

TAJIKISTAN 2021 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Tajikistan is an authoritarian state dominated politically since 1992 by President Emomali Rahmon and his supporters. The constitution provides for a multiparty political system, but the government has historically obstructed political pluralism. Constitutional amendments approved in a 2016 national referendum outlawed religious-affiliated political parties and abolished presidential term limits for the “leader of the nation,” a title that has only been held by the incumbent, allowing President Rahmon to further solidify his rule. Rustam Emomali, the 34-year-old mayor of the capital, Dushanbe, and eldest son of President Rahmon, became speaker of the Majlisi Milli, the upper house of parliament, in April 2020, placing him next in line for succession. March 2020 parliamentary elections and the October 2020 presidential election were neither free nor fair.

The Ministry of Internal Affairs, Drug Control Agency, Agency on State Financial Control and the Fight against Corruption (Anticorruption Agency), State Committee for National Security, State Tax Committee, and Customs Service share civilian law enforcement responsibilities. The Ministry of Internal Affairs is primarily responsible for public order and manages the police. The Drug Control Agency, Anticorruption Agency, and State Tax Committee have mandates to investigate specific crimes and report to the president. The State Committee for National Security is responsible for intelligence gathering, controls the Border Service, and investigates cases linked to alleged extremist political or religious activity, trafficking in persons, and politically sensitive cases. All law enforcement agencies and the Customs Service report directly to the president. Agency responsibilities overlap significantly, and law enforcement organizations defer to the State Committee for National Security. Civilian authorities only partially maintained control over the security forces. There were credible reports that members of the security forces committed numerous abuses.

Significant human rights issues included credible reports of: forced disappearances on behalf of the government; torture and abuse of detainees by security forces; harsh and life-threatening prison conditions; arbitrary arrest and

detention; political prisoners; politically motivated reprisals against individuals in another country, including kidnappings or violence; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; punishment of family members for offenses allegedly committed by an individual; serious restrictions on free expression and media, including violence or threats of violence against journalists, censorship, and the existence of criminal libel laws; serious restrictions on internet freedom; substantial interference with the freedom of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental and civil society organizations; particularly severe restrictions of religious freedom; significant restrictions on freedom of movement; inability of citizens to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government corruption; serious government restrictions on and harassment of domestic and international human rights organizations; lack of investigation of and accountability for gender-based violence; crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; and forced labor.

There were very few prosecutions of government officials for human rights abuses or for corruption. Officials in the security services and elsewhere in the government mostly acted with impunity.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several reports that the government or its agents committed arbitrary or unlawful killings during the year.

On April 10, Muhridin Gadozoda died in the police department in Vahdat District. In its official statement the Ministry of Internal Affairs announced that Gadozoda jumped from a third-floor window and was promptly taken to a local hospital where he died from his injuries. Gadozoda's relatives dispute this account. They said that Gadozoda was summoned to the police department and his body was handed over to this family later that day. They alleged his body did not

show any signs of broken bones but showed clear signs of torture. The Ministry of Internal Affairs has not responded to the family's claims.

b. Disappearance

There were several reports of disappearances by or on behalf of government authorities. The government took no action this year in response to the preliminary findings of the UN Working Group on Enforced or Involuntary Disappearances, which visited the country in 2019 for a general inspection. Following its visit, the Working Group noted "little interest" on the part of the government in addressing violations, including enforced disappearances that occurred during the 1992-97 civil war, and noted reports of some political opponents whose whereabouts were still unknown after being forcibly returned to the country.

In January, 16 Tajik citizens were detained after returning from Moldova. On January 11, representatives from Moldova's Ministry of Internal Affairs said the citizens were accused of violating Moldova's immigration laws and decided to return voluntarily to Tajikistan. The 16 individuals have not been seen since their return.

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

The constitution prohibits the use of torture, although the government amended the criminal code in 2012 to add a separate article to define torture in accordance with international law. According to the 2019 UN Human Rights Committee (OHCHR) concluding observations, there were reports of beatings, torture, and other forms of coercion to extract confessions during interrogations. While authorities took some limited steps to hold perpetrators accountable, reports of torture and mistreatment of prisoners continued, and a culture of impunity and corruption weakened investigations and prosecutions. In some cases judges dismissed defendants' allegations of abuse during their pretrial detention hearings or trials. Officials did not grant sufficient access to information to allow human rights organizations to investigate claims of torture.

During the first six months of the year, the Coalition against Torture and Impunity

(CAT), a group of local nongovernmental organizations (NGO), documented 14 new cases of mistreatment with some victims alleging severe physical abuse. Of these complaints, 11 were against the Ministry of Internal Affairs.

On March 16, the Military Court of Dushanbe ordered the Ministry of Internal Affairs and the State Committee for National Security to pay the family of Komil Khojanazarov, who committed suicide after being tortured by officers of security agencies in 2017, compensation in the amount of 5,000 somoni (\$444).

Khojanazarov, arrested in 2017 for his involvement with the banned Islamic Renaissance Party of Tajikistan (IRPT), recorded a video message in August of that year, saying that he was tortured by police and national security officers during his arrest and subsequent detention. Gulmira Khotamova, Khojanazarov's wife, filed a lawsuit against the Ministry of Internal Affairs and the State Committee for National Security in December 2020 and demanded compensation in the amount of 280,000 somoni (\$24,889). The CAT said that the amount of compensation awarded by the military court is negligible and does not correspond to the harm caused to his family.

On April 6, Imomali Idibegov, a labor migrant who allegedly pledged alliance to ISIS via social media while living in Russia from 2015-17, was arrested and subsequently confessed his affiliation with ISIS on national television. In an interview with RFE/RL's Tajik language news outlet *Radio Ozodi*, Dilbar Ghanieva, Idibegov's wife, alleged that his confession was given under duress. She said she was summoned to the police department the week after her husband's arrest and that police used the threat of her detention to coerce her husband into a confession. Dushanbe police said Russian authorities opened a criminal case against Idibegov on charges of terrorism, and his name is on a wanted list.

Prison and Detention Center Conditions

Prison conditions were harsh and life-threatening due to food shortages, gross overcrowding, physical abuse, and inadequate sanitary conditions. In October, 40 inmates in a newly constructed prison just outside of Dushanbe were in critical condition after drinking contaminated water from a cistern that prison officials

allegedly knew was not fully functional.

Physical Conditions: As of August, the total official prison population was approximately 8,000 but is almost certainly much larger. As a part of the country's 30th anniversary of independence celebrations in September, the government announced a "Golden Amnesty" in which 16,000 prisoners reportedly were released.

Gross overcrowding was a problem, with almost all prisons exceeding their maximum population limits. Access and quality of food, potable water, sanitation, heating, ventilation, lighting, and medical care are inadequate, with almost all prisoners needing supplemental food brought by relatives and friends for survival. Men and women are held in separate facilities with no known differences in prison conditions. On July 13, the Ministry of Justice reported that in the first half of the year, 41 prisoners died from various diseases. The ministry reported that within the prison population, there were 213 HIV-positive inmates, 85 inmates with tuberculosis, and 244 drug-addicted inmates. On September 8, the penitentiary system health department reported that 7,959 prisoners had received one dose of the COVID-19 vaccine and 2,700 had received both doses.

Penal Reform International, an organization conducting prison reform work with regional representation out of Kazakhstan, in a 2019 report described the conditions in the women's prison as frigid in the winter, with only intermittent electricity and heat, and insufficient food for inmates and staff. Disease and hunger were serious problems. The 2019 OHCHR concluding observations found concerning levels of tuberculosis and HIV in prisons. Authorities often held juvenile boys with adult men.

Administration: The Office of the Ombudsman conducted prison visits throughout the year but resolved fewer than 2 percent of complaints filed related to torture or other abuse. NGOs reported mistrust of the ombudsman due to the office's loyalty to the president and frequent dismissal of human rights concerns.

Independent Monitoring: The Ministry of Justice continued to restrict access to prisons or detention facilities for representatives of the international community. Since 2004 the International Committee of the Red Cross has not had access to

prisons due to the absence of an agreement with the government. The UN Office on Drugs and Crime visited several prisons during the year as a part of a program to identify best practices for the detention of foreign terrorist fighters.

d. Arbitrary Arrest or Detention

Arbitrary arrests were common, and the law does not prohibit the practice. The law states that police must prepare a detention report and inform the prosecutor's office of an arrest within 12 hours and file charges within 10 days. The law provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court but use of this provision was limited. 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. Human rights activists reported incidents of forced military conscription, including of persons who should have been exempted from service.

The 14-year-old son of Mahmadzarif Saidov, a member of the Islamic Renaissance Party of Tajikistan (IRPT), continues to be held by court order at a school for children who "engage in misconduct" and has not been allowed to see his family since his original entry to the school in November 2019. Saidov's son is one of 10 teenagers and young adults who returned to the country from a Bangladeshi madrassa in 2019. The Ministry of Education and Science said the teenagers did not go to high school and must stay in the school so they can adapt to normal life in the country. Saidov, who currently lives in Europe, said his son is essentially being held hostage.

Arrest Procedures and Treatment of Detainees

The law provides that police may detain a suspect for up to 12 hours before authorities must decide whether to open a criminal case against the individual. 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 even if ones were filed. If police file criminal charges, they may detain an individual for 72 hours before they must present their charges to a judge for an indictment hearing. Judges are empowered to order detention, house arrest, or bail pending trial.

According to law family members are allowed access to prisoners after indictment,

but prisoners are often denied access to visitors. 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 detainees and civil society groups frequently reported that authorities falsified charges or inflated minor incidents to make politically motivated arrests. According to Human Rights Watch, the country has arbitrarily detained and imprisoned more than 150 individuals on politically motivated charges since 2015.

The Minister of Internal Affairs reported that 143 individuals were arrested in the first six months of the year on charges of membership in banned, terrorist, or extremist organizations. According to the ministry, 23 of those arrested are members of opposition-affiliated organizations such as Group 24, IRPT, and the National Alliance of Tajikistan.

In December 2020 Zulfikor Odinaev, nephew of the imprisoned Social Democratic Party of Tajikistan (SDPT) Deputy Chairman Mahmurod Odinaev, was released from a temporary detention center in Hissor after spending 15 days there on charges of “hooliganism,” media reported. Zulfikor’s relatives told reporters no formal charges were brought against him, he was not provided with a lawyer, and he was banned from speaking to the media while in detention. Odinaev has declined to release any public statements since his release.

On April 21, the State Committee for National Security (GKNB) arrested five residents of Vahdat city and Dushanbe’s Rudaki district on suspicion of association with the Salafi movement, which is banned in the country. Relatives of the detained individuals denied the allegations. One of the detainees was Abdulhaq Obidov, imam and *khatib* (prayer leader) of the Imomi Azam mosque in Shohmansur district of Dushanbe. The Committee on Religious Affairs denied reports in opposition media based abroad that Obidov’s arrest was connected to his April 21 eulogy in honor of the late Domullo Hikmatullo Tojikobodi. In his eulogy, Obidov reportedly referred to Tojikobodi as one of the “great leaders” of

the country, which was interpreted as calling into question President Rahmon's title of "leader of the nation."

Abdumajid Rizoiev, a well known lawyer, was sentenced on June 14 to five and a half years in prison on extremism charges stemming from his Facebook posts that had "indirect calls to extremism." Many experts believe his arrest was related to his work defending Dushanbe residents from forced evictions during the city's redevelopment.

Pretrial Detention: Defense lawyers 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 could extend as long as 15 months. Law enforcement officials must request an extension from a judge to detain an individual in pretrial detention after two, six, and 12 months. According to the OHCHR concluding observations, authorities tortured defendants in pretrial detention in attempts to extract confessions.

Detainee's Ability to Challenge Lawfulness of Detention before a Court:

Persons arrested or detained, regardless of charge, are entitled to challenge in court the legal basis of their detention. Despite such rights to challenge detention, a decrease in the number of lawyers licensed to take on criminal cases and the general apprehension with which lawyers take on sensitive cases limited the exercise of this right for those arrested on charges suspected to be politically motivated.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the executive branch exerted pressure on prosecutors, defense lawyers, and judges. Corruption and inefficiency were significant problems. According to numerous observers, police and judicial officials regularly accepted bribes in exchange for lenient sentencing or release. During a research mission on the independence of the judiciary in May 2020, the International Commission of Jurists noted that judicial decisions are rarely provided to the public and are typically given only to the proceedings'

participants.

Trial Procedures

The law provides for the right to a fair and public trial, and for the presumption of innocence by defendants, but these guarantees often were not honored in practice. Approximately 99 percent of defendants were eventually found guilty. The International Commission of Jurists noted acquittals were extremely rare. The government labeled most human rights-related cases as sensitive, allowing them to hold trials in a classified setting. Access to courts was a serious issue throughout the year.

Although the law requires that defendants be informed of the criminal charges against them within 10 days, in practice they were not always promptly informed or granted a trial without undue delay. Courts generally allowed defendants to be present at their trial and to consult with an attorney during the trial, but defendants often were denied access to an attorney during the pretrial and investigatory periods, particularly in politically sensitive cases. Authorities continued to file politically motivated criminal charges against some defense lawyers to obstruct detained political opposition figures' access to legal counsel and to dissuade other lawyers from taking on similar cases.

The government provides attorneys at public expense when requested, but defendants and civil society members complained that the government sometimes appointed attorneys 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. The number of lawyers accepting criminal defense cases in the country was little more than 500. International observers found many criminal cases in which defendants did not have legal representation. Criminal defendants enjoy the legal right to prepare their defense, but this right was often infringed.

Defendants may present witnesses and evidence at trial with the consent of the judge. Defendants and attorneys have the right to confront and question witnesses and to present evidence and testimony. Courts provide interpreters for defendants who do not speak Tajik, the official language used for court hearings. No groups

are barred from testifying and, in principle, all testimony receives equal consideration. Local legislation allows criminal defendants not to be compelled to testify or confess guilt. Defendants also have 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 most trials were public, the law also provides for secret trials when there is a national security concern. Cases including a charge of “extremism” are considered to fall under this category, making most trials of human rights activists closed to the public. Civil society members faced difficulties in gaining access to high-profile public cases, which the government often declared secret.

On April 9, the Supreme Court issued its verdict in the high-profile case of more than 100 alleged Muslim Brotherhood members, a trial that had been continuing behind closed doors since July 2020. *Radio Ozodi* reported that according to a source close to the trial, the court found the suspects guilty of financing crimes of a terrorist nature and making public calls to carry out extremist activities, and membership in an extremist organization. According to the source, the court identified Egyptian national Muhammad Bayumi, a professor at Tajik National University, as the leader of the group and sentenced him to 23 years in prison. A second Egyptian citizen, a professor of Arabic at the same university, received a seven-year sentence, while Ismoil Qahhorov, from a prominent Tajik religious and political family, received a 15 years’ sentence.

Political Prisoners and Detainees

Opposition parties and local and international observers reported the government selectively arrested and prosecuted political opponents. Although there was no reliable estimate of the number of political prisoners, in 2018, the most recent year from which data is available, the government reported 239 prisoners who were members of banned political parties or movements. The government did not permit access to political prisoners by human rights or humanitarian organizations.

On January 28, a Rudaki District court sentenced deputy chairman of the opposition Social Democratic Party of Tajikistan (SDPT) Mahmurod Odinaev to 14 years in prison on charges of hooliganism and public calls for extremist activity.

The judge, Saikabir Jalilzoda, cited Odinaev's social media postings as evidence that he "incited" the public to extremism. According to *Radio Ozodi*, Odinaev denied the accusations throughout the trial and said the verdict had convinced him there was no justice in the country. Shortly before the sentencing, Odinaev told a reporter that authorities tried to coerce him into testifying against SDPT Leader Rahmatillo Zoirov. Relatives had previously alleged to *Radio Ozodi* that authorities tortured Odinaev during pretrial detention and that he suffered damage to his spine. In October authorities reduced Odinaev's 14-year sentence by three years despite his refusal to submit a formal request, as part of the prisoner amnesty marking 30 years of independence.

Politically Motivated Reprisal against Individuals Located Outside the Country

The government pursued the forced return of citizens including through harassment, threats of violence, and the misuse of international law enforcement tools.

Extraterritorial Killing, Kidnapping, Forced Returns, or Other Violence or Threats of Violence: On March 27, police detained Izzat Amon (Izzatullo Kholov), head of the Center for Tajiks in Moscow, at the Dushanbe airport after he was deported from Russia for allegedly violating Russian immigration law. Officially, he was charged with fraud in the amount of more than \$9,000. According to the General Prosecutor's Office, 12 individuals wrote complaints against Amon and claimed that in the period from 2014 to 2020 they paid him for services that were never rendered. After his March arrest, he was held in pretrial detention at the request of the courts. On October 19, Dushanbe City Court sentenced Amon to nine years in prison. Activists and supporters of Amon assert that he is being punished for his criticism of the country's government, particularly on the issue of labor rights. On March 25, the day of his deportation from Russia, Amon published a prerecorded video on his YouTube channel claiming that he could be imprisoned for criticizing the authorities. He further explained that he had been a Russian citizen since 1996, but his passport had been cancelled, paving the way for his deportation.

Threats, Harassment, Surveillance, and Coercion: Bakhtovar Jumaev, a

Moscow-based Tajik lawyer, reportedly was pursued by Tajik authorities in Russia. On June 24, Jumaev told Radio Ozodi that his father had been informed by the Panjakent Organized Crime Department that they had opened criminal proceedings against Jumaev for inciting “extremist activity,” but did not include specifics. Jumaev, who said his family had previously received calls demanding his return, left Russia for a third country after he received credible information that Russian authorities planned to deport him.

Misuse of International Law-enforcement Tools: During the year, there were credible reports of misuse of international law enforcement tools, such as law enforcement systems (for example, INTERPOL red notices), for politically motivated reprisals against specific individuals located outside the country. The government used INTERPOL notices in attempts to locate and forcibly repatriate dissidents targeted by the government. The Central Bank keeps a public list of more than 2,400 names of suspected terrorists as defined by authorities. The list also includes names of opposition journalists and activists. According to an RFE/RL report from October 2019, six journalists and opposition activists living in self-exile in Europe publicly demanded the bank remove their names from the list. Other dissidents were frequently harassed or detained on politically motivated charges of extremism. As of July, the government had placed 72 Muslim Brotherhood members on the international wanted list.

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 provided a separate room for children linked to the courtroom by video camera. Individuals or organizations may seek civil remedies for human rights violations through domestic courts or through administrative mechanisms.

Property Seizure and Restitution

In December 2020 Guldasta Salimova, widow of Junaidullo Umarov, a commander in the Union of Opposition Forces of Tajikistan during the civil war who died in an alleged coup attempt in 2015, told *Radio Ozodi* that the authorities

seized her home, an action believed to be politically motivated. In a letter from the State Committee for Investments and State Property Management of Tajikistan sent to the Rudaki district court in March 2020, the committee said that the house is the property of Umarov, meaning Salimova and her children are illegally occupying the house. The authorities say that they confiscated Umarov's house in the village of Nilkon, in the Rudaki District, by court order. Salimova, however, said that her house was registered in 1961 in her mother's name, that she inherited the house from her, and the house never belonged to her husband.

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

While the constitution and laws generally prohibit many of these actions, there were numerous reports that the government failed to respect these prohibitions.

The constitution states the home is inviolable. With certain exceptions, it is illegal to enter a home by force or deprive a person of a home. The law states 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. The law states courts must be notified of such searches within 24 hours. Police frequently ignored these laws and infringed on citizens' right to privacy, including conducting personal searches without a warrant.

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 only a judge may authorize monitoring of telephone or other communication. Security offices often monitored communications, such as social media and telephone calls, without judicial authorization.

According to the law, government authorities can punish family members for offenses committed by their relatives, such as if an underage child commits an offense. There were continuing reports that relatives of perceived government

critics in exile were harassed or targeted by local authorities inside the country.

On April 2, Fayzabad District Court sentenced in absentia Saymuddin Dustov, the former editorial head of the newspaper *Nigoh* and founder of the news agency *TojNews* who currently resides in Poland, to seven years of imprisonment for “public calls to carry out extremist activities and justification of extremism.”

Dustov’s 72-year-old father and four neighbours were taken from their homes to the Fayzabad District Court to witness the trial and were forced to hand over their mobile phones. After the hearing Dustov’s father reportedly talked to the judge in private and the judge reportedly said that all the charges against Dustov would be dropped if Dustov returned to the country. Law enforcement officials also reportedly threatened that Dustov’s younger brothers would face criminal charges unless Dustov returned to the country.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of speech, including for the press and other media, but the government restricted these rights.

Freedom of Expression: Authorities continued to curb freedom of speech through detentions, prosecutions, the threat of heavy fines, the passage of strict and overreaching slander legislation, and the forced closure of media outlets.

Freedom of Expression for Members of the Press and Other Media, Including Online Media: Independent media faced significant and repeated government threats. Although some media published political commentary and investigatory material critical of the government, journalists observed that authorities considered certain topics off limits, including, among other matters, questions regarding financial improprieties of those close to the president or content regarding banned groups such as IRPT and Group 24.

The government controlled most broadcasting transmission facilities. The government’s guidelines state that the government has the right to “regulate and control the content of all television and radio networks regardless of their type of

ownership.”

Private broadcasters are prohibited from entering into cooperation agreements with foreign media and publishing their materials without the State Committee’s approval. Additionally, private broadcasters are required to involve state media in all commercial projects that generate income. Failure to comply with these regulations can result in the outlet losing its broadcasting license.

Violence and Harassment: Journalists continued to face harassment and intimidation by government officials. On May 24, Sadullo Khudoyorov, younger brother of the prominent blogger Junaidullo Khudoyorov, was beaten at a central park in the Rasht District, allegedly by four park employees. He was hospitalized and underwent jaw surgery because of his injuries. The Ministry of Internal Affairs for the Rasht district said in a June 4 interview with *Radio Ozodi* that a criminal case was initiated against the perpetrators under charges of hooliganism. Later that month the ministry brought identical charges against Sadullo Khudoyorov himself, saying that he verbally abused his attackers with obscenities. Junaidillo Khudoyorov said the harassment of his brother is another example of continued pressure against his family to impact his reporting. On August 25, the Rasht District Court ruled that Ashraf Orzuev, the owner of a restaurant in the park, was fined 7,500 somoni (\$667) in compensation to Sadullo Khudoyorov for his injuries and then was required to pay an additional 30,000 somoni fine (\$2,667).

Censorship or Content Restrictions: Journalists regularly practiced self-censorship to avoid retribution from officials, according to media reports and journalists. Opposition politicians had no 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.

In May media reported that new government regulations require television and radio editorial offices to clear the texts of their reports in foreign languages, including Russian, with the leadership of the State Television and Radio

Broadcasting Committee to ensure they comport with state policy.

Newspaper publishers reported the government exercised 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. Independent community radio stations continued to experience registration and licensing delays that prevented them from broadcasting. The government restricted issuance of licenses to new stations, in part through an application process described as excessively complex. The National Committee on Television and Radio, a government organization that directly manages television and radio stations in the country, must approve and then provide licenses to new stations. The government continued to deny the BBC a renewal of its license to broadcast on FM radio.

Libel/Slander Laws: The law criminalizes public insult or slander, including on the internet, against the president. An offense can be punished by up to five years in prison.

National Security: Authorities frequently cited laws against terrorism or protecting national security to arrest and punish critics of the government and to deter criticism of government policies and officials.

Internet Freedom

Individuals and groups faced extensive government surveillance of internet activity, including emails, and often self-censored their views while posting on the internet. Authorities blocked some critical websites and news portals, using temporary blackouts of all internet services and messaging to suppress criticism. According to Human Rights Watch, authorities periodically cut access to mobile and messaging services when critical statements about the president, his family, or the government appeared online.

Opposition news agencies and websites located outside the country remained blocked by the government. The State Communications Service, the official communications regulator, routinely denied involvement in blocking these sites, but the government admitted to periodically implementing a law that allows

interruption of internet content and telecommunications “in the interest of national security.” The GKNB has legal authority to shut off internet and telecommunications during security operations.

In response to the November 25-28 unrest in the autonomous Gorno-Badakhshon Region (GBAO) the government imposed an internet blackout. While the government reportedly promised to restore service during negotiations with protesters, press reports indicated that 10 days after protests ended in the region internet access remained spotty. Many citizens who had been able to access the internet through mobile providers indicated that the speed was very slow. While some government agencies, international organizations, and banks regained access shortly after the protests concluded, most residents were not able to access the internet.

The law gives law enforcement bodies the right to track citizens using the internet, an ability they continue to exercise regularly. According to the law, security agencies can monitor internet traffic and have access to information about which internet sites citizens visit and the type of information they seek. The law criminalizes the use of the “like” or “share” function on social media regarding “terrorism” and “extremism-related” topics, with a penalty of up to 15 years in prison. The law criminalizing public calls for the commission of terrorist crimes or publicly justifying terrorist activities also includes statements or calls made via the internet.

Academic Freedom and Cultural Events

The Ministry of Education maintained a dress code that bans wearing the hijab in schools and government institutions. Authorities allowed women to wear a traditional version of the head covering – a scarf that covers hair but not the neck – to schools and universities. Some female students wore the hijab to and from school but removed it upon entering the school building. The ministry also banned beards for all teachers. Students with beards reported being removed from class, questioned, and asked to shave. A Ministry of Education decree obliges all female teachers, university students, and schoolchildren to wear traditional dress during

the academic year.

Government authorities continued to dissuade citizens from wearing “foreign clothing,” primarily focused on the hijab, which covers the hair, ears, and neck. According to media reports, the government’s Committee on Women and Family Affairs, in cooperation with the Ministry of Internal Affairs, conducted informational campaigns, or “raids,” in public areas against women wearing the hijab, threatening those who refused to remove their hijab with a large fine and six months’ imprisonment.

A Ministry of Education directive requires school administrators to inform students of the Law on Parental Responsibility, which bans all persons younger than 18 from participating in public religious activities, except for 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 requires students and academic staff to request government permission before any education-related travel abroad. Students who wish to travel abroad for educational purposes must provide detailed personal information about close relatives but does not specify consequences for noncompliance.

There were several reports throughout the year that academics writing on sensitive subjects regarding politics, religion, and history feared publishing or even submitting their articles for review because of possible government retribution. Printing supplementary materials and books for students require authorization from the Collegium of the Ministry of Education and Science and from the State

Committee for National Security.

b. Freedoms of Peaceful Assembly and Association

The government limited freedoms of peaceful assembly and association through requirements to obtain permission from local governments and through frequent inspections by various government agencies.

Freedom of Peaceful Assembly

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

Many female activists were subjected to anonymous harassment and attempts to denigrate them in social networks, including by falsely portraying them as sex workers, in retaliation for their participation in protests.

In March state security officers interrogated four workers who organized a public demonstration over the loss of their land shares at Abdusalom Dekhkan Farm in Vose District. The land shares, where they grew wheat and other crops, were their only source of income and had been handed over to the brother of a senior government official, who planned to use the land exclusively for seed production. After questioning they were released and told their dispute would be resolved in April. Subsequently, the chairman of the Vose region said the villagers' claims were groundless because private land ownership is banned in the country, and it is up to the state to assign the land to organizations and individuals for temporary use.

In November 2020 the Supreme Court sentenced five protesters from the southwestern region of Khatlon to 18 months in a penal colony for hooliganism. In May 2020 the individuals had blocked traffic on the Bokhtar-Dushanbe highway to protest the government's slow response to mudslides that destroyed dozens of homes and buildings in the Khuroson District. Another five persons, including

three women, were fined 5,800 somoni (\$516) each.

Freedom of Association

The constitution protects freedom of association, but the government restricted this right. The law requires all “public associations” to post detailed financial reports on their websites and impose burdensome reporting requirements. Civil society organizations again reported a noticeable increase in the number and intensity of registration and tax inspections by authorities.

The Pamir Lawyer’s Association received notice of a fine for failing to pay taxes on grants received during the previous year. According to the association, they had appropriately registered all grants with the Tax Service but, in the documentation of the fine, were told they failed to register the grants with the Investment Committee and pay the required 6 percent fee. The association is currently challenging the fine in court, arguing that there is a difference between a foreign grant and foreign investment and, therefore, they should not be subject to the 6 percent fee. Should the association lose the case, it would severely limit the ability of most NGOs to continue to operate as they would essentially lose 6 percent of their funding.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of foreign travel, emigration, and repatriation, but the government imposed some restrictions. According to the constitution, restrictions on the rights and freedoms of a person and a citizen are allowed only for ensuring the rights and freedoms of others, public order, protecting the foundations of the constitutional order, state security, national defense, public morality, public health, and the territorial integrity of the republic.

In-country Movement: 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. The government also continued to enforce a policy barring Afghan refugees from residing in urban areas.

Foreign Travel: Individuals in some cases do not have the right to leave the country due to arbitrary and inconsistent restrictions. Civil society organizations asserted that the regulation requiring the Ministry of Education's approval for all students wishing to study abroad is a restriction of citizens' rights to freedom of movement inside and outside the country and is a violation of the country's international obligations under the International Covenant on Civil and Political Rights.

At times border security guards placed arbitrary restrictions on citizens wishing to travel abroad. On August 3, a group traveling to Russia via Uzbekistan complained that they could not cross the Sarazm checkpoint on the border between the country and Uzbekistan because the checkpoint was closed from the Tajik side. Two days later, local authorities said that the issue had been resolved and the individuals had been allowed to cross. According to relatives of those who crossed, they were successful only after paying a bribe to the country's border guards. On July 28, a similar situation occurred at the Fotehobod border checkpoint on the border with Uzbekistan. Local authorities said the border was closed and those wishing to cross required an official permit or invitation from Uzbekistan.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Access to Asylum: The law provides for the granting of asylum and refugee status, and the government has established a system for providing protection to

refugees. The refugee status determination process, as well as judicial procedures, does not comply with international standards. The criminal code criminalizes asylum seekers who entered the country illegally, in contrast to the country's Refugee Law, which states that illegal entry is not a crime. These conflicting legal provisions mean asylum seekers run the risk of arrest and deportation without access to asylum procedures. According to law, to seek asylum legally, asylum seekers must enter the country legally with valid travel documents and a visa obtained in advance.

The government provides asylum seekers with temporary certification while processing asylum applications through the National Refugee Status Determination Commission and, upon granting refugee status, refugee identification cards as a proof of legal stay. Numerous sources report that officials registering refugees request bribes, in some cases exceeding \$2,000, to issue temporary and permanent refugee cards. Government-recognized refugees enjoy socioeconomic rights on par with local nationals and can legally reside in the country. Formal notifications of administrative and legal decisions provided little insight into the rationale for adjudications.

The government continued to place significant restrictions on asylum seekers and registered refugees, and officials continued to prohibit them from residing in the capital and all major cities in the country. Security officials regularly monitored refugee populations. Police subjected them to raids if they were believed to be residing in prohibited areas. In September the government closed the land border to asylum seekers and refused entry to many (but not all) new arrivals, and observers report that no new refugee applications have been processed since mid-August. In November, 11 Afghan asylum seekers were deported after their visas expired and they were unable to register as refugees.

National law grants refugee status for as long as three years. The Department of Citizenship and Works with Refugees, under the Passport Registration Services within the Ministry of Internal Affairs, is responsible for refugee issues. Refugees must check in annually with authorities to verify their address, but this is not a reregistration of their status. According to government statistics, there was a significant increase in the number of newly arrived asylum seekers in the first half of the year. The country had approximately 6,000 registered refugees, 99 percent

of whom were Afghans, although observers estimated the actual number of asylum seekers in the country was closer to 12,000.

Refoulement: National security concerns continued to dominate decisions related to protection and human rights, which often heightened the risk of deportation of asylum seekers and refugees. During the year the government revoked the status of six refugee families (28 persons); they continued to be at risk of penalty and subsequent deportation. In June the government amended the law to exclude deportation. Despite the update to the law, the risk of refoulement remains. In August it was reported that several asylum seekers were denied entry to Tajikistan despite fears of persecution in Afghanistan.

In the face of the potential arrival of thousands of Afghan refugees, the government made attempts to cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees and internally displaced persons.

Freedom of Movement: Refugees are not permitted to live in the GBAO and major urban areas, including Dushanbe, which restricts their ability to find work and go to school.

Access to Basic Services: Refugees and asylum seekers shared unhindered access to social, education, and health services with local citizens. Although UNHCR's activities were mostly focused on advocacy and protection, it maintained a limited humanitarian component to render assistance to the most vulnerable families. UNHCR through its NGO partner Refugees, Children, and Vulnerable Citizens provided books, school uniforms, and language classes to children from vulnerable families and assistance with medical expenses. When refugees and asylum seekers faced legal issues, UNHCR's legal assistance partner assisted clients in obtaining judicial redress, while providing training and awareness-raising sessions to local authorities to strengthen their understanding of refugee rights.

Durable Solutions: The law does not provide for expedited naturalization, leaving refugees on equal standing with nonrefugee foreigners when applying for citizenship. As a prerequisite, refugees should denounce their refugee status and apply for a temporary residence permit to be able to apply further for

naturalization. To date no such precedent has been recorded.

g. Stateless Persons

The total population of stateless persons and persons with undetermined nationality identified and registered by UNHCR and its partners was 52,017 persons (15,462 men and 36,555 women). The government, UNHCR, and NGO partners continued to implement a project to identify and find solutions for stateless persons and persons with undetermined nationality – such as former USSR citizens – in five provinces (Khatlon, Sughd, Districts of Republican Subordination, GBAO and Rasht). UNHCR, NGOs, and local authorities worked together to find solutions – including confirmation of nationality and issuance of identification documents – for 46,704 persons, including adults and children, with the remaining 4,656 still in process to resolve their situation.

In December 2019 the government adopted a law allowing stateless persons and foreign nationals illegally residing in the country in violation of the rule of stay (for former USSR citizens) to legalize and regularize their legal status. The Amnesty Law is valid until December 2022, at which time all persons falling under the scope of the law must submit their applications for legalization. UNHCR evaluated the law as a major step in combating statelessness in the country.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair elections based on universal suffrage, but the government restricted this right. The president and his supporters continued to dominate the government while taking steps to eliminate genuine pluralism in the interest of consolidating power. 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: The country held two major elections in 2020, parliamentary elections in March and presidential elections in October. Neither vote was free nor

fair because of the country's restrictive political environment.

On January 29, the Organization for Security and Cooperation in Europe (OSCE)'s Office for Democratic Institutions and Human Rights (ODIHR) released its final report on the October 2020 presidential elections, which stated that the elections were held peacefully, but in a tightly controlled environment with long-standing restrictions on fundamental rights and freedoms. The report noted that there was no room for pluralistic political debate during the elections and no genuine political alternatives were presented to voters.

In April the Central Election Commission announced early elections to the lower house of parliament in three constituencies with vacancies. Residents of those constituencies were not made aware of the elections, no campaigning occurred, candidates did not make public appearances, and no information was distributed about the candidates. In previous elections, posters depicting the various candidates with their platforms were posted in public locations. There was no media coverage of the elections and members of the ruling PDPT won all three seats.

Political Parties and Political Participation: The government continued to enforce the ban on activities held under the banner of the IRPT, Group 24, and the National Alliance. Religious-affiliated political parties are banned.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and to some extent they participated. 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 three female ministers but no ministers from minority groups. Cultural practices discouraged participation by women in politics, although the government and political parties made some efforts to promote their involvement.

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. There were numerous reports of government corruption during the year. Media reported that over the previous two years, most cases of bribe-taking by officials had been reclassified as fraud, and officials were released by paying a symbolic fine, which in most cases was significantly lower than the bribes allegedly received by the officials.

Corruption: The Anticorruption Agency is authorized by law to inspect the financial activities of political parties, international organizations, and local public associations. Political parties must submit corruption risk assessment reports to the agency annually.

In July the agency reported that most of the corruption crimes in the first half of the year were committed by civil servants – 113 cases – followed by the banking sector with 93 cases. Among cases committed by civil servants, 79 were by employees of the Ministry of Education and Science. At the same time, media reported that the former head of Agroinvestbank, who was arrested in 2020, was released after fully paying the loans he had illegally issued.

Corruption in the Ministry of Education and Science was systemic, including the practice of paying bribes for university entrance. Prospective students reportedly were required to pay thousands of somoni (hundreds of dollars) in bribes to enter the country's most prestigious universities, and provincial colleges reportedly required several hundred somoni for entrance. Students reportedly often paid additional bribes to receive good examination grades. According to the Anticorruption Agency, there were 85 registered corruption cases in the education sector during the first six months of the year.

The Ministry of Internal Affairs, the Anticorruption Agency, and the 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 trying lower-level officials for taking bribes.

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 agencies collaborated with the Prosecutor General's Office throughout the entire process.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic human rights groups encountered increased difficulty monitoring and reporting on the general human rights situation. Domestic NGOs and journalists were careful to avoid public criticism of the president or other high-ranking officials and refrained from discussing issues connected to the banned IRPT. Human rights and civil society NGOs faced increasing pressure from the government. Authorities investigated several NGOs for alleged registration problems and administrative irregularities.

The United Nations or Other International Bodies: The government facilitated visits to prison facilities by high-ranking officials from the United Nations Office on Drugs and Crime but continued to deny access to the International Committee of the Red Cross.

Government Human Rights Bodies: The Office of the Human Rights Ombudsman made little effort to respond to complaints from the public. 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 inconsistent cooperation from other governmental institutions hampered the office's effectiveness.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law prohibits rape, which is punishable by up to 20 years' imprisonment. There is no separate statute for spousal rape, nor for

the rape of men. Law enforcement officials usually advised women not to file charges but registered cases at the victim's insistence. Observers believed most cases were unreported because victims wished to avoid humiliation and social stigmatization.

On July 4, Rufeyda Inoyatova, an eight-year-old girl, was raped and murdered in the village of Navabad in the Rudaki district. At a press conference in Dushanbe on July 13, the Prosecutor General announced that a criminal case was opened against suspect Rahmatullo Gadoev on charges of rape and murder, which carries the potential of a life sentence. In October the Supreme Court sentenced him to life imprisonment. The case galvanized civil society activists, who sent an appeal to Rustam Emomali, the chairman of the country's upper house of parliament, demanding more attention to the dozens of cases of sexual violence against minors that go unreported due to social stigma and judicial corruption. Emomali acceded to activists' demand that he personally take control of the investigation in order to ensure the trial moved swiftly and justice could be served.

There is no law specifically criminalizing domestic violence. Violence against women, including spousal abuse, remained a widespread problem. 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 frequently dismissed domestic violence as a "family matter."

The government Committee for Women's Affairs had limited resources to assist domestic violence survivors, but local committee representatives referred women to crisis shelters for assistance.

The Ministry of Internal Affairs registers domestic violence incidents registered under general violence and hooliganism, with a special notation in paperwork indicating a distinction for domestic violence.

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 police often gave only warnings, short-term detentions, or fines for committing "administrative offenses" in cases of

domestic violence.

Human Rights Watch reported during the year that violence against women was “pervasive” and emphasized a failure to investigate reports of domestic violence in rural areas.

Other Harmful Traditional Practices: Religious ceremonies make de facto 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 the children of the subsequent marriages having legal standing or rights.

Sexual Harassment: No specific statute bans sexual harassment in the workplace.

Sexual harassment can be qualified under other articles of the criminal code, such as petty hooliganism. According to Supreme Court, in the first half of the year, the courts of Dushanbe considered 42 cases of sexual harassment. Of this number, only three cases were related to rape.

The Committee for Women and Family Affairs operated a call center for victims of sexual harassment in the workplace through which a specialist could provide legal and psychological assistance to the victims of harassment.

Victims often did not report incidents because of fear of social stigma. Women reporting sexual harassment faced retaliation from their employers as well as scrutiny from their families and communities. Human rights activists noted that victims of sexual harassment in most cases preferred to remain silent due to fear and public shame. One human rights activist told the media that six women visited her with harassment complaints, but none of them agreed to go to court.

In January the Vahdat police department refused to open a criminal case regarding the distribution of a video, which first appeared in September 2019, containing sexual scenes of activist D.M. with a man whose face on the video was obscured. D.M. was among those who in 2019 collected signatures requesting the president cancel the order to increase fees for mobile internet. The letter from the Investigative Department of Vahdat stated that no criminal case was opened due to

the absence of evidence of a crime on the part of the man in the video.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities during the year.

Intimate partner violence remained a significant problem impacting woman's agency, including on sexual and reproductive health. Stereotypes related to gender roles and the taboo nature of conversations about sex prevented women and girls from obtaining information on reproductive health and access to services.

Survivors of sexual violence have a legal right to protection and social services including access to emergency contraception, although they had difficulty in gaining access to these services.

Discrimination: Although the law provides for men and women to receive equal pay for equal work, cultural barriers restricted women's professional opportunities. 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.

Systemic Racism or Ethnic Violence and Discrimination

The constitution provides for equal protection under the law for all citizens, regardless of ethnic or national origin. There was no major ethnicity-related violence within the country and no official preference or discrimination against minority ethnic groups. Article 1 of the Law on Regulation of Traditions, Ceremonies and Rituals provides that: "National minorities within the framework of this Law are free to observe their traditions, celebrations and rituals."

Children

Birth Registration: Children derive citizenship by birth within the country's territory or from their parents. There were no reports of birth registration being denied or not provided on a discriminatory basis. The government is required to register all births.

Education: Free and universal public education is compulsory until age 16 or

completion of the ninth grade. UNICEF reported school attendance generally was good through the primary grades, but girls faced disadvantages, as parents often gave priority in education to their sons, whom they regarded as future breadwinners.

Child Abuse: The Committee on Women and Family Affairs and regional child rights protection departments are responsible for addressing problems of violence against children. While the law provides children with the right to live free from violence, child abuse is not criminalized per se. Reliable statistics on the prevalence of child abuse are very difficult to find as most abusers are family members and victims are afraid to come forward.

Child, Early, and Forced Marriage: The legal minimum age for marriage of men and women is 18. Under exceptional circumstances, which a judge must determine, such as in the case of pregnancy, a couple may apply to a court to lower the marriageable age to 17. Underage religious marriage was more widespread in rural areas.

The law expressly prohibits forced marriages of girls younger than 18 or entering a marriage contract with a girl younger than 18. Families, however, often pressured female minors to marry against their will. Early marriage carries a fine or prison sentence of up to six months, while forced marriage is punishable by up to five years' imprisonment. Because couples may not register a marriage where one of the would-be spouses is younger than 18, many simply have a local religious leader perform the wedding ceremony. Without a civil registration certificate, the bride has few legal rights. According to the Office of Ombudsman for Human Rights, in 2018, the last year for which there is data, there were 30 recorded cases of illegal marriage of underage persons in the country, with poverty reported as the main cause for early marriage.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and child pornography. In January the government amended the criminal code; the law now prohibits the buying and selling of children and outlines a provision that requires an exploitation act to qualify as human trafficking. The minimum age of consensual sex is 16. According to an NGO working with victims of domestic violence, sexual exploitation, and sex

trafficking, there were several cases in which families or third parties forced children into commercial sexual exploitation in nightclubs and in private homes.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

There were no reports of anti-Semitic acts. The country's 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 <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law on social protection of persons with disabilities applies to individuals having 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 implement the law. The law requires government buildings, schools, hospitals, and transportation, including air travel, to be accessible to persons with disabilities, but the government has not provided any information about the enforcement of those provisions, although it appeared authorities were attempting to apply those standards with newly built government buildings.

Many children with disabilities were not able to attend school because doctors did not deem them "medically fit." Children deemed "medically unfit" were segregated into special state-run schools specifically for persons with physical and mental disabilities. Doctors decided which subjects students were capable of

studying, and directors of state-run schools could change the requirements for students to pass to the next grade at their discretion.

The government charged the Commission on Fulfillment of International Human Rights, the Society of Disabled, 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, facilities were in poor condition.

Disability rights groups can regularly meet with government officials, although there are no individuals with disabilities within the country's leadership.

HIV and AIDS Social Stigma

HIV and HIV-related stigma and discrimination were commonplace. Affected groups included sex workers, men who have sex with men, individuals who inject drugs, and transgender individuals. Those living with HIV and AIDS were often denied necessary services, were often unable to find support from their communities due to social discrimination, and they were often harassed by members of their community and the police. During the year the transmission of HIV was criminalized.

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.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

Same-sex sexual conduct is legal in the country with the same age of consent as for opposite-sex relationships. The law, however, does not provide legal protection against discrimination based on sexual orientation or gender identity. Throughout the country there were reports that lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals faced physical and psychological abuse, harassment, extortion, and exploitation for revealing their LGBTQI+ status to their families or for being suspected of being LGBTQI+. One individual reported that

he was physically assaulted while walking in Dushanbe because of his perceived sexuality. He said he had no plans to report the assault.

Senior government officials in the past have said implementing LBTGQI+ rights conflicted with local moral values, that bisexuality, lesbianism, and homosexuality are all “pathologies of character” and that the LGBTQI+ community is “mentally ill.”

LGBTQI+ persons were victims of police harassment with many police threatening to arrest LGBTQI+ community members for going against the “social order,” a crime that does not actually exist, and faced threats of public beatings by community members. LGBTQI+ representatives claimed law enforcement officials extorted money from LGBTQI+ persons by threatening to tell their employers or families of their activities.

LGBTQI+ individuals face significant social discrimination and are at risk of job loss and public social censure should their identities be publicly revealed.

In some cases LGBTQI+ persons were subjected to sex trafficking. Hate crimes against members of the LGBTQI+ community reportedly went unaddressed. LGBTQI+ representatives claimed health-care providers discriminated against and harassed LGBTQI+ persons. LGBTQI+ advocacy and health groups reported harassment from government officials and clergy, including violent threats as well as obstruction of their activities by the Ministry of Health.

Government authorities reportedly maintained a registry of hundreds of persons in the LGBTQI+ community as part of a purported drive to promote moral behavior and protect vulnerable groups in society.

It was difficult for transgender persons to obtain new official documents from the government. The law allows for changing gender in identity papers only if a medical organization provides an authorized document. Many doctors refuse to issue such a document because they are afraid of reprisals from the government or due to their own beliefs.

There were no updates to the criminal investigation opened in November 2020 by the Prosecutor General’s Office (PGO) following the beating of an openly gay

Dushanbe university student. According to the student, whose name was withheld for personal safety, colleagues at the hair salon where he works beat him unconscious after learning of his sexual orientation. After a medical examination, doctors concluded that he had a broken jaw in several places, and a severe concussion.

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, such as collective bargaining, be free from interference except “in cases specified by law,” but the law does not define such cases. Collective bargaining contracts covered 90 percent of workers in the formal sector.

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. The government did not effectively enforce the law, though penalties for violations were commensurate with those under other laws involving denials of civil rights.

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 government-controlled umbrella Federation of Trade Unions of Tajikistan did not effectively represent worker interests. There were reports the government compelled some citizens to join state-endorsed trade unions and impeded formation of independent unions. There were no reports of threats or violence by government entities toward trade unions; however, government influence inhibited workers from fully exercising or demanding their rights. Most workers’ grievances were resolved with mediation between employees, with support from their union, and employer. Anecdotal reports from multiple in-country sources stated that citizens were reluctant to strike due to fear of

government retaliation.

Labor NGOs not designated as labor unions played a minimal role in worker rights, as they were restricted from operating fully and freely.

On March 15, state security officers interrogated four workers engaged in a dispute over the farm in a Vose District. In early March, dozens of villagers organized a protest against the new owner of the farm who refused to let villagers grow wheat and other crops in favor of exclusively seed production. The villagers said this action strips them of their livelihoods. The authorities released workers after questioning and promised to resolve the dispute after the Navruz holiday in April, but the dispute has not been resolved.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes most forms of forced labor except for cleaning the streets (*hashar* or *subotnik* labor), work in the military, and “socially important” work. Children and adults may be subjected to forced labor in agriculture, mainly during the country’s fall cotton harvest, but also in dried fruit production. The government reportedly subjected some citizens to perform manual labor, such as cleaning roads and park maintenance as part of a subotnik.

Subotniks are a tradition from the Soviet era in which individuals are made to “volunteer” to help with a community or special project separate from their usual, salaried labor. Subotniks usually focus on a public or community project, but there were reports of private companies using the subotnik construct to get employees to work overtime without pay on large, group projects, such as refurbishing a soon-to-open restaurant. The government does not consider those types of labor to be forced labor. Some Afghan and Bangladeshi citizens were victims of forced labor in the country, including in the construction industry. Employees of state institutions were sometimes required to perform agricultural work outside of and in addition to their regular employment.

The government did not effectively enforce these laws and resources, inspections, and remediation were inadequate to address concerns over forced labor. While penalties to discourage the practice of forced labor were stringent and commensurate with penalties for other serious crimes, the government

investigated, prosecuted, and convicted fewer individuals suspected of trafficking persons for forced labor than in prior years. The government continued to implement its national referral mechanism that has formal written procedures for identification, referral, and assistance to victims of trafficking. NGOs reported that in many cases when victims were identified by authorities, they were detained but not put in jail.

See also the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all the worst forms of child labor. The minimum age for children to work is 16, although children may work at age 15 with permission from the local trade union. By law children younger than 18 may work no more than six hours a day and 36 hours per week. The law applied only to contractual employment and children as young as seven may participate in household labor and agricultural work, which is separately classified as family assistance. The government did not effectively enforce the law and though penalties for violations were commensurate with other serious crimes. Many children under the age of 15 worked in the country. Children younger than 10 worked in bazaars or sold goods on the street. The highest incidences of child labor were in the domestic and agricultural sectors and some children performed hazardous work.

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 involving child labor before the prosecutor general for investigation. There were few reports of violations because most children worked under the family assistance exception. There were reports that military recruitment authorities kidnapped children younger than 18 from public places and subjected them to compulsory military service to fulfill local recruitment quotas.

The government worked with the International Organization for Migration (IOM) to prevent the use of forced child labor. Without comprehensive data it was not

possible to assess the prevalence of child labor in the country's cotton sector.

Also see the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation because of race, sex, gender, disability, language, HIV-positive status, other communicable diseases, or social status. The law does not expressly prohibit worker discrimination because of color, religion, political opinion, national origin, citizenship, sexual orientation, or age.

Persons holding foreign nationalities (including dual citizens) and stateless persons are prohibited from certain public sector positions, including serving in the police force.

Employers discriminated against individuals based on sexual orientation and HIV-positive status, and police generally did not enforce the laws. LGBTQI+ persons and HIV-positive individuals reportedly opted not to file complaints due to fear of harassment from law enforcement personnel and the belief that police would not act.

The law provides that women receive equal pay for equal work, but legal and cultural barriers continued to restrict the professional opportunities available to women. The law lists 37 employment categories in which women are prohibited from engaging, ostensibly to protect them from performing heavy labor. As a result, women are unable to work in the following sectors: energy, mining, water, construction, factories, agriculture, and transportation.

The government did not effectively enforce discrimination laws, though penalties were commensurate with those under other laws related to civil rights.

e. Acceptable Conditions of Work

Wage and Hour Laws: The government set a minimum monthly wage which is

below the poverty line.

The legal workweek is 40 hours and the law mandates overtime payment, with the first two hours paid at time-and-a-half and the remainder at double the normal rate, but there is no legal limit to compulsory overtime.

The State Inspectorate for Supervision of Labor, Migration, and Employment under the Ministry of Labor, Migration, and Employment is responsible for the overall supervision of enforcing labor law in the country. 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. Resources, including the number of inspectors, inspections, and remediation to enforce the law were inadequate. The State Inspectorate conducts inspections once every two years and has the authority to make unannounced inspections and initiate sanctions. In 2018, President Rahmon suspended all labor-related inspections in the manufacturing sector to support “entrepreneurship,” so inspections in that sector only occur based on complaints. The inspectorate reported 246 such inspections during the first six months of the year. The State Inspectorate conducted both announced and unannounced inspections in other sectors.

The government did not effectively enforce wage and hour laws. Penalties for violations are commensurate with those for similar crimes, 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.

Occupational Safety and Health: Occupational safety and health standards are appropriate in the main industries in the country but sporadically enforced. The State Inspectorate for Supervision of Labor, Migration, and Employment is also responsible for enforcing occupational health and safety standards. The government did not enforce these standards, partly because of corruption and the low salaries paid to inspectors. Penalties for occupational safety and health violations were commensurate with those of similar crimes. The law provides workers the right to remove themselves from hazardous working conditions without fear of loss of employment, but workers seldom exercised this right. Medical personnel working with COVID-19 patients were fired for complaining about a lack of access to personal protective equipment, according to media

reports. There were no industrial accidents reported during the year that caused the death or serious injury to workers, although most experts agree that accidents do regularly occur. Farmers and agricultural workers, accounting for more than 60 percent of employment in the country, continued to work under difficult circumstances. Wages in the agricultural sector were the lowest among all sectors, and many workers received payment in kind. The government's failure to ensure and protect land tenure rights continued to limit its ability to protect agricultural workers' rights.

Informal Sector: The informal sector makes up 60 percent of the economy. There was no system to monitor or regulate working conditions in the agricultural and informal sectors. Informal workers were not covered by wage, hour, and occupational safety and health laws.