



## U.S. DEPARTMENT of STATE

### Tajikistan

#### Country Reports on Human Rights Practices - 2006

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Tajikistan, with a population of approximately 7.3 million, is an authoritarian state; political life is dominated by President Emomali Rahmonov 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 presidential election lacked genuine competition and did not fully test democratic practices or meet international standards, although there were some improvements on voting procedures. 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, extortion, 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; restricted international monitor access to prisons; extralegal extradition of prisoners from third countries with apparent government complicity; restricted freedom of speech and the press; restricted freedom of association; restrictions on freedom of religion, primarily for women; registration denial of opposition political parties; 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; child labor and forced labor.

The government made significant efforts in combating trafficking in persons by working to repatriate victims to the country, and it reported a dramatic increase in the number of trafficking convictions. The government permitted registration and licensing of some independent media, an improvement over last year.

#### 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.

Land mine deaths occurred on the border with Uzbekistan and Afghanistan; there were a reported five deaths and 12 wounded, including both civilians and border guards. The government continued to work with international organizations to remove land mines along the border to prevent deaths and casualties.

Several clashes between Tajik border guards and drug traffickers on the border with Afghanistan resulted in the deaths of two border guards. In November border guards accidentally shot and killed an Uzbek border guard.

###### 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, government security officials reportedly employed them.

Torture and abuse occurred during the year. Security officials, particularly from the Ministry of Interior (MOI), continued to use systematic beatings, sexual abuse, and electric shock to extort confessions during interrogations. Several alleged members of Hizb Ut-Tahrir (HT), an extremist Islamist political organization, and members of their families claimed they were tortured and beaten while in police custody (see sections 1.d. and 2.b.).

In May police arrested Sadullo Marupov, a member of the Islamic Renaissance Party (IRPT), on two separate occasions in the Sughd region. Marupov's relatives and fellow IRPT members alleged he was tortured while detained and subjected to electric shocks. By official government accounts, Marupov subsequently committed suicide while in custody. During a government investigation of the alleged police

abuse, three prison guards under suspicion of involvement were released from their jobs. One guard remained under investigation at year's end.

There was no official investigation into the 2005 beating and electric shocks police allegedly administered to Yoribek Ibrohimov "Shaykh" and Muhammadruzi Iskandarov while they were in custody.

Beatings and mistreatment were also common in pretrial detention facilities, and the government took some action against those responsible for the abuses (see section 1.d.).

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

During the year media reported that the main military prosecutor admitted there were 27 cases of brutal hazing of new soldier recruits between January and September. This was a decrease of 10 cases from the previous year.

#### Prison and Detention Center Conditions

Prison conditions remained harsh and life threatening. Prisons were generally overcrowded and unsanitary. In March Minister of Justice Khalifabobo Homidov acknowledged that bad conditions existed in prisons, which in some incidents led to deaths among inmates. Disease, particularly the spread of tuberculosis, and hunger were serious problems. There were reports that up to 73 prisoners died of tuberculosis; 957 prisoners had tuberculosis and 87 had HIV. With the help of international organizations, the government improved conditions in the women's penitentiary.

On May 4, Sadullo Marupov died by falling from the third story of a police station in Isfara while in police detention. Authorities subsequently took three police officers into custody in connection with the death, although the government later claimed the incident was a suicide. Three MOI investigators involved in Marupov's arrest were dismissed from their positions, and a criminal case against another investigator was ongoing at year's end.

A separate prison 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 prison facility for criminals convicted of drug related crimes was also reportedly better than normal facilities.

In August a court convicted 12 prisoners of inciting the August 2005 riots at Qurghon-Teppa prison in response to Izzatullo Sharipov's appointment to be deputy minister of justice in charge of the penitentiary system; Sharipov reportedly had a reputation for cruelty and corruption. The court sentenced prisoners to as much as 29 year's additional imprisonment. Four prison officials involved in the riots also received shorter sentences.

The government denied the International Committee for the Red Cross free and unhindered access to prisons controlled by the Ministry of Justice (MOJ), including pretrial detention centers. As in the previous year, the ICRC continued to negotiate with the MOJ to regain free and unhindered access to all prisons. The MOJ granted some foreign diplomatic missions limited access to prisons and detention facilities, including the Drug Control Agency's prison. The MOJ granted a select group of local NGOs limited access to facilities in order to implement their assistance programs.

#### d. Arbitrary Arrest or Detention

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

#### Role of the Police and Security Apparatus

The Ministries of Interior, Security, Defense, Emergency Situations, National Guard, the Drug Control Agency, and the State Committee for Border Protection shared responsibility for internal security. The MOI is responsible primarily for public order and controls the police force, the Ministry of Security (MOS) has responsibility for intelligence, and the Ministry of Defense (MOD) is responsible for military security. Officially the MOD is responsible for external security; however, it can be employed in serious domestic conflicts. The Ministry of Emergency Situations 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 Drug Control Agency is responsible for investigating and interdicting narcotics and other illicit contraband. The State Committee for Border Protection maintains the border area and is responsible for protecting the country from external threats crossing the border. The police and security forces in general were not effective at responding to individual incidents of crime, although the State Committee on Border Protection and the Drug Control Agency improved their effectiveness at drug interdictions and seizures.

Impunity remained a serious problem, and officers who committed abuses were rarely prosecuted. Officers often bribed their commanders for promotion. 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. However, some abuses were brought to light and prosecuted. During the year 89 MOI officials were arrested for corruption or abuse of power. Three officers in a regional police department were also convicted for mistreatment of suspects and received sentences of between five and five and a half years imprisonment (see section 1.c.). Victims of police abuse may submit a formal complaint in writing to the officer's superior. Victims who bring their cases to the media have greater success of seeking justice than those who do not.

## Arrest and Detention

Police may detain persons without a warrant for up to 72 hours; prosecutors are empowered to detain persons for 10 days, after which charges must be filed. This process was generally followed in practice. Detainees are given access to an attorney of their choice. In principle the government provides state-appointed attorneys to indigent detainees; however, government-appointed attorneys generally serve the interests of the government. In practice attorneys were not always provided due to a limited state budget. By law if a detainee is disabled, a juvenile, a high profile figure or accused of a grave crime, or facing the death penalty, the government must provide an attorney, and this requirement was generally followed in practice. If a detained person does not demand access to an attorney, government officials often overlook this right. 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 member's access to detainees. Many detainees were held incommunicado for long periods of time and remained in police custody without being formally charged.

In some cases security officers, principally from the MOI and the MOS, 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 (see section 1.c.).

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

According to the General Prosecutor's Office, during the year 61 members of HT were arrested. An unknown number were sentenced in connection with crimes related to their membership in the banned extremist political organization (see sections 1.c. and 2.b.).

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. Pretrial detention was a problem, the government did not always follow pretrial procedures in practice, especially if detainees were unaware of their rights.

International and local sources estimated that approximately 300 former opposition fighters of the United Tajik Opposition remained in prison after the civil war despite two general amnesties in 1998 and a review of cases in 2004. Most fighters were determined to be appropriately jailed for grave crimes, while others were released.

On August 17, the parliament passed a law granting amnesty to 3,960 prisoners. By year's end 2,457 prisoners had been granted reduced prison terms.

### 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 courts and judges, and corruption and inefficiency were problems.

The president is empowered to appoint and dismiss judges and prosecutors with the consent of parliament. Judges at the local, regional, and national level were generally 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 commonly subject to political influence. In 2005 the UN Special Rapporteur on the Independence of Judges and Lawyers noted in its mission report the increased roles and powers of prosecutors threatened the separation of power. The Special Rapporteur's report also concluded that judges are not independent, and are subject to corruption and influence by the executive branch.

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.

As in the previous year, the government took steps to improve the overall situation and address problems of judicial integrity by holding judges accountable and arresting some of the most corrupt judges and prosecutors. During the year two judges and three justice system employees were arrested for corruption.

## Trial Procedures

Trials are public and juries are used, except in cases involving national security or the protection of minors. 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 (see section 1.d.). Under the law courts appoint attorneys at public expense; however, in practice arrested persons often were denied timely access to an attorney, and some cases were not allowed access to any legal counsel.

Prosecutors are responsible for conducting all investigations of alleged criminal conduct. Prosecutors also have the right to initiate cases. According to the law both defendants and attorneys have the right to review all government evidence, to confront witnesses, and to present

evidence and testimony. No groups are barred from testifying, and, in principle, all testimony is given equal consideration.

MOJ officials maintained that defendants benefit from the presumption of innocence, despite an unmodified Soviet-era statute that presumes guilt rather than innocence. In practice an indictment implied that the government was convinced of a suspect's guilt, and government officials routinely made public pretrial statements proclaiming a suspect's guilt. The law provides for the right to appeal. Media reports stated that over half of cases were appealed, and 10 to 15 percent were successful--an increase over previous years. The law extends the rights of defendants in trial procedures to all citizens.

"Supervisory powers" provided for by law allow authorities to reopen and re-examine court cases, indefinitely in criminal cases, 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. The General Prosecutor's Office has used such powers, as in the unsuccessful 2005 attempt to annul the supreme court's release of journalist Jum'aboy Tolibov.

Prosecutors are legally allowed to intervene in cases between private parties that do not involve the government, and the Office of the General Prosecutor has a department that supervises the court system to ensure cases are correctly decided. There were no reported incidents of prosecutors exercising this right to intervene in purely private cases.

Courts routinely used confessions obtained through torture and beatings (see section 1.c.).

In rare instances military courts try civilians, who have the same rights as defendants in civilian courts, but there were no reports of such cases during the year. A military judge and two officers drawn from the service ranks hear such cases.

#### Political Prisoners and Detainees

Authorities officially stated there were no political prisoners. During the year authorities made politically motivated arrests, although there was no reliable estimate of the number of political detainees. There were reports that the government illegally detained other members of rival political factions.

Many of those arrested are charged with hooliganism or other unrelated crimes.

Some political detainees alleged torture and abuse during imprisonment and some political detainees were kept in a separate facility and not granted visiting access afforded to other prisoners.

On February 21, Social Democratic Party of Tajikistan (SDPT) member Fayzinoso Vohidova was released from prison after being 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 her innocence and believed the charges against her were politically motivated. During the year Vohidova attempted to file an appeal with the Supreme Court, but her application was rejected.

In May the General Prosecutor's Office repeatedly questioned Rahmatullo Zoyirov, Chairman of the SDPT, following his assertion that the government detained up to 1,000 political prisoners. The office accused him of HT membership but later informed Zoyirov the office would not press charges. Zoyirov later suffered from health problems and claimed to have been poisoned.

IRPT member, Sadullo Marupov, was arrested in the Sughd region in May for alleged membership in an extremist group (see section 1.c.).

On August 11, former Drug Control Agency chairman General Ghaffor Mirzoyev was sentenced to life imprisonment on charges including murder, illegal use of bodyguards, possession of arms, and privatization of government property and other illegal economic activities; observers believed the charges to have a political element, but most recognized Mirzoyev as a corrupt official with alleged narcotics connections. Fifteen of his supporters were also imprisoned. During the year Mirzoyev petitioned to appeal his conviction, but the courts rejected his application.

Muhammadruzi Iskandarov, head of the Democratic Party of Tajikistan and former chairman of Tojikgaz, the country's state-run gas monopoly, remained in detention following his April 2005 kidnapping and return to the country from Moscow by unknown forces. In October 2005 the Supreme Court sentenced Iskandarov to 23 years in prison as well as other penalties, including restitution of \$434,782 (1.5 million somoni) allegedly embezzled from Tojikgaz. 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 arrest, trial, and verdict were politically motivated to intimidate future political challengers. Although Iskandarov was convicted, he remained in a pretrial detention facility at year's end.

Former interior minister Yakub Salimov remained in prison serving a 15-year sentence for crimes against the state and high treason following his April 2005 closed trial.

IRPT member Saifiddin Fayzov, arrested and sentenced to four years in jail in November 2005 for allegedly being "rough" towards an election official following the parliamentary elections, remained in jail after an unsuccessful IRPT appeal.

Rustam Fayziev, deputy chairman of the unregistered Party of Progress, was serving a five-year sentence in jail for insulting and defaming President Rahmonov in a 2005 letter. Mukhtor Boqizoda, editor in chief of the independent newspaper Nerui Sukhan, was serving a two-year sentence for stealing electricity. Nizomiddin Begmatov, Chairman of the SDPT in Rasulov District, and Nasim Shukurov, member of the

presidium of the SDPT in the same district, were released in January and February, respectively.

Yoribek Ibrohimov "Shaykh" remained imprisoned serving a 24-year sentence for attacking a government office. Ibrohimov maintained his innocence and alleged that authorities tortured and beat him, resulting in a broken leg (see section 1.c.).

IRPT officials Shamsiddin Shamsiddinov and Qosim Rakhimov, both sentenced in 2004, remained in prison. The IRPT alleged that their convictions were politically motivated to discredit the party and not an abuse of religious freedom.

#### 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.

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

The law prohibits such actions, although police forces committed some 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 do so in certain cases.

Family members of alleged HT members claimed that they were mistreated and beaten while in police custody (see sections 1.c., 1.d., and 2.b.).

Police and Interior Ministry officials often harassed the families of suspects in pretrial detention or threatened to do so to elicit confessions (see section 1.c.).

#### 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 individuals who disagreed with government policies were subjected to intimidation and discouraged from speaking freely or critically. Government interference was particularly acute surrounding the November presidential election.

Of the 61 HT members detained during the year, the majority faced charges of publicly calling for the overthrow of the constitution and the dissemination of subversive literature.

The independent media were active but subjected to different means of government control and intimidation; some exerted self-censorship out of fear of government reprisal. As in previous years, the government maintained control over the media. According to international observers and media monitoring groups, the pattern was part of the government's effort to consolidate power and influence in advance of the November presidential elections.

There were numerous print media outlets, private television, and radio stations, as well as six government television stations. Of the 25 private television stations, only a handful were genuinely independent, and not all of them operated without official interference. During the year the MOJ registered two new newspapers publishing political material, Fakti I Kommentari and Sobitiye. Six new publications were registered in total; the other two focused on entertainment or other nonpolitical topics. The government also permitted an opposition newspaper, published by the Democratic Party of Tajikistan, to print for a limited time. Newspapers can be freely printed and distributed without government registration as long as the number of copies does not exceed 99. Some newspapers abided by that rule in order to avoid registration. In August the government registered three television stations and five radio companies as official organizations; only the three television stations and one radio station received licenses to operate. Broadcasting entities require registration and a license in order to apply for frequency operation and before the entity can truly be on the air. The majority of international media were allowed to operate freely, including rebroadcasts of Russian television and radio programs.

During the year the BBC was denied a renewal of its license to broadcast on FM radio; it remained operational on a middle frequency wavelength with limited broadcasting ability. Observers generally attributed the delay in issuance of registration and license to the government's efforts to keep tight control on media prior to the November election. The government claimed that the BBC had not properly registered and that an intergovernmental agreement on television broadcasting was required. At year's end the BBC was not broadcasting on FM frequency.

From April to July, the government temporarily suspended the Union of Journalists. The suspension was a move to oust the corrupt former

chairman. A new chairman was appointed and the Union of Journalists continued to operate at year's end. The union is perceived as being largely government influenced.

In July three leading media associations collaborated to form a new coalition, Partnership for Democracy, to address misunderstandings among journalistic bodies and foster improved relations between mass media and the government. Partnership for Democracy consisted of the National Association of Independent Mass Media in Tajikistan (NAMSIT), the Tajik Association of Independent Electronic Media, and the Media Alliance of Tajikistan. All three organizations continued to operate as individual entities as well.

International NGO Internews continued to experience registration and licensing problems that prevented the launch of six new community radio stations under its auspices (see section 4).

The government subsidized a large majority of state-sanctioned publications and broadcast productions. Some of the independent stations had their own studio facilities and broadcast equipment, but most depended on government-owned transmission equipment to broadcast their programs; the government did not interfere with their broadcasts.

Independent radio and television stations continued to experience administrative harassment and bureaucratic delays. Individual journalists were also subjected to harassment and intimidation on occasion, sometimes perpetrated by government authorities. Unlike the previous year, there were no instances of violence against journalists by unidentified persons.

Mukhtor Boqizoda, editor in chief of independent newspaper Nerui Sukhan, was sentenced in 2005 to two years' labor for the illegal use of electricity (for use for his foundation's printing house); such offenses ordinarily receive an administrative fine. Boqizoda's newspaper was known for criticizing government policy and the president. In January the Supreme Court ordered the Dushanbe City court to reverse the verdict and issue a penalty of a fine instead of two year's labor, and he was released. However, Nerui Sukhan was not published during the year. There was no progress in the case of Rajabi Mirzo, the editor in chief of Ruzi Nav, who was beaten in 2004 by unknown assailants near his home in Dushanbe.

In September police detained two journalists for filming students picking cotton in Qorghon-Teppa, a violation of labor laws. Authorities released the journalists and warned them not to publish material that may destabilize the country.

Other common types of harassment included trials to intimidate other 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 relatively independent publications and television and radio stations, such as by counting the number of copies compared to the declared circulation to make sure publications do not exceed the permitted number. Although this practice was mainly a tax issue, it was also used for political harassment.

The government controlled most printing presses, the supply of newsprint, and broadcasting transmission facilities. In January 2005 the government closed the private printing house Kayhon, the publisher of independent newspaper Nerui Sukhan, which was among four popular independent newspapers (including Ruzi Nav and Odamu Olam) that remained unpublished in 2005 because state and private printing houses refused to print them. Odamu Olam and Nerui Sukhan did not print during the year. Other independent newspapers faced similar difficulties. In September Shafohi, a new press operated by the owners of Kayhon, began printing Adolat, the newspaper belonging to Iskandarov's faction of the Democratic Party of Tajikistan. However, in November the government pressured Shafohi to stop printing Adolat. At approximately the same time, the new faction of the Democratic Party of Tajikistan began printing its own paper, also called Adolat, which was allowed to print unhindered.

The government also restricted broadcast licenses. To obtain a broadcast license, individuals must apply to the Ministry of Communications and the State Television and Radio Committee. The government continued the revision of broadcast licensing regulations with public debate and input by journalists, but the process was lengthy and licensing of new broadcast outlets generally remained suspended. The government granted three broadcast licenses, one for the state-controlled Bahoriston and two for nongovernmental television stations.

Journalists reported that government officials limited their access to information or provided advice on what news should not be covered. Editors and reporters frequently exercised self-censorship to avoid problems with the authorities, including reprisals, and fearing violence such as that committed against journalists during the civil war. NANMSIT annual reports articulated the primary problem facing media to be correspondents' limited access to information. In response the government mandated regular press conferences by ministries in which generally laudatory reports were presented and hard questions ignored.

Under the law a person can be imprisoned for up to five years for insulting the president. In 2005 Rustam Fayziev received this sentence for insulting the president (see section 1.e.).

Latif Vakhob, deputy director of Nerui Sukhan, completed his 2005 sentence of one-year forced labor and a fine for a 2004 article accusing a professor of bribery; this was seen as a comparatively excessive penalty for libel.

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. The August presidential election decrees permitted candidates limited free airtime on state-operated television. The incumbent president received more airtime on state media than the opposition candidates.

#### Internet Freedom

On September 7, the Communications Ministry ordered Internet providers to block access to Web sites that "undermined the state's policies,"

including at least five sites that frequently criticized the government: [centralasia.ru](http://centralasia.ru), [ferghana.ru](http://ferghana.ru), [tajikistantimes.ru](http://tajikistantimes.ru), [charogiruz.ru](http://charogiruz.ru), and [arianastorm.com](http://arianastorm.com). Some service providers did not initially comply with the request. On October 11, the government reversed its decision after many complaints, but four sites remained blocked at year's end.

#### Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or 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. Fear of reprisal was so widespread that unapproved public protests or political demonstrations were rare; the public was also wary of any action that could precipitate a return to the civil war violence of the 1990s. In general the government refused to grant demonstration permits in fear that large gatherings of people would lead to violence and political upheaval.

In August the IRPT applied for a permit to organize a rally protesting Israel's actions in Lebanon. The government denied its application. No public demonstrations were permitted during the year.

On November 4 the authorities arrested four members of the Iskandarov-led faction of the Democratic Party of Tajikistan, including Rajabi Mirzo (see section 2.a.) for protesting in front of the MOJ. On November 19, members were released after 15 day's imprisonment.

##### Freedom of Association

The law provides for freedom of association; however, the government sometimes restricted this right in practice. All NGOs must register with the MOJ. International NGOs, particularly ones supported by Western donors and involved in democracy-building activities, faced registration problems from the government (see section 4). Officials cited technical application and legal problems, which delayed the process.

As in the previous year, the government increased its monitoring of the activities of religious institutions, as well as groups, to prevent them from becoming overtly political. Authorities arrested some individuals, such as members of the banned extremist HT organization, and sentenced them to long prison terms for subversion and other crimes. Others remained in detention awaiting trial or sentencing (see sections 1.c. and 1.d.).

In 2004, the government's concern about Islamic fundamentalism among the country's Muslim population prompted it to ban HT for alleged links with terrorist organizations. 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 called the Caliphate.

According to the Prosecutor General's Office, during the year the government filed 60 criminal proceedings against 61 HT activists. All 61 were convicted on charges of active membership in the organization, failure to report criminal activity, distribution of extremist literature, inciting religious hatred, and seeking to disrupt constitutional order; they were sentenced to up to 12 years in prison.

The government continued to refuse to register political parties and associations that it considered opposition groups.

#### c. Freedom of Religion

The law provides for freedom of religion; however, the government imposed some restrictions.

The country is a secular state, and the government did not explicitly ban, prohibit, or discourage specific religions from practicing their beliefs. Islam is the majority religion, and the government promoted respect for traditional Islam; however, it viewed extremist Islamist groups as a threat to national security (see section 2.b.). The law requires all religious communities to be registered by the State Committee on Religious Affairs (SCRA). 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 SCRA sometimes put up bureaucratic and technical hurdles to impede registration of new religious organizations. Many mosques and organized groups remained unregistered. The SCRA organized regular annual training courses for imams and other mosque employees. Local observers reported the government used the exercise as a means to improve the knowledge of the imams by teaching them the government's perceptions about various sects and new developments in Islam as well as the dangers of HT.

During the year 16 new large "Friday praying" mosques and 16 regular daily praying mosques were registered.

The government in Tursunzoda would not register the local chapter of Jehovah's Witnesses, although the national charter was approved and the group was registered. During the year the militia confiscated religious literature imported by Jehovah's Witnesses. The militia released the material after detaining nine members and questioning them for three hours.

In April 2005 the SCRA banned activity of the Son Min Church in the Sughd Region for violations of their charter. Son Min revised its charter and functioned without interference.

Missionaries of registered religious groups were not legally restricted and proselytized openly. However, the government's fear of Islamic extremism prompted it to restrict visas for Muslim missionaries. Local communities did not always welcome missionaries and harassed some religious groups in response to evangelical activities. In response to public complaints regarding missionaries, the government issued warnings and questioned groups that proselytized. Local Islamic missionaries proselytizing in Kulob were detained briefly by police.

The Council of Ulamo, an NGO of Islamic scholars that addresses religious issues and questions, issued a fatwa in 2004 that prohibited women from worshipping in mosques. Some Mullahs spoke out against women attending mosques, despite support from some Islamic scholars and several mosques for them to attend.

Some regional and local interior departments, mainly in the Sughd region, continued to refuse to issue internal identification documents to women who refused to be photographed without the hijab (headscarf). The SCRA intervened as needed to allow those women to obtain documents. In October 2005 the Minister of Education issued a statement during a press conference banning hijabs in schools and institutions of higher education; he cited the need to uphold secular education, although this provision is not the law. Many female students and teachers were expelled from schools for wearing hijabs. There was no official government reaction to the ongoing expulsions.

A mandatory course on the History of Religions was taught in schools at the 10th grade level.

The government indicated that religious instruction should not take place at home, which could deprive many women and children access to religious practice.

Authorities at times restricted Muslim religious activities. For example, government printing houses are 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 no restrictions on private Arabic language schools, but restrictions on home-based Islamic instruction remained in place because of political concerns.

The SCRA controlled and organized hajj participation by citizens. The SCRA required hajj pilgrims to register with authorities and travel by air using the state-owned airline, citing hygiene and safety concerns regarding other means of travel. During the January hajj campaign, the SCRA placed a quota of 3,500 citizen hajjis, far below Saudi Arabia's 6,000 limit for the country, and only permitted 3,450 to travel. During the year the newspaper Najot alleged that Chairman of the SCRA Murodullo Davlatov had solicited one million dollars from hajjis, who are required to deposit \$2,300 (7,935 somonis) for travel costs with the SCRA. There was no official investigation into the accusation. The government also controlled a second hajj campaign in December. As opposed to previous state controlled hajj trips, the government lifted the quota limit and all restrictions except for a minimum age requirement of 18 years. The cost of the hajj campaign was \$2,500 and 4,600 people participated.

During the year the SCRA issued a draft law on religion for commentary. The draft law restricts freedom of religion, tightening registration requirements to make it more difficult for religious institutions to register and establish themselves, prohibiting the religious education of children under the age of seven in private homes without registration, and limiting the number of mosques in a geographic region. The draft law was being reviewed by some parliament committees at year's end.

Under a presidential decree that reorganized the government structure, the SCRA was placed under the control of the Ministry of Culture; some observers felt this was an effort to exercise more control and oversight over the committee. The committee chairman remained in place.

#### Societal Abuses and Discrimination

There were about 200 Jews in the country. Some imams and mullahs reportedly preached anti-Semitic messages in mosques. In August and September, unknown assailants attacked the only synagogue in the country using Molotov cocktails. The September attack coincided with an attack on the Russian Orthodox Church and followed a break-in at the rabbi's residence. At year's end authorities were investigating the incidents. On February 8, municipal officials partially tore down Dushanbe's synagogue, along with one mosque and several administrative buildings, in a land dispute unrelated to religious discrimination.

In a July 13 press conference, Murodullo Davlatov reportedly stated that Jehovah's Witnesses' proselytizing aroused "public indignation."

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

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

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 (MFA). The restriction was not always enforced along the western part of the 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 region 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 MOI prior to their departure. Persons who wish to emigrate to other countries must obtain an immigrant visa to receive a passport, and persons who settle abroad are required to inform the country's embassy or interest section of the nearest Russian embassy or consulate.

Most persons who left the country were permitted to return freely. A few people active with the opposition who left during the civil war experienced administrative difficulty in obtaining new documents that would permit them to return. Those who were pardoned are permitted to return; high-level military officials were not pardoned. 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. During the year, however, the government's protection of refugees continued to deteriorate. During the year refusals to applicants for asylum or refugee status continued to increase.

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. In past years the government registered asylum seekers up to one year. However, during the year, in an effort to ensure that asylum seekers do not become residents, the government only granted refugee status to asylum seekers for three months. 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. In April 2005 the government denied UNHCR its observer status in the Refugee Status Determination Commission; but in August the government reinstated UNHCR's participation.

The government deported four refugees to Afghanistan, prompting UNHCR protest. The refugees were not given access to lawyers or the opportunity to appeal the decision, as provided for by law. During the year two of the three deported refugees were permitted to return to the country.

A group of mostly Afghan refugees, whom UNHCR had prescreened for asylum, remained in the country with no clear future. They were awaiting integration into society or third country resettlement. Police officers 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 was working with the government to implement legislation allowing refugees to obtain legal residency or citizenship; no refugee was granted citizenship or presumed legal residency during the year.

Afghan refugees were summarily deported without consultation with UNHCR, families were broken up, and the government was not responsive to UNHCR's 2005 protests.

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 country's political process made little progress in its transition from a Soviet-style system. The president, together with an inner circle of loyal supporters primarily from his home region of Kulob, continued to dominate the government and further consolidated his power. The president's political party, the People's Democratic Party of Tajikistan (PDPT), held the majority of parliamentary seats and government positions. The president had broad authority to appoint and dismiss officials.

#### Elections and Political Participation

International observers concluded that democratic electoral practices were not fully tested in the November 6 presidential election due to the absence of genuine competition and political pluralism, 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 Rahmonov; the other four were considered to support the incumbent administration's policies. President Rahmonov won a third seven-year term with a reported 79.3 percent of the vote. The

Organization for Security and Co-operation in Europe reported the government did not adequately implement improvements in the legislative and administrative framework, officials exercised excessive control during the campaign period, and that the actual voter turnout, while high, did not reach the 91 percent officially reported.

There were some improvements to the election process. The government worked with NGOs to educate the public on proper voting procedures. Prior to the election, the Central Commission on Elections and Referenda issued official decrees to clarify media airtime regulations for candidates, candidate's registration procedures, and voting day rules.

President Rahmonov and his administration stressed a policy of noninterference in the election process prior to November. Despite this stance, during the election observers witnessed examples of officials failing to follow procedure and denying the presence of official and accredited observers; family, proxy, and multiple voting; and ballot box stuffing. The media environment was largely under government control and Internet sites were blocked in advance of elections (see section 2.a.). Prior to election day, election commission officials were seen actively campaigning on behalf of the incumbent president.

The PDPT continued to control an overwhelming majority of seats in both houses of parliament, the Majlisi Oli. The PDPT's majority status resulted in a legislative branch dominated by the executive branch.

Eight political parties were legally registered in the country. Four parties continued to be banned during the year: the Adolatkhoj Party, the Party of Popular Unity, the Party of Political and Economic Reforms, and the Agrarian Party. At year's end the MOJ had not registered the Unity Party, although it was not banned explicitly. Of three new parties seeking registration, only the Party of Economic Reform of Tajikistan and a second Agrarian Party of Tajikistan were successful. The Party of Vahdat (Unity) was not registered due to technical registration difficulties, but the party asserted the delay was politically motivated. The Progress Party of Tajikistan did not seek registration during the year. 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, including unregistered ones, 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 (see section 2.a.). The chairman of the SDPT alleged that the government systematically harassed its supporters. The government occasionally sidelined political opponents and potential rivals by bringing criminal charges against them. While some of the charges were likely accurate, observers suggested the court cases were politically motivated (see section 1.e.).

During the year Rahmatullo Zoyirov, Chairman of the SDPT, was questioned by the General Prosecutor's Office. Zoyirov also suffered health problems and alleged he was poisoned.

The Democratic Party of Tajikistan alleged that the government assisted in dividing the party leading to the 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 imprisoned Chairman, Mahmadrusi Iskandarov. The party appealed 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 \$405.80 (1,400 somonis), 200 times the minimum monthly wage, which could prevent opposition candidates from running in parliamentary elections. The presidential election code does not require presidential candidates to pay a registration fee.

There were 16 women (11 in the lower and five in the upper house) in the 96-seat parliament; one held a position as deputy speaker of the parliament and two were heads of committees in the lower house of parliament. Most ministries have one female deputy minister, according to unofficial quotas; one of the deputy prime ministers and one minister were women.

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

#### Government Corruption and Transparency

Corruption in the country was widespread and pervasive, particularly bribery and nepotism and the majority of citizens acknowledge corruption is endemic. The government acknowledged the problem and took steps to combat corruption, including trying officials and judges for taking bribes. During the year the president also acknowledged that over 800 civil servants had been arrested on drug-trafficking charges in the past five years.

The government's Center for Strategic Research Studies in cooperation with the UN Development Program conducted a study on government corruption and held seminar discussions on the topic. The General Prosecutor's Office also investigated 112 cases of corruption by government employees. According to a survey published during the year in the newspaper Asia-Plus, 65 percent of respondents stated they would like to talk about corruption if given the opportunity to speak with the country's president. According to a Center for Strategic Research Studies survey, participants responded that the most common form of corruption was bribery of civil servants. Over 58 percent of respondents believed corruption was a serious problem that affected their daily lives and nearly 64 percent felt corruption was a priority problem for the country.

Although the law requires government officials to provide information to journalists upon request, there was no legal provision for regular citizens' public 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. In response to criticisms, the government mandated regular press

conferences by ministries in which generally laudatory reports were presented and critical questions ignored.

#### 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, activities, and financial status. Government officials were only somewhat responsive to the views of human rights groups. The government 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, and the number of domestic human rights organizations slightly increased during the year. There were over 2,700 NGOs in the country focusing on a wide variety of issues, including child welfare, civil society, mass media, and health. At times authorities restricted freedom of assembly and association for organizations involved in political activities, and forming and registering an NGO with the MOJ remained cumbersome and bureaucratic. Otherwise, local NGOs generally did not face systematic governmental harassment.

The government permitted some international NGOs to operate in the country. During the year the government continued to deny the registration and reregistration of several international NGOs working on democracy issues. NGOs were asked to reregister with the MOJ to implement a law passed three years ago; observers believed the provision was designed to control NGO activity. International NGOs and their local staff continued to face a pattern of harassment on a variety of issues.

The government's Office for Constitutional Guarantees of Citizens' Rights under the president continued its work of investigating and answering citizens' complaints; however, the country does not have an independent ombudsman. 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 lacked full independence. The committee's primary responsibility is to vet new proposed legislation for compliance with human rights obligations.

The government 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 somewhat effective.

#### 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 up to 15 years' imprisonment. Accurate statistics on the number of domestic violence cases were difficult to estimate. 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 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.

A handful of domestic and international NGOs supported women's resource centers to assist rape and spousal abuse victims. Government funding for such centers 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. A shelter in Khujand reported organizing over 300 psychological and legal consultations over a nine-month period and another 1,000 consultations over a telephone hot line.

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

Trafficking and women and children for the purposes of sexual exploitation trafficking of men for the purpose of forced labor was a serious problem (see section 5, Trafficking).

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 Ulama, 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. Local observers said the fatwa was discriminatory and a step backwards from gender equality. 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 informal 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, while most children were enrolled in school until the mandatory secondary level, attendance was estimated to be lower because children worked in the home or in informal activities to supplement family income (see section 6.d.). 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 were a few reports of violence against children.

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

Trafficking continued to be a problem (see section 5, Trafficking).

Child labor continued to be a problem (see section 6.d.).

#### Trafficking in Persons

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

Trafficking in persons was a serious problem. The country was a source point for trafficked persons, primarily women and girls; trafficking within the country was also a problem. Men and boys were reportedly trafficked and used for labor. Media reports estimated that over 1,000 persons were victims of trafficking during the year. According to the MOI and information gathered from antitrafficking hot lines, victims came primarily from Khujand or Dushanbe and most were trafficked to Russia, former Soviet countries, the Persian Gulf states (including the United Arab Emirates, Iran, Kuwait, and Saudi Arabia), and Turkey. According to official MOI data, at least 420 women from the country were trafficked for purposes of commercial sexual exploitation to the former Soviet Union and Middle East countries, including over 250 in the United Arab Emirates.

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 with little formal education. 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; some were 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 throughout their community to create a trafficking network. Recruiters were also often 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 also were cases of false wedding proposals and, on occasion, kidnappings in rural areas. Traffickers generally transported victims by air to the Middle East and by train to Russia and other former Soviet countries. Traffickers tightly controlled arrangements for travel and lodging and employed contacts among 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. There were also reports of male and female medical professionals trafficked from the country to Yemen to work at medical clinics for substandard wages; traffickers reportedly seized their travel documents and forced female medical personnel into prostitution.

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.

According to the International Organization for Migration (IOM), during the year 43 cases of trafficking in persons were reported compared to 81 cases in 2005, nine of which were related to trafficking of minors and newborns during the first six months of the year. The rest were mostly related to trafficking of women abroad for commercial sexual exploitation. According to the MOI, 23 criminal groups involved in trafficking of persons were exposed during the year; 13 of them were revealed as the result of international cooperation. Specialized antitrafficking law enforcement units continued to investigate reported trafficking cases, with 43 trafficking cases launched and 61 traffickers convicted during the year, a dramatic increase from 27 convictions in the previous year.

The MOI is responsible for trafficking investigations and arrests, the General Prosecutor's Office is responsible for prosecuting and sentencing convicted traffickers, and the MFA is responsible for trafficking-related repatriation and extradition matters. The Trafficking in Persons Investigative Unit, composed of four female investigators within the MOI, was responsible for combating kidnapping, trafficking in persons, and racketeering; the five officers in this year-old division were assigned to investigate trafficking cases. The division 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 focused on coordinating antitrafficking efforts and signed 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 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' data in and out of the country. During the year the State Migration Service established a database to track trafficking acts.

During the year government and IOM representatives repatriated 21 women to the country. Upon return they were provided with medical assistance, training, and other types of support. During the year the IOM assisted in repatriating three men who were victims of labor trafficking.

There was no indication of widespread institutional involvement in trafficking by the government. 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 also believed that certain government officials acted as patrons or protectors of individuals who were directly involved in trafficking. During the year authorities prosecuted some low-level government officials for involvement in facilitating trafficking such as providing false passports. Traffickers used their contacts in government agencies to illegally obtain false documents. In 2005 14 low-level law enforcement officers who were arrested in 2004 for engaging in the commercial sexual exploitation of underage girls were dismissed from their positions; no more recent statistics were available.

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 the 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. During the year 24 repatriated trafficking victims received such government assistance. The government, with the help of IOM, established two shelters for female trafficking victims.

There were approximately 20 NGOs involved in antitrafficking 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 hotline 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. The government cooperated with NGOs to raise public awareness on trafficking in persons. 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 antitrafficking 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.

During the year 13 mentally or physically disabled children were killed in an orphanage fire in Dushanbe. The government established a commission to investigate the tragedy and the director and other administrators of the orphanage were sentenced to between 2 and 15 years imprisonment for a variety of charges including negligent homicide, abuse of power, embezzlement of state funds, and misappropriation of foreign aid.

The Ministry of Labor and Social Welfare, the government 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.

## Section 6 Worker Rights

### a. The Right of Association

The law allows workers to form and join unions and they did so in practice. According to official figures approximately 90 percent of the labor force was unionized. Most unions were affiliated with the Federation of Trade Unions of Tajikistan, an independent umbrella organization that attempted to represent all trade unions in the country. However, it was largely seen as ineffective and generally supportive of government policies. The law does not specifically prohibit antiunion discrimination; however, there were no reported incidents of antiunion discrimination in practice.

From April to July, the government temporarily suspended the Union of Journalists. The suspension was a move to oust the former chairman who was widely perceived as corrupt (see section 2.a.).

### b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, except "in cases specified by law," and the government protected this right in practice. 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 there were no strikes during the year. In practice people were reluctant to strike due to fears of government retaliation.

There were 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 (see sections 5 and 6.d.).

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. Although all state farms were privatized, some farmers chose to work in collective groups for financial reasons. Workers usually were neither paid nor provided the services they were given under the former collective system for this labor, such as health care and education.

### d. Prohibition of Child Labor and Minimum Age for Employment

Child labor remained a 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 old 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.

Trafficking of children occurred (see section 5).

Unions were 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. Enforcement of child labor laws was the responsibility of the Prosecutor's Office, the MOJ, the Ministry of Social Welfare, the MOI, and appropriate local and regional governmental offices.

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 previous years. The IOM estimated that 40 percent of the country's cotton was picked by students, and according to World Bank statistics, as many as one in eight children worked full-time instead of attending school.

In August the president issued a decree against students picking cotton, and some authorities in the west and south of the country noted this was the first harvest students had not picked cotton. However, there were also reports that local authorities pulled students from school to help with the annual 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.

#### e. Acceptable Conditions of Work

The official national minimum monthly wage, which increased to \$5.80 (20 somoni) a month during the year, 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, both governmental and private, compensated their employees in kind 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 1½ 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.