



U.S. DEPARTMENT of STATE

Tajikistan

Country Reports on Human Rights Practices - [2007](#)

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Tajikistan, with a population of approximately seven million, is an authoritarian state; political life is dominated by President Emomali Rahmon and an inner circle of loyal supporters. While the country has a constitution and a multiparty political system, in practice democratic progress was slow and political pluralism limited. The November 2006 presidential election lacked genuine competition and did not fully test democratic practices or meet international standards, although there were some improvements on voting procedures. During the year the ruling People's Democratic Party of Tajikistan (PDPT) dominated by-elections for national parliament seats. The civilian authorities generally maintained effective control of the security forces.

The government's human rights record remained poor and corruption continued to hamper democratic and social reform. The following human rights problems were reported: restricted right of citizens to change their government; torture and abuse of detainees and other persons by security forces; threats and abuse by security forces; impunity of security forces; lengthy pretrial detention; lack of access to prisoners by family members and lawyers; confessions obtained by torture accepted as evidence in trials; harsh and life-threatening prison conditions; prohibited international monitor access to prisons; extralegal extradition of prisoners from third countries with apparent government complicity; restricted freedom of speech, the press and media; restricted freedom of association; restrictions on freedom of religion, including freedom to worship; imprisonment of political opposition, including journalists; harassment of international nongovernmental organizations (NGOs); difficulties with registration and visas; violence and discrimination against women; trafficking in persons; and child labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

During the year, the number of victims of landmines decreased, with seven deaths and six injuries. In 2006 there were 21 victims, six of whom were killed. The government continued to work with international organizations to remove landmines throughout the country.

On January 4, the government convicted and sentenced five men to 15 years in prison for the murder of 19 civilians in December 1992 during the civil war. The men were members of the progovernment Popular Front.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices; however, security officials reportedly employed them. The government prosecuted officials who committed such practices.

Security officials, particularly from the Ministry of Interior (MOI), continued to use systematic beatings, sexual abuse, and electric shock to extort confessions during interrogations. Beatings and mistreatment were also common in detention facilities. The government generally acted against those responsible for the abuses.

On April 16, the Kulyab city court sentenced MOI Senior Lieutenant Nurullo Abdulloev to seven years in prison for illegally

detaining two murder suspects and pressuring them into confessing to a number of crimes. On April 27, another local court convicted two police officers and sentenced them to two years in prison for torturing a detained minor. The court found that the two men had detained the minor without notifying his parents and that they had subjected him to beatings and electric shock.

In August a court in Murghob convicted a police lieutenant, Omurbek Sattorov, of using torture to coerce a confession from a local shepherd. He was sentenced to a year and half of imprisonment. In the same month, the military prosecutor's office in Qurghontepa instituted criminal cases against two Border Troop officers, Mirahmad Odinaev and Qurbon Safarov, for beating soldiers under their command.

Prison officials in the Sughd region fired three prison guards who were implicated in the May 2006 death of Sadullo Marupov, a member of the Islamic Renaissance Party of Tajikistan (IRPT) who died in custody. A local court convicted two of the guards of abuse that led Marupov to kill himself. The court acquitted the third prison guard. The two convicted prison guards, however, did not have to serve prison time because of a general amnesty. The circumstances of the case led many to express deep concern about possible political motivation for Marupov's death.

Citizens in the southern regions of the country complained of harassment and abuse committed by border guards involved in drug trafficking.

According to military prosecutors, during the year there were 12 cases of brutal hazing of new soldier recruits.

Prison and Detention Center Conditions

The government operates 12 prisons, including one for female convicts, and six pretrial detention facilities.

Prison conditions remained harsh and life threatening. Prisons were generally overcrowded and unsanitary. Disease, particularly the spread of tuberculosis, and hunger were serious problems. Government officials reported that 36 prisoners died of tuberculosis or AIDS-related diseases.

A separate prison in Dushanbe held only former members of so-called "power ministries," such as the police, intelligence and security officers, and the military. Conditions in such prisons were better than in normal prisons. The Drug Control Agency's (DCA) prison facility for criminals convicted of drug related crimes was also reportedly better than normal facilities.

The government denied the International Committee for the Red Cross (ICRC) free and unhindered access to prisons and detention centers controlled by the Ministry of Justice (MOJ). The ICRC attempted to negotiate with the MOJ to regain free and unhindered access to all prisons, but the ICRC withdrew its foreign staff because the government refused it full access. The MOJ granted some foreign diplomatic missions limited access to prisons and detention facilities, including the DCA's prison. The MOJ granted a select group of local NGOs limited access to facilities in order to implement their assistance programs.

At the conclusion of her April visit, United Nations High Commissioner for Human Rights Louise Arbour called on the government to ensure wider access to justice and allow local and international monitors, including the ICRC, access to detention centers.

d. Arbitrary Arrest or Detention

The law allows for lengthy pretrial detention, and there were few checks on the power of prosecutors and police to make arrests; arbitrary arrest and detention remained serious problems.

Role of the Police and Security Apparatus

The MOI, the Ministry of Defense (MOD), the Government Committee on Emergency Situations and Civil Defense, the National Guard, the DCA, the State Committee for Border Protection, and the State Committee for National Security shared responsibility for internal security. The MOI is responsible primarily for public order and controls the police force; the SCNS has responsibility for intelligence; and the MOD is responsible for external military security, but it can be employed in serious domestic conflicts. The Government Committee on Emergency Situations and Civil Defense responds to internal problems including natural disasters. The National Guard is also involved in internal security, but its primary function is to protect presidential sites and confront internal threats; it answers directly to the president. The DCA is responsible for investigating and interdicting narcotics and other illicit contraband. The Committee for Border Protection maintains the border area and is responsible for protecting the country from external threats. The police and security forces in general were not effective at responding to individual incidents of crime or conducting serious investigations into organized criminal gangs, although law enforcement agencies seized relatively high quantities of illicit narcotics.

Impunity remained a serious problem, and officers who committed abuses were rarely prosecuted. Officers often bribed their commanders for promotions. Traffic police frequently stopped cars, unofficially fined the drivers for traffic violations, and pocketed the fines. The government acknowledged that police, army, and security forces were corrupt and that most abused citizens remained silent rather than risk retaliation by authorities.

Victims of police abuse may submit a formal complaint in writing to the officer's superior. During the year the government arrested 61 law enforcement officials for corruption or abuse of power. Of the 89 law enforcement officials arrested in 2006, courts convicted 58 of various crimes and released or acquitted 31.

Arrest and Detention

Police may detain a person without a warrant. They must advise a prosecutor of the detention within 24 hours. The prosecutor has 48 hours from notification to either release the suspect or apply measures of restriction. The suspect must be otherwise charged or released within 10 days of initial detention. Officials generally followed this process in practice. Detainees are given access to an attorney of their choice. The government is required to appoint lawyers for those who cannot otherwise afford one, but in practice attorneys were not always provided, and those who were provided generally served the government's interest, not that of the client. By law if a detainee is disabled, a juvenile, a high profile figure, is accused of a grave crime, or is facing the death penalty, the government must provide an attorney, and this requirement was generally followed in practice. There is no requirement for judicial approval or a preliminary judicial hearing on the charge or detention. There is no bail system, although criminal case detainees may be conditionally released and restricted to their place of residence pending trial; those on conditional release sign a "promise letter" that they will not leave an area around their residence. According to the law, family members are allowed access to prisoners only after indictment; officials occasionally denied attorneys and family members access to detainees. Many detainees were held incommunicado for long periods and remained in police custody without being formally charged.

In some cases security officers, principally from the MOI and the SCNS, did not obtain arrest warrants and did not bring charges within the time specified by the law. Persons released from detention often claimed they were mistreated, beaten, and tortured.

The government always provided a reason for arresting individuals, although authorities often falsified reasons for arrest or inflated minor problems to make politically motivated arrests. Police occasionally arrested innocent persons, accused them of committing crimes the police were attempting to solve, and subsequently framed them in order to report a false resolution of the case.

A person may be detained for two months after an investigation begins. The prosecutor may petition to detain the suspect for up to 15 months before his case reaches the court system. Once an investigation is completed, the person may be detained for an additional month. Following indictment, the law allows for pretrial detention of up to 15 months. The first three months of detention are at the discretion of a local prosecutor; the next three months must be approved at the regional level. The prosecutor general must approve longer periods of detention, and the government generally followed this in practice. The government did not always follow pretrial procedures in practice, especially if detainees were unaware of their rights.

Amnesty

In June parliament passed an amnesty law in honor of the 10th anniversary of the end of the civil war. Under the law, approximately 8,000 elderly, young, and sick individuals sentenced for committing minor crimes were given full or partial amnesty. The amnesty law excludes from consideration those convicted of serious crimes.

e. Denial of Fair Public Trial

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

Prosecutors are responsible for overseeing all investigations of alleged criminal conduct. The MOI, DCA, State Committee on National Security, and the Prosecutor General's office have the authority to conduct criminal investigations, including interviewing, issuing subpoenas and gathering evidence. Prosecutors also have the right to initiate cases.

The Criminal Procedure Code, which has not been substantially altered since the Soviet period, does not promote the efficient, effective, or fair resolution of criminal cases. The Code gives the prosecutor a disproportionate amount of power in relation to judges and defense advocates. This power includes control of the formal investigation and the indictment, which effectively define the trial, as well as legal oversight of the entire case proceedings.

"Supervisory powers" provided by law allow authorities to reopen and re-examine criminal cases indefinitely after the appeal period has expired; re-examinations are conducted by the court presidium. The general prosecutor and deputies

are included among those who can protest a court decision under supervisory powers, thereby annulling the effect of the decision and forcing it to be re-examined by the presidium or at a higher court level. These powers are an impediment to establishing an independent judiciary.

The president is empowered to appoint and dismiss judges and prosecutors with the consent of parliament. Judges at the local, regional, and national level often were poorly trained and had extremely limited access to legal reference materials and other resources. Low wages for judges and prosecutors left them vulnerable to bribery, which remained a common practice. Judges were subject to political influence.

The judicial system is composed of city, district, regional, and national courts, and there are parallel economic and military court systems. Higher courts serve as appellate courts for lower ones. There also is a constitutional court that reviews citizens' claims of constitutional violations.

The government continued efforts to address problems of judicial integrity by holding judges and prosecutors accountable for criminal conduct. During the year the government arrested for corruption two judges, one prosecutor and one justice system employee. Courts convicted all of the 16 justice employees who were arrested in 2006, primarily for corruption. Of these, nine were notaries, five were judges, and one was a prosecutor.

Trial Procedures

Trials are public, except in cases involving national security. Guilt or innocence is determined by a panel consisting of a presiding judge and two "people's assessors" or "jurymen." Qualifications of the assessors and how they are determined is unclear, but their role is passive and dominated by the presiding judge.

While the law stipulates that a case must be brought before a judge within 28 days after it is entered for trial, most cases were delayed for months. Under the law, courts appoint attorneys at public expense; however, in practice authorities often denied arrested persons access to an attorney.

In practice an indictment implies that the government assumes a suspect's guilt, and government officials routinely made public pretrial statements proclaiming this. The law provides for the right to appeal. The law extends the rights of defendants in trial procedures to all citizens.

According to the law both defendants and attorneys have the right to review all government evidence, and to present evidence and testimony. No groups are barred from testifying, and, in principle, all testimony is given equal consideration.

While prosecutors are allowed legally to intervene in cases, there were no reported incidents of prosecutors exercising this right.

In rare instances military courts try civilians, who have the same rights as defendants in civilian courts. A military judge and two officers drawn from the service ranks hear such cases.

Political Prisoners and Detainees

Authorities claimed there were no political prisoners and that they did not make any politically motivated arrests; however, there were reports that the government detained rival political activists. There was no reliable estimate of the number of political detainees.

Upon release, political detainees occasionally alleged torture and abuse during imprisonment, claimed they were kept in a separate facility, and protested they were not granted visiting access afforded to other prisoners.

In February 2006 authorities released Social Democratic Party of Tajikistan (SDPT) member Fayzinoso Vohidova after she had been charged in 2005 with forgery and tax evasion. The ruling against Vohidova prohibited her from occupying official positions or leadership roles for two years. Vohidova maintained that the charges against her were politically motivated. She continued to be unsuccessful in her attempts to file an appeal with the Supreme Court.

Muhammadruzi Iskandarov, head of the Democratic Party of Tajikistan and former chairman of Tojkgaz, the country's state-run gas monopoly, remained in detention following his 2005 kidnapping and return to the country from Moscow by unknown individuals. In 2005 the Supreme Court sentenced Iskandarov to 23 years in prison as well as other penalties, including restitution of approximately \$430,000 (1.5 million somoni) allegedly embezzled from Tojkgaz. While most observers believed allegations of corruption and embezzlement were well-founded, local observers, human rights activists, and the political opposition charged that Iskandarov's conviction was politically motivated.

Former interior minister Yakub Salimov remained in prison serving a 15-year sentence for crimes against the state and

high treason following his 2005 closed trial.

Rustam Fayziev, deputy chairman of the unregistered Party of Progress, continued to serve a five-year sentence in jail for insulting and defaming President Rahmon in a 2005 letter.

Civil Judicial Procedures and Remedies

Although the constitution provides for it, the judiciary is not independent or impartial in civil matters. There is no court system to bring lawsuits seeking damages for, or cessation of, human rights violations, and no administrative remedies.

In April the Dushanbe city government filed a suit in the Dushanbe Economic Court against the Grace Sun Min Church. In the past the city had attempted to assert ownership over property rights that the church had purchased in the late 1990s. In 2004 the Dushanbe Economic Court issued a decision in the Church's favor. The Economic Court, however, found grounds to review the issue again based on the city's petition, despite the court's prior decision and the lapsing of that decision's period of appeal. In December the Court ruled in the Church's favor, but observers questioned why the Court allowed the case to proceed initially.

Property Restitution

Throughout the year Dushanbe city government issued court orders to evict certain residents and demolish their homes. The government promised to compensate residents with new apartments in a different part of the city. Some residents legally protested the forced evictions and complained that the compensation was not commensurate with the market value of their homes. Government officials responded that all actions complied with law.

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

The law prohibits such actions, although police forces committed violations in practice.

Under the law police cannot enter and search a private home without the approval of a prosecutor, except in special circumstances in which a delay would impair national security. If police search a home without prior approval, they must inform a prosecutor within 24 hours. In practice police frequently ignored these laws and infringed on citizens' right to privacy. There is no independent judicial review of police searches conducted without permission.

The law prohibits the government from monitoring private communications; however, it is believed that they did so on occasion.

Leaders of the SDPT, SPT (the Narziev faction) and DPT (the Iskanderov faction) alleged that government officials coerced or threatened the members into leaving the parties or denying their party affiliation.

Family members of those allegedly belonging to Hizb ut-Tahrir (HT), a banned extremist political organization, claimed that they were mistreated and beaten while in police custody.

Police and other MOI officials often harassed the families of suspects in pretrial detention or threatened to do so to elicit confessions.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, in practice the government restricted these rights.

On occasion authorities subjected individuals who disagreed with government policies to intimidation and discouraged from speaking freely or critically. Government interference was particularly acute surrounding the November 2006 presidential election. Under the law a person can be imprisoned for up to five years for insulting the president.

All newspapers and magazines whose circulations exceed 99 are subject to registration with the Ministry of Culture. There were 272 registered newspapers, none of which were dailies (major newspapers came out once per week). There were also 72 registered magazines and seven news agencies. In June the government ordered all print media to re-register.

The independent media were active but, as in previous years, the government subjected the media to different means of control and intimidation; media outlets regularly practiced self-censorship out of fear of government reprisal. During the registration process, for example, the editors or owners of publishing houses agreed not to publish religious materials

without the permission of the Ministries of Education and Culture.

During the year, the opposition Democratic Party of Tajikistan did not publish any editions of its newspaper, *Adolat. Nerui Sukhan*, an independent newspaper that had criticized government policy, did not resume publishing after its editor, Mukhtor Boqizoda, encountered numerous legal problems.

Government authorities occasionally subjected individual journalists to harassment and intimidation. Journalists reported that government officials limited their access to information or provided advice on what news should not be covered. There were no reported instances of violence against journalists by unidentified persons.

Other common types of harassment included trials to intimidate journalists, warnings made by telephone and in person at a prosecutor's office or during visits to editorial offices, selective tax inspections, and close scrutiny of independent publications, such as by counting the number of copies printed compared to the declared circulation. Although this practice was mainly related to tax issues, it was also used for political harassment.

In July a prosecutor instituted criminal defamation charges against three journalists from *Ovoza*, a weekly newspaper, for publishing an article criticizing a pop singer's conduct at a concert in Afghanistan and reprinting material written about her on the Internet. In October representatives from the Prosecutor General's office summoned Marat Mamadshoev, Editor-in-Chief of *Asia Plus*, and asked him to explain why he had published an article quoting a Deutsche Welle radio program that had been critical of government policy.

The government controlled most printing presses, the supply of newsprint, and broadcasting transmission facilities. In 2005 the government closed the private printing house Kayhon, the publisher of independent newspaper *Nerui Sukhan*. State and private printing houses refused newsprint to independent newspapers.

Broadcasting entities must obtain a production license from the State Committee on Television and Radio and a broadcast license from the Ministry of Transport and Communications. The government, however, restricted issuance of these licenses. The government continued to review licensing regulations with public debate and input by journalists, but the process was lengthy, and there were no significant changes.

There are three national government-run television channels and two government-run radio stations, all of which are available throughout the country. There are also three regional government-run television channels. Several independent TV channels and radio stations are available in a very small portion of the country.

During the year, independent radio and television stations continued to experience administrative harassment and bureaucratic delays. Of the private television stations, only a few were genuinely independent, and not all of them operated without official interference. The government granted production and broadcast licenses to one new independent TV station and two new radio stations.

The government allowed some international media to operate freely, including rebroadcasts of Russian television and radio programs. However, the government continued to deny BBC a renewal of its license to broadcast on FM radio; it remained operational only on a middle frequency wavelength with limited broadcasting ability.

The international NGO Internews continued to experience registration and licensing problems that prevented the launch of six new community radio stations under its sponsorship.

From April to July 2006 the government temporarily suspended the Union of Journalists, but it resumed its activity upon the appointment of a new chairman. The union is perceived as being largely government influenced.

In July 2006 three leading media associations formed a coalition, Partnership for Democracy, to address misunderstandings among journalistic bodies and foster improved relations between mass media and the government.

Opposition politicians had very limited access to state-run television. The government allowed opposition leaders limited airtime during the presidential election campaign in October and November 2006.

Internet Freedom

On August 23, the president signed amendments to the Criminal Code that criminalize libel and defamation on the Internet, punishable by up to two years in prison. At year's end the government had not prosecuted anyone under these amendments.

One Internet site remained blocked as a result of the September 2006 government order to block access to Web sites that "undermined the state's policies."

Academic Freedom and Cultural Events

There were no reported government restrictions on academic freedom and cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly; however, the government at times restricted this right in practice.

A permit from a local executive committee is required to organize any public assembly or demonstration; only registered organizations may apply for permits. In general the government refused to grant demonstration permits in fear that large gatherings would lead to violence and political upheaval. During the year a few groups staged protests without permission from the government and did not suffer reprisal.

On January 15, according to media reports, 30 members of the Blind Society of Hissar protested in front of the presidential administration's office against the lack of electricity and water in their homes. On January 29, 35 people protested the Dushanbe housing evictions in front of the Supreme Court and publicly accused judges of corruption. Government officials later did not acknowledge that the protest occurred.

On May 30, the president signed a new Law on Observing National Traditions and Rituals that regulates private celebrations such as wedding and funeral ceremonies. The law limits the number of wedding guests, eliminates engagement parties, and controls ceremonial gift presentations and other traditional rituals. The law also regulates the number of guests at funerals and memorial services. Some citizens reported that government officials monitored weddings and funerals to ensure all parties obeyed the new law. In October authorities in Qumsangir initiated a case against a telephone receptionist for violating the law, claiming that her daughter's birthday celebration was too lavish.

On June 10, the IRPT scheduled a party meeting between citizens in Khorog and Chairman Muhiddin Kabiri, who also holds a seat in the national parliament, but local authorities refused to permit party members to meet, citing a lack of authorization from central government authorities.

Freedom of Association

The Constitution protects freedom of association; however, the government sometimes restricted this right in practice. The Law on Public Associations, passed by parliament in May, created a complicated process for all NGOs to register with the MOJ. On May 12, the president signed an additional decree requiring all existing NGOs to re-register with the MOJ. International NGOs, particularly those supported by Western donors and involved in democracy-building activities, faced difficulties in the registration process. While many NGOs have been able to submit documentation well in advance of the registration deadline of December 31, the overly technical requirements in the law gave government authorities a pretext to delay or deny registration.

The government continued to refuse to register political parties and associations that it considered opposition groups. The government also intensified its monitoring of the activities of religious groups and institutions to prevent them from becoming overtly political.

Legislation defines extremism in broad terms and gives law enforcement agencies wide latitude to investigate. According to the MOI, law enforcement officials arrested approximately 40 individuals for membership in extremist organizations, including HT, and terrorist organizations, such as the Islamic Movement of Uzbekistan. The majority of those arrested faced charges of membership in banned organizations, illegal possession of weapons and seeking to disrupt the constitutional order.

While prosecutors have secured convictions for many of those arrested for extremist activities, law enforcement officials utilized their authority to monitor, question and detain a broad spectrum of individuals and groups. For example, according to the Prosecutor General's Office, during the year criminal cases were initiated against 23 members of HT. However, it is believed that authorities questioned or otherwise detained significantly more individuals based on suspicion of HT membership or activities.

At a January 15 press conference, the Prosecutor General declared that the Supreme Court recognized 10 groups as terrorist organizations; however, the list did not include HT, which was labeled an extremist organization. In 2004, the government's concern about Islamic fundamentalism among the country's Muslim population had prompted it to ban HT for alleged links with terrorist organizations. According to the government, the group promoted hate and praised acts of terrorism, although it maintained it was committed to nonviolence. HT's anti-Semitic and anti-Western literature called for the overthrow of secular governments, including those in Central Asia, to be replaced with a worldwide Islamic government.

International and local sources estimated that approximately 300 former opposition fighters of the United Tajik Opposition remained in prison after the civil war. A 2004 review determined that most fighters were imprisoned appropriately for grave crimes.

c. Freedom of Religion

The law provides for freedom of religion; however, the government imposed increasing restrictions over the year and respect for religious freedom deteriorated.

The country is a secular state, and Islam is the majority religion. There were approximately 253 large "Friday prayer" mosques and more than 2,700 regular daily prayer mosques in the country.

The government promoted respect for traditional Islam; however, it viewed "extremist" Islamist groups as threats to national security. The government was particularly concerned about "foreign" influences on religious life and carefully monitored the activities of all religious groups, regardless of denomination. Under a presidential decree, the State Committee on Religious Affairs was placed under the control of the Ministry of Culture, and renamed the Department of Religious Affairs (DRA). The law requires all religious communities to be registered by the DRA. The government maintained that registration helped to ensure that religious groups acted in accordance with the law; in practice the provision was sometimes used to control political and religious activities.

The DRA occasionally put up bureaucratic and technical hurdles to impede registration of new religious organizations, which hindered their religious activity. Many mosques and organized groups remained unregistered. The DRA organized annual training courses for imams and other mosque employees. In August Dushanbe authorities required hundreds of local imams to take a special test of religious knowledge to prove their fitness for the job. Four imams from regular daily praying mosques failed the test and were removed from their positions.

On July 11, the Minister of Education repeated a 2005 statement during a press conference banning hijabs in schools and institutions of higher education; he cited the need to uphold secular education, even though the law does not prohibit wearing the hijab. As a result of his order, schools expelled female students and teachers for wearing hijabs. There was no official government reaction to the ongoing expulsions.

Beginning July 25, the government closed 213 unregistered mosques and prayer rooms and demolished three mosques in Dushanbe. By year's end, all of the closed mosques had been allowed to reopen. Some unregistered mosques in the Sughd region remained open while being investigated by the Prosecutor General's office. There were also reports of authorities in the southern portion of the country directing Muslim leaders to prohibit school-aged boys from attending prayers at local mosques.

In October the Ministry of Culture banned three local Christian organizations, including the Jehovah's Witnesses. The Ministry based its decision to ban the Jehovah's Witnesses on violations of the constitution and the Law on Religion and Religious Organizations, and on an order of the Prosecutor General. In the order, the Ministry indicated that the Jehovah's Witnesses regularly committed violations of law because it distributed "in public places and at the homes of citizens... propagandistic books on their religion, which have become a cause of discontent on the part of the people." The group, which had been lawfully registered since 1994, filed suit, but proceedings had not begun at year's end.

Prior to their ban, the Jehovah's Witnesses had been subjected to harassment and intimidation. In April and May the government confiscated religious literature imported by the Jehovah's Witnesses, prompting the group to file a lawsuit requesting the release of the literature. After months of litigation, the Supreme Court ordered that the suit be heard in Military Court, because the SCNS was a party to the suit. The court proceedings had not been completed by the end of the year. Authorities harassed members of the Jehovah's Witnesses on several occasions. In April and May authorities questioned, harassed and beat two local Jehovah's Witnesses. On April 2, authorities prevented a Jehovah's Witnesses meeting of 1,400 individuals. On July 13, government security officials stopped an expatriate member of the Jehovah's Witnesses on the street, questioned him and ordered him to leave the country.

On July 12, the Ministry of Culture published a list of 60 titles of banned religious literature from organizations the government considered to be extremist; Jehovah's Witnesses' literature was included on the list.

On February 22, the MOJ ordered an international faith-based NGO to cease its activities and suspend its English-language classes until it received a license from the Ministry of Education. The government suspected the NGO of operating outside its charter. On March 29, the Ministry of Foreign Affairs threatened to deport all of the organization's foreign staff but rescinded its decision April 5. By the end of the year, the MOJ had re-registered the organization, but the Ministry of Education had not issued a license.

Missionaries of registered religious groups were not legally restricted and the law permits proselytizing, but there was occasional interference with proselytizing. In response to public complaints regarding missionaries, the government issued

warnings and questioned groups that proselytized. During the year security officials questioned many Christians suspected of proselytizing or affiliated with an organization suspected of proselytizing.

The government indicated that religious instruction should not take place at home; instead, schools taught a mandatory course on the history of religions.

Authorities at times restricted Muslim religious activities. For example, government printing houses were prohibited from publishing texts in Arabic and generally did not publish religious literature; however, they did so in special cases, including copies of the Koran in Arabic script. There were some restrictions on private Arabic language schools.

5000 Tajiks were permitted to participate in the hajj, and the DRA closely controlled and organized all aspects of the trip. The DRA required pilgrims to register with authorities and travel by air using the state-owned airline, citing hygiene and safety concerns regarding other means of travel.

In a March press statement, UN Special Rapporteur on Freedom of Religion or Belief Asma Jahangir urged the government to work with the international community when adopting legislation and policies.

The DRA continued to re-draft a new law "On Freedom of Conscience, on Religious Associations and Other [Religious] Organizations" to replace the existing law on religion. Government officials were reluctant to share the draft with interested parties, and religious and political groups roundly denounced the legislation as an attempt to intensify already strict limitations on religious freedom. After scrutiny by the public and the international community, government officials consented to public discussions of the draft law in November. Government officials indicated that the current draft will continue to be reworked.

Societal Abuses and Discrimination

During the year there were no confirmed public anti-Semitic acts, although some imams and mullahs reportedly preached anti-Semitic messages in mosques. In August and September 2006 unknown assailants attacked the only synagogue in the country using Molotov cocktails. The September 2006 attack coincided with an attack on the Russian Orthodox Church and followed a break-in at the rabbi's residence, while on March 11, a church break-in occurred. Authorities investigated the incidents but did not make any arrests.

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

The law provides for these rights, although the government imposed some restrictions.

Foreigners are prohibited from traveling within a 15-mile zone along the country's borders with China and Afghanistan without permission from the Ministry of Foreign Affairs. The restriction was not always enforced along the western border with Afghanistan, although a special visa was required for travelers--including international workers and diplomats--to Gorno-Badakhshan. Diplomats and international aid workers could travel to the Afghanistan border without prior authorization.

There are no laws that provide for exile, and there were no reports of forced exile. Some government opponents remained in self-imposed exile in Russia.

Persons wishing to emigrate to countries of the former Soviet Union must notify the MOJ prior to their departure. Persons who wish to emigrate to other countries must obtain an immigrant visa to receive a passport.

Most persons who left the country were permitted to return freely. A few individuals active with the opposition who left during the civil war experienced administrative difficulty in obtaining new documents that would permit them to return. The government provided protection and modest assistance to resettle any citizens who returned voluntarily and cooperated with international organizations that helped fund assistance and resettlement programs.

Protection of Refugees

The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. The government remained cooperative with UNHCR in some areas such as allowing refugee children to attend local schools.

In practice the government provided some protection against refoulement, the return of persons to a country where they feared persecution, and granted refugee status or asylum. However, some refugees were not protected from refoulement. The law stipulates that refugee status should be granted for up to three years and extended for three year periods.

However, this was not always the case. During the year in an effort to ensure that asylum seekers do not become residents, the government granted refugee status only to asylum seekers for three months to one year. Refugee status could be continually renewed in three-month increments. The government also provided some temporary protection to individuals who may not qualify as refugees under the 1951 convention and 1967 protocol. According to the State Agency for Social Protection, Employment and Migration, there were 1,029 refugees and 399 asylum seekers in country, most of them Afghans. UNHCR retained its observer status in the Refugee Status Determination Commission.

On May 31, the government detained 150 Afghan refugees and asylum seekers in Dushanbe, including men, women and children. Under a law passed in 2000, the government prohibits asylum seekers and refugees from residing in urban areas. Some detainees claimed that they lived outside of Dushanbe but commuted into the city for work. Detainees reported the government did not provide them with food, water, or access to sanitation facilities. The government released the detainees only after they signed an affidavit declaring they would leave the city within three to 10 days.

On September 5, the Agency for Social Protection, Employment and Migration interviewed two Iranian asylum seekers, Mehdi Mousavi and Asad Haidari, at the Yovon prison to determine their refugee status. The government gave UNHCR access to the Yovon prison to observe the interview. The two detainees claimed they were Christian refugees and feared extradition and persecution in Iran. The two were detained and imprisoned for illegally crossing the Tajik-Afghan border in 2006. According to media reports, the government granted amnesty to release the two prisoners; however at year's end they remained in prison. On August 8, the Iranian Embassy issued a statement declaring that the Iranian government had not requested the extradition of the detainees.

The government did not deport any refugees.

A group of mostly Afghan refugees, whom UNHCR had prescreened for asylum, remained in the country with no clear future. Police continued to mistreat and harass the country's Afghan refugees, who resided mainly in the capital and in Khujand. Although their treatment improved in some areas, many Afghan refugees claimed they were frequently harassed and intimidated into paying illegal registration fees, bribes, and other fines to police who falsely accused them of being affiliated with the Taliban. Afghan refugee children also faced discrimination and harassment from classmates in schools. UNHCR continued to work with the government to implement legislation allowing refugees to obtain legal residency or citizenship. As in the past year, no refugee was granted citizenship or presumed legal residency.

Refugees currently in detention were denied the right to speak to a lawyer and the right to appeal a deportation decision within one week, as provided by law.

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

The law provides citizens with the right to change their government peacefully; however, the government restricted this right in practice.

The president and an inner circle of supporters primarily from his home region of Kulob continued to dominate the government. The president's political party, the PDPT, held the majority of parliamentary seats and government positions. The president had broad authority to appoint and dismiss officials.

Elections and Political Participation

During the year the PDPT dominated parliamentary by-elections. International observers witnessed violations such as family voting and ballot box stuffing. In the April 1 by-elections, two Islamic Renaissance Party representatives withdrew their candidacy in Firdavsi and Kulob districts. The IRPT in Kulob district withdrew the night before the election, alleging unfair practices by the district election commission and its refusal to allow IRPT members to observe the election. In a December by-election in Kulob, a PDPT member and security official in President Rahmon's office won a seat in the lower house of parliament. He ran unopposed.

International observers concluded that there was no genuine competition and no political pluralism in the November 2006 presidential election, which allowed voters only nominal choices. Requirements for candidates to collect signatures from 5 percent of the electorate--approximately 160,000 signatures--in a short time span prohibited many opposition candidates from competing. Five candidates were registered, including incumbent president Rahmon; the other four were considered to support the incumbent administration's policies. President Rahmon won a third seven-year term with a reported 79.3 percent of the vote. The Organization for Security and Co-operation in Europe (OSCE) reported that the government did not implement adequate improvements in the legislative and administrative framework, officials exercised excessive control during the campaign period, and the actual voter turnout did not reach the 91 percent officially reported.

The government reported eight legally registered political parties. Four parties continued to be banned during the year: the Adolatkoh Party, the Party of Popular Unity, the Party of Political and Economic Reforms, and the Agrarian Party. The MOJ had not registered the Unity Party, although it was not banned explicitly. Of three new parties seeking registration in

2006, only the Party of Economic Reform of Tajikistan and a second Agrarian Party of Tajikistan were successful. The law prohibits political parties from receiving support from religious institutions, but religiously affiliated parties, such as the IRPT, can be registered.

Opposition political parties remained small, had limited popular support, and were kept under close scrutiny by the government. While they were generally able to operate, they had difficulty obtaining access to state-run media. The chairmen of the SDPT, DPT and an unregistered faction of the SPT alleged that the government systematically harassed their supporters. The government occasionally sidelined political opponents and potential rivals by bringing criminal charges against them.

On March 5, the MOJ threatened to suspend the SDPT's activities if its chairman, Rahmatullo Zoyirov, did not report the party's activities and provide requested documents to the MOJ. Zoyirov contended that he had never received notice of the request the MOJ said it issued in January. On April 24, the Supreme Court acquitted Zoyirov of charges of not providing information to the MOJ.

The Democratic Party of Tajikistan alleged that the government assisted in dividing the party in the lead-up to the November 2006 presidential election. The Central Committee on Election and Referenda officially recognized the new faction of the party and refused to acknowledge the original Democratic Party, led by its imprisoned Chairman, Mahmadrusi Iskandarov. The government did not respond to the party's appeal to the MOJ to affirm its status as the only Democratic Party of Tajikistan.

The parliamentary election code requires candidates to pay a registration fee of approximately \$405 (1,400 somonis). The presidential election code does not require presidential candidates to pay a registration fee.

There were 10 women in the 96-seat parliament; most ministries had one female deputy minister, according to unofficial quotas; one of the deputy prime ministers and one minister were women.

There were two members of minorities (Kyrgyz) in the 96-seat legislature. Ethnic Uzbeks were represented in the government, although not in direct policymaking roles.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity, including bribery and nepotism.

A presidential decree signed January 10 created the State Agency to Fight Corruption and Economic Crimes, an office under the president's supervision. The MOI, the MOJ and Prosecutor General's office are also responsible for investigating, arresting, and prosecuting corrupt officials. The government acknowledged a problem with corruption and took steps to combat it, including trying officials and judges for taking bribes. The General Prosecutor's Office investigated 112 cases of corruption by government employees. According to the World Bank's Worldwide Governance Indicators, corruption in the country was a severe problem.

Although the law requires government officials to provide information to journalists upon request, there was no legal provision for citizen access to government information. In practice the government did not permit free access to information, and some officials disregarded the law concerning journalists, as there was no enforcement.

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

Domestic and international human rights groups continued to face increasing government pressure, and international NGOs engaged with democracy issues encountered registration and visa problems. The government continued to request sensitive information from NGOs such as employees' personal information, information about students affiliated with the organizations, their activities, and their financial status. The government was somewhat responsive to the views of human rights groups and generally shared information and cooperated with most local and international NGOs and diplomatic missions on joint projects and conferences.

The government did not block the registration of local NGOs addressing human rights, but it burdened them with increased government regulation in the form of registration requirements. There were over 3,500 registered NGOs in the country, but many existed only on paper. NGOs focused on a wide variety of issues, including child welfare, mass media, and health. At times authorities restricted freedom of assembly and association for organizations involved in political activities.

The government permitted some international NGOs to operate in the country. The government continued to deny the registration and re-registration of several international NGOs working on democracy issues. NGOs were asked to re-register with the MOJ by January 2008.

During the year the government cooperated with the OSCE and the United Nations and permitted the visits of Rolf Ekeus, the OSCE High Commissioner on National Minorities; Louise Arbour, the UN High Commissioner for Human Rights; and Asma Jahangir, the Special Rapporteur on Freedom of Religion or Belief.

The government's Office for Constitutional Guarantees of Citizens' Rights continued its work of investigating and answering citizens' complaints. Staffing inadequacies and uneven cooperation from other government institutions hampered the office's effectiveness.

The parliament's committee on legislation and human rights also monitored human rights violations, but it lacked full independence. The committee's primary responsibility was to vet new proposed legislation for compliance with human rights obligations.

The government's Commission on Fulfillment of International Human Rights is a centralized body that receives human rights complaints and coordinates a response. It delegates each complaint to local administration and informs the General Prosecutor's Office, MOI, and other relevant ministries. The body operated at the Deputy Prime Minister level and was partially effective. President Rahmon issued a decree in June calling for the establishment of an independent human rights institution, but the law establishing a Human Rights Commissioner had not been passed by year's end.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for the rights and freedoms of every person regardless of race, gender, disability, language, or social status; however, in practice there was discrimination against women, and trafficking in persons was a problem.

Women

Violence against women, including spousal abuse, remained a widespread problem. Most cases of domestic abuse went unreported, and reported cases were seldom investigated. Although the law does not specifically prohibit domestic violence, there are provisions within the criminal code regarding domestic violence offenders. Penalties include a minimum fine of 300 times the minimum wage and up to 15 years' imprisonment. Accurate statistics on the number of domestic violence cases were difficult to estimate; such cases often went unreported. On April 18, the Chairwoman of the Committee on Affairs of Women and Families informed the media that the Committee had received reports of 150 cases of domestic violence. There continued to be reports, particularly in rural areas, about abductions of young women who were then raped or forced to marry their abductors. The media reported that in some rural areas, officials observed an increase in female suicide. NGO workers suggested the increase was due to domestic violence. The law prohibits rape (although not specifically spousal rape), which is punishable by up to 20 years' imprisonment. As with abuse incidents in general, it was widely believed that most cases were unreported and that the problem was growing, particularly in urban areas. In addition family members and acquaintances often used threats of rape to intimidate women. There were no official statistics on the number of rapists charged, prosecuted, or convicted.

Several domestic and international NGOs supported women's resource centers to assist rape and spousal abuse victims. Government funding was extremely limited, although it had a specific committee for women's and family affairs within the office of the president. NGOs and some government structures discussed violence against women in the framework of the government's reporting obligations for UN conventions.

Prostitution is illegal, although in practice apprehended prostitutes were assessed a nominal fine and released. Pimps and madams were prosecuted regularly.

Trafficking of women and children for sexual exploitation and the trafficking of men for forced labor was a serious problem.

The law prohibits sexual harassment with penalties of up to two years. In practice women were often sexually harassed or had to perform sexual favors in order to get a job or maintain one. Cases often went unreported because of the social stigma attached to victims. Due to traditional attitudes, it was common for men to sexually harass and commit acts of violence against women.

Women faced traditional societal discrimination, diminished educational opportunities, and increased poverty. The law provides women with equal pay for equal work with men, but it was not always enforced in practice. The Committee on Women's Affairs sought to protect women's rights, but enforcement was not effective.

In 2004 the country's highest Islamic body, the Council of Ulamo, issued a fatwa that prohibited women from praying in mosques. The government supported the fatwa, but expressed concern over the separation of church and state. In July the IRPT opened a "Friday praying" mosque that permitted women.

The law protects women's rights in marriage and family matters; however, some female minors were pressured to marry men against their will, and high incidences of polygamy, although illegal, were reported. Inheritance laws do not

discriminate against women, although in practice some inheritances passed disproportionately to sons.

Children

The government remained committed to children's rights and welfare, but it did not devote adequate financial resources to maintain the social security network for child welfare. Poverty and a lack of resources contributed to a deterioration of the public school system and the medical infrastructure available to children.

Free and universal public education is compulsory until age 16. The law was not enforced and attendance in school was low because children worked in the home or in informal activities to supplement family income. Girls were disadvantaged, especially in rural school systems, where families elected to keep them home to help take care of siblings or work in the fields. International organizations' statistics reported 71 percent of children attended school. With the decline of the country's underfunded public schools, a small number of poor male students were recruited and sent to Egypt, Turkey, Saudi Arabia, and Pakistan to receive a free Islamic education.

There is no formal government body to address issues of violence against children. The Bureau on Human Rights and Rule of Law, a local NGO, claimed that in the past year 2,378 acts of violence against children were registered. Advocates were concerned that many acts of violence were unreported.

Underage marriage was widespread in rural areas, a practice influenced by the high level of poverty and unemployment that compelled many families to marry off their daughters quickly.

Trafficking and child labor remained problems.

Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking in persons from the country was a serious problem. The government acknowledged that officials facilitated trafficking.

The country was a source point for trafficked persons, primarily women and girls; trafficking within the country was also a problem. Men and boys reportedly were trafficked and used for labor. According to the MOJ and information gathered from anti-trafficking hot lines, victims came primarily from Khujand or Dushanbe and most were trafficked to Russia, Central Asia, the Persian Gulf states (including the United Arab Emirates, Iran, Kuwait, and Saudi Arabia), and Turkey.

The majority of trafficking victims were female, single, and between the ages of 20 and 26. Many were new arrivals to Dushanbe or Khujand from rural areas. Child trafficking victims usually were in the care of extended family. Ethnic minorities were overrepresented among victims, particularly those of Slavic origin. Rural, uneducated, and poor communities were also particularly vulnerable.

Women and girls were trafficked from the country primarily for cheap domestic labor or commercial sexual exploitation. Male trafficking victims were primarily used for labor abroad in agriculture, factories, or construction, sometimes without pay.

Traffickers included former field commanders--so-called warlords--who rose to positions of power and wealth during the country's civil war. Others, including women, were powerful local figures with private links to the destination country who used their wealth to cultivate patron-client relationships in a trafficking network. Recruiters often were individuals familiar to victims, such as neighbors, acquaintances, or relatives.

Victims commonly were recruited through false promises of employment. Advertisement of such work was conducted through social contacts; traffickers used their local status and prestige to help recruit victims. There were cases of false wedding proposals and kidnappings in rural areas. Traffickers generally transported victims to the Middle East and to Russia and other former Soviet countries. Traffickers tightly controlled arrangements for travel and lodging and employed contacts in tourism agencies. They sometimes used forged documents to evade entry restrictions in destination countries. Victims commonly were separated from their travel documents upon arrival in the destination country. Debt bondage was a common form of control.

The law criminalizes trafficking in persons with penalties of imprisonment from two to 12 years and confiscation of personal property. The average sentence for convicted traffickers ranged from five to 12 years imprisonment. There were no suspended sentences. Traffickers may also be prosecuted under laws prohibiting exploitation of prostitution, rape, kidnapping, buying and selling of minors, document fraud, and immigration violations. The penalties for these offenses range from fines to imprisonment from five to 20 years.

The MOI is responsible for trafficking investigations and arrests, the General Prosecutor's Office is responsible for

prosecuting and sentencing convicted traffickers, and the Ministry of Foreign Affairs is responsible for trafficking-related repatriation and extradition matters. The MOI Trafficking in Persons Investigative Unit reported that there were at least 12 criminal rings in the country involved in trafficking young girls to Gulf countries for commercial sexual exploitation. A high-level interagency commission continued to coordinate anti-trafficking efforts and implement the National Government Action Plan on People Trafficking for 2006-10. The government generally worked openly and cooperatively with the international community and the IOM to combat trafficking. In February 2006 the MOI opened an Intelligence and Analytical Center for Counter-Narcotics and Trafficking in Persons. Border Guards were trained to screen for potential traffickers and victims. Authorities established a data analysis center at the Dushanbe Airport to monitor travelers.

Authorities and NGOs maintain statistics on trafficking cases, but such statistics are estimates, and should not be considered comprehensive. The International Organization for Migration (IOM) reported assisting 117 trafficking victims during the year. Of these, 110 were citizens who were repatriated from other countries. Upon return they were provided with medical assistance, training, and other types of support. The remaining seven victims were third country nationals who were repatriated to their countries of origin.

According to the MOI, approximately 46 people were arrested for trafficking in persons during the year. According to the Prosecutor General's Office, the authorities launched 26 criminal cases against traffickers. Statistics on trafficking convictions were unavailable.

There was no indication of widespread government involvement in trafficking. However, corruption was endemic, and reports indicated that high- and low-level government authorities working in customs, border control, immigration, police, and tourism took bribes from traffickers. It was believed that certain government officials acted as patrons or protectors of individuals who were directly involved in trafficking. Traffickers used their contacts in government agencies to obtain false documents. The authorities prosecuted several low-level government officials on related charges.

Victims of forced prostitution and labor trafficking cannot be charged for crimes committed while they were victims. Victims usually did not pursue legal action against traffickers due to social stigma. According to an IOM survey, nearly half of trafficking victims who returned to the country were blackmailed by local officials (themselves extorted by traffickers) to change their story or face exposure as a victim.

There were few resources available to trafficking victims. The government officially provided security and assistance to trafficking victims and endorsed efforts by international and domestic NGOs to prevent trafficking and provide services to victims. The government with the help of IOM established two shelters for female trafficking victims.

There were approximately 20 NGOs involved in anti-trafficking activities throughout the country. Several provided various services to trafficking victims and carried out a wide range of information programs in conjunction with local authorities throughout the country. NGOs matched victims with social services, operated crisis centers, and maintained a hot line for trafficking and domestic abuse victims.

Local NGO programs worked with support from international organizations to increase awareness of trafficking; NGOs worked with local officials to conduct training and awareness seminars for the general public, and the government cooperated with NGOs to raise public awareness on trafficking. The government issued press releases warning about the dangers of trafficking and produced television programs educating the public about the issues. It also promoted announcements as well as informational materials produced and distributed by local and international organizations. The government also cooperated with international organizations on prevention programs by holding joint seminars, conferences, and distributing anti-trafficking brochures. The government operated a 24-hour telephone hot line.

Persons with Disabilities

The law prohibits discrimination in employment, education, access to health care, and provision of other state services, and discrimination was not a problem. There is no law mandating access to buildings for persons with disabilities, and the government did not require employers to provide such access.

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

The Ministry of Labor and Social Welfare, the government's Commission on Fulfillment of International Human Rights, the Prosecutor General's Office, the Society of Invalids, and appropriate local and regional governmental structures were all charged with protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

Government discrimination against ethnic Afghans was a problem. In the May 31 round-up of Afghan refugees, UNHCR observed that some of the detainees were not actually refugees. The Embassy of Afghanistan received reports that Afghan

businessmen were harassed and detained at local markets. There were also reports that Uzbek businessmen were subject to government harassment.

Beginning in January the government resettled ethnic Tajik inhabitants from Dangara, Muminobod, Farkhor, Hamodoni, Shurobod, Vose and Khovaling areas in the south of the country to less densely populated regions. The government indicated that it based its actions on grounds of relocating people to areas for economic reasons. Many have speculated, however, that government officials also wished to move this population for political or security reasons.

Section 6 Worker Rights

a. The Right of Association

The law allows workers to form and join unions, and they did so in practice. However, the government exercised considerable influence over organized labor and favored state-affiliated unions over independent unions. The umbrella Federation of Trade Unions of Tajikistan did not effectively represent worker interests. There were reports that the government compelled some citizens to join trade unions and impeded formation of independent unions. According to official figures 1.3 million persons belong to unions, approximately 63 percent of the active work force. The law requires all NGOs, including trade unions, to be registered in order to operate. The law does not specifically prohibit antiunion discrimination; however, there were no reported incidents of antiunion discrimination in practice.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, except "in cases specified by law;" however, the law does not actually specify those cases. The Law on Meetings, which requires that meetings and other mass actions have prior official authorization, limited trade unions' ability to organize meetings or demonstrations. The laws provide for the right to organize and bargain collectively, and workers exercised this right in practice. Collective bargaining contracts covered 90 percent of workers. The law does not restrict the right to strike, but under the Law on Meetings, mass action must have prior approval from the authorities. Citizens were reluctant to strike due to fears of government retaliation.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including of children, except in cases defined in the law; however, there were reports that such practices occurred.

Owners of privatized farms regularly compelled former state or collective farm workers to pick cotton. The government requested collective farm workers to participate in this labor, and although there were no official consequences for refusal, workers feared they would be expelled from their collective farms or that the government would destroy their land if they did not oblige.

d. Prohibition of Child Labor and Minimum Age for Employment

Child labor remained a widespread problem, and the government neither effectively enforced child labor laws nor strengthened existing regulations on acceptable working conditions for children.

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

The government does not have a comprehensive policy or national action plan to prevent or eliminate the worst forms of child labor. Enforcement of child labor laws is the responsibility of the Prosecutor's Office, the MOJ, the Ministry of Social Welfare, the MOI, and appropriate local and regional governmental offices. Additionally, unions are responsible for reporting any violations in the employment of minors. Unresolved cases between unions and employers may be brought before the prosecutor general for investigation, who may charge the manager of the enterprise with violations of the law. Very few violations were reported, as most children worked under the family assistance exception.

The illegal Soviet-era practice of closing secondary schools and universities at cotton harvest time and putting students to work continued, but to a lesser degree than in previous years. The IOM estimated that students picked 40 percent of the country's cotton, and according to World Bank statistics, as many as one in three students from ages 10 to 22 worked full-time instead of attending school.

In August 2006 the president issued a decree against students picking cotton. Nonetheless, there were reports that local authorities pulled students from school to help with the annual cotton harvest and in September many schools and universities once again suspended lessons to enable students to assist in the cotton harvest. According to media reports, during the year approximately 7,000 students, mostly from the northern Sughd region, were involved in cotton picking. Working conditions, wages, and living standards associated with the harvest were extremely poor. Nevertheless, the authorities continued to deny official involvement in requiring children or students to work in the cotton fields against their will.

e. Acceptable Conditions of Work

Government officials reported that the unemployment rate was 2.4 percent. This statistic does not reflect accurately the employment situation in the country however, as a significant percentage of the country's working-age population (as many as one million citizens) sought seasonal or permanent work abroad, especially in Russia and Kazakhstan.

The official national minimum monthly wage of \$5.83 (20 somoni) did not provide a decent standard of living for a worker and family. The World Bank indicated that 42.5 percent of the population lived below the poverty line, which they designated at \$2.00 per day (6.88 somoni). Some observers estimated that a minimum of \$23.19 per month (80 somoni) was required to avoid abject poverty in the capital. The government acknowledged the problem of low wages and provided certain subsidies for workers and their families at the minimum wage. Some establishments compensated their employees with food commodities or with enterprise-produced products, which employees either sold or bartered in local private markets.

The law provides for a standard workweek of 40 hours for adults over the age of 18. The law mandates overtime payment, with the first two hours paid at 1.5 times the normal rate and the remainder at double the rate. Overtime payment was inconsistent in all sectors of the labor force. The Ministry of Finance enforces financial aspects of the labor law, and the Agency of the Financial Control of the presidential administration oversees other aspects of the law.

Government-established occupational health and safety standards fell far below accepted international norms, and the government did not enforce them in practice. The State Technical Supervision Committee under the Council of Ministers was responsible for enforcing health and safety standards. The law permits workers to remove themselves from hazardous conditions without risking loss of employment. This law was not enforced effectively, and few workers did so in practice.

Farmers and agricultural workers also work under difficult conditions. During the decollectivization process, the number of farms grew from 640 to 17,000. However, unresolved legal issues prevent farmers from clarifying property rights, hindering independence.

