



[Home](#) » [Under Secretary for Democracy and Global Affairs](#) » [Bureau of Democracy, Human Rights, and Labor](#) » [Releases](#) » [Human Rights Reports](#) » [2010 Country Reports on Human Rights Practices](#) » [South and Central Asia](#) » [Tajikistan](#)

2010 Human Rights Reports: Tajikistan

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

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Tajikistan, with a population of more than seven million, is an authoritarian state, and President Emomali Rahmon and his supporters, drawn mainly from one region of the country, dominated political life. The constitution provides for a multiparty political system, but in practice the government obstructed political pluralism. The parliamentary elections conducted during the year were marked by widespread fraud committed by government officials to ensure victories for members of the ruling People's Democratic Party of Tajikistan (PDPT). The PDPT, progovernment independents, and government-affiliated political parties dominate the 63-member parliament. The opposition Islamic Revival Party of Tajikistan (IRPT) and Communist Party of Tajikistan have two seats each in parliament. Security forces reported to civilian authorities.

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; impunity for security forces; denial of right to fair trial; harsh and life-threatening prison conditions; prohibition of international monitor access to prisons; restrictions on freedoms of speech, press, association, and religion; corruption, which hampered democratic and social reform; violence and discrimination against women; arbitrary arrest; and trafficking in persons.

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, but at least one individual died while in government custody during a period when he was subjected to interrogation (see section 1. c.).

On September 3, unknown individuals attacked a government building in Khujand, resulting in four deaths and 28 injuries.

On September 25, armed gunmen attacked government troops in the Rasht valley, killing at least 23 soldiers returning from a patrol. The government launched a security operation in the area and battled armed militants; hostilities resulted in

an unknown number of government, militant, and civilian casualties. Though active operations have largely ended, the government maintains a significant law enforcement and military presence in the area.

According to the Tajikistan Mine Action Center and the Landmine Monitor, there were five casualties in three incidents due to unexploded ordnance during the year. On February 19, three children in Panj District found a shell while playing. The shell exploded, killing two and injuring one. On May 5, an antipersonnel mine injured a military deminer during clearance activities in Vanj District, Gorno-Badakhshan Autonomous Region. On October 12, an antipersonnel mine explosion injured a deminer in the Tavildara district during clearance activities.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution prohibits the use of torture, but there is no specific definition of torture in the law, or a provision of criminal liability for committing an act of torture. An article in the new Criminal Procedure Code (CPC) states that evidence acquired through torture is inadmissible. Some security officials reportedly continued to use beatings or other forms of coercion to extract confessions during interrogations. Officials did not grant sufficient access to information to allow human rights organizations to investigate claims of torture.

In July a military conscript, Anvarjon Muhammadjonov, died while serving with his unit. The military reported that he died of exposure to electricity, but his body allegedly showed signs of being beaten.

In March Usman Boboev died while being investigated by security officials in the Sughd region. Authorities suspected Boboev of membership in the Islamic Movement of Uzbekistan. There are reports that his body was marked with signs of physical abuse from his time in government custody. On April 27, officials arrested two police officers in connection with Boboev's death. The officers returned to duty in September. Sughd officials reported that the investigation is ongoing.

In April officials from the Anti-Organized Crime Police arrested two former members of the United Tajik Opposition, Zarifjon Rahimov and Nosirjon Shunkhorov. The individuals spent two days in custody. Rahimov and Shunkhorov claimed police agents tortured them in an effort to extract false confessions of crimes. Ministry of Interior (MOI) officials stated the allegations were groundless and did not take any action against the officials who allegedly tortured the former opposition members.

Prison and Detention Center Conditions

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

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

The Ministry of Justice (MOJ) continued to deny access to prisons or detention facilities to representatives of the international community and civil society seeking to investigate claims of harsh treatment or conditions. Some foreign diplomatic missions and nongovernmental organizations (NGOs) were given access to implement assistance programs or carry out consular functions, but their representatives were limited to administrative or medical sections, and MOJ personnel accompanied them. The government did not sign an agreement with the International Committee of the Red

Cross (ICRC) to allow free and unhindered access to prisons and detention centers, and the ICRC's international monitoring staff has not returned to the country since 2007. Prisoners are permitted to pray within their cells. There are no known cases of prisoners submitting formal complaints regarding conditions.

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d. Arbitrary Arrest or Detention

The new Criminal Procedures Code that went into effect on April 1 states that individuals may appeal investigators' actions and decisions to the prosecutor supervising the execution of the law during pretrial investigation. The prosecutor's actions and decisions can be appealed to a higher prosecutor or the court. The law does not explicitly prohibit arbitrary arrests and, in practice, arbitrary arrests were common. Few citizens were aware of their right to protest an arrest, and there were few checks on the power of police and military officers to detain individuals. Police often detained men wearing beards, for example, and questioned them on suspicion of extremism.

Role of the Police and Security Apparatus

The MOI, Drug Control Agency (DCA), Agency on State Financial Control and Fight Against Corruption (an anticorruption agency), State Committee for National Security (SCNS), State Tax Committee, and Customs Service shared civilian law enforcement responsibilities. The MOI is responsible primarily for public order and controls the police force. The DCA, anticorruption agency, and State Tax Committee each have a mandate to investigate specific crimes, and they report to the president. The SCNS has responsibility for intelligence and controls the Border Service, but it also investigated cases linked to alleged extremist activity. The Customs Service reports directly to the president. The Prosecutor General's Office oversees criminal investigations that these agencies conduct.

The agencies' responsibilities overlapped significantly, and law enforcement organizations deferred to the SCNS. Law enforcement agencies were not effective in investigating organized criminal gangs because the gangs maintained high-level connections with government officials and security agencies. Narcotics agencies, for example, are regularly ordered off of investigations by high-level officials with ties to drug traffickers.

Victims of police abuse may submit a formal complaint in writing to the officer's superior or the Office of the Ombudsman. Most victims chose to remain silent rather than risking retaliation by the authorities. The Ombudsman's Office for Human Rights opened in May 2009 and made efforts to respond to complaints about civil rights violations. The office lacked full independence, and the ombudsman rarely intervened in cases in cases when government officials violated human rights.

Arrest Procedures and Treatment While in Detention

According to the new CPC, police may detain an individual at a police station up to 12 hours before they must file criminal charges. If charges are not filed after 12 hours, the individual must be released. Defense advocates alleged that prosecutors often held suspects for longer periods and only registered the initial arrest when the suspect was ready to confess; individuals often were not informed the reason for their arrest. If criminal charges were filed, the police may detain an individual 72 hours from the moment of detention before they must present their charges to a judge for an indictment hearing. The judge is empowered to order detention, house arrest, or bail, pending trial. In most cases, pretrial detention lasted from one to three months, but could extend as long as 15 months in exceptional circumstances. Law enforcement officials must request an extension from a judge to detain an individual in pretrial detention after two, six, and 12 months.

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

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

e. Denial of Fair Public Trial

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

Trial Procedures

Defendants are legally afforded a presumption of innocence, but they do not enjoy it in practice. Nearly all defendants are found guilty. In Sughd Province, for example, there was only one acquittal out of 1,650 court verdicts during the year. Trials are presided over by a judge, who issues verdicts. There is no system of trial by jury. Defendants generally were able to consult with an attorney in a timely manner during trials, but were often denied the right to an attorney during the pretrial and investigatory periods. By law the government should provide an attorney at public expense if requested, but the government rarely provided free legal aid. A number of local and international NGOs provided free legal counsel to defendants.

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

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

On January 14, a defense attorney presented a recording of Nur Nurov admitting that he issued long sentences to 31 Isfara residents on politically motivated orders from high-ranking government officials. The government did not investigate the allegations, nor were the convictions against the 31 Isfarans reexamined. Nurov continued working as a judge and the 31 Isfarans remained in prison. Nurov and two other judges sued three newspapers for libel for publishing the allegations. At close of the reporting period, the libel cases remained open (see section 2. a.).

The government addressed problems of judicial integrity by holding some judges and prosecutors accountable for criminal conduct. During the year the government arrested three judges for corruption.

Trials are public, except in cases involving national security. NGOs reported they generally were permitted to monitor trials, although they were sometimes denied without explanation.

Political Prisoners and Detainees

Authorities claimed that there were no political prisoners and that they did not make any politically motivated arrests. Opposition parties and local observers claimed the government selectively prosecuted political opponents. There was no reliable estimate of the number of political prisoners, but the government held many former members of the UTO in prison.

In December Abdusattor Boboy, a 69-year-old resident of Zafarobod District, was arrested and charged with "inciting national enmity" for publicly disagreeing with government policies regarding the Roghun hydroelectric dam (see section 4). He remained in detention at close of the reporting period.

On June 10, courts convicted IRPT member Muhammadruzi Burhonov to one year in prison for election fraud for allegedly voting on behalf of his family members during the February elections. Family voting, although illegal, was ubiquitous during the elections, leading many observers to conclude that Burhonov was subjected to selective prosecution because of his party affiliation. Despite numerous reports of government officials changing vote totals to ensure victories for PDPT candidates, Burhonov was the only individual convicted of an election-related crime during the election. He was granted early release in November.

Former Democratic Party of Tajikistan Chairman Mahmadrusi Iskandarov remained in prison serving a 23-year sentence following his 2005 conviction for terrorism and other charges. He was arrested in Russia prior to the 2005 parliamentary elections and transferred to Tajikistan. In September the European Court of Human Rights ruled that Russian law enforcement authorities violated Iskandarov's rights by unlawfully extraditing him. The court ordered Russian law enforcement authorities to pay 30,000 euros (\$40,200) to Iskandarov for moral damage and 3,000 euros (\$4,020) for legal costs.

Civil Judicial Procedures and Remedies

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

Property Restitution

The government has on several occasions taken private property with little or no justification, public notice, or debate. By law the government must offer residents compensation equal to the value of their abandoned property, but compensation property was often of lesser value. Judges ruled in favor of the government when residents challenged the inadequacy of compensation.

In May 2009 a new synagogue opened in Dushanbe, in a building provided by Hasan Asadullozoda, the head of Orion Bank and brother-in-law of the president. In 2008 officials demolished the country's former synagogue to make way for a new presidential palace after a local court upheld an eviction order against the Dushanbe Jewish community, despite significant irregularities in the process.

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

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

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

There were no reports of government restrictions or interference with the right of men and women of full age to marry or have children, including the timing and spacing of children.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Independent media were active, despite significant pressure by the government on media outlets. Journalists regularly practiced self-censorship to avoid retribution from officials. Although some print media published political commentary and investigatory material critical of the government, journalists observed that certain topics were considered off limits, including derogatory information about the president or his family members, or questions about financial impropriety by those close to the president.

From September to December, the government blocked five Web sites and stopped the publication of three newspapers. The blockages occurred during a period of violence in the Rasht Valley. On October 6, printing houses denied publication to two independent newspapers: Paykon, and Farazh. On October 20, printing houses refused to publish a third newspaper, Nigoh. Printing houses refused to print the newspapers due to "technical difficulties," but media observers believed the government pressured the printing houses to refuse publication. Printing houses resumed printing Nigoh on November 18, Paykon on November 24, and Farazh on December 30.

On November 23, Makhmadyusuf Ismoilov, a reporter with the Dushanbe-based independent weekly Nuri Zindagi, was arrested in Asht District and later charged with inciting religious and national hatred, slander, insulting honor and dignity of an individual, and extortion. Media analysts alleged that the charges were politically motivated. Ismoilov wrote several articles documenting corrupt acts committed by Asht District officials. He remained in detention at year's end.

On October 4, the minister of defense accused journalists of supporting terrorism through their coverage of events in the Rasht Valley.

On September 3, independent journalists were briefly detained when attempting to photograph the results of a terrorist attack against the government which happened the same day in Khujand and their images were confiscated.

In January 29, three judges filed a libel lawsuit against three independent newspapers: Asia-Plus, Ozodagon, and Farazh. The newspapers had reported a lawyer's allegations that the judges had convicted individuals based on pressure from high-level government officials (see section 1.e.). Also in January, the Ministry of Agriculture filed a libel lawsuit against the independent newspaper Millat after it published a report on corruption at the ministry. Judges referred the cases to the Academy of Sciences for analysis. A 2009 libel case filed by the country's product-licensing agency, Tojikstandard, against the newspaper remains open. All five newspapers continued to operate at year's end, but the cases against them remained open.

There were four state-run television channels that broadcast throughout the country and five state-run television stations that broadcast regionally. There was one national and several regional state-run radio stations. Several independent television and radio stations were available in a small portion of the country, but the government controlled most broadcasting transmission facilities. The government refrained from inviting independent media to press conferences and other events.

Independent radio and television stations experienced bureaucratic delays to registration. New stations must be licensed by the Commission of the National Committee on Television and Radio, which directly managed the national television and radio stations. The government restricted issuance of licenses to new stations, in part through an excessively complex application process. A Dushanbe-based media outlet was given permission to produce audio and video products. According to media analysts, more than 20 privately owned broadcasting organizations were unable to begin working because the licensing commission had rejected their documents over the last four years. The government promised to process these documents but made no further progress in this area. Media NGOs have called for an end to the National Committee on Television and Radio's control of licensing, noting the committee's conflict of interest due to its management of the national stations. Only a few of the privately held television stations were genuinely independent, and government officials at times interfered with their operations.

The government allowed some international media to operate freely and also permitted rebroadcasts of Russian television and radio programs. The government continued to deny BBC a renewal of its license to broadcast on FM radio. BBC broadcast a Persian-language television station via satellite. Community radio stations continued to experience registration and licensing problems that prevented them from broadcasting. The Russian language K Plus operated in the country and broadcast via satellite from Kyrgyzstan. International media were not invited to events held at the presidential palace and other official functions. The authorities denied a visa to a journalist from a Web site.

Opposition politicians had limited access to state-run television. The government gave opposition parties minimal airtime to express their political views, while the president's party had numerous opportunities to broadcast their messages.

The government exercised some restrictions on the distribution of materials. All newspapers and magazines with circulations exceeding 99 recipients were required to register with the Ministry of Culture (MOC). According to the MOC, there were 244 registered newspapers and magazines, 128 of them private. A new daily newspaper, ImruzNews, began publishing in September. Hassan Asadullzoda, President Rahmon's brother-in-law, owns the newspaper. Asia-Plus began publishing twice a week; the remaining newspapers published weekly. There were 10 information agencies, nine of them private. Several of these were independent, several were strongly influenced by the government, and several were nonfunctioning. The government distributed state newspapers via the national mail service, forcing state agencies, local administrations, and schools to receive subscriptions. No attempts were made to use the mail service to facilitate the distribution of independent newspapers to the country's least accessible regions.

The government continued to control all major printing presses and the supply of newsprint.

Internet Freedom

There were some government restrictions on access to Internet Web sites. In October Deputy Minister of Transport and Communications, Bek Zuhurov, ordered Internet providers to block five independent news Web sites. Two sites were unblocked on October 12 and 30, respectively. A group of foreign ambassadors brought their concern over the Web site blocking and the stoppage of newspapers to the Ministry of Foreign Affairs.

Individuals and groups could engage in the expression of views via the Internet, including by e-mail. A cybercrimes and communications unit of the Combating Organized Crime Department was formed in August. One of its tasks is to monitor activity in Internet cafes and electronic gaming centers. According to the International Telecommunication Union, 9.3 percent of the population used the Internet. A lack of infrastructure limited the public's access to the Internet.

Academic Freedom and Cultural Events

The Ministry of Education revoked the license of the country's only private higher education institution, the Institute of Innovative Technologies and Communication (IITC), claiming that it "failed to meet the ministry's standards." Dushanbe courts upheld the revocation despite the failure of the Ministry of Education to present any significant violations of academic standards committed by the IITC. The IITC employed several prominent members of opposition political parties, and observers alleged that its closure was politically motivated. The Ministry of Education began its actions to close IITC in 2008, after the institute fired a rector, Khayol Boboev, for corruption. Boboev was reportedly an associate of the Education Minister, Abdujabbor Rahmonov.

The Ministry of Education maintained a dress code that bans the hijab (a head covering traditionally worn by Muslim women) in schools and universities; several students and at least one teacher at Tajik National University were expelled and fired for wearing it. Women wearing a traditional local head covering, a scarf that covers hair but not the neck, were allowed to study in schools and universities. In September Minister of Education Rahmonov publicly mocked and threatened a group of parents and students at a school opening ceremony because the students' mothers were in hijab. He threatened to expel the students and called the women in hijab "monkeys."

The Ministry of Education maintained its ban on beards for teachers younger than 50 years old. Teachers older than the age of 50 may not wear beards longer than one and one-fourth inches.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

On April 12 and 13, several hundred persons protested the imposition of new toll stations on the road from Dushanbe to Khujand. Villagers that would be affected by the new tolls allegedly organized the protests. Government officials first promised to accede to protesters' demands that local residents should be exempt from the tolls, but the next day threatened them with imprisonment if they did not end their protest.

Freedom of Association

The constitution protects freedom of association. In practice the government restricted this right. The Law on Observing National Traditions and Rituals provided a basis for the government to infringe on individuals' ability to hold private events such as weddings and funeral ceremonies. The law limits the number of wedding guests 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 assure that all parties obeyed the law.

c. Freedom of Religion

For a complete description of religious freedom, please see the 2010 International Religious Freedom Report at <http://www.state.gov/g/drl/irf/2010/>.

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

The law provides for freedom of movement, but in practice the government imposed some restrictions. Foreigners are prohibited from traveling within a 15-mile zone along the country's borders with China and Afghanistan unless they obtain

permission from the Ministry of Foreign Affairs. Officials did not always enforce the restrictions along the western border with Afghanistan, although the government continued to require travelers (including international workers and diplomats) to obtain special permits to visit Gorno-Badakhshan. Diplomats and international aid workers could travel to the Afghanistan border without prior authorization.

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.

The government provided protection and modest assistance to resettle any citizens who returned voluntarily, and it cooperated with international organizations that helped to fund assistance and resettlement programs.

Protection of Refugees

The government generally provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. However, in May the government extradited Kyrgyz asylum-seeker Nematullo Botakuziev after holding him incommunicado for nearly three months in a State Committee for National Security detention facility. The government denied Botakuziev access to his lawyer and representatives from the UN High Commission for Refugees (UNHCR), despite repeated requests, before finally extraditing him to Kyrgyzstan. The UNHCR did not report other deportations of individuals registered as refugees during the year. The government otherwise respected protection letters issued by the UNHCR and allowed those holding the letters to remain in the country while the UNHCR considered their claims.

According to the UNHCR, the inflow of refugees from Afghanistan continued unabated during the year. By December the government had 2,538 registered refugees in country with an additional 1,676 asylum seekers trying to receive refugee status. However, the UNHCR believed the government might have underestimated these figures. Official government statistics showed Afghan, Iranian, and Kyrgyz refugees as well as asylum seekers. As in previous years, approximately 98 percent of all these refugees and asylum seekers were Afghan. Following conflict between ethnic Uzbeks and Kyrgyz in neighboring Kyrgyzstan, a small number of ethnic Uzbeks from the south of Kyrgyzstan crossed into the country seeking asylum in June and July. These asylum seekers were processed through the refugee protection system, and approximately 70 such refugees remained in the country. Overall the government continued to cooperate with the UNHCR, which retained its observer status in the Refugee Status Determination Commission.

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

The process for making asylum status determinations remained problematic and nontransparent. The government processed asylum applications through the National Refugee Status Determination Commission and granted applicants documents to regularize their stay and to prevent deportation. When denying refugee status, officials usually cited lack of evidence of persecution in the refugee's home country or "malpractice" on the part of refugees applying to renew their status--such as violation of the prohibition of living in Dushanbe. Unofficially some refugees claimed the authorities could deny cases if sufficiently high bribes were not paid.

Although the law stipulates that refugee status should be granted for as long as three years, the transfer of refugee processing to the Ministry of the Interior in 2009 resulted in much shorter periods. During the year many Afghan refugees were granted status for up to one year, after which they had to reapply for status to stay in the country. Although the law officially allows refugees to apply for citizenship after two and a half years, very few cases have been granted citizenship

in the past. The several citizenship cases the UNHCR submitted for direct consideration this year were either refused or remained pending.

Refugees and asylum seekers generally were required to secure employment, food, shelter, education, and access to basic services themselves, although the UNHCR provided significant assistance. By law registered refugees should have equal access to law enforcement and the judicial system. The UNHCR is not aware of any cases of refugees being denied access to the courts or judicial process. An increasing percentage of refugees entering the country do not possess professional backgrounds or job skills, and many face discrimination by the local Tajik population. Requirement to live outside urban areas created additional problems for finding adequate work. The UNHCR provided some assistance to women refugees by providing vocational job training in skills such as sewing, cooking, and hairdressing. Most male refugees worked for small enterprises. Most women refugees did not work and remained in the home, in accordance with traditional cultures. Refugees and asylum seekers are legally entitled to education and health services alongside Tajik citizens. The Ministry of Education allows Afghan parents to send their children to local schools without paying fees. UNHCR partners provide books and school uniforms and some language classes to these children and assist with their medical expenses.

In 2008 during a visit of the UNHCR High Commissioner, the government and UNHCR signed an agreement regarding local integration of refugees into the general population as a more durable solution to the refugee situation. The government promised to consider individual refugee cases for citizenship. Many of these cases remain pending. The Tajik Migration Service has 326 individuals registered as stateless persons. These statistics, which may reflect a number of Tajiks who left the country to live in Uzbekistan during the civil war from 1992-97 and later returned, are not considered reliable by the UNHCR.

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

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

The president and his supporters, primarily from his home region of Dangara, continued to dominate the government. The president's political party, the People's Democratic Party of Tajikistan (PDPT), dominated both houses of parliament. Members of the PDPT held most government positions. The president had broad authority to appoint and dismiss officials, and he exercised that authority throughout the year.

Elections and Political Participation

In February the government held national elections of the lower house of the parliament, the Majlisi Namoyandagon. There were reports that officials obstructed some meetings organized by IRPT and Social Democratic Party of Tajikistan campaign workers during election season. Official media allotted only minimal time for opposition political parties in state media. The elections were marked by widespread fraud committed by government officials to suppress vote totals of opposition political parties, particularly the IRPT, and ensure victories for the ruling PDPT. Despite the presence of international monitors, officials openly changed vote registers to inflate PDPT totals. The observation report of the Office for Democratic Institutions and Human Rights stated that the parliamentary elections failed to meet many key commitments of the Organization for Security and Cooperation in Europe (OSCE). Despite widespread reports of fraud, no government officials were charged with fraud related to the elections.

There were eight legally registered political parties, including the PDPT. Observers considered only three of these parties to be independent of the government. Opposition political parties had moderate popular support, and faced scrutiny by the government. All senior members of President Rahmon's government were PDPT members, except one minister who was chairman of the progovernment Party of Economic Reforms. Most members of the country's 97-seat parliament were members of the PDPT, belonged to progovernment parties, or were PDPT-affiliated independents.

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

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

Section 4 Official Corruption and Government Transparency

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

Government officials at all levels and in all regions extorted money from citizens and businesses in a state campaign to raise funds to build the Roghun hydroelectric dam during the first half of the year. Those directly on the public payroll were the most vulnerable. Teachers, doctors, and government employees were instructed to buy shares or their employers would fire them. University students were forced to show their professors share certificates before being allowed to sit for exams. Businesses were told they would be assessed fines for failing to purchase shares. The amounts demanded varied widely. According to some reports, poor villagers had to pool resources to buy one share at TJS 100 (\$22.70). Students had to buy between one and four shares. University professors were forced to buy as much as TJS 4,452 (\$1,000) in shares; some doctors had to spend as much as TJS 22,261 (\$5,000). The country's few large companies were told to pay many millions of dollars.

The government raised more than TJS 845 million (\$190 million) in Roghun shares. High-level government officials insisted that the purchases were voluntary, while first-person accounts from low-level officials admitting their use of coercion indicated precisely the opposite. Reports of forced purchases declined quickly after the government agreed to a request by the International Monetary Fund to end the campaign in June.

The forced sales had a negative effect on poverty and corruption. Customs officers at Dushanbe's international airport were required to buy Roghun shares amounting to many times their monthly salaries, with the expectation that they would need to extract bribes to obtain money to buy Roghun shares.

In March the government began charging tolls on Tajikistan's main highway, the road from Dushanbe to the country's second-largest city, Khujand. The government stated that the contract to manage the road (and collect the tolls) was awarded based on a competitive bidding process, but no tender was ever announced, and almost nothing is known about the company that received the contract, "Innovative Road Solutions" (IRS). The company appears to be based in the British Virgin Islands, and reports have circulated that it is run by a member of the president's family. Officials have refused to provide the public with information regarding the government's relationship to IRS, calling it a "state commercial secret." Anger over the tolls, especially among residents who live along the route and must pay to travel very short stretches to and from work, led to several protests during the year (see section 2. b.)

Corruption in the Education Ministry was systemic. Prospective students were required to pay as much as TJS 66,674 (\$15,000) in bribes to enter the country's most prestigious universities, while even provincial colleges required several hundred dollars. Students often paid additional bribes to receive good grades on exams. After the IITC fired an associate of Education Minister Abdujabbor Rahmonov for corruption in 2009, the ministry took legal actions to revoke the institute's academic license (see section 2. a.).

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

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

The prosecutor general investigated some cases of corruption by government employees, but the bulk of the cases involved mid- or lower-level officials, and none involved large-scale abuses. Public officials were not subject to financial disclosure laws. According to the anticorruption agency, the government identified 510 cases of corruption by government officials. The government dismissed 77 officials for misconduct.

In April the head of the state anticorruption agency reported that the Deputy Commander of the Border Guards, Saymuddin Mirzoyev, was detained on suspicion of accepting a TJS 66,674 (\$15,000) bribe from drug traffickers.

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

TALCO, the state-owned aluminum smelter that consumed as much as 50 percent of the country's energy resources and produced the country's major export, agreed to a financial audit in 2008, to be published on its Web site by the end of 2009. To date only the company's financial statements, not the full audit, have been posted. TALCO's offshore management company, which is reportedly owned by senior politicians, agreed to undergo its own audit, but the results were not released at year's end. Promised audits of country's electricity-grid operator, Barqi Tojik, revealed very little about a state-owned enterprise widely suspected to be employing questionable financial practices.

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

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

The Office of the Human Rights Ombudsman made efforts to respond to civil complaints during the year, but its limited staff and budget constrained its capacity to do so. The Ombudsman's Office met with NGOs to discuss specific human rights cases and general human rights issues in the country. The office lacked full independence; the ombudsman publicly defended some government policies that violated human rights, such as the actions by officials to force citizens to contribute money to the Roghun campaign.

The government generally cooperated with international NGOs. It facilitated visits by high-ranking officials from the United Nations, OSCE, and other international organizations.

The government continued to deny ICRC access to prison facilities. The government's Office for Constitutional Guarantees of Citizens' Rights continued to investigate and answer citizens' complaints, but staffing inadequacies and

uneven cooperation from other government institutions hampered the office's effectiveness. The parliamentary committee on legislation and human rights examined proposed legislation for compliance with human rights obligations, but, according to observers, it did not fulfill its primary responsibility to raise human rights concerns in new legislation.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

The law prohibits rape, which is punishable by up to 20 years' imprisonment. There is no separate statute for spousal rape. According to official data from the Ministry of Interior, 78 cases of rape were registered during the year. The Prosecutor General's Office was unable to provide statistics on the number of convictions. Law enforcement officials usually advise women not to file charges, but register cases on insistence of the victim. Most observers believed the majority of cases were unreported because victims wish to avoid being stigmatized.

Violence against women, including spousal abuse, remained a widespread problem. The 2009 Amnesty International (AI) report *Violence is Not Just a Family Affair: Women Face Abuse in Tajikistan* stated, "surveys have shown that between a third and a half of Tajik women have suffered violence from a family member. 42.5 percent of women reported cases of spousal rape."

On August 19, in Dushanbe the government, with OSCE financial support, opened the first police station fully equipped to work with domestic violence victims. The station was one of the five nationwide staffed with police officers who have been trained, also with OSCE support, to respond to family violence cases and to address the needs of victims in a gender-sensitive manner.

There was one comprehensive shelter for domestic violence in the country, supported by the OSCE and operated by an NGO in Khujand. The government and NGOs operated additional crisis centers and hotlines for women in rural areas, where women could seek guidance on domestic violence problems and legal assistance, but many centers lacked funding and resources. Local governments donated the premises for three of the shelters. The Committee for Women's Affairs (within the Office of the President) had limited resources to assist domestic violence victims, but local committee representatives referred women to the crisis shelters for assistance.

In November the Dushanbe mayor opened the Dushanbe Center of Women's Self-Awareness. The center provides legal and psychological support to vulnerable women and is fully supported by the Dushanbe city administration.

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

In some rural areas, officials observed a continued trend of female suicide; domestic abuse by in-laws or labor migration may have been contributing causes. According to the AI report, studies have shown that domestic violence was the most frequent reason cited by women for attempted suicide.

The government did not interfere with the rights of individuals and couples to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion,

and violence. According to the Population Reference Bureau (PRB), 14 percent of women between the ages of 15 and 49 used modern forms of contraception and 83 percent of births were attended by skilled personnel. The PRB also reported that 77 percent of women received postpartum care and that the maternal mortality rate was approximately 625 per 100,000 births.

Women were increasingly vulnerable to HIV infection because of social taboos on discussion of sex education issues and popular sentiment against the use of condoms, especially within relationships. Women remained a minority of HIV infections overall, but the figures were on the rise. According to the government's AIDS center, 1,004 new cases of HIV infection were detected in the country during the year, including 797 men and 207 women. Women made up 20.6 percent of these newly registered HIV cases, an increase from 14.8 percent in 2005. The total number of officially registered HIV cases in the country is 2,857 individuals, including 2,280 men and 577 women.

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

The 2004 Council of Ulema fatwa (religious edict) prohibiting women from praying in mosques remained in effect. The government supported the fatwa and directed the IRPT to close an unregistered place of worship that allowed women to pray despite the fatwa.

Women were underrepresented in decision-making processes at all levels of political institutions. Female representation in all branches of power was less than 30 percent. The country had no female ministers or ambassadors. AI also noted gender segregation in employment, "with the vast majority of the working female population (86 percent) working in the low-paid sectors, such as agriculture (75 percent), public health services, and education: Wages in these branches are approximately four to seven times lower than in other spheres (as in industry, construction, transportation, and communication). Furthermore, a significant number of women of employable age are engaged in housekeeping or in the informal sector of the economy." The law provides that women receive equal pay as men for equal work, but cultural barriers continued to restrict the professional opportunities available to women. There was no specific statute banning sexual harassment in the workplace. Victims often did not report incidents because of fear of social stigma.

Children

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

Free and universal public education is compulsory until the age of 16 or completion of the ninth grade. The UN Children's Fund (UNICEF) indicated that school attendance was generally good through the primary grades, but girls faced disadvantages, especially in rural school systems where families elected to keep them home after primary grades to take care of siblings or work in agriculture. Underage marriage was widespread in some rural areas, and many parents directed their daughters to quit school after the ninth grade. In July President Rahmon raised the legal age of marriage to 18 years old in an effort to lower the number of child marriages.

The Committee on Women and Family Affairs and regional Child Rights Protection Departments were responsible for addressing issues of violence against children. Girls who have been subject to all kinds of violence could receive support from several centers throughout the country. The Women of Science of Tajikistan Association, supported by UNICEF and

the Dushanbe mayor's office, organized a hotline for free legal and psychological consultations for girls who were victims of violence.

The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

There were no reports of anti-Semitic acts.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual Trafficking in Persons Report at www.state.gov/g/tip.

Persons with Disabilities

The law on social protection of persons with disabilities applies to individuals having either physical or mental disabilities.

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

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and provision of other state services, but public and private institutions generally did not have the resources to provide legal safeguards. The law required government buildings, schools, hospitals, and transportation to be accessible to persons with disabilities, but the government did not enforce these provisions. To attend school, children must be deemed "medically fit" by doctors. Many children with disabilities were not able to attend school because doctors considered them to be not "medically fit." Although the government maintained group living and medical facilities for persons with disabilities, funding was limited, and facilities were in poor condition.

National/Racial/Ethnic Minorities

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

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

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

Other Societal Violence or Discrimination

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

Section 7 Worker Rights

a. The Right of Association

The law allows workers to form and join unions, and they did so in practice. The government used informal means to exercise considerable influence over organized labor, including influencing the selection of labor union leaders. The umbrella Federation of Trade Unions of Tajikistan did not effectively represent worker interests. There were reports that the government compelled some citizens to join state-endorsed trade unions and impeded formation of independent unions. According to official figures, 1.3 million persons belonged to unions, approximately 63 percent of the active work force. The law requires all NGOs, including trade unions, to be registered. The law does not specifically prohibit antiunion discrimination, but there were no reports that it occurred during the year.

Citizens were reluctant to strike due to fear of government retaliation.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct activities without interference, except "in cases specified by law," but the law does not define those cases. The Law on Meetings did not restrict the right to strike, but it requires that meetings and other mass actions have prior official authorization, limiting trade unions' ability to organize meetings or demonstrations. The law provides for the right to organize and bargain collectively, but workers did not exercise this right in practice. Ninety percent of workers were covered by collective bargaining contracts.

There are four Special Economic Zones--Khujand, Panj, Ishkoshim, and Dangara--which are granted special trade privileges and exceptions from taxation.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including of children, except in cases defined in the law, and this year it appeared that that law was enforced. Since the Soviet-era, local officials compelled state workers, particularly in the Khatlon and Sughd regions, to pick cotton during the annual cotton harvest. Independent reports indicate that these practices were not used during the year. For the first time, children remained in school, and adults were not given quotas of cotton to harvest.

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

d. Prohibition of Child Labor and Minimum Age for Employment

Child labor remained a problem, but the government made significant efforts to effectively enforce child labor laws by working with the International Organization for Migration to prevent the use of forced child labor in the autumn cotton harvest. The highest incidences of child labor were in the domestic and agricultural sectors.

The minimum age for children to work is 16 years old, although children may work at the age of 15 with local trade union permission. By law children younger than 18 years old 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 were separately classified as family assistance. Many children younger than 10 years old worked in bazaars or sold goods on the street.

The Inter-Ministerial Commission to Combat Trafficking in Persons disseminated a directive to local officials reiterating existing prohibitions. The government accredited NGOs working through the International Organization for Migration (IOM) to monitor the cotton harvest. These NGOs, with the cooperation of the government, conducted monitoring visits to cotton fields and schools. Government officials accompanying IOM representatives met with local officials to reiterate the existing law's prohibition against forced child labor. Site visits by Western diplomats confirmed monitors' observations that

government efforts resulted in a significant reduction in the use of forced child labor. The government also distributed a second draft National Action Plan on Trafficking in Persons, including benchmarks and strategies for combating child labor for NGO and diplomatic community comment.

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

e. Acceptable Conditions of Work

The estimated average monthly wage was TJS 322 (approximately \$73), but in many sectors the average wages were far lower. In the agricultural sector, for example, the average wage was estimated at TJS108 (\$24.50). The government acknowledged the problem of low wages and provided subsidies for workers and their families who earned the minimum wage of TJS 60 (\$17) per month. Some establishments compensated their employees with food commodities or with enterprise-produced products, which employees either sold or bartered in local markets.

The law provides for a standard workweek of 40 hours for adults older than 18 years old. The law mandates overtime payment, with the first two hours paid at one and half 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 Financial Control of the presidential administration oversees other aspects of the law.

There are laws that establish relatively strict occupational health and safety standards. In practice the government did not fully comply with these standards, partly because of the degree of corruption and the low salaries paid to inspectors. The State Technical Supervision Committee under the Council of Ministers 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 in practice few workers removed themselves.

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

[Back to Top](#)