

# TAJIKISTAN 2014 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Tajikistan is an authoritarian state dominated politically by President Emomali Rahmon and his supporters. The constitution provides for a multi-party political system, but the government obstructed political pluralism. The November 2013 presidential election lacked pluralism and genuine choice and did not meet international standards. Authorities maintained effective control over security forces.

The most significant human rights problems included citizens' inability to change their government through free and fair elections; torture and abuse of detainees and other persons by security forces; repression of political activism; and restrictions on freedoms of expression, press, and the free flow of information, including the repeated blockage of several independent news and social networking websites; and poor religious freedom conditions, as well as violence and discrimination against women.

Other human rights problems included violence and discrimination against women; arbitrary arrest; denial of the right to a fair trial; harsh and life-threatening prison conditions; prohibition of international monitors' access to prisons; limitations on worker rights; and trafficking in persons, including sex and labor trafficking.

Officials in the security services and elsewhere in the government acted with impunity. There were very few prosecutions of government officials for human rights abuses. The courts convicted one official in December 2013 for torture and two officials during the year for abuse of power.

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were several reports that the government or its agents committed arbitrary or unlawful killings. On January 19, Isfara Islamic Revival Party of Tajikistan (IRPT) member Umedjon Todzhiev died in an Isfara prison hospital. In an attempt to escape alleged torture in November 2013, Todzhiev jumped from a third-story window at an Isfara police station after police reportedly tortured him for two days. The coroner's report cited heart failure as the cause of death, although Todzhiev's family and defense lawyer Faizinisso Vohidova claimed that Todzhiev died as a

result of torture during interrogations in the Isfara Ministry of Internal Affairs and subsequent lack of medical care. According to Vohidova the authorities did not take Todzhiev to the hospital until January 4. The Ombudsman's Office told the media on February 7 that the Prosecutor's Office had opened criminal investigations against several police officers in Isfara but did not mention how many officers were charged. Authorities had arrested in Isfara District on October 30 under suspicion of extortion but later charged him with membership in a banned Islamist organization, the Islamic Movement of Uzbekistan. There was no update on the investigations at year's end.

Impunity remained a serious problem. In April the Sughd Regional Prosecutor's Office freed two officers in connection with the 2010 death of Ismonboy Boboey. Authorities had held and released the officers numerous times on suspicion of torturing Boboey prior to his death.

### **b. Disappearance**

There were no reports of politically motivated disappearances during the year. The government did not investigate the politically motivated disappearance of Salimboy Shamsiddion, the head of the Society of Uzbeks in Khatlon Province, who disappeared in March 2013. There was no additional information on this case.

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

The constitution prohibits the use of torture. Although in 2012 the government amended the criminal code to create a separate article defining torture in accordance with international law, there continued to be reports of beatings, torture, and 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.

On January 19, a detainee died as a result of suspected torture while in police custody.

On March 25, officers from the Ministry of Internal Affairs' Department of Combatting Organized Crime (DCOC) arrested Tolib Shodiev for allegedly plotting a terrorist attack against the state-owned aluminum factory, TALCO. Although the law stipulates that law enforcement officers must document all detentions within three hours of the moment of detention, officers did not

document Shodiev's detention until April 1. During his trial Shodiev said that DCOC officers tortured him for seven days until he signed a confession. On August 12, a court convicted Shodiev of banditry, terrorism, and publicly calling for the overthrow of constitutional order and sentenced him to 18 years' imprisonment.

On March 31, Nizomiddin Homidov died in a police station in Vakhsh District, Khatlon region. Local police officers had detained Homidov during the nights of March 30 and 31 on suspicion of theft. Authorities returned his body to relatives on April 1. His father told reporters the body bore traces of torture, including broken ribs and hematomas on the wrists, neck, and back, and he accused police of killing his son. Vakhsh police station representatives countered that Homidov had committed suicide by hanging. The Vakhsh prosecutor's office launched an investigation into the death and instituted criminal proceedings for negligence against Zaynuddin Nazriyev, the officer in charge during Homidov's March 31 detention. The government did not report on the progress of the investigation. On May 6, Vakhdat city police arrested Jamshed Narzulloev and his friends Dzhuma, Alisher, and Said under suspicion of fraud and unlawful deprivation of liberty in relation to a \$3,000 loan Narzulloev made to his acquaintance Kudratullo Nazarov earlier in the year. Narzulloev's lawyer Bobobek Pirov told journalists the defendants had kidnapped and beat Nazarov until Nazarov's friend gave the defendants \$3,000. According to Jamshed Narzulloev's father, Safarali Narzulloev, police tortured the four men to extract confessions. The alleged torture reportedly included pouring boiling water on the suspects, administering electric shocks to their genitals and hands, and beating them. Safarali Narzulloev told reporters that his son's lawyer had seen evidence of torture on his son, and requested a medical examination. The defendants' lawyers failed to raise allegations of torture during the trial, however. The results of the medical exam were never made available to the defendants or their families. Pirov further stated that the medical examination found no evidence of torture on his client.

### **Prison and Detention Center Conditions**

Physical Conditions: The government operated 10 prisons, including one for women, and 12 pretrial detention facilities. Exact conditions in the prisons remained unknown, but 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. It was not known if potable water was available. The Ministry of Internal Affairs' facilities for juvenile boys were generally clean, and a local NGO provided access to a social worker for those held there. Men and women were held separately either in segregated parts of the same facility or in different facilities, but juvenile boys were often held with men. There were 61 juvenile male prisoners and two female juvenile prisoners in the penal system.

Administration: The criminal procedure code provides for fines, suspended sentences, house arrest, and community service as alternatives to imprisonment for nonviolent offenders. There were no known cases of prisoners submitting formal complaints regarding conditions. A governmental Office of the Ombudsman exists, and its ombudsman visited prisons but resolved fewer than 2 percent of complaints filed. There were no ombudsmen specifically mandated to monitor prison conditions. It was unknown if prisoners had access to religious observance.

Independent Monitoring: The Ministry of Justice continued to restrict access to prisons or detention facilities for representatives of the international community. In December 2013 an association of local NGOs, the Coalition Against Torture, concluded a closed institution monitoring agreement with the ombudsman and the Ministry of Internal Affairs. The Coalition Against Torture and the ombudsman successfully conducted planned visits of closed institutions beginning in February, although officials denied Coalition Against Torture monitors access during an unannounced monitoring visit. The International Committee of the Red Cross (ICRC) continued to lack access due to the absence of a prison access agreement with the government. Negotiations stalled following the government's refusal to accept the ICRC's standard conditions for prison visits.

#### **d. Arbitrary Arrest or Detention**

The law does not explicitly prohibit arbitrary arrests, which were common. The law states that police must inform the Prosecutor's Office of an arrest within 12 hours and file charges within 10 days. Few citizens were aware of their right to appeal an arrest, and there were few checks on the power of police and military officers to detain individuals.

#### **Role of the Police and Security Apparatus**

The Ministry of Internal Affairs, Drug Control Agency (DCA), Agency on State Financial Control and the Fight Against Corruption (Anticorruption Agency), State Committee for National Security (GKNB), State Tax Committee, and Customs

Service share civilian law enforcement responsibilities. The Ministry of Internal Affairs primarily is responsible for public order and controls the police. The DCA, Anticorruption Agency, and State Tax Committee have mandates to investigate specific crimes, and they report to the president. The GKNB has responsibility for intelligence, controls the Border Service, and investigates cases linked to alleged extremist political or religious activity, trafficking in persons, and politically sensitive cases. The Customs Service reports directly to the president. The Prosecutor General's Office oversees the criminal investigations that these agencies conduct.

Agency responsibilities overlap significantly, and law enforcement organizations defer to the GKNB. Law enforcement agencies were not effective in investigating organized criminal gangs, because the gangs maintained high-level connections with government officials and security agencies. A tacit understanding within law enforcement communities that certain individuals were untouchable prevented investigations from starting.

Official impunity continued to be a serious problem. While authorities took limited steps to hold perpetrators accountable, reports of torture and mistreatment of prisoners continued, and the culture of impunity and corruption weakened investigations and prosecutions. In some cases during pretrial detention hearings or trials, judges dismissed defendants' allegations of abuse and torture during detention. For example, the investigations into the deaths of Safarali Sangov and Bahromiddin Shodiev, who died in March and October 2011 respectively, lasted for more than two years. In Sangov's case, two police officers were convicted of negligence but were later granted amnesty. In Shodiev's case, a court convicted one officer of negligence and sentenced him to two years' correctional labor. In 2013 courts later awarded Sangov's family compensation of Tajikistan Somoni (TJS) 46,500 (\$9,500) and Shodiev's family, TJS 14,000 (\$2,850). Victims of police abuse may submit a formal complaint in writing to the officer's superior or the Office of the Ombudsman. Most victims reportedly chose to remain silent rather than risk official retaliation. The Office of the Ombudsman made few efforts to respond to complaints about human rights violations and rarely intervened, claiming that the office did not have the power to make statements or recommendations regarding criminal cases.

### **Arrest Procedures and Treatment of Detainees**

According to the law, police may detain an individual up to 12 hours before authorities must file criminal charges. If authorities do not file charges after 12

hours, the individual must be released, but police often did not inform detainees of the arrest charges. If police file criminal charges, they may detain an individual 72 hours 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.

According to the law, family members are allowed access to prisoners after indictment, but officials often denied access to attorneys and family members. The law states that a lawyer is entitled to be present at interrogations at the request of the detainee or lawyer, but in many cases authorities did not permit lawyers timely access to their clients, and initial interrogations occurred without them. Detainees suspected of crimes related to national security or extremism were held for extended periods without being formally charged.

Arbitrary Arrest: The government generally provided a rationale for arrests, but sometimes detainees and civil society groups reported that authorities falsified charges or inflated minor incidents to make politically motivated arrests.

On March 7, the Anticorruption Agency arrested Fakhridin Zokirov, a defense lawyer who had represented businessman and former minister of industry Zaid Saidov, on suspicion of obtaining a large loan under false pretenses (large-scale fraud). Authorities had arrested in May 2013 after he announced his intention to launch a new political party before the November 2013 presidential election. Media reports claimed the arrest of the lawyer was related to his legal defense of Saidov, who a court sentenced to 26 years' imprisonment in December 2013. According to the Anticorruption Agency, lawyer Zokirov used a nonexistent cotton gin as collateral to obtain a TJS 4.75 million (\$970,000) loan from Tojik Sodirov Bank. On July 7, a Dushanbe court extended Zokirov's detention for two months until September 6. His case went to trial on September 9. Authorities released him from detention November 3, under the new amnesty law signed by President Rahmon on October 30.

Two other lawyers who defended former minister Saidov, Shukhrat Qudratov and Iskhok Tabarov, announced on March 3 that they had received threats in connection with a lawsuit they brought against Fattoh Saidov, the head of the Anticorruption Agency. Qudratov told journalists he had received telephone threats on several occasions and noticed strangers surveilling his children. On July 21, the Anticorruption Agency arrested Qudratov, and agency officials forcibly entered and searched his house without a search warrant. Officers seized purported bribe money as material evidence. According to a statement made later that day, the Anticorruption Agency charged Qudratov with bribery, conspiracy to commit a

crime, and complicity in a crime. Legal experts and human rights activists claimed Qudratov's arrest was politically motivated, due to his defense of former minister Saidov and his activities as deputy head of the Social Democratic Party of Tajikistan. Qudratov remained in custody at year's end.

Amnesty International reported in 2012 that arrest procedures allowed for routine arbitrary detention for indefinite periods at the discretion of detaining authorities. Some police and judicial officials regularly accepted bribes in exchange for lenient sentencing or release. Law enforcement officials must request an extension from a judge to detain an individual in pretrial detention after two, six, and 12 months.

Pretrial Detention: Defense advocates alleged that prosecutors often held suspects for lengthy periods and registered the initial arrest only when the suspect was ready to confess. In most cases pretrial detention lasted from one to three months, but it could extend as long as 15 months.

Amnesty: On October 30, President Rahmon signed a new amnesty law that would make prisoners with disabilities, World War II veterans, military deserters, convicts older than 55, women and minors, those suffering from cancer or other serious illnesses, foreign nationals, and participants of political and armed conflicts in Tajikistan eligible for release. The law reportedly does not grant amnesty to those convicted of murder, rape, terrorism, espionage, or treason.

#### **e. Denial of Fair Public Trial**

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

#### **Trial Procedures**

Defendants legally are afforded a presumption of innocence, but they did not enjoy it. The courts found nearly all defendants guilty. During the first six months of the year, there were 14 acquittals in 4,588 cases, of which eight were fully acquitted, and the remaining six received partial acquittals and were convicted of lesser charges. No life sentences were imposed during the first half of the year. A judge who issues verdicts presided over trials.

There is no trial by jury. Courts allowed defendants generally to consult with an attorney in a timely manner during trials but often denied defendants the right to an

attorney during the pretrial and investigatory periods. For example, with the exception of a single confidential meeting with his lawyer in June 2013, a court denied Zaid Saidov access to counsel from his arrest until the start of the trial in September 2013. The government provided attorneys at public expense if requested, but defendants and civil society complained that the government sometimes appointed attorneys as a method to deny defendants' access to the legal counsel of their choice. Defendants and private attorneys said government-appointed attorneys often provided a poor and counterproductive defense. 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. Courts, however, generally gave prosecutorial testimony far greater consideration than defense testimony. In Zaid Saidov's 2013 closed trial, his lawyer reported that the trial included numerous procedural violations and that the judge did not allow Saidov to mount a complete defense. The judge reportedly denied more than 50 trial motions on evidentiary issues raised by the defense. The law extends the rights of defendants in trial procedures to all citizens, and it provides for the right to appeal.

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

Although trials are public, the law provides also for secret trials when there is a national security concern. Civil society members faced difficulties in gaining access to high-profile public cases, which the government often declared secret. During the year the government conducted some politically motivated court cases behind closed doors. For example, authorities reviewed behind closed doors Zaid Saidov's cassation request, appealing the December 2013 verdict that sentenced him to 26 years' imprisonment. In May a court denied the cassation request.

### **Political Prisoners and Detainees**

While authorities claimed there were no political prisoners or politically motivated arrests, opposition parties and local and international observers reported the government selectively arrested and prosecuted political opponents. There was no reliable estimate of the number of political prisoners.



In December 2013 a court found Zaid Saidov, who announced his intention to form a new political opposition party, guilty on five criminal charges and sentenced him to 26 years in prison. Saidov's lawyers reported he received threatening text messages "to stay away from politics" after the announcement of a new political party. The NGO Human Rights Watch reported that Saidov's prosecution was designed to remove a vocal political opponent from the political arena.

On July 30, a Vanj District Court in Gorno-Badakhshon Autonomous Oblast (GBAO) sentenced IRPT regional head Saodatsho Adolatov to five years' imprisonment for incitement of ethnic, racial, regional, or religious enmity. GKNB officials arrested Adolatov on April 15 after they received a letter signed by 30 residents of Yazgulom Village in the GBAO accusing Adolatov of repeatedly insulting his fellow villagers and creating an atmosphere of hatred. On April 16, the IRPT released a statement claiming that authorities orchestrated Adolatov's arrest in order to discredit the IRPT. Adolatov was the second IRPT GBAO regional head authorities have arrested. In 2012 security personnel detained the previous head, Sherik Karamkhudoev, and the Supreme Court convicted him for founding an organized criminal group, organizing mass disorders, and possessing illegal weapons during the 2012 security operation in Khorugh. The court sentenced Karamkhudoev to 14 years' imprisonment in May 2013.

### **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. No separate juvenile justice system exists, although there were some courts that provide a separate room for children linked to the courtroom by video camera.

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

The constitution states that the home is inviolable. With certain exceptions it is illegal to enter the home by force or deprive a person of a home. The law states that police may not enter and search a private home without the approval of a judge. Authorities may carry out searches without 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. Police frequently ignored these laws and infringed on citizens' right to privacy, including personal searches without a warrant.

In June authorities detained Alexander Sodiqov, a Tajik Ph.D. student living in Canada, and charged him with treason while he was conducting research in the GBAO. GKNB officers searched his mother's house on June 17 without a prosecutor's authorization and confiscated Sodiqov's computer and data storage cards.

According to the law, "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 states that only a judge may authorize monitoring of telephone or other communication. Security offices often monitored communications without judicial authorization.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The law provides for freedom of speech and press, but the government restricted these rights. In July the government adopted an amendment to the Law on Emergency Situations that allows the government to limit or prohibit the use of audio/video recording equipment, mobile networks, and internet networks, as well as to monitor and censor mass media to "maintain peace." The law does not clearly define what constitutes an emergency situation. The government did not invoke the law during the year.

Freedom of Speech: The authorities continued to curb freedom of speech through detentions, prosecutions, and the threat of heavy fines. By law a person may be imprisoned for as long as five years for insulting the president.

Press Freedoms: Independent media were active, despite significant and repeated government on media outlets. Although some print media published political commentary and investigatory material critical of the government, journalists observed that authorities considered certain topics off limits, including derogatory information about the president or his family or questions about financial improprieties by those close to the president.

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 allowed some international media to operate freely and permitted rebroadcasts of Russian television and radio programs.

Violence and Harassment: Journalists continued to face harassment and intimidation by government officials. Although the government decriminalized libel in 2012, state officials regularly filed defamation complaints against news outlets in retaliation for publishing stories critical of the government.

On February 25, the Firdavsi District Court found *Asia Plus* newspaper editor Olga Tutubalina and the Asia Plus Media Group liable for insult to honor and moral damages as a result of an article she published in May 2013 that quoted Lenin's 1919 letter to Maxim Gorky saying the intelligentsia were the "excrement" of society. The court ordered the media group and Tutubalina to publish a retraction and pay the three plaintiffs a total of TJS 30,000 (\$6,100) in damages. On April 30, the Dushanbe City Court upheld the district court decision. Tutubalina appealed the decision to the Supreme Court, which upheld the original decision on September 15.

Censorship or Content Restrictions: Journalists regularly practiced self-censorship to avoid retribution from officials. Opposition politicians had limited access to state-run television. The government gave opposition parties minimal broadcast time to express their political views, while the president's party had numerous opportunities to broadcast its messages. Local media providers believed the government tasked a group of state agents specifically with monitoring the internet and flagging any content they believed to be critical of the president or government officials.

Libel Laws/National Security: In 2012 the government repealed the law criminalizing libel and defamation, and the offenses were downgraded to civil violations, although the law retains controversial provisions that make publicly insulting the president an offense punishable by a fine or up to five years in jail. Nevertheless, libel judgments were common, particularly against newspapers critical of the government.

The government exercised some restrictions on the distribution of materials, requiring all newspapers and magazines with circulations exceeding 99 recipients to register with the Ministry of Culture. The government continued to control all major printing presses and the supply of newsprint.

Community radio stations continued to experience registration and licensing problems that prevented them from broadcasting. Independent radio and television stations experienced bureaucratic delays to registration. The government restricted issuance of licenses to new stations, in part through an excessively complex application process. For example, new stations must be licensed by the Commission of the National Committee on Television and Radio, which directly manages national television and radio stations. The government continued to deny the BBC a renewal of its license to broadcast on FM radio.

### **Internet Freedom**

Individuals and groups faced extensive government surveillance of the internet, including e-mails, and they self-censored their views on the internet. According to a 2013 Open Society Institute report, internet penetration was approximately 47 percent.

There were new and continuing government restrictions on access to internet websites, such as Facebook, YouTube, Google, and Google services. The State Communications Service routinely denied involvement in blockage to these sites.

On February 24, Radio Free Europe/Radio Liberty (Radio Ozodi) reported that access to its website had been restricted since February 15. Radio Ozodi representatives claimed the Communications Service had verbally ordered internet service providers (ISPs) to block Radio Ozodi's website. Local media reported that the Communications Service sent a letter to ISPs on February 24, instructing them to block access to the Radio Ozodi website as part of "prophylactic measures." Media experts speculated that the blockage was due to Radio Ozodi's wide coverage of events in Ukraine. Senior Communications Service representatives denied any knowledge of the reasons why the Radio Ozodi website was inaccessible. The website was also inaccessible January 18-22, an event authorities attributed to technical problems.

### **Academic Freedom and Cultural Events**

The Ministry of Education maintained a dress code that bans the hijab in schools. Authorities allowed women wearing a traditional local head covering--a scarf that covered hair but not the neck--to study in schools and universities. Many female students wore the hijab to and from school but removed it upon entering the school building. Parents and school officials appeared tacitly to accept this arrangement. The ministry also maintained its ban on beards for all teachers.

A Ministry of Education directive requires school administrators to inform students of the Law on Parental Responsibility, which bans all persons under age 18 from participating in public religious activities, with the exception of funerals. The law provides that, with written parental consent, minors between the ages of seven and 18 may obtain a religious education during their free time from school and outside the state education curriculum and may worship as part of educational activities at religious institutions.

The government requires all persons studying religion abroad to register with the Committee on Religious Affairs (CRA), Ministry of Education, and Ministry of Foreign Affairs. The law provides criminal penalties for violating restrictions on sending citizens abroad for religious education, preaching and teaching religious doctrines, and establishing ties with religious groups abroad without CRA consent.

The Ministry of Education banned students from attending events sponsored by or conducted for foreign organizations during school hours.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

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

On February 6, approximately 60 Khujand residents, mostly women, gathered in front of the regional office of the electricity monopoly, Barqi Tojik, to protest electricity shortages during a period of severely cold weather. Barqi Tojik officials met with protesters but did not indicate whether they took any actions in response to the protesters' complaint. One Barqi Tojik official told the media that the government could not provide uninterrupted electricity during periods of severe cold. Protesters said they observed that areas where government officials resided did not experience electricity shortages.

### **Freedom of Association**

The constitution protects freedom of association, but the government restricted this right. There were no instances of the government shutting down NGOs, but civil

society organizations reported a noticeable increase in the number and intensity of registration and tax inspections by authorities.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

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

In-country Movement: The law provides for freedom of movement, but the government imposed some restrictions. The government prohibits foreigners, except diplomats and international aid workers, from traveling within a 15-mile zone along the borders with Afghanistan and China in the Khatlon region and the GBAO 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 the GBAO. During periods of unrest in the GBAO, authorities denied foreigners, including those holding permits, access to the region.

Exile: No laws provide for exile, and there were no reports of forced exile. Some government opponents remained in self-imposed exile in Russia.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Nevertheless, the process for making asylum status determinations remained uncertain, and administrative and judicial procedures did not comply with international standards. Although not required by law, government officials required refugees and asylum seekers to obtain a visa and a valid travel document before entering the country. Government officials detained and deported individuals not in possession of a visa without due process.

The government processed asylum applications through the National Refugee Status Determination (RSD) Commission and granted applicants documents to regularize their stay and prevent deportation. Formal notifications of administrative and legal decisions provide little insight into the rationale for

adjudications. In some instances, when denying claimants refugee status, officials cited, in broad terms, a 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 authorities could deny cases if sufficiently high bribes were not paid.

During the first half of the year, the government recognized refugee and asylum seeker status for approximately 5 percent of claimants, compared with 60 percent during the same period the previous year. In its review of cases the RSD commission had found ineligible for refugee status in previous years, the UNHCR determined that 53 cases (236 individuals) met UNHCR refugee standards. The government continued to place significant restrictions on claimants. Officials continued to enforce a law prohibiting asylum seekers and refugees from residing in urban areas. Security officials regularly monitored refugee populations. Asylum seekers and refugees regularly reported to the UNHCR that security officials harassed them, often for allegedly lacking personal identification, and attempted to extort money. Police subjected them to raids if police believed they were residing in prohibited areas.

On May 14, a security services officer (and RSD commission member) stopped an Afghan asylum-seeking couple as they walked along the street. The officer, who was known to the couple, confiscated their mobile telephones and TJS 600 (\$125). The officer told them not to report the incident to authorities or they would face "consequences," which they understood to mean deportation.

During the year the government deported seven asylum seekers and refugees to Afghanistan. The deportees included rejected asylum seekers and refugees with revoked status based on violation of the law prohibiting such persons from residing in urban areas. Most of the cases of revoked status were under appeal in court with the support of the UNHCR. The deportations took place despite the incomplete appeal processes.

In October the Ministry of Foreign Affairs refused to issue exit visas for two mandate refugee families who were slated for relocation to the United States. The ministry requested that the UNHCR provide a written justification of their decision to grant mandate refugee status to the two families, whom the RSD commission had found ineligible for refugee status. At year's end the ministry had not granted exit visas to either family.

The government counted 1,946 registered refugees and an additional 1,898 asylum seekers seeking refugee status. Of these, 97 percent were Afghans. Government statistics also showed Iranian, Iraqi, Pakistani, and Kyrgyz refugees and asylum seekers present in the country. The UNHCR reported increased difficulty working with the government, and in February the government stopped allowing the UNHCR to observe RSD commission meetings.

Although the law stipulates that refugee status be granted for as long as three years, the transfer of refugee processing to the Ministry of Internal Affairs in 2009 resulted in much shorter periods of status being granted.

Employment: An increasing percentage of refugees entering the country did not possess professional backgrounds or job skills, and many faced discrimination by the local population. The requirement to live outside urban areas created additional problems for finding adequate work. While the UNHCR assisted some female refugees by providing vocational job training in skills such as sewing, cooking, and hairdressing, most female refugees remained in the home in accordance with traditional cultures. Most male refugees worked for small enterprises.

Access to Basic Services: Refugees and asylum seekers are legally entitled to education and health services alongside local citizens. The Ministry of Education allowed Afghan parents to send their children to local schools without paying fees. UNHCR partners provided books, school uniforms, and some language classes to these children and also assisted with their medical expenses. The law provides registered refugees with equal access to law enforcement and to the judicial system, although refugees did not always have equal access.

Durable Solutions: The law allows refugees to apply for citizenship after two and one-half years, but in the past the government granted citizenship to very few applicants. During the year the UNHCR did not support any refugee applications for citizenship. Although the government and the UNHCR agreed about local integration of refugees into the general population as a more durable solution to the refugee situation, and the government promised to consider individual refugee cases for citizenship, most of those cases remained pending. The UNHCR reported one case of a refugee gaining a permanent residence permit (refugees are considered temporary residents under domestic law).

## **Stateless Persons**



According to the UNHCR, there were 440 stateless persons registered with the government, although 1,364 persons identified themselves as stateless during the 2010 census. The UNHCR and national and international organizations working on this problem, as well as some local and central authorities dealing with matters of citizenship, believed there could be several thousand undocumented persons in the country. Holders of former Soviet Union passports and those living in the border areas without registration constituted the bulk of those at risk of statelessness.

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

The law provides citizens the ability to change their government through free and fair elections, but the government restricted this right. The president and his supporters continued to dominate the government. The president's political party, the People's Democratic Party of Tajikistan (PDPT), dominated both houses of parliament. PDPT members held most government positions. The president had broad authority, which he exercised throughout the year, to appoint and dismiss officials.

#### **Elections and Political Participation**

Recent Elections: There was a presidential election in November 2013. The Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights Election Observation Mission reported that while the election was peaceful, restrictive candidate registration requirements resulted in a lack of pluralism, meaningful and genuine choice, and debate. The political opposition accused authorities of creating obstacles that prevented the opposition's single candidate, Oynihol Bobonazarova, from successfully registering. OSCE observers noted the campaign lacked the political debate necessary for a competitive campaign environment. The authorities did not provide safeguards against the misuse of state resources. Family, proxy, and multiple voting as well as ballot stuffing were prevalent. The election observation mission criticized the legal framework for vague provisions regarding voter registration, campaigning, and election day procedures.

Political Parties and Political Participation: Eight political parties, including the PDPT, were legally registered. 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. Most members of the country's 97-seat parliament were members of the PDPT, belonged to progovernment parties, or were PDPT-affiliated independents.

The government interfered in the attempts of political parties to organize and conduct their activities.

There were two attacks against senior IRPT leaders during the year. On April 29, approximately 15 unknown assailants attacked IRPT deputy head and Member of Parliament Saidumar Husaini and other IRPT members at the IRPT regional office in Khorugh. The attackers chanted, "There is no place for the IRPT in the GBAO." Husaini and one other IRPT member sustained slight injuries. Husaini told the media that the assailants were mainly employees of the GBAO regional administration, including local police.

On June 10, unknown individuals assaulted IRPT Chair Muhiddin Kabiri during a trip to Kulob to meet with local residents. Approximately 15 men and women threw tomatoes and eggs at Kabiri, accusing the IRPT of provoking the civil war in the 1900s and seeking to destabilize the country. IRPT spokesperson Hikmatullo Sayfullozoda told the media that cars blocked the road so that Kabiri and other party members could not leave the scene of the incident.

Participation of Women and Minorities: Women were underrepresented in decision-making processes at all levels of political institutions. Female representation in all branches of government was less than 30 percent. There were two female ministers but no ministers from minority groups. A deputy prime minister; the minister of labor, migration, and employment; and several deputy ministers were women. In the 63-member lower chamber of parliament, there were nine female members and one minority group member. In the 33-member upper chamber of parliament, there were four women and one member of a minority group. Cultural practices discouraged participation by women in politics, although the government and political parties made efforts to promote their involvement, such as the 1999 presidential decree that mandated every ministry or government institution have a female deputy. Civil society criticized this decree as a barrier to women holding top government positions.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, 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.

Corruption: Corruption in the Education Ministry was systemic. Prospective students were required to pay thousands of somoni in bribes to enter the country's most prestigious universities, and provincial colleges required several hundred somoni. Students often paid additional bribes to receive good examination grades.

Many traffic police officers retained fines they collected for violations. Traffic police posted at regular intervals along roads arbitrarily stopped drivers to ask for bribes. The problem was systemic in part due to the low official wages paid to traffic police. Many traffic police reportedly must pay for their jobs, an expense they tried to recoup by extracting bribes from motorists. In 2013 authorities installed closed-circuit television cameras on several major roads in Dushanbe and justified the installation as an effort to reduce corruption.

The Ministry of Internal Affairs, Anticorruption Agency, and Prosecutor General's Office are responsible for investigating, arresting, and prosecuting suspected 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 Council of Justice reported that during the first half of the year courts convicted two judges of corruption. According to the same report, authorities investigated another judge for suspected corruption. In July the upper house of parliament waived the immunity of a Supreme Economic Court judge, who was subsequently arrested July 17 on charges of bribery.

Both the Ministry of Internal Affairs and the Anticorruption Agency submit cases to the Prosecutor General's Office at the conclusion of their investigations. In some instances the agency collaborated with the Prosecutor General's Office throughout the entire process.

The prosecutor general investigated some cases of suspected corruption by government employees, but the bulk of the cases involved mid- or lower-level officials, and none involved large-scale abuses. There were instances of the Prosecutor General's Office suddenly dropping cases submitted by the Ministry of Internal Affairs or the Anticorruption Agency. According to the agency, the government identified 835 cases of corruption by government officials and dismissed 73 officials for misconduct in the first six months of the year.

Financial Disclosure: Public officials are not subject to financial disclosure laws.

Public Access to Information: Public budgets, particularly those involving major state-owned enterprises, lacked transparency. Although parliament has oversight of the state budget, it passed annual budgets almost without comment despite large, unexplained, and undefined expenses. Each year the government releases a report on budget performance for the previous year that contains numerous details about education, health, and other social sector spending. A considerable amount of government spending, including that for major buildings, parks, and other special projects such as summer residences for the president, occurred off budget.

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

Domestic human rights groups encountered increased difficulty monitoring and reporting on the general human rights situation in the country, although international human rights groups encountered fewer difficulties. Domestic NGOs and journalists were careful to avoid public criticism of the president or other high-ranking officials. Human rights and civil society NGOs faced increasing pressure from the government. Authorities investigated a number of NGOs for alleged registration problems and administrative irregularities.

The United Nations or Other International Bodies: The government generally cooperated with international NGOs. It facilitated visits by high-ranking officials from the United Nations, the OSCE, and other international organizations but continued to deny the ICRC access to prison facilities.

Government Human Rights Bodies: The Office of the Human Rights Ombudsman made very little effort to respond to complaints from the public during the year, and its limited staff and budget further constrained its capacity to do so. The ombudsman's office met with NGOs to discuss specific human rights cases and general human rights problems in the country, but no government action resulted.

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 governmental institutions hampered the office's effectiveness. The procedural code on administrative offenses provided procedural protections to those persons accused of minor offenses.

### **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 there was discrimination against women and persons with disabilities. Trafficking in persons for sexual and labor exploitation remained a problem.

## **Women**

Rape and Domestic Violence: The law prohibits rape, which is punishable by up to 20 years' imprisonment. There was no separate statute for spousal rape. The government did not provide statistics on the number of cases or convictions. Law enforcement officials usually advised women not to file charges but registered cases at the victim's insistence. Most observers believed the majority of cases were unreported because victims wished to avoid humiliation.

Violence against women, including spousal abuse, remained a widespread problem. According to a survey conducted by the National Statistic Committee during the year, 19 percent of women between ages 15 and 49 reported they experienced physical violence since age 15. The highest incidence of domestic violence was reported in Sughd, where 22 percent of women reported suffering domestic violence. The lowest reported level of domestic violence was reported in the Districts of Republican Subordination around Dushanbe, where 13 percent of women reported suffering domestic violence. Women underreported violence against them due to fear of reprisal or inadequate response by police and the judiciary, resulting in virtual impunity for the perpetrators. Authorities wishing to promote traditional gender roles widely dismissed domestic violence as a "family matter." Women and girls were more vulnerable to domestic violence because of early and unregistered marriages.

One police station was fully equipped to work with domestic violence victims. Five stations nationwide were staffed with police officers trained, with OSCE support, to respond to family violence cases and address the needs of victims in a gender-sensitive manner. There are four comprehensive shelters for victims of domestic violence, with support from the OSCE and operated by an NGO in Khujand. In rural areas the government and NGOs operated additional crisis centers and hotlines where women could seek guidance on domestic violence problems and legal assistance, but many centers lacked funding and resources. Local governments donated the premises of three of the shelters. The Committee for Women's Affairs (within the government) had limited resources to assist domestic violence victims, but local committee representatives referred women to the crisis shelters for assistance.

In 2012 the government adopted a law on domestic violence, but it falls short of internationally accepted standards. The Ministry of Internal Affairs lacked the capacity and training to implement the law, although it was working with the international community to increase capacity. In May the government adopted an action plan to implement domestic violence law. The plan calls for law enforcement, court officials, the prosecutor's office, and representatives of relevant government bodies to receive training on their responsibility to combat domestic violence. The plan also calls for greater cooperation between law enforcement officials and local leaders to change societal attitudes towards domestic violence. The government took some steps to collect information on domestic violence, but many cases of domestic abuse went unreported.

Authorities seldom investigated reported cases of domestic violence, and they prosecuted few alleged perpetrators. The Ministry of Internal Affairs is authorized to issue administrative restraining orders, but by law, police cannot act without a written complaint from the victim, even if there were other witnesses. Consequently, police often gave only warnings, short-term detentions, or fines for committing "administrative offenses" in cases of domestic violence.

Physical and psychological abuse of wives by mothers-in-law was widespread. In some rural areas, officials observed a continued trend of female suicide in which independent observers considered such abuse to be a contributing cause.

Female Genital Mutilation/Cutting (FGM/C): There were no reported cases of FGM/C, and no law addresses the issue.

Sexual Harassment: No specific statute banned sexual harassment in the workplace. Victims often did not report incidents because of fear of social stigma. Authorities often perceived sexual harassment as female fabrications. Women reporting sexual harassment faced retaliation from their employers as well as disgrace from their families and communities.

Reproductive Rights: 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; to have the information and means to do so; and to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. Traditional stereotypes prevented women and girls from obtaining information on reproductive health. According to the Ministry of Health, approximately 30 percent of women between ages 15 and 49 used modern forms of

contraception, and skilled personnel attended almost 92 percent of births. The ministry also reported that approximately 93 percent of women received postpartum care.

Discrimination: 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. Employers forced women to work overtime without additional pay. According to the World Bank report, *Women, Business, and the Law 2014*, women and men have equal ownership rights to property, although women owned significantly less property than men. The extensive number of male migrant workers to Russia and other parts of Central Asia, many of whom failed to send remittances or return home, exacerbated economic pressures on women, who had to provide for themselves and their children, and resulted in a significant gender imbalance in the population.

Due to poor employment prospects and family pressure, women often dropped out of school to marry. The law protects women's rights in marriage and family matters, but families often pressured female minors to marry against their will. Religious marriages were common substitutes for civil marriages, due to the high marriage registration fees associated with civil marriages and the power afforded men under religious law. In cases of religious marriages not registered with the government, husbands simply repeated a phrase in front of two witnesses to divorce their wives. Husbands also used these officially unregistered religious marriages to prevent wives from accessing family assets and other rights in the event of divorce. The practice of men divorcing their wives by sending text messages declined after the 2011 Council of Ulema fatwa declared the practice unacceptable.

The 2004 Council of Ulema fatwa (religious edict) prohibiting Hanafi Sunni women from praying in mosques remained in effect. Religious ceremonies also made polygyny possible, despite the illegality of the practice. NGOs estimated that up to 10 percent of men practiced polygyny. Many of these polygynous marriages involved underage brides. Unofficial second and third marriages were increasingly common, with neither the wives nor their children having legal standing or rights.

Inheritance laws do not discriminate against women, although some inheritances passed disproportionately to sons. In addition many men hid their assets with their parents or other family members, so that if divorce occurred, they could claim no

wealth and become exempt from paying child support or other restitution to the former wife.

The Ministry of Internal Affairs supported programs to increase the representation of female officers in law enforcement.

## **Children**

Birth Registration: Children derive citizenship by birth within the country's territory and from their parents. The government is required to register all births. Many parents waited to register a birth until a child was ready to enter school, since birth registration is required to receive public services such as education.

Education: Free and universal public education is compulsory until age 16 or completion of the ninth grade. The UN Children's Fund (UNICEF) reported that school attendance generally was 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. A 2013 foreign assistance study of 165 schools revealed that between 3 and 5 percent of girls in the ninth grade dropped out of compulsory education. Families often invested money in their sons' education rather than their daughters', so that the boys, with a better education, could provide for them and take care of their parents in old age.

A 2009 foreign assistance study found similar dropout rates but noted that dropout rates were higher among women. Specifically, the analysis found a 6.5 percent dropout rate for female students in grades five to nine, compared with 5.5 percent for males. During the last two years of schooling, the dropout rate for female students (8.9 percent) was more than twice the rate of males (4.2 percent).

Child Abuse: The Committee on Women and Family Affairs and regional child rights protection departments are responsible for addressing problems of violence against children. Girls subjected to 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. Funding for and the capacity of such programs were limited. A five-year program for a Girls Support Center ended in its second year due to lack of funding.



Early and Forced Marriage: The legal minimum age for marriage of men and women is 18 years. Under exceptional circumstances, which a judge must determine, such as in the case of pregnancy, a couple may also apply to a court to lower the marriageable age to 17. Underage religious marriage was more widespread in rural areas. Many parents told their daughters to quit school after ninth grade, at which point parents considered their daughters to have obtained sufficient professional skills, such as sewing or cooking, to have a source of income in the future.

The law expressly prohibits forced marriages of girls under age 18 or entering into a marriage contract with a girl under 18. Early marriage carries a prison sentence of up to six months, while forced marriage is punishable by up to five years' imprisonment. In most cases the law punishes underage marriage with a fine. Because couples may not register a marriage where one of the would-be spouses is under age 18, many simply have a local religious leader perform the wedding ceremony. Without a civil registration certificate, the bride has few legal rights.

NGOs claimed that during the year regional ministries of education and schoolteachers were very actively involved in persuading parents not to take their daughters out of school. The NGOs claimed the situation in some rural areas had improved over recent years, and the government partially addressed the problem by requiring mullahs to demand a certificate of civil marriage registration to conduct the religious ceremony; however, this regulation was not effectively enforced, and mullahs conducted religious marriages at unmonitored private ceremonies.

Female Genital Mutilation/Cutting (FGM/C): There were no reports of such practices, and no law addresses it.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and child pornography. Law enforcement bodies investigated cases of commercial sexual exploitation of children, but no statistics were available on the number of prosecutions or convictions. The minimum age of consensual sex is 16 years. There was no data suggesting that children were widely engaged in prostitution. The country was not a destination for child sex tourism.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

## Anti-Semitism

There were no reports of anti-Semitic acts. The small Jewish community had a place of worship and faced no overt pressure from the government or other societal pressures. Emigration to other countries continued.

## Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## Persons with Disabilities

The law on social protection of persons with disabilities applies to individuals having either physical or mental disabilities, including sensory and developmental 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 commit resources to implement the law. It requires government buildings, schools, hospitals, and transportation, including air travel, to be accessible to persons with disabilities, but the government did not enforce these provisions.

Many children with disabilities were not able to attend school because doctors must first deem them “medically fit,” and they were not so considered. Children deemed medically unfit had the chance to attend special state-run schools specifically for persons with physical and mental disabilities. Observers noted that the capacity of these institutions probably did not meet demand. Mainstream schools and state-run schools for persons with physical and mental disabilities use the same curriculum. Doctors decide which subjects students are capable of studying, and directors of state-run schools may change the requirements for students to pass to the next grade at their discretion. Some children with Down syndrome and autism are allowed to attend mainstream schools. Up to 10 percent of families kept children with disabilities at home and provided home education or tutors.

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

There were occasional reports that some law enforcement officials harassed ethnic Afghans and Uzbeks.

## **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

While same-sex sexual conduct is legal in the country, and the age of consent is the same as for heterosexual relationships, the law does not provide legal protection against discrimination. Homophobic attitudes and little societal tolerance toward lesbian, gay, bisexual, and transgender (LGBT) persons made it rare for individuals to disclose their sexual orientation or gender identity. Throughout the country there were reports that LGBT individuals faced physical and psychological abuse, including from police.

There is no law against discrimination based on sexual orientation or gender identity, and LGBT persons were victims of police harassment and faced threats of public beatings by community members. Public activism on behalf of LGBT persons was limited. LGBT representatives claimed law enforcement officials extorted money from LGBT persons by threatening to tell their employers or families of their activities. Hate crimes against members of the LGBT community reportedly went unaddressed. LGBT representatives claimed health-care providers discriminated against and harassed LGBT persons.

On June 5, Minister of Internal Affairs Ramazon Rahimzoda announced that individuals detained for immoral crimes or who have venereal diseases would have their names, photos, and fingerprints entered into a special electronic database. There is no legal definition of “immoral crimes,” but subsequent detentions focused on suspected violators of a legal provision regarding the organization or maintenance of brothels, procuring, or pimping. In the first two weeks of June, law enforcement officers detained more than 500 individuals for “immoral behavior,” including suspected sex workers and those suspected of being LGBT persons. Police subjected these individuals to forced HIV and sexually transmitted disease testing, an illegal activity. On June 12, a Ministry of Internal Affairs representative told reporters that, as part of these arrests, police had detained three individuals for “homosexual conduct,” although the law does not outlaw homosexuality. On June 18, 30 local and international NGOs jointly wrote

Rahimzoda to express concern that authorities denied the detainees access to a lawyer and taunted, assaulted, and blackmailed them.

On February 7, the head of the Council of Ulema and head Hanafi Sunni cleric Saidmukarram Abduqodirzoda told Muslims during Friday prayers at the Dushanbe Grand Mosque to shun LGBT persons and exhorted them to teach their children to avoid such “sinful behavior.” Mullahs in other mosques also delivered sermons against homosexuality on February 7 in response to a request by the Committee on Religious Affairs that clerics discuss “nontraditional sexual relations” in their sermons.

It was difficult for transgender persons to obtain new official documents from the government. The law allows for changing gender in identity papers if a medical organization provides an authorized document. Because a document of this form does not exist, it was very difficult for transgender persons to change their legal identity to match their gender. This created internal problems involving anything requiring government identification and could prevent persons from traveling abroad, since they could not obtain a new passport.

### **HIV and AIDS Social Stigma**

There was societal discrimination against individuals with HIV/AIDS. According to a demographic and health survey conducted during the year, 72.9 percent of individuals reported discriminatory attitudes towards those with HIV. In March, President Rahmon signed legal amendments to the law on entry, stay, and residence for persons living with HIV in the country. The amendments remove mandatory HIV testing for foreigners, thereby eliminating all HIV-related restrictions on entry, stay, and residence.

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.

Women were increasingly vulnerable to HIV infection because of social taboos on discussion of sex education topics and popular sentiment against the use of condoms. Women remained a minority of those infected with HIV, although their incidence of infection was increasing. The government’s National Center on HIV, under the Ministry of Health, detected 602 cases of HIV infection during the first

half of the year. There were 6,152 officially registered cases of HIV in the country, 4,340 of which involved men.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right to form and join independent unions but requires registration for all NGOs, including trade unions. The law also provides that union activities be free from interference except “in cases specified by law,” but the law does not define such cases. Workers have the right to strike, but the law 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 it does not specifically prohibit antiunion discrimination.

Workers joined unions, but 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 International Labor Organization figures, 1.2 million persons belonged to unions, approximately 54 percent of the active work force. There were no reports of antiunion discrimination during the year.

Citizens were reluctant to strike due to fear of government retaliation. Collective bargaining contracts covered 90 percent of workers. In some cases foreign, specifically Chinese, workers received preferable treatment to local workers in labor disputes.

The government fully controls trade unions and other labor unions. There were no reports of threats or violence by government entities towards trade unions; however, fearing government retaliation, unions made only limited demands regarding workers’ rights. Most workers’ grievances were resolved with union mediation between employee and employer.

On March 3, according to media reports, local workers repairing the Vose-Khovaling road in the Kulob region went on a three-day strike. Workers stated the Chinese company Sinohydro failed to fulfill promises to increase workers’ wages.

The media reported that the Ministry of Transportation would discuss the issue with the company. No further updates on the case were available at year's end.

Labor NGOs not designated as labor organizations played a minimal role in worker rights

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, including that of children, except in cases defined in law. Resources, inspections, and remediation were inadequate. The law prohibits both forced sexual exploitation and forced labor; it prescribes penalties of five to 15 years' imprisonment. These penalties were sufficiently stringent and commensurate with other serious crimes, such as rape. The government investigated and prosecuted four trafficking cases, convicted one offender, and sentenced another during the year. The government continued to make progress in reducing the use of forced labor in the annual cotton harvest. NGO representatives did not monitor the cotton harvest due to lack of funding. In past years the government appointed a Ministry of Labor official to accompany the International Organization for Migration (IOM) representatives during the fall cotton harvest to meet local officials in cotton-growing districts and to reinforce the prohibition on forced child labor.

On July 21, the Khujand City Court convicted two women of human trafficking, sentencing one to eight years' imprisonment and the other to nine years' imprisonment. The two women had attempted to traffic young women to the United Arab Emirates. In conjunction with these cases, the court convicted a third person and sentenced her to one year of imprisonment.

See also the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

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

Enforcement of child labor laws is the responsibility of the Prosecutor General's Office, Ministry of Justice, Ministry of Social Welfare, Ministry of Internal Affairs, 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. There were few reports of violations because most children worked under the family assistance exception.

The government enforced labor laws and worked with the IOM to prevent the use of forced child labor in the autumn cotton harvest. Nevertheless, there were isolated reports that some children were exploited in agriculture. The overall instances of forced child labor in the cotton harvest decreased dramatically, and the 2013 IOM annual assessment showed local or national government authorities responded to most cases. The government levied nine fines against employers using child labor and collected a total of TJS 7,200 (\$1,470) from violators.

The Interministerial Commission to Combat Trafficking in Persons disseminated a directive to local officials reiterating existing prohibitions. The government accredited NGOs working through the 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 law's prohibition against forced child labor. Site visits by foreign diplomats confirmed the monitors' observations that government efforts resulted in a significant reduction in the use of forced child labor.

#### **d. Discrimination with Respect to Employment or Occupation**

The law and regulations prohibit discrimination based on race, sex, gender, disability, language, sexual orientation, gender identity, HIV-positive status, other communicable diseases, or social status. There were no official complaints of such discrimination with respect to employment and occupation. Nevertheless, employers discriminated against individuals based on sexual orientation and HIV-positive status, and police generally did not enforce these laws. LGBT persons and HIV-positive individuals opted not to file complaints due to fear of harassment from law enforcement and the belief that police would not take action.

#### **e. Acceptable Conditions of Work**

The minimum monthly wage was TJS 250 (\$50), and the minimum monthly pension was TJS 130 (\$26).

Some establishments compensated their employees with food commodities or enterprise-produced products, which employees either sold or bartered in local markets. As of August the government defined the minimum standard of living as a basket of goods equal to TJS 153.5 (\$31) per month. The government did not have a formal poverty line.

There is no legal prohibition on excessive compulsory overtime. The law mandates overtime payment, with the first two hours paid at a time-and-a-half rate and the remainder at double the rate. Resources, inspections, and remediation to enforce the law were inadequate. Penalties for violations, including fines of TJS 800 to TJS 1,200 (\$163 to \$250) were adequate, but the regulation was not enforced, and the government did not pay its employees for overtime work. 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.

The law establishes relatively strict occupational health and safety standards. It permits workers to remove themselves from hazardous conditions without risking loss of employment. The State Technical Supervision Committee under the Council of Ministers is responsible for enforcing health and safety standards. The government did not fully comply with these standards, partly because of corruption and the low salaries paid to inspectors. Few workers removed themselves from hazardous conditions.

Farmers and agricultural workers, accounting for more than 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 received payment in kind. The government's failure to implement comprehensive property and land usage reforms continued to limit its ability to protect agricultural workers' rights.