2023 Trafficking in Persons Report: Tajikistan

TAJIKISTAN (Tier 2)

The Government of Tajikistan does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so.The government demonstrated overall increasing efforts compared with the previous reporting period, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Tajikistan remained on Tier 2. These efforts included identifying more trafficking victims than the previous reporting period and increasing the number of prosecutions.The government continued to conduct trainings on human trafficking for law enforcement and collaborate with civil society in awareness-raising campaigns. However, the government did not meet the minimum standards in several key areas. While the government identified more victims, it referred a lower proportion ofvictims to protection services as compared withthe previous reporting period and it continued to heavily rely on international organizations to provide victim assistance.The government remained without comprehensive SOPs for victim identification to supplement the NRM, contributing to inadequate victim identification efforts and potential penalization of internal sex trafficking victims. The government did not report convictions for the second consecutive year. Despite allegations of possible official complicity in some localities, including forced labor by local officials in the cotton harvest, the government did not report any criminal investigations, prosecutions, or convictions of government officials complicit in human trafficking crimes. Authorities continued to mobilize citizens for public works projects, including in agriculture and beautification projects, which may have included instances of forced labor. Although the government publicized the ban on child labor in the cotton harvest in previous years, it did not do so this year, and children continued to be at risk of forced labor in the harvest.

PRIORITIZED RECOMMENDATIONS:

- Adopt and implement SOPs to identify trafficking victims and refer them to care, train stakeholders on their use and proactively increase victim identification and screening, including in domestic trafficking (forced labor and sex trafficking), and ensure victims are not inappropriately penalized solely for unlawful acts committed as a direct result of their victimization.
- Increase funding and create mechanisms that allocate adequate financial and other resources on a consistent basis for comprehensive victim care and services and NGO-managed dedicated trafficking shelters throughout the country.
- While respecting due process, vigorously investigate and prosecute suspected traffickers, including officials complicit in trafficking including cases of domestic trafficking, and seek adequate penalties for convicted traffickers, which should include significant prison terms.
- Improve the collection of anti-trafficking law enforcement data, including by disaggregating data by type of exploitation for investigations, prosecutions, and convictions.
- Invite and grant independent observers full access to freely and independently monitor cotton cultivation and deliver an unfiltered report of the annual cotton harvest and increase oversight of provincial and local authorities’ seasonal labor recruitment processes to ensure no adults or children are subjected to forced labor in the cotton harvest and hold those in violation criminally accountable.
- Increase anti-trafficking training and guidance for government employees, including diplomatic personnel, law enforcement officers, border guards, and customs officials, to prevent their engagement in or facilitation of trafficking crimes and to increase their

capacity to identify and assist victims domestically and abroad, including during repatriations and screening of refugees and asylum-seekers.
- Implement a victim-witness assistance program and train law enforcement and judicial officials on a victim-centered approach for the treatment of victims and witnesses of trafficking crimes during investigations and court proceedings.
- Sufficiently increase the number of labor inspectors and provide them with specialized training to identify victims of forced labor and report potential trafficking cases to the police, including by allowing unfettered access to factories, construction sites, and farms for unannounced inspections.
- Increase awareness of predeparture and post return support services available to Tajik migrant workers and strengthen the collection of statistics on labor migration trends.
- Monitor private employment agencies for recruitment fees charged to workers and take steps to eliminate employee-paid fees.

PROSECUTION

The government maintained law enforcement efforts. Article 130.1 and Article 167 of the criminal code criminalized labor trafficking and sex trafficking and prescribed penalties of five to eight years' imprisonment, which were sufficiently stringent and, with regard to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Article 167 defined child trafficking broadly to include illegal adoption without the purpose of exploitation; as such, it was difficult to ascertain how many cases investigated under Article 167 featured elements consistent with the standard definition of trafficking.

The government did not maintain a centralized law enforcement data system on trafficking crimes, hindering the government's ability to disaggregate national human trafficking statistics. The government investigated 11 trafficking cases involving 16 suspects in 2022, compared with 13 cases involving 12 suspects in 2021. The government reportedly prosecuted 29 trafficking cases in 2022, compared with 14 cases in 2021, but the government did not disaggregate the data by form of trafficking or indicate which criminal code provisions were applied; therefore, it is unclear how many of these involved trafficking crimes versus other crimes, such as migrant smuggling or illegal adoption without the purpose of exploitation. The government did not report any convictions for a second consecutive year, a significant decrease from 26 convictions in 2020. Observers reported law enforcement did not prioritize trafficking in persons and did not take proactive actions to address internal trafficking.

The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes, and there is a lack of data on the issue; however, corruption and official complicity remained significant concerns, inhibiting law enforcement action. The government banned the practice of mobilizing schoolchildren and students for the cotton harvest several years ago; however, students were taken to the fields under the guise of *Hashar* (collective community work) or to help farmers. Despite allegations of official complicity in child forced labor in the cotton harvest raised in the previous reporting period, authorities did not report opening investigations. The government reportedly mobilized some citizens to perform public works – including state employees, as part of provincial authorities' efforts to increase participation in the annual cotton harvest – and children and young adults to perform at state-led events, which may have included instances of forced labor. Private companies reportedly used *subotnik* (a Soviet-era volunteering tradition) to get their employees to work overtime without pay. The government allegedly used coercive practices to enlist young men into the military, such as cutting off electricity for their families, closing down mosques, and threatening expulsion from universities. The government continued to conduct training on human trafficking for law enforcement and participated in trainings funded by international organizations and foreign donors for inspectors, investigators, judges, and law enforcement. Despite a few training efforts, there were no institutionalized anti-trafficking trainings, and there continued to be a lack of clear understanding of trafficking and focus on internal trafficking. The government did not allocate a separate budget for law enforcement as part of the implementation of the anti-trafficking

law or the NAP. The government opened investigations against Tajik citizens and a People's Republic of China (PRC) citizen resident of Dushanbe for recruiting women for sex trafficking under the promises of employment in the United Arab Emirates (UAE) and Türkiye.

PROTECTION

The government maintained overall protection efforts. Authorities identified 90 victims (26 female sex trafficking victims and 64 male forced labor victims), compared with 15 victims during the previous reporting period. The government referred 16 victims (11 female sex trafficking victims and five male forced labor victims) to an international organization for protection services, compared with 15 trafficking victims referred during the previous reporting period. While the government identified more victims, it referred a lower proportion of victims as compared with the previous reporting period. A civil society organization reported identifying and assisting two victims (one female sex trafficking victim and one male forced labor victim). The government continued to use an NRM that included formal written procedures outlining screening for victim identification and referral, but these were generally insufficient to guide interagency anti-trafficking work. The government did not have comprehensive SOPs for victim identification to supplement the NRM. Absent standardized and promulgated victim identification procedures, roles and responsibilities among key stakeholder ministries remained unclear, inhibiting effective victim identification, especially among vulnerable populations. In practice, observers noted official victim status designation required a complex application procedure that may have prevented some victims from accessing care. Gaps remained in the implementation of victim protection law; law enforcement agencies did not develop procedures to grant legal status to victims, necessitating some victims to pay for legal and medical services otherwise provided by the government.

The Ministry of Health assumed managerial control over the National Trafficking in Persons Center in 2021, which was the country's only dedicated shelter for trafficking victims, now with expanded responsibilities to assist victims of domestic violence and not solely trafficking victims. However, due to the lack of trust in government institutions and discrimination from victims of other crimes, fewer trafficking victims were likely to reach out to the shelter for help, resulting in the decreased percentage in trafficking victims referred and assisted. An NGO reported referring two trafficking victims in 2022, and the government reported 16 victims at the center, but did not specify if any of the 16 individuals were trafficking victims. The government reported allocating 824,400 Somoni ($81,000) to improve the provision of social services for trafficking victims and 2.1 million Somoni ($207,000) to a state institution offering services to girl trafficking victims during the reporting period. Nonetheless, there continued to be a lack of funding for victim services, limited training for shelter staff, and a heavy reliance on international organizations, including for legal services. Victims often relied on funds from extended family to finance their return flights, given a lack of government funding for repatriations of trafficking victims. The government funded several NGO-run shelters for victims of domestic violence, which could also assist trafficking victims. Civil society noted the lack of shelters for trafficking victims outside Dushanbe and the lack of options for long-term support. Some female sex trafficking victims were reluctant to seek protection services because of social norms that stigmatized female victims of sexual exploitation. Despite provisions in the 2014 law outlining security measures for trafficking victims, confidentiality of personal information is not always guaranteed. The government did not provide protection for victim-witnesses or their advocates, and victims were referred to international organizations when they cooperated with law enforcement during investigations. Foreign victims who agreed to cooperate with law enforcement could request temporary residency, subject to a one-year extension upon completion of criminal proceedings; the government did not report issuing such status. There were reports of intimidation and threats faced by civil society organizations assisting trafficking victims, which affected their ability to provide protection services. The law did not link other benefits to victims' participation in trials, and protection services are supposed to be available regardless of legal status or prior consent to participate in subsequently identified trafficking crimes. Courts required victims to appear in person, often with the trafficker present, during court proceedings.

Authorities may have detained and penalized some unidentified trafficking victims solely for unlawful acts committed as a direct result of being trafficked and may have deported some as part of operations to combat irregular migration because of a lack of formal identification procedures; limited knowledge on trafficking among law enforcement; ubiquity of petty corruption in law enforcement and judicial systems; and the stigmatization, discrimination, and harassment by law enforcement of female sex trafficking victims and the LGBTQI+ community that inhibited victims from reporting crimes. Civil society highlighted the high turnover rate in law enforcement as a challenge, as many officers leave their positions once they are trained on trafficking. Officials sometimes temporarily detained sex trafficking victims with their traffickers but later released and referred them to protective care. Law enforcement officers did not attempt to identify sex trafficking victims proactively during law enforcement operations on businesses suspected of engaging in commercial sex nor in sectors known for forced labor. Limited attention and awareness of internal trafficking stymied national efforts to address this form of the crime. In 2022, the government repatriated 42 women and 104 children from Syria but did not report if it screened for trafficking indicators or provided services among this population.

PREVENTION

The government maintained efforts to prevent trafficking. The 2014 law outlined a framework for the government to address human trafficking and established a national commission tasked with coordinating the government's anti-trafficking efforts. The government did not allocate funding but devoted in-kind support to implement activities within its 2022-2024 NAP. With support from an international organization, the government operated a 24-hour hotline for potential victims, which did not result in any victim identifications for a third consecutive year; according to observers, government disinterest and limited capacity stymied its effective operation. The government collaborated, including by providing in-kind support, with civil society for awareness-raising activities. Observers reported there is a limited awareness of internal forced labor and sex trafficking within Tajikistan.

It was unclear if the government conducted monitoring for forced labor and child labor in the cotton harvest. While the Ministry of Labor (MOL) had invited an international organization to perform independent inspections of the cotton harvest in previous years, such efforts did not materialize because of a lack of funding. Observers noted insufficient staff, frequent use of inspection moratoriums, and low fines made it difficult to ensure compliance with Tajikistan's labor laws. According to authorities, 60 qualified inspectors had authority to carry out 2,000 inspections annually throughout the country, and 50 percent were in Dushanbe. The government reported conducting 2,727 inspections and uncovered an unspecified amount of violations related to child labor; all violators were issued administrative penalties. The government required entities engaged in worker recruitment for employment abroad to have a license from migration authorities, with penalties for violations; however, the government did not report monitoring these entities or investigating firms suspected of trafficking. The MOL operated predeparture counseling centers in different regions offering labor migrants assistance before leaving for Russia and in diversifying geographical options for work abroad; however, with limited data collection, lack of interagency coordination, and insufficient cooperation with destination country counterparts continuing to constrain effective prevention measures among vulnerable labor migrants, most Tajik migrant workers were not aware of available support services. The government distributed awareness material on safe migration for labor migrants. The government continued to support returning migrants with employment assistance, vocational training, financial services, and paid public works. Tajikistan maintained international labor agreements with Qatar, the UAE, the United Kingdom, and the Republic of Korea. The government did not report anti-trafficking training for its diplomatic personnel or peacekeeping troops prior to deployment. The government made no efforts to reduce the demand for commercial sex acts.

TRAFFICKING PROFILE:

As reported over the past five years, human traffickers exploit victims from Tajikistan abroad and, to a lesser extent, traffickers exploit domestic and foreign victims within Tajikistan. Extensive economic migration exposes Tajik men, women, and children to the risk of human trafficking, which is exacerbated by high levels of poverty. Labor traffickers exploit Tajik men and women in the service, agriculture, and construction sectors primarily in Russia, the UAE, Kazakhstan, and Saudi Arabia, as well as in other neighboring Central Asian countries, Türkiye, and Afghanistan. Labor traffickers exploit men in agriculture, construction, and at markets in Tajikistan. According to an international organization, most domestic trafficking cases involved women and girls in sex trafficking or domestic servitude. Sex traffickers exploit women and children from Tajikistan most commonly in Türkiye, the UAE, and Russia; but also in Saudi Arabia, Kazakhstan, Georgia, India, and Afghanistan; and within Tajikistan. The primary recruitment methods used by traffickers are job offers by a friend, neighbor, or illegal employment agencies.

Labor migration from Tajikistan has significantly increased, while the number of citizens who returned to Tajikistan has also increased (the number of returnees from Russia during the first quarter of 2022 was 2.6 times higher than the same period in 2021). More than one million citizens of Tajikistan seek employment annually in Russia. According to international organizations, Tajiks in Russia are primarily employed in construction, agriculture, domestic work, and transportation; thousands of men, women, and children among them are vulnerable to forced labor, and some were subjected to forced labor. Migrants from Tajikistan, particularly inmates in Russian prisons, are vulnerable to forced recruitment to fight in Russia's war against Ukraine. Nationals from Tajikistan employed by Russian companies operating in Ukrainian territory occupied by Russia have reportedly experienced labor rights violations that may make them vulnerable to trafficking. Women traveling with their husbands abroad are also reportedly at elevated risk of sex trafficking and other forms of exploitation. Some Tajik migrants have been seeking alternatives to Russia as destinations for labor migration, but Russia continues to be the overwhelmingly primary destination. Due to Russia's war against Ukraine, many migrants were forced to leave Russia because of job loss resulting from economic disruptions, reduced income, fluctuations in the Russian ruble's exchange rate, and conscription into military service.

Some men that traveled to conflict zones in Syria, Iraq, and Afghanistan to fight alongside or seek employment in armed groups brought their families with them, at times under deception. Tajik women and children living in these conflict zones may be at risk of trafficking, including at refugee camps in Syria. Tajik children in these camps are at risk of recruitment by armed groups. Tajik migrants may have been lured to fighting in Syria by having their debt cleared in Russia. Some children of Tajik ISIS combatants in Iraq and Syria are reportedly trained for deployment in combatant roles. Traffickers transport Tajik women and girls to Afghanistan and force them into marriages that feature elements of sex trafficking and forced domestic service, including through debt-based coercion. Traffickers exploit Tajik children in sex trafficking and forced labor, including forced begging and forced criminality, in Tajikistan and Afghanistan.

Experts have pointed to the significant gaps in social protections that put rural women at a higher risk of trafficking in Tajikistan; they face discrimination and limited access to education and employment; the majority work in the informal sector. Widows of male migrants, divorced women, the families of migrant workers remaining in Tajikistan, and female victims of domestic violence are also at a higher risk of trafficking. Stateless individuals, mostly in rural areas, face vulnerabilities to trafficking because of their status; according to an international organization, 72 percent of those living without official documentation are women. Tajik citizens in areas affected by border clashes with the Kyrgyz Republic are vulnerable to trafficking because of their displacement. Children separated from their families because of international and domestic migrations are at an increasingly high risk of sex trafficking.

Tajik children and adults may have been subjected to forced labor in agriculture, mainly during Tajikistan's cotton harvest, and in dried fruit production. Observers have previously reported several cases involving sex trafficking of children in nightclubs and private homes. Some boys, particularly from economically disadvantaged rural communities, are vulnerable to kidnapping by government personnel for the purpose of forcible conscription into military service as part of

annual "*oblava*" recruitment sweeps. The government reportedly uses coercive methods to recruit young men into the military. The government reportedly subjects some citizens to participate in public works. Tajik nationals employed by PRC-based companies engaged in local construction projects experience wage irregularities, threats of termination, and other labor rights violations that may be indicative of forced labor. Some Afghan and Bangladeshi citizens are victims of forced labor in Tajikistan, including in the construction industry. Afghan refugees and asylum-seekers are vulnerable because of corruption and limitations to their freedom of movement within Tajikistan. According to an international organization, there are 10,000 refugees and asylum-seekers in Tajikistan, mostly Afghans; the process to obtain refugee status often involved paying excessive bribes, increasing vulnerabilities to trafficking; many face the risk of deportation, even with official refugee status. Tajik nationals may be vulnerable to forced labor in illegal "artisanal" coal mines located near formalized commercial mining operations. LGBTQI+ individuals are vulnerable to trafficking because of blackmailing by police and widespread discrimination that jeopardizes their employment and access to justice and compounds their vulnerability to family-brokered forced marriages that may feature corollary sex trafficking or forced labor indicators.