolchildren to wear traditional dress, during the academic year.

Government authorities increased the urgency of their effort to dissuade citizens from wearing “foreign clothing,” primarily focused on the hijab, which covers the hair, ears, and neck. According to media reports, the government’s Committee on Women and Family Affairs, in cooperation with the Ministry of Internal Affairs, conducted informational campaigns, or “raids,” in public areas against women wearing the hijab, threatening those who refused to remove their hijab with a 1,000 somoni (\$115) fine and six months imprisonment. In addressing these media reports, the ministry denied that such measures existed and claimed the government was conducting a public campaign to promote national culture and clothing.

A Ministry of Education directive requires school administrators to inform students of the Law on Parental Responsibility, which bans all persons under age 18 from participating in public religious activities, with the exception of funerals. The law provides that, with written parental consent, minors between the ages of seven and 18 may obtain a religious education during their free time from school and outside the state education curriculum and may worship as part of educational activities at religious institutions.

The government requires all persons studying religion abroad to register with the Committee on Religious Affairs (CRA), Ministry of Education, and Ministry of Foreign Affairs. The law provides criminal penalties for violating restrictions on sending citizens abroad for religious education, preaching and teaching religious doctrines, and establishing ties with religious groups abroad without CRA consent.

The Ministry of Education banned students from attending events sponsored by or conducted for foreign organizations during school hours. On February 28, the Ministry of Education reportedly issued a new regulation that requires the ministry’s approval for all students to study abroad and for ministry employees who wish to travel internationally for any educational purpose.

On April 22, the Communications Service, without explanation, reportedly blocked internet access and sealed the office of the Tajik Academic Research and Educational Network Users Association's, which consists of more than 20 research institutes and more than 30 universities.

There were several reports throughout the year that academics writing on sensitive subjects regarding politics, religion, and history feared publishing or even submitting their articles for review because to possible government retribution.

b. Freedoms of Peaceful Assembly and Association

The government limited freedoms of peaceful assembly and association through requirements to obtain permission from local governments and through frequent inspections by various government agencies.

Freedom of Peaceful Assembly

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

Freedom of Association

The constitution protects freedom of association, but the government restricted this right. As in the previous year, civil society organizations reported a noticeable increase in the number and intensity of registration and tax inspections by authorities. The government continued to enforce the ban on activities held under the banner of the IRPT. As a result of a 2016 constitutional referendum, nonsecular political parties became illegal.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <http://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The law provides for freedom of foreign travel, emigration, repatriation, but the government imposed some restrictions. According to Article 14 of the

constitution, restrictions on the rights and freedoms of a person and a citizen are allowed only for ensuring the rights and freedoms of others, public order, protecting the foundations of the constitutional order, state security, national defense, public morality, public health, and the territorial integrity of the republic.

The government rarely cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, or other persons.

In-country Movement: The government prohibits foreigners, except diplomats and international aid workers, from traveling within a 15-mile zone along the borders with Afghanistan and China in the Khatlon Region and the Gorno-Badakhshan Autonomous Oblast (GBAO) 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 the GBAO. The government also continued to enforce a policy barring Afghan refugees from residing in urban areas.

Foreign Travel: Individuals in some cases do not have the right to leave the country without arbitrary restrictions. Authorities reportedly confiscated the passports of Ibrohim Tilozoda, the critically ill four-year-old grandson of exiled IRPT leader Muhiddin Kabiri, and his mother, prohibiting Tilozoda, who has life-threatening stage-3 testicular cancer and whose treatment is beyond the scope of local doctors, to seek medical treatment abroad. The deputy head of the border control office in Dushanbe told media on July 26 that there were no restrictions on the family members' departure and claimed that none of them applied for passports or permission to leave. Following criticism of this statement, Tilozoda received his passport and flew to Turkey August 2. On August 4, Fatima Davlyatova, the 10-year-old daughter of human rights activist Shabnam Khudoydodova, was forced off a flight headed to Europe with her grandmother and uncle, and informed she was banned from travelling abroad. Khudoydodova, a member of the banned human rights organization Group 24, has been in exile since 2015. On August 11, after facing international criticism, the GKNB contacted Davlyatova, her grandmother and her uncle stating there was a misunderstanding with their documents, gave them new flight tickets and allowed to travel to Almaty to reunite with her Khudoydodova.

The government abused international law enforcement mechanisms, such as Interpol Red Notices, in an attempt to locate and repatriate into its prison system

local dissidents living abroad. Such dissidents are detained on the basis of politically motivated extremism charges. In June IRPT spokesman Bobojon Qayumzod was reportedly detained by Czech police at the Czech-German border because his name was on a list of persons banned from entering the Czech Republic. Police kept him in custody for a day before releasing him. On August 4, Polish authorities detained IRPT member Mahmadi Teshaev based on an Interpol Red Notice. A Polish court released him on August 10 due to the political background of his case. Media reported that Numonjon Sharipov, a senior IRPT representative, was flown from Istanbul by Tajik diplomatic staff and forcibly handed over to the Tajik government by Turkish authorities. According to the IRPT's official website, Payom, Sharipov was detained on February 4 by Turkish law enforcement officers on suspicion of violating migration laws. His lawyers said that Turkish migration officials told them on February 16 that their client would be allowed to leave for a third country some days later. On February 19, however, the lawyers were informed that Sharipov had already left the country, with an unnamed witness saying that Sharipov was taken to the airport in a car belonging to the Tajik consulate.

Protection of Refugees

Refoulement: The government in some cases forced asylum seekers or refugees to return to countries where they may face persecution or torture. There were 13 refugee families who continued to be at risk of penalty and deportation. The UNHCR office in Dushanbe has not been notified of any new deportation cases since the beginning of the year. The deportees included refugees whose status was revoked based on violation of the law prohibiting such persons from residing in urban areas as well as cumbersome preconditions that preclude a claimant from registering as a refugee. The cases of revoked status were under appeal in court with the support of UNHCR. The deportations took place despite the incomplete appeal processes. In some cases there was risk of refoulement.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Nevertheless, the process for making asylum status determinations remained uncertain and lacked transparency, and administrative and judicial procedures did not comply with international standards. Although not required by law, government officials required refugees and asylum seekers to obtain a visa and a valid travel document before entering the country. Government officials detained and deported individuals not in possession of a visa without due process.

The government processed asylum applications through the National Refugee Status Determination Commission and granted applicants documents to regularize their stay and prevent deportation. Formal notifications of administrative and legal decisions provided little insight into the rationale for adjudications. In some instances, when denying claimants refugee status, officials cited, in broad terms, a 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 big cities, including in Dushanbe. Unofficially, some refugees claimed authorities could deny cases if sufficiently high bribes were not paid.

The government continued to place significant restrictions on claimants, and officials continued to enforce a law decreed in 2000 prohibiting asylum seekers and refugees from residing in the capital and all major cities in the country. Security officials regularly monitored refugee populations. Asylum seekers and refugees regularly reported to UNHCR that security officials harassed them, often for allegedly lacking personal identification, and attempted to extort money. Police subjected them to raids if they were believed to be residing in prohibited areas.

During the year increased government scrutiny of persons living in areas annexed to Dushanbe, coupled with the retroactive application of Government Resolution 325, a law that prohibits refugees from living in major urban areas including Dushanbe, led to a significant increase in administrative cases brought against refugees.

The law stipulates that refugee status be granted for as long as three years. Since 2009 the Department of Citizenship and Works with Refugees, under the Passport Registration Services within the Ministry of Internal Affairs, has had responsibility for refugee issues. Refugees must reregister yearly to receive an extension of refugee status. According to government statistics, the country had 2,647 registered refugees, 99 percent of whom were Afghan. An additional 167 asylum seekers, mostly Afghan, still have their refugee status determination process pending.

Freedom of Movement: Refugees are not permitted to live in major urban areas, including Dushanbe, according to Government Resolution 325, restricting their ability to find work and go to school.

Access to Basic Services: Refugees and asylum seekers are legally entitled to education and health services alongside local citizens. The Ministry of Education allowed Afghan parents to send their children to local schools without paying fees. UNHCR partners provided books, school uniforms, and some language classes to these children. The law provides registered refugees with equal access to law enforcement, health care, and the judicial system, although in practice refugees did not always have equal access. Vulnerable refugee families received assistance with medical expenses. Refugees were subjected to harassment and extortion. In such situations UNHCR's legal assistance partner assisted clients in obtaining judicial redress while providing training and awareness-raising sessions to local authorities to strengthen their understanding of refugee rights.

Durable Solutions: Following the amended Constitutional Law on Nationality adopted in 2015, the government removed provisions for expedited naturalization, leaving refugees on equal standing with nonrefugee foreigners when applying for citizenship.

Stateless Persons

In April 2017 the government adopted by-laws to the 2015 Constitutional Law on Nationality that provide practical guidance on its implementation. Since the nationality law outlines only a general framework on citizenship issues, there was a need to clarify procedures for applicants and government officials. The by-laws' implementing regulations set clear guidance on required documents to be submitted, mandate responsibilities for each government agency accepting and processing those documents, create a decision-making mechanism and authority on nationality-related issues, outline responsibilities of government agencies to provide within a specific time frame information on decisions made, and describe the rights of applicants to appeal to courts decisions and actions of government agencies. The adopted by-laws are designed to provide a more transparent and effective process of nationality-related cases as well as an overall greater effectiveness in reduction of statelessness in the country.

The government, UNHCR, and NGO partners continued to implement a project to identify and find solutions for stateless persons and persons with undetermined nationality in three pilot provinces of the country (Khatlon, Soghd, and Districts of Republican Subordination). From the project's inception in November 2017 until June 30, 31,107 persons falling under UNHCR's statelessness mandate, including former USSR citizens with undetermined nationality, were registered in the three target regions. Solutions were found for 23,524 persons, both adults and children,

who had their nationalities confirmed with local authorities. Some registered individuals, however, struggled to achieve a durable solution because they lived in remote areas and lacked the financial means to pay for transportation and fees associated with confirming their citizenship. As a result, a total of 4,226 individuals residing in remote districts in the three separate pilot areas were assisted in covering their legal fees and the administrative costs associated with nationality confirmation.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, but the government restricted this right. The president and his supporters continued to dominate the government while taking steps to eliminate genuine pluralism in the interest of consolidating power. The president's political party, the People's Democratic Party of Tajikistan (PDPT), dominated both houses of parliament. PDPT members held most government positions. The president had broad authority, which he exercised throughout the year, to appoint and dismiss officials.

Elections and Political Participation

Recent Elections: The most recent national elections were the 2015 parliamentary elections, which lacked pluralism and genuine choice, according to international observers, many of whom called the process deeply flawed and noted significant shortcomings such as multiple voting and ballot box stuffing. The most recent presidential election, which took place in 2013, also lacked pluralism and genuine choice, and did not meet international standards.

In 2016 the government held a national referendum on 41 proposed amendments to the constitution. Citizens were required to vote "yes" or "no" on the full package and were unable to cast votes on each of the 41 proposed amendments. While the government reported that voters approved the amendment package with more than 90 percent participation, anecdotal evidence, commentary on social media and media reports indicated that voter turnout was actually quite low. Several prominent news outlets, including *Ozodagon* and *Faraj*, did not report on the referendum at all. Despite this, one week prior to the referendum, the State Communications Service ordered internet service providers in the country to block access to the websites of independent news agencies *Asia Plus*, *Ozodagon*, and *Ozodi*.

Out of the 41 amendments, three were significant changes to the constitution: one institutionalized the title of “Leader of the Nation” upon President Rahmon--a title given to Rahmon by law in 2015 but requiring confirmation through amendment of the constitution. The title removed term limits for President Rahmon and gave him lifelong immunity from judicial and criminal prosecution. A second amendment lowered the eligible age to run for president from 35 to 30 years, and the third amendment banned all nonsecular political parties.

Political Parties and Political Participation: There were seven legal major political parties, including the PDPT. Opposition political parties had moderate popular support and faced high levels of scrutiny from the government. All senior members of President Rahmon’s government were PDPT members. Most members of the country’s 97-seat parliament were members of the PDPT, pro-government parties, or PDPT affiliates.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. Women were underrepresented in decision-making processes at all levels of political institutions. Female representation in all branches of government was less than 30 percent. There was one female minister but no ministers from minority groups. Cultural practices discouraged participation by women in politics, although the government and political parties made efforts to promote their involvement, such as the 1999 presidential decree that mandated every ministry or government institution have at least one female deputy. Civil society criticized this decree as a barrier to women holding top government positions.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. Officials frequently engaged in corrupt practices with impunity. There were numerous reports of corruption, nepotism, and regional hiring bias at all levels of government throughout the year.

Corruption: In May 2017 the government adopted amendments to the Law for the Fight Against Corruption, which gives the state Anticorruption Agency the authority to inspect the financial activities of political parties, international organizations, and local public associations. Previously, the agency had the authority only to check and audit governmental bodies. According to the new requirements, political parties must submit corruption risk assessment reports to the Anticorruption Agency annually. Political parties and in-country political

experts raised concerns that empowering the Anticorruption Agency to investigate the activities and budget of political parties would tighten control over their activities.

Corruption in the Education Ministry was systemic. Prospective students reportedly were required to pay thousands of somoni (hundreds of dollars) in bribes to enter the country's most prestigious universities, and provincial colleges reportedly required several hundred somoni for entrance. Students reportedly often paid additional bribes to receive good examination grades.

The Ministry of Internal Affairs, Anticorruption Agency, and Prosecutor General's Office are responsible for investigating, arresting, and prosecuting suspected 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.

Both the Ministry of Internal Affairs and the Anticorruption Agency submit cases to the Prosecutor General's Office at the conclusion of their investigations. In some instances the agency collaborated with the Prosecutor General's Office throughout the entire process.

Financial Disclosure: Public officials are not subject to financial disclosure laws.

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

Domestic human rights groups encountered increased difficulty monitoring and reporting on the general human rights situation. Domestic NGOs and journalists were careful to avoid public criticism of the president or other high-ranking officials and refrained from discussing issues connected to the banned IRPT. Human rights and civil society NGOs faced increasing pressure from the government. Authorities investigated a number of NGOs for alleged registration problems and administrative irregularities.

The United Nations or Other International Bodies: The government facilitated visits by high-ranking officials from the UN, the Organization for Security and Cooperation in Europe, and other international organizations but continued to deny the International Committee of the Red Cross access to prison facilities.

Government Human Rights Bodies: The Office of the Human Rights Ombudsman made little effort to respond to complaints from the public during the year. The ombudsman's office met with NGOs to discuss specific human rights cases and general human rights problems in the country, but no government action resulted.

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

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

Women

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

Domestic violence does not have its own statute in the criminal code. Violence against women, including spousal abuse, remained a widespread problem. Women underreported violence against them due to fear of reprisal or inadequate response by police and the judiciary, resulting in virtual impunity for the perpetrators. Authorities wishing to promote traditional gender roles widely dismissed domestic violence as a "family matter."

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

In 2016 the government adopted official guidelines for the Ministry of Internal Affairs on how to refer and register cases of domestic violence, while not having a particular criminal statute to draw from to do so. Domestic violence incidents were registered under general violence and hooliganism, with a special notation in paperwork indicating a distinction for domestic violence.

Authorities seldom investigated reported cases of domestic violence, and they prosecuted few alleged perpetrators. The Ministry of Internal Affairs is authorized to issue administrative restraining orders, but police often gave only warnings,

short-term detentions, or fines for committing “administrative offenses” in cases of domestic violence.

Sexual Harassment: No specific statute bans sexual harassment in the workplace. Victims often did not report incidents because of fear of social stigma. Women reporting sexual harassment faced retaliation from their employers as well as scrutiny from their families and communities.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Although the law provides for men and women to receive equal pay for equal work, cultural barriers restricted women’s professional opportunities. The law protects women’s rights in marriage and family matters, but families often pressured female minors to marry against their will. Religious marriages were common substitutes for civil marriages, due to the high marriage registration fees associated with civil marriages and the power afforded men under religious law.

The Council of Ulema fatwa prohibiting Hanafi Sunni women--constituting the vast majority of the female population--from praying in mosques remained in effect. Religious ceremonies also made polygyny possible, despite the illegality of the practice. NGOs estimated that up to 10 percent of men practiced polygyny. Many of these polygynous marriages involved underage brides. Unofficial second and third marriages were increasingly common, with neither the wives nor their children having legal standing or rights.

Children

Birth Registration: Children derive citizenship by birth within the country’s territory or from their parents. There were no reports of birth registration being denied or not provided on a discriminatory basis. The government is required to register all births.

Education: Free and universal public education is compulsory until age 16 or completion of the ninth grade. UNICEF reported that school attendance generally was good through the primary grades, but girls faced disadvantages as parents often give priority in education to their sons whom they regard as future breadwinners.

Child Abuse: The Committee on Women and Family Affairs and regional child rights protection departments are responsible for addressing problems of violence against children. In 2016 the government established the Office of the Ombudsman on Children's Rights.

Early and Forced Marriage: The legal minimum age for marriage of men and women is 18 years. Under exceptional circumstances, which a judge must determine, such as in the case of pregnancy, a couple may also apply to a court to lower the marriageable age to 17. Underage religious marriage was more widespread in rural areas.

The law expressly prohibits forced marriages of girls under age 18 or entering into a marriage contract with a girl under 18. Early marriage carries a fine or prison sentence of up to six months, while forced marriage is punishable by up to five years' imprisonment. Because couples may not register a marriage where one of the would-be spouses is under age 18, many simply have a local religious leader perform the wedding ceremony. Without a civil registration certificate, the bride has few legal rights.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and child pornography; however, inconsistent with international law, article 130.1 required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense and therefore did not criminalize all forms of child sex trafficking. The minimum age of consensual sex is 16 years. According to an NGO working with victims of domestic violence, sexual exploitation, and sex trafficking, there were several cases in which family members or third parties forced children into prostitution in nightclubs and in private homes.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

Anti-Semitism

There were no reports of anti-Semitic acts. The small Jewish community had a place of worship and faced no overt pressure from the government or other societal pressures. Emigration to other countries continued.

Trafficking in Persons

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

Persons with Disabilities

The law on social protection of persons with disabilities applies to individuals having physical or mental disabilities, including sensory and developmental 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 commit resources to implement the law. The law requires government buildings, schools, hospitals, and transportation, including air travel, to be accessible to persons with disabilities, but the government did not enforce these provisions.

Many children with disabilities were not able to attend school because doctors did not deem them “medically fit.” Children deemed “medically unfit” were segregated into special state-run schools specifically for persons with physical and mental disabilities. Doctors decided which subjects students were capable of studying, and directors of state-run schools could change the requirements for students to pass to the next grade at their discretion.

The government charges the Commission on Fulfillment of International Human Rights, the Society of Invalids, and local and regional governmental structures 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

There were occasional reports that some law enforcement officials harassed those of Afghan nationality and Uzbeks.

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

While same-sex sexual conduct is legal in the country, and the age of consent is the same as for heterosexual relationships, the law does not provide legal protection

against discrimination. Throughout the country there were reports that LGBTI individuals faced physical and psychological abuse, harassment, extortion, and exploitation for revealing their LGBTI status to their families. In September, Khurshed Kunghurotov, the government's chief physician, told the media that he thinks transgender individuals and gays are mentally ill, and those who do not recognize their illness are mentally ill themselves.

There is no law against discrimination based on sexual orientation or gender identity, and LGBTI persons were victims of police harassment and faced threats of public beatings by community members. LGBTI representatives claimed law enforcement officials extorted money from LGBTI persons by threatening to tell their employers or families of their activities. In February the government's anticorruption agency detained three police officers for blackmailing a gay man in order to extort money from him. The man had on previous occasions been forced to give money to buy the officers' silence regarding his sexual orientation. The police officers were charged with extortion and abuse of office, and in April a Dushanbe court found them guilty and fined each 55,000 Somoni (\$6,500).

In some cases LGBTI persons were subjected to sex trafficking. Hate crimes against members of the LGBTI community reportedly went unaddressed. LGBTI representatives claimed health-care providers discriminated against and harassed LGBTI persons. LGBTI advocacy and health groups reported harassment from government officials and clergy, to include violent threats, as well as obstruction of their activities by the Ministry of Health.

Government authorities reportedly compiled a registry of hundreds of persons in the LGBTI community as part of a purported drive to promote moral behavior and protect vulnerable groups in society. In 2017 the Interior Ministry and General Prosecutor's Office drew up the list, which included 319 men and 48 women.

It was difficult for transgender persons to obtain new official documents from the government. The law allows for changing gender in identity papers if a medical organization provides an authorized document. Because a document of this form does not exist, it was difficult for transgender persons to change their legal identity to match their gender. This created internal problems involving any activity requiring government identification, including the acquisition of a passport for international travel.

HIV and AIDS Social Stigma

There was societal discrimination against individuals with HIV/AIDS, and stigma and discrimination were major barriers for persons with HIV to accessing prevention, treatment, and support.

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.

Women remained a minority of those infected with HIV, although their incidence of infection was increasing.

As of April 1, the Ministry of Health officially registered 7,827 HIV infected individuals, including 2,933 women and 4,894 men. During the first quarter of the year, the ministry registered 321 new HIV positive individuals, including 114 women and 207 men.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right to form and join independent unions but requires registration for all NGOs, including trade unions. The law also provides that union activities, such as collective bargaining, be free from interference except “in cases specified by law,” but the law does not define such cases. Workers have the right to strike, but the law requires that meetings and other mass actions have prior official authorization, limiting trade unions’ ability to organize meetings or demonstrations. The law provides for the right to organize and bargain collectively, but it does not specifically prohibit antiunion discrimination.

Workers joined unions, but the government used informal means to exercise considerable influence over organized labor, including influencing the selection of labor union leaders. The government-controlled 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 International Labor Organization figures, 1.3 million persons belonged to unions. There were no reports of antiunion discrimination during the year.

Anecdotal reports from multiple in-country sources stated that citizens were reluctant to strike due to fear of government retaliation.

Collective bargaining contracts covered 90 percent of workers in the formal sector. In some cases Chinese workers received preferable treatment to local workers in labor disputes.

The government fully controlled trade unions. There were no reports of threats or violence by government entities toward trade unions; however, unions made only limited demands regarding workers' rights repeatedly because they feared the government reaction. Most workers' grievances were resolved with union mediation between employee and employer.

Labor NGOs not designated as labor organizations played a minimal role in worker rights, as they were restricted from operating fully and freely.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including that of children, except in cases defined in law. Resources, inspections, and remediation were inadequate. Penalties were sufficiently stringent and commensurate with other serious crimes, such as rape, and sufficient to deter violations.

The government continued to make progress in reducing the use of forced labor in the annual cotton harvest, although it continued to occur. The Ministry of Labor, together with NGO representatives, conducted monitoring missions of the cotton harvest from 2010 to 2015, but there were no independent monitoring programs or inspections during the 2016 and 2017 cotton harvests.

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

c. Prohibition of Child Labor and Minimum Age for Employment

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

age 10 worked in bazaars or sold goods on the street. The highest incidences of child labor were in the domestic and agricultural sectors.

Enforcement of child labor laws is the responsibility of the Prosecutor General's Office, Ministry of Justice, Ministry of Social Welfare, Ministry of Internal Affairs, 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 involving child labor before the prosecutor general for investigation. There were few reports of violations because most children worked under the family assistance exception. There were reports that military recruitment authorities kidnapped children under the age of 18 from public places and subjected them to compulsory military service to fulfill local recruitment quotas.

The government enforced labor laws and worked with the International Organization for Migration (IOM) to prevent the use of forced child labor. Nevertheless, there were isolated reports that some children were exploited in agriculture. The overall instances of forced child labor in the cotton harvest decreased dramatically after 2013; the 2015 IOM annual assessment showed local or national government authorities responded to most cases. During the 2015 harvest, the government levied two fines against employers using child labor and collected a total of 1,800 somoni (\$205) from violators.

The Interministerial Commission to Combat Trafficking in Persons disseminated a directive to local officials reiterating prohibitions and ordered the Labor Inspector's Office to conduct a monitoring mission of the cotton-picking season. According to the IOM, however, no independent monitoring of the cotton harvest was conducted during the year.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation on the basis of race, sex, gender, disability, language, HIV-positive status, other communicable diseases, or social status. The law does not expressly prohibit worker discrimination on the basis of color, religion, political opinion, national origin or citizenship, or age.

In February a dance teacher at a choreography school in Dushanbe was reportedly fired from her job for not listening to President Rahmon's annual televised address to the nation. Saida Rustamova told the media that the official documents she received stated she lost her job because she was not present in the school auditorium where students and teachers were gathered to listen to the president's live televised address. Rustamova claims she left the auditorium because there were no available seats. The school principal told reporters that Rustamova was fired because of her poor work performance and her failure to follow her supervisor's orders.

In June 2017 parliament approved amendments to the Law on Police, which bans persons with dual citizenship, foreign nationals, and stateless persons from serving in the police force. In 2016 lawmakers approved amendments to the law banning individuals with dual citizenship from serving in the country's security services and requiring knowledge of the Tajik (state) language. In March 2017 the Council of Majlisi Namoyandagon, the lower house of parliament, approved amendments to the Law on Public Service prohibiting dual citizenship for any persons in public service.

Employers discriminated against individuals based on sexual orientation and HIV-positive status, and police generally did not enforce the laws. LGBTI persons and HIV-positive individuals opted not to file complaints due to fear of harassment from law enforcement personnel and the belief that police would not take action.

The law provides that women receive equal pay for equal work, but cultural barriers continued to restrict the professional opportunities available to women. Employers often forced women to work overtime without additional pay.

e. Acceptable Conditions of Work

The government has not declared a formal poverty line. The monthly minimum wage is 400 somoni (\$42).

The State Inspectorate for Supervision of Labor, Migration, and Employment under the Ministry of Labor is responsible for the overall supervision of enforcing labor law in the country. 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. The law mandates overtime payment, with the first two hours paid at a time-and-a-half rate and the remainder at double the rate.

Resources, inspections, and remediation to enforce the law were inadequate. The State Inspectorate conducts inspections once every two years. Penalties for violations, including fines of 800 to 1,200 somoni (\$90 to \$140) were adequate, but the regulation was not enforced, and the government did not pay its employees for overtime work. Overtime payment was inconsistent in all sectors of the labor force.

The State Inspectorate for Supervision of Labor, Migration, and Employment is also responsible for enforcing occupational health and safety standards. The government did not fully comply with these standards, partly because of corruption and the low salaries paid to inspectors. The law provides workers the right to remove themselves from hazardous working conditions without fear of loss of employment, but workers seldom exercised this right.

Farmers and agricultural workers, accounting for more than 60 percent of employment in the country, continued to work under difficult circumstances. There was no system to monitor or regulate working conditions in the agricultural and informal sectors. Wages in the agricultural sector were the lowest among all sectors, and many workers received payment in kind. The government's failure to ensure and protect land tenure rights continued to limit its ability to protect agricultural workers' rights.