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Tajikistan

Country:

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Year:

2016

Freedom Status:

Not Free

Political Rights:

7

Civil Liberties:

6

Aggregate Score:

16

Freedom Rating:

6.5

Overview:

Tajikistani authorities continued to arbitrarily limit free speech, access to information, and the right to civic organization in 2015. The government led a legal and media campaign against the country's largest opposition group, the Islamic Renaissance Party of Tajikistan (IRPT), ahead of and following parliamentary elections in March, in which the ruling People's Democratic Party (PDP) retained its majority. In September, after a series of decisions revoking the legal status of the IRPT and limiting its activities, the Supreme Court declared the party a terrorist organization, criminalizing membership in or public expression of support for the group. Authorities shuttered IRPT offices and arrested scores of members following the decision.

Trend Arrow:

↓

Political Rights and Civil Liberties:

Political Rights: 2 / 40 (-5) [Key]

A. Electoral Process: 1 / 12 (-1)

Tajikistan's 1994 constitution provides for a strong, directly elected president who enjoys broad authority to appoint and dismiss officials. In the 63-seat Assembly of Representatives (lower chamber), members are elected by popular vote to serve five-year terms. In the 33-seat National Assembly (upper chamber), 25 members are chosen by local assemblies, and 8 are appointed by the president, all for five-year terms.

The incumbent administration uses its nearly absolute control over media coverage, an extremely high threshold for number of signatures required to run for office, and the exclusion of Tajikistani migrant workers—who, by various estimates, comprise 20 to 45 percent of the electorate—from the nomination process for the presidency and parliament to cement its dominance over the electoral process. In 1992, Emomali Rahmon, a member of the Communist Party during Tajikistan's last years as part the Soviet Union, was installed as president in the midst of a civil war that lasted from 1992 to 1997. Rahmon was elected to the office in 1994 and has been in power since. The most recent presidential election took place in 2013, and Rahmon was reelected to a fourth term with 83.6 percent of the vote; Organization for Security and Co-operation in Europe (OSCE) observers noted that the election "lacked a real choice" and failed to meet international standards.

The PDP has consistently dominated legislative elections. Ahead of parliamentary elections in March 2015, the government directed an extensive anti-opposition campaign through state media, and the persecution of many candidates, particularly those of the IRPT, led to the disenfranchisement of the country's most significant opposition forces. The PDP won 51 of 63 lower house seats, and a group of small, mostly progovernment parties took the remainder; the IRPT failed to secure any seats for the first time since 1999. According to OSCE monitors, the elections were marred by serious violations and failed to meet democratic standards.

The country's electoral laws and framework do not adequately guarantee the free and fair conduct of elections, and amendments made in 2014 were largely cosmetic. Electoral commissions are subject to influence from the government, which has the power to nominate members, and laws are often enforced in inconsistent and nontransparent ways.

B. Political Pluralism and Participation: 0 / 16 (-3)

A 1999 constitutional referendum permitted the formation of religion-based political parties and paved the way for the legal operation of the Islamist opposition, including the IRPT. Opposition parties were promised 30 percent of senior government posts as part of the peace accords that ended the civil war in 1997, but this quota has never been met. The government has consistently marginalized the opposition, which became virtually alienated from the political process after the 2015 elections.

Scores of IRPT members and their relatives were beaten, harassed, and imprisoned throughout 2015, with some reportedly tortured in custody. Ahead of the March elections, the government used state-controlled media and state-funded religious clerics to malign opposition figures, especially those of the IRPT. Officials and security forces continued to escalate pressure on the IRPT after the elections, raiding meetings and offices and harassing members. In June, party leader Muhiddin Kabiri announced that he would

attempt to lead the party from exile due to fear of persecution. In August, the Justice Ministry revoked the party's legal registration on the basis of a technicality about minimum membership requirements, ordering the group to cease all activities. The campaign reached an apex in September, when the authorities accused the IRPT of involvement in an uprising led by Deputy Minister of Defense Abduhalim Nazarzoda in which more than 20 fighters and security officers, including Nazarzoda, were killed. Although the accusations were denied by IRPT leaders and lacked evidence, security forces began arresting dozens of the group's members on antiterrorism grounds. Later in September, the Supreme Court declared the IRPT a terrorist organization, criminalizing membership in or expression of support for the group. Arrests of members escalated after the decision, which radically altered the postwar political landscape and left thousands of citizens vulnerable to prosecution for previous membership in or support of what had been the country's second largest political party.

C. Functioning of Government: 1 / 12 (-1)

Following the March 2015 elections, the ruling party cemented a virtually unopposed position in determining and implementing policy. Officials from the president's native Kulob district are dominant in government. At least two of Rahmon's children hold senior government posts, and various family members reportedly maintain extensive business interests in the country, including the largest bank, the railroad, and the national television channel, among many others. Patronage networks and regional affiliations are central to political life, and corruption is pervasive. Major irregularities at the National Bank of Tajikistan and the country's largest industrial company, TALCO Aluminum, have been documented and linked together. Tajikistan was ranked 136 out of 168 countries and territories surveyed in Transparency International's 2015 Corruption Perceptions Index. Public officials are not required to disclose financial information, and government decision-making and budgetary processes lack transparency.

Civil Liberties: 14 / 60 (-1)

D. Freedom of Expression and Belief: 4 / 16 (-1)

Despite constitutional guarantees of freedom of speech and the press, independent journalists face harassment and intimidation. Tajikistan decriminalized libel in 2012, but the civil charge is often used to cripple newspapers that criticize the government. The government controls most printing presses, newsprint supplies, and broadcasting facilities. Most television stations are state-owned or only nominally independent. The government blocks some critical websites and news portals and uses mass blackouts on websites, social media platforms, email services, and even mobile messaging programs to prevent protests or criticism. In 2014, in response to attempts by Russia-based Tajik opposition groups to mobilize protests in Dushanbe, the authorities blocked hundreds of websites and communications platforms throughout the country, reportedly imposing a full blackout on internet services in some areas. The September 2015 Supreme Court ruling on the

IRPT also shuttered the party's weekly newspaper and its website, two of the most popular opposition outlets in the country.

The government imposes a number of restrictions on religious freedom. Religious activities are restricted to state-approved houses of prayer. Authorities limit the number of mosques that can function in towns and have undertaken a campaign in recent years to shutter those that lack proper registration. In 2015, Tajikistan continued to prosecute individuals for alleged membership in extremist religious organizations. Christian groups have also reported arbitrary restrictions on their activities, and Jehovah's Witnesses—who have been banned since 2007—are subject to harassment and arrest. In June 2015, the state-controlled Islamic University announced the suspension of its Islamic religious school, which since 2013 had been the only such institution to operate with a license. The closure of IRPT offices, which had served as important civic and religious community centers and provided both religious and secular education services, further closed the space for religious freedom.

Wearing the hijab (headscarf) in schools and universities is not permitted. A 2011 law banned minors from attending regular religious services in mosques and prohibited private religious education, limiting even private discussion of religious topics in the home; many religious leaders criticized the law or quietly refused to obey it. The government exercises significant influence over the administration of education institutions, and security forces are known to engage in extensive surveillance of private communications, often without authorization.

E. Associational and Organizational Rights: 3 / 12

The government limits freedoms of assembly and association. Local government approval is required to hold demonstrations, and officials reportedly refuse to grant permission in many cases and often interfere with the ability of journalists to report on public gatherings.

Nongovernmental organizations (NGOs) must register with the Ministry of Justice and are vulnerable to closure for minor technicalities. In August 2015, Rahmon signed amendments to the Law on Public Associations that compel NGOs to disclose funding from foreign sources to the Ministry of Justice. The legislation requires that foreign funds be logged in a state registry before organizations can access them, and gives the government oversight of operations supported by the funds.

Citizens have the legal right to form and join trade unions and to bargain collectively, but unions are largely subservient to the authorities.

F. Rule of Law: 3 / 16

The judiciary lacks independence. Many judges are poorly trained and inexperienced, and bribery is reportedly widespread. Court proceedings rarely follow the rule of law, and nearly all defendants are found guilty. Police frequently make arbitrary arrests and beat detainees to extract confessions. Overcrowding and disease contribute to often life-

threatening conditions in prisons. In 2015, several lawyers defending arrested IRPT members were themselves arrested, mostly on unrelated spurious charges. In November, the parliament passed controversial amendments introducing a new certification process for the practice of law. The legislation requires all current lawyers as well as those entering the profession to undergo the process and to renew certification every five years, and expands the grounds on which licenses may be denied, barring those who have faced legal charges in the past from practicing law.

Discrimination against ethnic minorities is not a significant problem in Tajikistan. Same-sex sexual conduct is legal, but discrimination, harassment, and violence against LGBT (lesbian, gay, bisexual, and transgender) people are common, and there is no legislation against discrimination based on sexual orientation or gender identity. LGBT people frequently face abuse by security forces.

G. Personal Autonomy and Individual Rights: 4 / 16

Tajikistani citizens can travel freely but must register their permanent residence with local authorities. The authorities require foreign nationals to obtain permission in order to access the Gorno-Badakhshan Autonomous Region, which has in recent years been the site of violent clashes between local forces and the national government. In May 2015, the government announced that it was suspending the issuance of travel permits to the region, which borders Afghanistan, due to escalating security concerns. The right to choose institutions of higher education is formally protected but has been plagued by widespread corruption, and students interested in studying Islamic theology are forbidden from attending schools outside the country without special permission from the state.

The scarcity of economic opportunity has forced many to seek work abroad. Tajikistan ranks near the bottom in global surveys of economic freedom, reflecting a dysfunctional economic environment that impacts everything from peasant farms to large enterprises. By law, all land belongs to the state, which allocates use rights primarily for agricultural purposes in a process plagued by corruption and inefficiency. The government streamlined processes for starting a new business, paying taxes, and obtaining credit in 2014.

Sexual harassment, discrimination, and violence against women, including spousal abuse, are common, but cases are underreported and seldom adequately investigated. Reports indicate that women sometimes face societal pressure to wear headscarves, though official policy discourages the practice. Women are underrepresented at all levels of government.

Despite some government efforts to address human trafficking, Tajikistan remains a source and transit country for persons trafficked for prostitution. Child labor, particularly on cotton farms, also remains a serious problem.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

Full Methodology

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