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U.S. Department of State

Tajikistan Report on Human Rights Practices for 1996

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TAJIKISTAN

Tajikistan remains in the hands of a largely authoritarian government, but has established some nominally democratic structures. The Government's narrow base of support renders it incapable of controlling the entire territory of the country. The Government of President Emomali Rahmonov, comprised largely of natives of the Kulob region, continued to dominate the State. Opposition to this control and frustration with declining public order led to large and sometimes violent demonstrations in several regions. The demonstrators sought improved security and the removal of officials (particularly those of Kulobi origin) and their replacement by local residents. In response to this popular pressure, the Government transferred substantial numbers of officials of Kulobi origin to other areas.

Tajikistan has not successfully achieved national reconciliation after its 1992 civil war. Under United Nations auspices, the Government and the armed, externally based opposition continued a series of inter-Tajik talks, including a round in Ashgabat in July. While a cease-fire agreement and an accord on exchange of prisoners were signed at that session, neither was immediately implemented, and repeated, continuing cease-fire violations were reported by the United Nations Mission of Observers to Tajikistan (UNMOT). Further talks were held in Tehran in October, and the President and opposition leader met in Afghanistan in December, signing a cease-fire agreement. A December 19-23 summit meeting in Moscow produced a framework document on national reconciliation whose details were to be completed in 1997. At the end of the year, the Government was intensively engaged in the U.N. peace process.

Internal security is the responsibility of the Ministries of Interior, Security, and Defense. The Russian Army's 201st Motorized Rifle Division, part of a Commonwealth of Independent States (CIS)

peacekeeping force established in 1993, remained in the country. Some regions of the country remained effectively outside the Government's control. Government control in other areas was at the sufferance of local opposition commanders, or was limited to the daylight hours. Opposition forces, supported by at least some Afghan and Arab Islamic mercenaries, and local bandit units, used parts of the Gorno-Badakhshan Autonomous Oblast (GBAO) and Gharm Valley as a base for launching attacks. Some members of the security forces and government-aligned militias committed serious human rights abuses. The armed opposition also committed serious human rights abuses.

The economy continued to decline, and government revenue remains highly dependent on the government-owned cotton and aluminum industries. Most Soviet-era factories operate at a minimal level, if at all, while privatization has moved ahead

only slowly. As much as one-third of the total population is unemployed or significantly underemployed, according to government estimates. However, inflation dropped sharply, and the exchange rate remained steady. Most wages and pensions are paid, although not all missed payments have been made. Current wages are extremely low and not enough to support adequate nutrition without supplemental income.

The Government's human rights record improved slightly, although serious problems remain. During fighting with the opposition, government artillery fire killed civilians. The Government limits citizens' right to change their government. Some members of the security forces and government-aligned forces were responsible for disappearances and forced conscription, and regularly tortured and abused detainees. The Government prosecuted few perpetrators of these abuses. The Minister of Interior continued efforts to remove from his Ministry some of the professionally unqualified and worst human rights abusers, but substantial problems remain. Prison conditions remain life threatening, and the Government continued to use arbitrary arrest and detention. There are often long delays before trials, and the judiciary is subject to political and paramilitary pressure. The authorities infringe on citizens' right to privacy.

The Government severely restricts freedom of speech and freedom of the press and essentially controls the electronic media. No genuine opposition media appeared during the year, although there are new semi-independent, largely nonpolitical media. The authorities strictly control freedom of assembly and association for political organizations. One new political party was allowed to register in 1996, bringing the total to seven; the three opposition parties and a branch of the fourth affiliated with the armed opposition remained suspended. The Government generally cooperated with the Organization on Security and Cooperation in Europe (OSCE) in Dushanbe, although it declined to act on OSCE proposals to establish a human rights ombudsman. The Government claimed it will establish its own ombudsman, but had not done so at year's end. Violence against women is a problem.

The external opposition also committed serious human rights abuses, including the killing of captured soldiers based on their ethnic (Uzbek) or geographic (Kulob) origin, as well as threats, extortion, and abuse of civilian populations.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were a significant number of extrajudicial killings. However, the unstable situation and the

proliferation of armed

groups make it difficult to assign responsibility in many individual cases. Some killings were probably committed by government forces, some by the opposition, and some by independent warlords. The Government has investigated some of the higher profile cases, but without positive results. The competence of those efforts as well as their independence are questionable.

Indiscriminate artillery fire by government forces killed an undetermined number of noncombatants (see Section 1.g.).

Several prominent figures were killed by unknown persons, including the mufti of Tajikistan and members of his family; a prominent member of Parliament; an ethnic Russian, Tajik citizen journalist (see Section 2.a.); and the rector of the medical institute. These cases remain unsolved.

Illustrative of such cases is the murder of Muhammad Osimi, a respected senior academic (see Section 2.a.). Osimi was prominent in promoting Tajik culture, but not politically active. No group claimed to have killed Osimi and there was no credible explanation for his death. The Government claimed that it partially solved the murder, as one of the alleged assailants in the case was killed by government units near Dushanbe. Due to the circumstances of the killing and the absence of publicly presented documentary evidence, however, the Government's assertion has not been widely accepted.

A number of local officials, businessmen, and professional figures were killed during the year for economic, ethnic, political, and other reasons. Few if any suspects have been identified. There have been arrests in some of the murders of businessmen, but there have been no arrests in any high-profile case, and none of those arrested has been brought to trial.

Since mid-August, an extended series of clashes between two groups seeking to control Tursunzade has resulted in at least 30 deaths; some of those killed were unarmed bystanders. These killings do not appear to be connected with the Government's conflict with the opposition, but reflect the lack of governmental control and the arrogation of local authority by regional strongmen.

Several Russian army officers, soldiers, and staff were killed during the year. One officer was shot in March; two were killed in August when a bomb exploded near their troop transport. The Russian border forces and the Government have generally blamed the opposition in these cases, but the armed opposition has denied the charges.

Poor prison conditions and lack of food and adequate medical treatment resulted in a significant number of deaths in custody (see Section 1.c.).

b. Disappearance

A number of disappearances were reported, most significantly the February disappearance of Zafar Rahmonov, opposition cochairman of the Joint Commission to observe the cease-fire. At year's end, there was still no information concerning his fate.

The Government has not been active in investigating claims of previous disappearances. There were no developments in the 1993 disappearances of judge Tagobek Shukurov or the surgeon and Democratic Party Dushanbe branch chairman Dr. Ayniddin Sodikov.

Many cases of young men thought to have disappeared actually involve forcible conscription (see

Section 1.f.). Other missing young men may have defected to, or are being held prisoner by, the opposition.

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

Security officials, particularly those in the Ministry of Interior, regularly beat detainees in custody. Security forces were responsible for widespread beatings, especially of prisoners and detainees to extort confessions. In April two Democratic Party activists were arrested for distributing leaflets and beaten, although no formal charges were filed against them. Police shot one demonstrator in Uro-Teppa in May (see Section 2.b.).

In previous years, there were reports of rape or threat of rape of women in prison or detention. There were no such reports this year; however, there is no reason to believe that circumstances have changed.

Prison conditions remain harsh and life threatening. Prisons are generally overcrowded, unsanitary, and disease-ridden, producing serious threats to many prisoners' health and a significant number of deaths from hunger and malnutrition. This reflects in part the self-funded status of most prisons, under which prisoners are supposed to grow much of their own food or make goods for sale. The general collapse of governmental programs and of the economy has caused the virtual disappearance of these programs. Conditions in most prisons improved somewhat in 1996, due primarily to the efforts of international relief groups and the International Committee of the Red Cross (ICRC). Some food production is resuming. Family members are allowed access to prisoners, in accordance with the law. Despite its standard modalities, the ICRC has not succeeded in gaining access to prisoners in pretrial detention (where most abuses occur) but has been able to establish a program to supply food for inmates in many institutions.

d. Arbitrary Arrest, Detention, or Exile

The Criminal Code has not been significantly amended since independence, and it therefore retains many of the defects inherited from Soviet times. Revision of the Criminal Code is a high priority of the Majlisi Oli (parliament). The system allows for lengthy pretrial detention and provides few checks on the power of procurators and police to arrest persons. Public order, which broke down during the civil war, has yet to be fully restored, and the virtual immunity from prosecution of armed militia groups has further eroded the integrity of the legal system.

Police may legally detain persons without a warrant for a period of 72 hours, and the procurator's office may do so for a period of 10 days after which the accused must be officially charged. At that point, the Criminal Code permits pretrial detention for up to 15 months. The first 3 months of detention are at the discretion of the local procurator, the second 3 months must be approved at the regional level, and the Procurator General must sanction the remaining time in detention. The Criminal Code maintains that all investigations must be completed 1 month before the 15-month maximum in order to allow the defense time to examine government evidence. There is no requirement for judicial approval or for a preliminary judicial hearing on the charge or detention. In criminal cases, detainees may be released and restricted to their place of residence pending trial. Once a case is entered for trial, the law states that it must be brought before a judge within 28 days. However, it is common for cases to languish for many months before the trial begins.

The number of politically motivated arrests decreased compared with 1995. There are credible allegations of illegal government detention of members or relatives of members of opposition political parties for questioning. In most cases, the security officers do not obtain arrest warrants and do not bring

charges. Those released sometimes claimed that they were mistreated and beaten during detention.

Opposition sources maintain that security forces detained dozens of persons unlawfully without charge. Since the law precludes visits to persons in pretrial detention, it is not possible to assess these allegations.

The Constitution states that no one can be exiled without a legal basis; no laws have been passed so far setting out any legal basis for exile. There were no reports of the use of forced exile.

e. Denial of Fair Public Trial

The 1994 Constitution states that judges are independent and subordinate only to the Constitution and the law; it prohibits interference in their activities. However, judicial officials at all levels of the court system are heavily influenced by both the political leadership and, in many instances, armed paramilitary groups. Under the Constitution, the President has the right, with confirmation by the Parliament, to both appoint and dismiss judges and prosecutors. Judges at the local, regional, and republic level are, for the most part, poorly trained and lack understanding of an independent judiciary.

The court system, largely unmodified from the Soviet period, includes city, district, regional, and national levels, with a parallel military system. Higher courts serve as appellate courts for the lower ones. The Constitution establishes additional courts, including a Constitutional Court. This court has begun to function, has heard some cases, and issued decisions.

According to the law, all trials are public, except in cases involving national security or the protection of minors. The court will appoint an attorney for those who do not have one. Defendant may choose their own attorneys but may not necessarily choose among court-appointed defenders. In practice, arrested persons are often denied prompt, and in some cases any, access to an attorney.

The procurator's office is responsible for conducting all investigations of alleged criminal conduct. In theory, both defendant and counsel have the right to review all government evidence, to confront witnesses, and to present evidence and testimony. No groups are barred from testifying, and all testimony is theoretically given equal weight, regardless of ethnicity or gender of the witness. Ministry of Justice officials maintain that defendants benefit from the presumption of innocence, despite the unmodified Soviet legal statute, which presumes the guilt of all brought to trial. Thus, in practice, bringing charges tends to suggest guilt to most Tajiks.

Pressure continues to be exerted on the judicial system by local strongmen, their armed paramilitary groups, and vigilantes who operate outside of government control, sometimes leading to the dismissal of charges and dropping of cases. Bribery of prosecutors and judges is also considered to be widespread.

The Government holds political prisoners, although estimates of the number vary widely. The Government and the Tajik opposition exchanged multiple lists of prisoners of war (POW's) and political prisoners for exchange as a result of the fifth

round of inter-Tajik talks in Ashgabat. The largest opposition list totaled 596 names of political prisoners believed by the opposition to be in government custody, while the largest government list totaled 463 soldiers believed by the Government to be held by the opposition. Both lists undoubtedly include names of many persons who were missing or dead, or, in the case of POW's held by the opposition, who defected. No prisoners were exchanged in 1996.

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

The Constitution provides for the inviolability of the home and prohibits interference with correspondence, telephone conversations, and postal and communication rights, except "in cases prescribed by law." Police may not enter and search a private home without the approval of the procurator. In some cases, police may enter and search a home without permission, but they must then inform the procurator within 24 hours. Police are also permitted to enter and search homes without permission if they have compelling reason to believe a delay in obtaining a warrant would impair national security. There is no judicial review of police searches conducted without a warrant.

There are continuing credible reports of arbitrary illegal search and seizure by government forces.

Forced conscription occurred extensively as the armed forces sought to maintain sufficient strength to prosecute the war against the armed opposition in the face of both widespread reluctance to serve and draft evasion. There are numerous credible reports of young men being caught in public places and sent directly to the front line, or to very short-term training camps before being sent to battle zones. Checks on service liability are typically not made, so that persons with legal deferments were still forced into service. Some of these persons were killed in the line of duty, and there were reports of their bodies being dumped on their parents' doorsteps.

In some cases, particularly where the conscript is under age, parents have been able to obtain his release by appearing at the training camp or military base with appropriate documentation. The involvement of an OSCE representative may also have been central to obtaining these releases.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

Tajikistan signed a code of conduct at the OSCE conference in Budapest in 1994, obliging it to incorporate into domestic legislation the provisions of the code dealing with humanitarian standards in internal conflicts. This has not

been done. The ICRC has sought access to all persons detained in connection with the conflict without success.

Despite continued political efforts under United Nations auspices to mediate a national reconciliation and the continued nominal existence of a cease-fire agreement, fighting increased in intensity and geographic extent over 1995 levels. Government artillery forces exercised little discipline, resulting in noncombatant deaths.

A May attack by the opposition on Tavildara led to many months of fighting in that central Tajikistan area, resulting in many deaths, much destruction of civilian property and public resources such as bridges and highways, the placement of landmines by both sides, and the internal displacement of several thousand persons. POW's are mistreated by both sides.

While precise figures are not available, several hundred troops died on both the government and opposition sides. Several times that number were injured, and many civilians were killed, wounded, or forced to flee.

On December 20, 23 persons in a U.N. convoy, including 7 U.N. military observers, were taken hostage by fighters loyal to a local commander, Rizvon Sadirov, who formerly supported the opposition, but recently was reported to have defected to the Government. The hostage takers were not part of the

government's military forces and were quickly persuaded to release the hostages unharmed.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Despite the Constitution and the 1991 law protecting freedom of speech and the press, the Government severely restricts freedom of expression in practice. Journalists, broadcasters, and individual citizens who disagree with government policies cannot speak freely or critically. The Government exercises control over the media both overtly through legislation and less obviously through such mechanisms as friendly advice to reporters on what news should not be covered. The Government also controlled the printing presses, the supply of newsprint, and broadcasting facilities, and subsidizes virtually all publications and productions. Editors fearful of reprisals exercise careful self-censorship.

Journalists of the newspaper Sadoi Mardum, published by the Parliament, were not permitted to publish an article critical of a parliamentary deputy. The journalists were able to publish the article in the executive branch newspaper, but were then threatened by the subject of their article. An independent television station in the northern city of Khojand,

linked to a former provincial chairman, was closed by the regional government.

On March 28, Viktor Nikulin, an ethnic Russian native of Tajikistan who worked for a Moscow television station, was murdered in Dushanbe by unknown persons. No progress has been made in solving this death (see Section 1.a.).

There were some improvements regarding freedom of speech and the press. Several new, semi-independent publications appeared, although they are largely nonpolitical. Letters critical of the official version of the antigovernment demonstrations that took place in the northern city of Uro-Teppa in May were printed in Dushanbe in August. A semi-governmental Dushanbe television station that had been closed in September 1995, resumed limited broadcasting under a new name in September. A seminar to discuss the proposed new electronic media law was held in Dushanbe in August.

Academic expression is limited by fear of reprisals, the complete reliance of scientific institutes upon government funding, and by the need to find alternate employment to generate sufficient income, leaving little time for academic writing. Prominent Tajik academic Muhammad Osimi was killed during the year, but it appears unlikely that his death was connected to his academic work.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly and association. In practice, however, the authorities exercise strict control over organizations and activities of a political nature. Although free assembly and association are permitted for nonpolitical associations, including trade unions, freedom of association is circumscribed by the requirement (in the law on nongovernmental associations) that all organizations must first register with the Ministry of Justice. This process is often slowed by the requirement to submit documents in both Russian and Tajik. The Ministry of Justice's verification of the text inevitably delays the granting of registration. Once registered an organization must apply for a permit from the local executive committee in order legally to organize any public assembly or demonstration.

In the spring there were demonstrations in the Khatlon region to protest rising bread prices and the

nonpayment of salaries. In May large demonstrations took place in Khujand, sparked by the killing of a prominent local businessman and in protest of the presence of numerous government officials from the Kulobi region. Demands were made regarding military service by young men. After the demonstrations, some of the organizers were arrested. Similar demonstrations took place in several other northern cities. In Uro-Teppa in May police shot one demonstrator, leading to the burning of several buildings.

In August demonstrations in Hissor to protest the behavior of local militia led to the dismissal of the regional security chief, a Kulobi by origin.

There are six political parties officially registered with the Government. Three of the four political parties suspended in 1993--the Islamic Revival Party, the Rastokhez National Movement, and the Lali Badakhshan Movement for the Autonomy of the Pamirs--remained suspended. In March a seventh political party, Adolatkoh (justice seeker), was registered. In addition a national front organization (Public Accord) established by the Government was registered in March.

In several cases, members of suspended political parties have been unable to find employment, apparently due to actions taken by the security services.

c. Freedom of Religion

The Constitution provides for freedom of religion. Religion and State are separate, and neither the law nor the Government places restrictions on religious worship. However, according to the Law on Freedom of Faith, the Committee on Religious Affairs under the Council of Ministers registers religious communities and monitors the activities of the various religious establishments. While the official reason given is to ensure that they are acting in accordance with the law, the practical purpose is to ensure that they do not become overtly political.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for the right of citizens to choose their place of residence, to emigrate, and to return. In practice, the Government generally respects these rights, with some regulation.

The Government has stipulated that both citizens and foreigners are prohibited from traveling within a 25-kilometer zone along the country's borders with China and Afghanistan without permission from the Ministry of Foreign Affairs. In practice, however, international aid workers and diplomats travel freely in these regions without prior government authorization.

Residents of Dushanbe and those travelers wishing to remain longer than 3 days are supposed to register with central authorities, and regulations require registration at the local Ministry of Interior office upon arrival and departure from a city. However, these regulations are largely ignored in practice. There are no legal restrictions on changing residence or workplace. Citizens who wish to travel abroad

must obtain an exit visa. There is no evidence that these are withheld for political reasons.

There is no law on emigration. Those wishing to migrate within the former Soviet Union notify the Ministry of Interior of their departure. Persons wishing to emigrate beyond the borders of the former Soviet Union must receive the approval of the relevant country's embassy in order to obtain their passport. Persons who settle abroad are required to inform the Tajikistan embassy or Tajikistan interests section of the nearest Russian embassy or consulate.

Persons who wish to return to Tajikistan after having emigrated may do so freely by submitting their applications to the Tajikistan embassy or Tajikistan interests section of the nearest Russian embassy or consulate. The Government adjudicates requests on a case-by-case basis. There is no indication that persons, other than those who fled Tajikistan for political reasons after the civil war, are not freely permitted to return. Persons currently active with the Tajik opposition whose travel documents have expired have at times had difficulty obtaining new documents permitting them to return.

Under the 1994 refugee law, a person granted refugee status is guaranteed the right to work and move freely throughout the country. The Central Department of Refugee Affairs under the Ministry of Labor has responsibility for the registration of refugees.

The Government cooperates with the Office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. There were no reports of forced expulsion of those having a valid claim to refugee status. There were no reports of forced return of persons to a country where they feared persecution. The Government, particularly the Ministry of Labor, worked closely with the UNHCR and the International Organization for Migration on behalf of refugees and internally displaced persons.

The Government provides first asylum, and has provided it to 1,060 refugees from Afghanistan since July 1995.

In July 1995, the Central Department of Refugee Affairs (CDR) under the Ministry of Labor took over from the UNHCR the registration of refugees, in accordance with the 1951 Convention on Refugees and Tajikistan's 1994 Law on Refugees. An unresolved problem stems from the unofficial government policy of denying official status to the Afghan spouses and children of returning Tajik refugees by denying them residence permits.

Tajik refugees continued to return from northern Afghanistan, as did internally displaced persons from Gorno Badakhshan, to

the Dushanbe and Khatlon regions, albeit slowly. Approximately 20,000 to 22,000 refugees remain in Afghanistan. Opposition groups have reportedly blocked the return of these refugees through threats and harassment. The number of internally displaced persons increased sharply with the summer fighting in Tavildara, to approximately 14,000. While significant problems remain with illegal occupation of returnees' homes by those loyal to the victorious Popular Front militias, progress continues to be made in evicting the occupiers.

The UNHCR reported that the Government's responsiveness, including that of local authorities, was greater than in 1995 in investigating cases of illegal housing occupation and accusations of crimes against returnees, although not all cases were brought to successful conclusions.

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

The Government limits the right of citizens to change their government peacefully and freely. The Government of President Rahmonov remains dominated by Kulobi regional political interests, although the prime ministers have been from the northern Khojand region. Three of the four opposition parties suspended in 1993 remain suspended. One new party was registered, joining six other legal parties. Many opposition party activists remained either jailed or in exile abroad, although one member of the opposition negotiating team resides in Tajikistan and the opposition members of the Joint Commission have spent extended periods in Tajikistan since early August.

The parliamentary (Majlisi Oli) elections conducted in 1995 were marked by numerous irregularities, such as voter intimidation and ballot-box stuffing, and did not result in a truly independent Parliament.

There are no formal barriers to women's participation in the electoral process, although since the removal of Soviet-era quotas the number of female deputies has declined. At year's end there were 16 female deputies in the Parliament, 1 woman serving as a deputy prime minister, 1 as a minister, and several as deputy ministers.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government's record on dealing with international and nongovernmental investigation of alleged human rights abuses was mixed. Lingering fear of persecution by government or extragovernmental elements has discouraged efforts by citizens to form their own human rights organizations. The Government

has not interfered, however, with citizens' and government officials' participation in international and local seminars sponsored by the Organization for Security and Cooperation in Europe, the International Commission of the Red Cross, United Nations agencies, NGO's, and foreign governments on such topics as the rule of law, an independent judiciary, and international humanitarian law. Discussion at such seminars, including those held in Tajikistan, has at times been critical of the Government.

The Government worked closely with the United Nations Mission of Observers in Tajikistan and the United Nations Secretary General's Special Representative in the course of the inter-Tajik talks.

The OSCE's mission continues to monitor human rights issues, including through three field offices, which receive generally good cooperation from local officials. While the Government at first agreed to establish a national human rights institution and ombudsman position with OSCE financial support, it later decided to establish such functions itself. Thus far no institution or ombudsman position has been established.

The ICRC intensified contacts with government entities concerned with prisoners, but still was not given access to prisoners in accordance with its standard modalities.

Section 5. Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for the rights and freedoms of every person regardless of nationality, race, sex, language, religious beliefs, political persuasion, social status, knowledge, and property. It also explicitly states that men and women have the same rights. In practice, however, there is discrimination as a result of cultural traditions and the lingering hostilities from the 1992 civil war.

Women

While no official data are available on the prevalence of spousal abuse, wife beating is a common problem. In both urban and rural areas, many cases of wife beating are unreported and many of those reported are not investigated. There is a widespread reluctance to discuss the issue or provide assistance to women in abusive situations. In addition abduction of brides is widely reported, and there are reliable reports of young women prevented from leaving the country due to threats against their families should they do so.

The Criminal Code prohibits rape, although it is widely believed that most rape cases are unreported. There are no rape crisis centers or special police units for handling these cases. The threat of rape is reliably reported as being used

to coerce women. The situation is exacerbated by a general decline in public order, so that in many cities, including Dushanbe, women exercise particular care in their movement, especially at night.

Laws exist against keeping brothels, procuring, making or selling pornography, infecting another person with a venereal disease, and sexual exploitation of women.

According to the law, women have equal rights with men. Inheritance laws do not discriminate against women. In practice, however, inheritances may pass disproportionately to sons.

The participation of women in the work force and in institutes of higher learning is one of the positive legacies of the Soviet era. There is no formal discrimination against women in employment, education, or housing, and in urban areas women can be found throughout government, academic institutes, and enterprises. Divorce rates in urban areas are comparatively high, and women tend to carry the burden of child-rearing and household management whether married or divorced. In rural areas, women tend to marry younger, have larger families, and receive less education than women in cities. Due to the prevalence of large families, women in rural areas are also much less likely to work outside the home. Articles in the Criminal Code protect women's rights in marriage and family matters.

Children

The extensive government social security network for child welfare continued to deteriorate. Women are provided 3 years of maternity leave and monthly subsidies for each child, which were increased at the time price controls on bread were lifted.

Education is compulsory until age 16, but the law is not enforced. All health care is free. However, the Government's lack of financial resources left it unable to fulfill many of its obligations for the provision of subsidies and care for maternal and child health.

People with Disabilities

The 1992 Law on Social Protection of Invalids stipulates the right of the disabled to employment and adequate medical care. In practice, however, the Government does not require employers to provide physical access for the disabled. Financial constraints and the absence of basic technology to assist the disabled result, in practice, in high unemployment and widespread discrimination. There is no law mandating accessibility for the disabled.

Religious Minorities

The Baha'i community in Dushanbe suffered an arson attack in the spring. A newspaper that had published articles provided by the Baha'i community was pressured by the Government to stop publishing them, possibly at the instigation of the Iranian embassy.

National/Racial/Ethnic Minorities

After the civil war, over 90,000 people of primarily Gharmi and Pamiri origin fled to Afghanistan to avoid reprisals by progovernment forces. Most of these persons returned to Tajikistan in 1994-95, and

repatriation continued during 1996, with government encouragement. While making a good faith effort to assist with the repatriation of refugees, particularly those from Afghanistan, the Government did not fulfill many of its pledges, including the payment of reconstruction fees for returning refugee families. However, security for returning refugees improved, with the UNHCR reporting fewer cases of murder, rape, and harassment of returnees than in 1995. Similarly, local procurators took an active stance in investigating alleged crimes against returnees. However, some procurators and judges continued to be subjected to threats and intimidation for investigating or trying charges against militia members, often of Kulobi origin.

With the exception of the trilingual (Tajik/Uzbek/Russian) school structure, Uzbek has no official status in Tajikistan, although Uzbeks comprise nearly one-quarter of the population. The Government permits radio and television broadcasts in Russian and Uzbek, in addition to Tajik. In practice Russian is the language of inter-ethnic communication and widely used in government. Ethnic Russians and related Russian speakers, e.g., Ukrainians, now make up less than 2 percent of the population. While the Government has repeatedly expressed its desire for the ethnic Russian and Slavic population to remain in Tajikistan, economic conditions provide little incentive for them to do so, and some local Russians and other Slavs perceive an increase in negative social attitudes towards them. At the same time, a Slavic university opened in Dushanbe in September, with Russian as the language of instruction; President Rahmonov attended the opening ceremony. In 1996 President Rahmonov and Russian President Yeltsin signed an agreement on dual citizenship, which the Russian Duma ratified on December 4 to complete the process.

Members of the Government, particularly security forces, continued to discriminate against Afghan nationals by extorting bribes and not giving crime victims full police protection. Afghan spouses of returning Tajik refugees still suffer from the unofficial government policy of denying them official status (see Section 2.d.).

Section 6. Worker Rights

a. The Right of Association

The Law on Social Organization and the Law on Trade Union Rights and Guarantees provide all citizens with the right of association, which includes the right to form and join unions without prior authorization, to organize territorially, and to form and join federations.

The Federation of Trade Unions, a holdover from the Communist era, remains the dominant labor organization, although it has since shed its subordination to the Communist Party. The Federation consists of 20 professional trade unions and currently claims 1,500,000 members, virtually all nonagricultural workers. The separate Trade Union of Non-State Enterprises has registered unions in over 3,000 small and medium-sized enterprises, totaling about 50,000 employees, although many of these enterprises are not functioning due to the general economic depression. The same is true for many members of the Federation of Trade Unions. The Council of Ministers formally consults both labor federations during the drafting of social welfare and worker rights legislation.

The Law on Tariff Agreements and Social Partnerships mandates that arbitration take place before a union may legally call a strike. Depending on the scale of the labor disagreement, arbitration can take place at the company, sector, or governmental level. In the event that arbitration fails, unions have the right to strike, but both labor federations have publicly disavowed the utility of strikes in a period of deepening economic crisis and high unemployment and espoused compromise between management and workers.

While there were no official, union-sanctioned strikes, several wildcat strikes occurred. Workers at the aluminum smelter at Tursunzade struck in August to protest nonpayment of salaries, and similar demonstrations or brief strikes took place elsewhere during the year. None of these strikes had the sanction of the labor unions and were, hence, illegal. However, the Ministry of Labor recognized that nonpayment of salaries to workers was a violation of International Labor Organization regulations.

The law provides citizens with the right to affiliate with international organizations freely.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively is codified in the Law on Trade Union Rights and Guarantees, the Law on Social Partnerships and Collective Contracts, and the Law on Labor

Protection. Employees, members of the trade union, and management participate in collective bargaining at the company level. Negotiations involving an industry sector include officials from the relevant ministry and members of the union's steering committee for that particular sector. As the economic situation worsens, it is becoming increasingly difficult for enterprises to engage in effective collective bargaining.

The law prohibits antiunion discrimination or the use of sanctions to dissuade union membership, nor may a worker be fired solely for union activity. Any complaints of discrimination against a labor union or labor union activist are first considered by a local labor union committee and, if necessary, raised to the level of the Supreme Court and investigated by the Ministry of Justice. The law compels an employer found guilty of firing an employee based on union activity to reinstate the employee.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced labor, except in cases defined in law. No laws have been passed defining such cases since the adoption of the new Constitution. Neither the Law on Labor Protection nor the Law on Employment, both predating the 1994 Constitution, specifically prohibits forced or compulsory labor. The Soviet practice of compelling students to pick cotton was officially banned in 1989, although students in the Leninabad region continued to be sent to the fields to pick cotton. In previous years there have been reports of buses being stopped and passengers being sent to pick cotton for several hours before being allowed to proceed.

d. Minimum Age for Employment of Children

According to labor laws, the minimum age for the employment of children is 16, the age at which children may also legally leave school. With the concurrence of the local trade union, employment may begin at the age of 15. By law workers under the age of 18 may work no more than 6 hours a day and 36 hours per week. However, children as young as 7 years of age participate in agricultural work, which is classified as family assistance. Trade unions are responsible for reporting any violations in the employment of minors. Cases not resolved between the union and the employer may be brought before the Procurator General, who may investigate and charge the manager of the enterprise with violations of the Labor Code.

e. Acceptable Conditions of Work

The President, on the advice of the Ministry of Labor and in consultation with trade unions, sets the minimum monthly wage.

The nominal minimum wage of approximately \$1.00 (288 Tajik rubles) falls far short of providing a minimal standard of living for a worker and family. The Government recognizes this problem and has retained certain subsidies for workers and their families at the minimum wage. Although the Government adopted a wage indexation law in 1993 and inflation has been high, the law has not been implemented.

The economy continued to decline, with a majority of industry standing idle by the end of the year. As factories and enterprises either remained closed or were shut down, workers were laid off or furloughed for extended periods. Some establishments, both governmental and private, compensated their employees in kind with food commodities or the output of the particular concern for which the employee worked. The employee could then sell or barter those products in local private markets. Citizens in rural areas intensified cultivation of food crops on their private or rented plots, while even urban residents started tending small vegetable gardens and raising livestock.

The legal workweek for adults (over age 18) is 40 hours. Overtime payment is mandated by law, with the first 2 hours of overtime to be paid at one and one-half times the normal rate and the rest of the overtime hours at double time.

The Government has established occupational health and safety standards, but these fall far below accepted international norms, and the Government does not enforce them in practice. The enforcement of work standards is the responsibility of the State Technical Supervision Committee under the Council of Ministers. While new statistics were not available, it is virtually certain, given the continuing economic decline, that 1993 statistics, which reported that over one-fifth of the population worked in substandard conditions, greatly underreport the number of persons working in substandard conditions. Workers can leave their jobs with 2 months' notice, but, given the bleak employment situation, few choose to do so. The Law on Labor Protection provides that workers can remove themselves from hazardous conditions without risking loss of employment.

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