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USDOS – US Department of State

2019 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 it is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Tajikistan was upgraded to Tier 2. These efforts included assuming oversight and financial responsibility for a trafficking shelter; amending the criminal code to eliminate inconsistencies with the 2014 victim protection law and remove a demonstration of force, fraud, or coercion for child sex trafficking; facilitating the return of Tajik children from Iraq and Syria; identifying significantly more trafficking victims; and collaborating with local and international civil society groups on the development and review of trafficking laws and the draft 2019-2021 national action plan. However, the government did not meet the minimum standards in several key areas. Endemic corruption contributed to the transport of victims across borders, yet the government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses. Although the government continued to publicize the ban on child labor in the cotton harvest, adults and children continued to be at risk of forced labor in the harvest.

PRIORITIZED RECOMMENDATIONS

Adopt and implement standard operating procedures for identifying trafficking victims and referring them to care, including any victims of forced labor in the cotton harvest. • Train law enforcement to screen for signs of trafficking among vulnerable groups, including adults in prostitution and foreign migrant workers. • Ensure victims are not penalized for crimes committed as a direct result of being subjected to trafficking. • End the use of forced child and adult labor in public works projects and in the annual cotton harvest. • While respecting due process, vigorously investigate and prosecute suspected traffickers, including officials complicit in trafficking, and convict and appropriately sentence perpetrators. • Continue to contribute funding and in-kind support to provide comprehensive care to victims. • Encourage victims' assistance in the investigation and prosecution of traffickers either directly or via partnerships with NGOs. • Ensure screening among children returned from Iraq and Syria for child soldiering indicators and provide with rehabilitation and reintegration support. • Improve the collection of anti-trafficking law enforcement data. • Continue to provide anti-trafficking training or guidance for diplomatic personnel and other government employees, including law enforcement officers, border guards, and customs officials, to prevent their engagement or facilitation of trafficking crimes. • Monitor private employment agencies for recruitment fees charged to workers and take steps to eliminate the charges.

PROSECUTION

The government increased its anti-trafficking law enforcement efforts. Throughout 2018, the government utilized provisions under its criminal code, which criminalized all forms of labor trafficking and some forms of sex trafficking. Article 130.1 criminalized labor trafficking and some forms of 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. Inconsistent with international law, Article 130.1 required a demonstration of force, fraud, or coercion to constitute a child sex trafficking offense and therefore did not criminalize all forms of child sex trafficking. Article 167 prohibited the buying and selling of children and also prescribed five to eight years' imprisonment; this provision could be applied to some, but not all, trafficking cases involving child victims. In January 2019, the government adopted amendments to the criminal code, which addressed this gap. Specifically, Article 167 was expanded to apply to all child trafficking and did not require a demonstration of force, fraud, or coercion. The amended Article 167 defined child trafficking broadly to include illegal adoption without the purpose of exploitation.

The government investigated 21 cases involving 38 suspected traffickers in 2018, compared to 42 cases involving 65 suspected traffickers investigated in 2017. The government prosecuted nine criminal cases in 2018 involving 18 defendants, compared to 30 cases involving 52 suspects in 2017. Two cases involving nine individuals were dismissed by presidential amnesty. The courts convicted 19 traffickers in 10 separate criminal cases and sentenced offenders to between four and 10 years' imprisonment; the government did not provide complete conviction data, but reported that all convicted traffickers received prison sentences. The government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Endemic corruption facilitated transport of victims across borders and through inspection points. The Ministry of Internal Affairs (MIA) continued to conduct training on human trafficking for new staff as part of its training academy curriculum. In partnership with NGOs, the government trained investigators, prosecutors, and judges on the 2014

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victim protection law, victim-centered approaches, investigative techniques, and the national referral mechanism. The government continued to pursue a 2017 investigation of four private employment agencies, which facilitated the trafficking of Tajik victims in Saudi Arabia.

PROTECTION

The government increased protection efforts. The government identified 53 trafficking victims in 2018, an increase from 15 in 2017; the government did not provide additional information, such as the victims' nationality, gender, and type and location of exploitation. An international organization reported assisting 20 victims of international trafficking, 11 of whom were referred by Tajik law enforcement, seven by NGOs, and two by embassies; all were Tajik citizens. Women constituted 19 of the 20 referrals; 12 of the victims were sexually exploited, eight were trafficked in forced labor. The government facilitated the repatriation of one of two citizens identified as trafficking victims in Saudi Arabia. The government reported it began to implement the 2014 victim protection law, which set forth the provision of victim services; formalized the roles of agencies tasked with providing services; established government standards for service delivery among providers, including governmental agencies and NGOs; and mandated a national referral mechanism in 2016, but for most of the reporting period the referral mechanism was inconsistent with victim protection provisions. Authorities remained without a formal system for identifying trafficking victims and referring them to services. Nonetheless, in 2018, a legislative reform working group, which included representatives from the justice sector, law enforcement, Presidential Administration, parliament, and civil society, developed draft guidelines for victim identification, which it submitted to the government for approval.

The government assumed operational responsibility for the country's sole trafficking shelter in November 2018, after establishing a commission with government, civil society, and international organization representatives that planned the phased transfer from an international organization to the government between August and November. The government spent 50,000 Tajik somoni (\$5,350) on renovations to the shelter. The government contracted an NGO to provide victim services, and provided 190,000 Tajik somoni (\$20,320) for the center's operating costs, medical assistance for victims, legal consultations, and partial funding of staff salaries. Victim protection services were funded by an international organization. The shelter assisted six victims in 2018.

Law enforcement officials routinely deported foreign migrant workers and did not attempt to identify trafficking victims proactively among men and women in prostitution or forced labor. Law enforcement officials sometimes temporarily detained sex trafficking victims with their traffickers but later released and referred victims for assistance. Women in prostitution reported instances of sexual violence by law enforcement officials. It was possible officials penalized trafficking victims for unlawful acts committed as a direct result of being subjected to human trafficking.

The government coordinated with an international organization to repatriate Tajik minors, including potential trafficking victims, whose parents were alleged fighters with the Islamic State in Iraq and Syria (ISIS). ISIS was known to use child soldiers and perpetrate other forms of trafficking. The government did not report screening specifically for indicators of trafficking. The children were generally housed with family members, and an international organization provided psycho-social services.

Despite provisions in the 2014 law for security measures for trafficking victims, the government did not keep victims' personal information confidential or provide protection for victim witnesses or their advocates. The law provided foreign victims the right to request temporary residency, which could be extended for one year following the completion of a criminal case, based on the victims' cooperation with law enforcement agencies, although no such cases were reported in 2018. There was no formal policy encouraging victims' voluntary participation in legal proceedings; the 2014 victim protection law did not link other benefits to a victim's participation in a trial and provided services regardless of legal status or prior consent to participate in subsequently identified trafficking crimes. Amendments made to Article 352 of the criminal code made in 2018 absolve victims of criminal liability for failure to report a crime, giving false testimony with regard to a trafficking-related crime, refusal to appear in court, or refusal to give evidence related to trafficking crimes.

PREVENTION

The government maintained efforts to prevent human trafficking. The 2014 law established a framework for the government to address human trafficking and a national anti-trafficking commission tasked with coordinating the government's anti-trafficking efforts and developing a national plan. The government did not report any efforts of the commission or any actions related to the implementation of the national action plan in 2018. The anti-trafficking commission, in consultation with stakeholders and an international organization, drafted a new national action plan for 2019-2021 and in September 2018 hosted a roundtable with international and local civil society organizations to discuss and review the draft.

The Ministry of Education continued to disseminate letters to local governments highlighting prohibitions against the use of child labor in the cotton harvest. Government-funded campaigns targeted potential victims, local officials responsible for preventing trafficking, and school authorities who had previously mobilized children in the cotton harvest. The government assigned an unspecified number of inspectors to conduct monitoring for child labor in the cotton harvest, continuing a practice begun in 2010 in cooperation with NGOs. NGOs also reported independently monitoring the fields on an informal basis for safe work concerns. There were no reports of efforts to monitor for forced adult labor in the annual cotton harvest.

In January 2018, the government launched a hotline service for potential victims that operated 24 hours a day; the government reported identifying 11 cases via the hotline in 2018 and referring the victims to an international organization. A foreign-donor-funded and NGO-run hotline focused on aiding migrants, including potential trafficking victims, reported assisting 9,730 individuals; most calls were related to legal rights as migrants. In 2018, the government provided funding to a local NGO for trafficking awareness-raising. The government continued to conduct anti-trafficking courses for officials, school administrators, and law students. The government did not report any other anti-trafficking training for its diplomatic personnel. Tajik law required entities engaged in recruitment of workers for employment abroad to obtain licenses from migration authorities and provided punitive measures for violations; however, Tajikistan is not a member of the ILO Convention on Private Employment Agencies and does not monitor for recruitment fees. The Ministry of Labor operated four pre-departure counseling centers in different regions of the country that provided migrants with information on the risk of trafficking prior to travel abroad. The government developed a road map for reintegrating returning migrants banned from re-entering Russia, and sought to assist migrant laborers diversify geographical options for work abroad; the government signed recruitment agreements with Qatar and the UAE. The stateless population in Tajikistan, mostly consisting of former Soviet citizens, was vulnerable to trafficking; in 2018, the government registered 5,006 persons with undetermined nationality, granting them the rights and freedoms on par with foreign citizens in country, and confirmed the Tajik nationality of 10,090 individuals at risk of statelessness. The government made no efforts to reduce the demand for commercial sex acts or forced labor.

TRAFFICKING PROFILE

As reported over the past five years, traffickers exploit domestic and foreign victims in Tajikistan, and traffickers exploit victims from Tajikistan abroad. Extensive economic migration exposes Tajik men, women, and children to the risk of human trafficking. Tajik men and women are subjected to forced labor in agriculture and construction in Russia, UAE, Kazakhstan, Saudi Arabia, and, to a lesser extent, in other neighboring Central Asian countries, Turkey, and Afghanistan. Men are subjected to labor trafficking in agriculture, construction, and at markets in Tajikistan; there are limited reports of domestic sex trafficking of men. Women and children from Tajikistan are subjected to sex trafficking primarily in Turkey, UAE, and Russia, and also in Saudi Arabia, Kazakhstan, and Afghanistan, as well as within Tajikistan. The government required its citizens to participate in manual labor, such as cleaning roads and park maintenance.

Women and minors are increasingly vulnerable to trafficking. In some cases, migrant laborers abandon their families, making women more vulnerable to trafficking as sole providers for their families. The Russian re-entry ban has changed the nature of labor migration in Tajikistan. As of February 2019, 240,000 Tajik migrants remain banned, and although government data indicates a decline in the departure of prospective male labor migrants, Tajik women are departing in search of work at an increased rate—from 2015 to 2016, there was a 27 percent increase observed among women. Other migrants prefer to stay in irregular status in Russia and face greater risks of exploitation and deportation, rather than risk being banned after visiting family in Tajikistan. International organizations estimate that the number of Tajik citizens living and working in Russia is approaching one million. Some women who traveled to Syria or Iraq with promises of marriage were instead sold into sexual slavery. Children of Tajik ISIS combatants in Iraq and Syria were vulnerable to child soldiering. Traffickers transport Tajik women and girls to Afghanistan for the purpose of forced marriage, which can lead to domestic servitude, sex trafficking, and debt bondage. Traffickers exploited Tajik children in sex trafficking and forced labor, including forced begging, in Tajikistan and Afghanistan. Tajik children and adults may be subjected to forced labor in agriculture—mainly during Tajikistan's fall cotton harvest—and in dried fruit production. Afghan and Bangladeshi citizens are vulnerable to forced labor in Tajikistan, including in the construction industry.

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