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2009 Country Reports on Human Rights Practices - Tajikistan

Bureau of Democracy, Human Rights, and Labor
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Tajikistan, with a population of more than seven million, is an authoritarian state, and political life is dominated by President Emomali Rahmon and his supporters, drawn mainly from one region of the country. The constitution provides for a multiparty political system, but in practice the government obstructed political pluralism. The 2006 presidential election lacked genuine competition and did not meet international standards, although there were some improvements on voting procedures. Civilian authorities generally maintained effective control of the security forces.

The government's human rights record remained poor, and corruption continued to hamper democratic and social reform. The following human rights problems were reported: restricted right of citizens to change their government; torture and abuse of detainees and other persons by security forces; impunity for security forces; denial of right to fair trial; harsh and life-threatening prison conditions; prohibition of international monitor access to prisons; restrictions on freedoms of speech, press, association, and religion; government harassment of nongovernmental organizations (NGOs); security force abuse of refugees; violence and discrimination against women; trafficking in persons; and child labor.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any apparently politically motivated killings, but several political opponents of the regime died violently in unclear circumstances.

On June 17, former minister of interior Mahmadnazar Solehov died after government security forces entered his home. The government claimed Solehov committed suicide.

On July 11, Mirzo Ziyoev, a former commander in chief of the United Tajik Opposition (UTO) and minister of Emergency Situations, was fatally shot while traveling with government soldiers near Tavildara. The government claimed a rebel faction killed him.

There were several cases of deaths in prisons and detention facilities in which families of the detainees disputed the official cause of death. For example, on June 27, police detained a doctor who crossed a street in front of a presidential motorcade in Dushanbe;

he died in custody several hours later. Police claimed the doctor's death resulted from a heart attack, but marks on his body indicated he had been physically abused while in custody. The doctor's relatives contested the police account in court, and the case continued at year's end.

According to the Tajikistan Mine Action Center and the *Landmine Monitor*, there were fewer landmine casualties than in previous years, with eight casualties (three killed and five injured) in four incidents. Five casualties were civilians and three were military. On March 2, two military personnel were injured while on duty in Dushanbe. On March 30, an antipersonnel mine killed a man who was grazing cattle in the Isfara district of Sughd province. On April 27, a man and a woman were injured in the Rasht district, and on June 17, an antipersonnel mine injured a military deminer during clearance activities in Darvoz district, Gorno-Badakshan Autonomous Region. On December 25, a mine explosion on the Uzbek border killed two persons in the Isfara district. The government called for the removal of mines along the borders.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, but some security officials used beatings or other forms of coercion to extract confessions during interrogations, although the practice was not systematic. Officials did not grant sufficient access to information to allow human rights organizations to investigate claims of torture.

In Sughd region, four suspects arrested in a murder case claimed investigators tortured them seeking to extract confessions. One suspect claimed an investigator threatened to "ruin" his daughter if he did not confess to a crime. The same individual stated he lost toenails as a result of torture while in custody. The courts dismissed the individual's claim of torture, and he was convicted of murder and other crimes and sentenced to 30 years in prison. Several individuals held in Dushanbe city jails also claimed they were beaten while in custody. Articles in the criminal code do not specifically define torture, and the country's law enforcement agencies have not developed effective methods to investigate allegations of torture. According to a report during the year by Human Rights Watch, "Experts agreed that in most cases there is impunity for rampant torture in Tajikistan."

In an April 2008 court decision (*Rakhmatov et al. v. Tajikistan*) the UN Human Rights Committee found that the government violated the human rights, including freedom from torture, of three adults and two minors. The committee also noted that the government failed to cooperate with the committee and that similar allegations were substantiated in an October 2008 court decision (*Khuseynov and Butaev v. Tajikistan*). Denial of access to detention centers impeded efforts to determine if any improvements had occurred since then.

Prison and Detention Center Conditions

The government operates eight prisons, including one for females, and four pretrial detention facilities. The government opened a new prison in Khujand, and many citizens reported that it represented an improvement over the previous detention facility.

The Ministry of Justice (MOJ) continued to deny access to prisons or detention facilities to representatives of the international community and civil society seeking to investigate claims of harsh treatment or conditions. Some foreign diplomatic missions and NGOs were given access to implement assistance programs or carry out consular functions, but their representatives were limited to administrative or medical sections, and MOJ personnel accompanied them. The government did not sign an agreement with the International Committee of the Red Cross (ICRC) to allow free and unhindered

access to prisons and detention centers, and the ICRC's international monitoring staff has not returned to the country since 2007.

Detainees and inmates described harsh and life-threatening prison conditions, including extreme overcrowding and unsanitary conditions. Disease and hunger were serious problems, but outside observers were unable to assess accurately the extent of the problems because authorities did not allow access to prisons. Organizations such as the UN Human Rights Council reported that infection rates of tuberculosis and HIV were significant and that the quality of medical treatment was poor.

d. Arbitrary Arrest or Detention

The government placed few checks on the power of prosecutors and police to make arrests. The criminal justice system operated under the criminal procedure code based on a 1961 Soviet law. Individuals reported that some prosecutors and courts pressed questionable criminal charges and that some officials influenced judges inappropriately to get convictions. In December the government approved a new criminal procedure code to replace the existing code in April 2010.

Role of the Police and Security Apparatus

The Ministry of Interior (MOI), Drug Control Agency (DCA), Agency on State Financial Control and Fight Against Corruption (an anticorruption agency), State Committee for National Security (SCNS), State Tax Committee, and Customs Service shared civilian law enforcement responsibilities. The MOI is responsible primarily for public order and controls the police force. The DCA, anticorruption agency, and State Tax Committee each have a mandate to investigate specific crimes, and they report to the president. The SCNS has responsibility for intelligence and controls the Border Service. The Customs Service reports directly to the president. The Prosecutor General's Office oversees criminal investigations these agencies conduct.

The agencies' responsibilities overlapped significantly, and law enforcement organizations deferred to the SCNS. Law enforcement agencies were not effective in investigating organized criminal gangs, and corruption remained a serious problem. There were credible allegations that some traffic police retained the fines they collected for traffic violations. Although this corruption was small-scale, it was widespread and systemic. Although the government prosecuted some law enforcement officials, serious abuses – particularly those committed by high-ranking officials – went unpunished, including the alleged fraud committed by former bank governor Alimardon (see section 4).

In May a regional prosecutor was accused of pressuring a woman to drop a criminal complaint against a man who allegedly abused her and stole her property. The alleged perpetrator's brother worked for the Prosecutor's Office. After the woman's defense attorney filed her initial criminal complaint, the prosecutor's office allegedly threatened the attorney that he could be prosecuted for libel and that it "isn't worth it" to raise complaints about prosecutors or their relatives.

Victims of police abuse may submit a formal complaint in writing to the officer's superior or the Office of the Ombudsman. Most victims chose to remain silent rather than risking retaliation by the authorities. The Ombudsman's Office for Human Rights opened in May and made efforts to respond to complaints about civil rights violations, but lack of funding and resources impeded its work. According to government reports, the anticorruption agency detected 677 corruption-related crimes through September, including 122 government employees of the public management system, law enforcement, and counternarcotics agency.

Arrest and Detention

By law prosecutors are empowered to issue arrest warrants, and there is no requirement

for judicial approval of an order for pretrial detention. Police may detain a suspect without a warrant in certain circumstances, but a prosecutor must be notified within 24 hours of arrest. After a warrant is issued, the police may hold a suspect 72 hours before arraignment. Defense advocates alleged that prosecutors often held suspects for longer periods and only registered the initial arrest when the suspect was ready to confess. Pretrial detention may last as long as 15 months in exceptional circumstances. Local prosecutors may order pretrial detention for as long as two months; subsequent detentions must be ordered by progressively higher level prosecutors. A defendant may petition for judicial review of a detention order, but judges rarely questioned detention decisions, and defense attorneys stated judges regarded this review as merely a formality.

Prosecutors oversee pretrial investigation and have the right to initiate criminal proceedings. Individuals have the right to an attorney upon arrest and the government must appoint lawyers for those who cannot otherwise afford one. In practice the government provided few attorneys for public defense, and these attorneys were generally ineffective. There is no bail system, although criminal detainees may be released conditionally and restricted to their place of residence pending trial. The typical length of pretrial detention was two to three months.

According to the law, family members are allowed access to prisoners only after indictment; officials occasionally denied attorneys and family members access to detainees. Authorities held detainees charged in crimes related to national security incommunicado for long periods without formally charging them. In January, after relatives of former citizen Muhammadi Salimzoda sought his whereabouts for five months, the SCNS admitted that Salimzoda had been in state custody the entire period. Salimzoda was sentenced to 29 years' imprisonment for espionage and attempting to overthrow the government, but he claimed security personnel obtained his confession to the crimes under physical and psychological duress.

The government generally provided a rationale for arrests, although some detainees claimed that authorities falsified charges or inflated minor problems to make politically motivated arrests. Some police and judicial officials regularly accepted bribes in exchange for lenient sentencing or release.

Amnesty

On November 4, President Rahmon granted amnesty to 10,000 prisoners, in part to relieve prison overcrowding. The amnesty covered those who had served three-fourths of their sentences, women, children, men older than 55, disabled prisoners, civil war veterans, and individuals sentenced for army desertion. Individuals covered by the amnesty were eligible to apply for release, pending court approval, on a case-by-case basis.

e. Denial of Fair Public Trial

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

On June 9, Judge Nur Nurov sentenced 31 residents of Isfara district to 10 to 25 years in prison for numerous crimes including theft, embezzlement, and membership in a criminal organization. The convicted individuals included employees and family members of a prominent Isfara businessman whose holdings were seized by officials. Following the sentencing, the state prosecutor complained that he had not asked for such lengthy sentences. The defense attorney later produced an audio tape in which Judge Nurov claimed that the chair of the Supreme Court had ordered him to issue maximum sentences to the group.

In September the Grace Sun Min Church vacated the school it had purchased in the late 1990s after losing a legal dispute with the city of Dushanbe. Legal observers believed

the government pressured the court to rule against the church so the government could reclaim ownership of the school.

The law gives prosecutors disproportionate power in relation to judges and defense advocates. This power includes control of formal investigations and oversight of entire case proceedings. "Supervisory powers" provided by law allow prosecutors to protest court decisions outside normal appeal procedures. Prosecutors effectively can cause court decisions to be annulled and reexamined by higher courts indefinitely after appeal periods have expired. These powers were an impediment to establishing an independent judiciary.

The criminal courts are organized into three levels: district, city or regional, and national courts. Most cases were heard in general criminal courts. In rare instances, military courts try civilians, and the defendants have the same rights they would have as defendants in civilian courts. A military judge and two officers drawn from the service ranks hear these cases. A constitutional court adjudicates claims of constitutional violations.

The president is empowered to appoint and dismiss judges and prosecutors with the consent of parliament. The parliament approved all presidential judicial nominations during the year, nor did the president dismiss any judges. Judges at all levels often were poorly trained and had limited access to legal reference materials. Low wages for judges and prosecutors left them vulnerable to bribery, which was a common practice. Government officials subjected judges to political influence.

The government addressed problems of judicial integrity by holding some judges and prosecutors accountable for criminal conduct. During the year the government arrested four judges and three judicial system employees for corruption. Courts convicted four judicial system employees who were arrested for corruption in 2007.

Trial Procedures

Trials are public, except in cases involving national security. There is a presumption of innocence by law, but in practice defendants were presumed guilty. NGOs reported that their ability to gain access to monitor trials improved during the year, although authorities denied NGOs access to some trials without explanation. In many cases judges were reluctant to allow monitoring organizations to observe trials unless the judge received an official request from the Council of Justice. In national security cases, a panel consisting of a presiding judge and two "people's assessors" determines the guilt or innocence of the accused. Qualifications of the assessors and how those qualifications are determined are not known, but their role is passive, and the presiding judge dominates the proceedings.

The law states that cases should be brought before a judge within 28 days after indictment. Pretrial investigation can be extended as long as 15 months in exceptional circumstances, but most cases were brought to trial within three months. Indicted individuals were usually found guilty. Judges often deferred to uncorroborated testimony of law enforcement officers, especially members of the SCNS, and often discounted the absence of physical evidence.

Defendants and attorneys have the right to review all government evidence, confront and question witnesses, and present evidence and testimony. No groups are barred from testifying, and in principle, all testimony receives equal consideration. In practice courts generally gave prosecutorial testimony more consideration than defense testimony. The law provides for the right to appeal. The law extends the rights of defendants in trial procedures to all citizens.

Political Prisoners and Detainees

Authorities claimed that there were no political prisoners and that they did not make

any politically motivated arrests. Opposition parties and local observers claimed the government selectively prosecuted political opponents. There was no reliable estimate of the number of political prisoners, but former opposition leaders claimed there were several hundred such prisoners held in the country, including former fighters of the UTO.

In February Rustam Fayziev, deputy chairman of the unregistered Party of Progress, died in prison after four years of confinement for insulting and defaming President Rahmon in a 2005 unsent, unpublished letter. The government claimed his death was the result of natural causes. Muhammadrusi Iskandarov, head of the Democratic Party of Tajikistan and former chairman of Tojikgaz, the country's state-run gas monopoly, remained in prison following his unlawful extradition from Russia and 2005 conviction for corruption. Former interior minister Yakub Salimov remained in prison serving a 15-year sentence for crimes against the state and high treason following his 2005 closed trial.

In December security officials arrested family members of the late Mirzo Ziyoev, former UTO leader killed in July, on unknown charges.

Civil Judicial Procedures and Remedies

Civil cases are heard in general civil courts, economic courts, and military courts. In practice the jurisdictions of these courts overlapped significantly, sometimes impeding fairness and efficiency. For example, a case during the year involving Jehovah's Witnesses was processed in a regional court. In 2008 the Supreme Court determined that a military court should hear civil cases related to Jehovah's Witnesses. In 2008 an economic court heard a land use dispute between the Grace Sun Min Church and the city of Dushanbe, despite the lack of a clear commercial interest.

Property Restitution

Despite changes to the land code, substantive property law is weighted against private property holders. Property recording systems are outmoded, leaving government officials with frequent opportunities to claim that property owners have violated regulations. Government officials relied on a lack of procedural transparency to implement development plans that call for building new businesses or residences in city centers at the expense of long-time residents. Municipal governments that developed these plans did not share them with the public, and evictees were afforded little due process.

Officials appeared to decide that government control of certain parcels of land was necessary and acquired them with no public debate and without elaborating on the justification for government seizure. The government notified residents that they had to leave their properties and offered them very little compensation. If residents did not comply with the order to vacate, city officials took them to court. The court hearings generally resulted in an eviction order. Property owners who challenged evictions in the courts generally were unsuccessful and were subject to retribution. Some of the owners were charged with criminal violations.

On May 4, a new synagogue was opened in Dushanbe, funded by the head of Orion Bank (who is the brother-in-law of the president). In June 2008 officials demolished the country's former synagogue to make way for a new presidential palace after a local court upheld an eviction order against Dushanbe's Jewish community, despite significant irregularities in the process.

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

The law prohibits arbitrary interference, although police forces committed violations in practice.

The law states that police cannot enter and search a private home without the approval of a prosecutor, except in special circumstances in which a delay would impair national

security. If police search a home without prior approval, they must inform a prosecutor within 24 hours. In practice police frequently ignored these laws and infringed on citizens' right to privacy, and citizens were sometimes searched without a warrant. The government conducts no independent judicial review of police searches conducted without permission. In August state security officers raided a private home and detained 17 Jehovah's Witnesses. The individuals were interrogated and released, pending trial.

The law prohibits the government from monitoring private communications, but citizens and NGOs alleged that the government did so on occasion.

Police and MOI officials sometimes harassed the families of suspects in pretrial detention or threatened to do so to elicit confessions, as in the case in which a prosecutor allegedly threatened a suspect that he would "ruin" his daughter (see section 1.c.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, but in practice the government restricted these rights. Authorities subjected individuals who disagreed with government policies to intimidation and discouraged them from speaking freely or critically. Under the law a person can be imprisoned for as long as five years for insulting the president.

Independent media were active but, as in previous years, the government subjected the media to different means of control and intimidation. Although print media regularly published political commentary and investigatory material critical of the government, media sources observed that certain topics were considered off limits, including derogatory information about the president or his family members or questions about financial impropriety by those close to the president. Media outlets regularly practiced self-censorship due to fear of government reprisal.

In October a Dushanbe court found *Paikon* newspaper guilty of libel after it published an open letter by businessmen critical of the country's import/export agency. The court ruled that the newspaper must pay the agency 300,000 somoni (\$68,000) for publishing the letter. The newspaper appealed the court's decision, noting that the law states that only individuals (not organizations) may be sued for libel.

There were four state-run television channels that broadcast throughout the country, and four state-run television stations that broadcast regionally. There was one national and several regional state-run radio stations. Several independent television and radio stations were available in a small portion of the country, but the government controlled most broadcasting transmission facilities.

In March the government terminated the contract of Russia's RTR Planeta television over unpaid fees. RTR was the only Russian-language channel broadcasting in the country. Independent TV Somoniyon, shut down in 2004, won several cases against the State Committee on Radio and TV but did not receive compensation or a new license. In October a court ruled against TV Somoniyon, and it remained off the airways. An independent television station in the Sughd region, "Guli Bodom," was denied an extension of its license, which many media analysts alleged was the government's response to the political content of the station's programming.

The government also cut off transmission of independent Radio Imruz on August 11 after it reported on sensitive security issues. The government permitted the station to resume broadcasting on September 3 but required the resignation of the editor in chief. The government initiated a case against Tursunali Aliyev for slander, based on his criticism of Sughd authorities in a 2007 article in *Tong* (a local newspaper), and the case remained open at year's end. Local prosecutors rejected charges against Aliyev in 2007,

but Sughd regional prosecutors instituted their own case. Media advocacy organizations viewed the case as the result of government efforts to intimidate journalists.

Government authorities occasionally subjected individual journalists to harassment and intimidation. Government officials fabricated derogatory information about a journalist working for Reuters and threatened to release the false information if the journalist proceeded to write information critical of the government. Journalists reported that government officials limited their access to information or provided advice on what news should not be covered.

Other common types of government harassment included arbitrary prosecutions, warnings issued via telephone and in person at prosecutors' offices or during visits to editorial offices, and selective tax inspections. In September 2008, the Prosecutor General's Office instituted criminal proceedings against Dodojon Atovulloyev, the editor in chief of the Moscow-based opposition newspaper *Charogh-i-Ruz* (The Light of Day). Prosecutors instituted proceedings, citing provisions in the criminal code that criminalize calling for the overthrow of the constitutional order and public defamation of the president, and were allegedly seeking Atovulloyev's extradition from Russia. Atovulloyev remained abroad and *Charogh-i-Ruz*, which criticized President Rahmon, ceased publication.

Independent radio and television stations continued to experience administrative harassment and bureaucratic delays. New stations must be licensed by the Commission of the National Committee on Television and Radio, which directly manages the national television and radio stations. The government restricted issuance of licenses to new stations, in part through an excessively complex application process. According to the National Association of the Independent Media of Tajikistan (NANSMIT), more than 20 privately owned broadcasting organizations were unable to begin working because the licensing commission had rejected their documents over the last four years. NANSMIT and the Union of Tajik Journalists called for an end to the National Committee on Television and Radio's control of licensing, noting the Committee's conflict of interest due to its management of the national stations. Only a few of the privately held television stations were genuinely independent, and government officials at times interfered with their operations. The government granted two new broadcast licenses in March to the Mavji Oryono television station in Khujand and to the FM Aziz Plus radio station in Istravshan, but neither station was functioning, according to the NGO KHOMA.

The government allowed some international media to operate freely as well as rebroadcasts of Russian television and radio programs. The government continued to deny BBC a renewal of its license to broadcast on FM radio. BBC broadcast a Persian-language television station via satellite. Community radio stations continued to experience registration and licensing problems that prevented them from broadcasting. The Russian-language K Plus operated in the country and broadcasted via satellite from Kyrgyzstan.

Opposition politicians had limited access to state-run television. State television excluded the Social Democratic Party of Tajikistan (SDPT) from its election coverage and did not report on the SDPT's party congress; political observers attributed the lack of coverage to party leaders' expressions of political views that opposed government policies. The government allowed opposition political party leaders limited or, in some cases, no broadcast time during the parliamentary election campaign through the end of the year. The government allowed opposition candidates limited time in parliamentary and presidential elections in 2005 and 2006.

The government exercised a number of restrictions on the distribution of materials. All newspapers and magazines with circulations exceeding 99 recipients were required to register with the Ministry of Culture. According to the Ministry of Culture, there were 244 registered newspapers and magazines, 128 of them private. None was a daily publication. All major newspapers were released once per week, on the same day of the week, and relied heavily on government-provided content. There were 10 information agencies, nine of them private, although some were not functioning and several were

strongly influenced by the government.

The government continued to control most printing presses and the supply of newsprint. During the year at least six new national newspapers began publishing. One of these, *Risolat*, was a privately funded, religious-themed newspaper. In October a newspaper in Gorno-Badakhshan Autonomous Region began publication in a minority Pamiri language.

Internet Freedom

Independent Web site www.nansmit.tj was temporarily shut down after it criticized the forced closure of an Internet café that allowed customers unrestricted access to Web sites. Two Internet sites remained blocked as a result of the 2006 government order to block access to Web sites that "undermined the state's policies." The sites are www.charogu.ru and www.ariana.com.

In 2007 the criminal code was amended to criminalize libel and defamation on the Internet, punishable by as long as two years in prison. By year's end the government had not prosecuted anyone under these amendments.

Academic Freedom and Cultural Events

In March the Ministry of Culture banned performances of a play after viewing it on opening night and deeming its content a political critique. After the playwright revised the script to remove objectionable content, authorities permitted the play to resume performances.

The Ministry of Education regularly placed pressure on academic institutions that employed individuals who opposed the president's administration or policies. The ministry ordered the three-month closure of the Technological and Communication Innovation of Tajikistan Institute, ostensibly for technical reasons, but several opposition political figures were on its faculty. The institute contested the order in economic court, won a reprieve in September, and continued its operations. At year's end the case remained open.

Students wearing a hijab (head scarf) were banned from attending public universities. Schoolchildren wearing hijabs have been denied diplomas at the conclusion of their studies, particularly in Dushanbe and the Sughd region. In Dushanbe and Khujand, university and school students contested the ban in two court cases, but in each case the court ruled in favor of the Ministry of Education. The Tajik National University expelled 40 students for wearing hijabs. Most were readmitted after they agreed to not wear hijabs on university grounds.

In September the Ministry of Education introduced a ban on wearing beards by teachers younger than 50. Teachers who are older than 50 may not wear beards longer than one and one-fourth inch.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, but the government restricted this right in practice. On May 6, 30 female merchants launched a hunger strike to protest the demolition of a market in Dushanbe where they were employed. Authorities proceeded to demolish the market and the hunger strike ended.

Freedom of Association

The constitution protects freedom of association. In practice the government restricted this right. The Law on Observing National Traditions and Rituals provided a basis for the

government to infringe on individuals' ability to hold private events such as wedding and funeral ceremonies. The law limits the number of wedding guests and controls ceremonial gift presentations and other traditional rituals. The law also regulates the number of guests at funerals and memorial services. Some citizens reported that government officials monitored weddings and funerals to ensure that all parties obeyed the law.

An estimated 2,000 public organizations functioned in the country. The government reported that the courts closed five public organizations during the year. The 2007 Law on Public Associations required all NGOs to register with the MOJ. Of more than 1,000 NGOs that reregistered, approximately 50 were international entities.

The government continued to refuse to register political parties and associations it considered to be opposition groups. The government also monitored activities of religious groups and institutions to prevent them from becoming overtly political.

Legislation defined extremism in broad terms and gave law enforcement agencies wide latitude to conduct investigations. There was no reliable estimate of the number of persons arrested or detained for membership in extremist organizations such as the Islamic Movement of Uzbekistan and Hizb ut-Tahrir. Fundamentalist Islamic groups, including Jamaat-E-Tabligh and the Salafi sect, also were banned; local authorities frequently detained and questioned members of these groups. Authorities reported that those arrested faced charges of membership in banned organizations, illegal possession of weapons, and disruption of the constitutional order.

Although prosecutors secured convictions for many of those arrested for extremist activities, law enforcement officials continued to use their authority to monitor, question, and detain a broad spectrum of individuals and groups by alleging extremism.

c. Freedom of Religion

The constitution provides for freedom of religion, but legislation and government decrees restrict this right.

In April the government passed the restrictive Law on Freedom of Conscience and Religious Organizations. Elements of the law included limiting the number of religious institutions that may be built within a given population area, designation of the Hanafi branch of Islam as the religious basis of society, a mandate that an individual seeking to open a religious institution must have been resident in the country for five years, limits on the number of madrassahs (religious schools) to one per district, and a requirement for all religious organizations to reregister with the Department of Religious Affairs (DRA) by January 1, 2010. According to the new law, prayer is effectively banned in public places and restricted to four areas: mosques, cemeteries, holy places, and the home. In practice the government did not enforce most provisions of the new law, and there were no known cases of individuals arrested for praying in a public place. The government granted approval to most minority religious organizations who applied to reregister with the DRA. Women were prohibited from attending mosques (see section 6).

In January the Supreme Court banned the Islamist "Salafi" movement and designated it an extremist organization. In June police raided a mosque, arrested 40 individuals, and charged them with membership in the Salafi movement.

Courts upheld the government's ban on activities of the Jehovah's Witnesses and took action against the group in local courts in the Sughd region.

On October 12, the first center for Ismaili Muslims in Central Asia, the Aga Khan Cultural Center, opened in Dushanbe.

The Council of Ulamo, an association of Islamic clergy, provides interpretations of religious practice that imams throughout the country are required to follow. Although

the council is officially an independent religious body, in practice it was subject to significant government influence. The DRA is responsible for general regulation of all religious organizations. The DRA, in consultation with local authorities, registers and approves all religious places of worship. For Muslims, the DRA controls all aspects of participation in the hajj (pilgrimage to Mecca) and chooses participants. President Rahmon established the Center for Islamic Studies during 2008 to direct religious policy, and it remained active during the year.

The government continued to impose limitations on personal conduct and to restrict activities of religious groups it considered "threats to national security." Government officials visited mosques regularly to monitor activities, observe those who attended the mosques, and examine audio and video materials for evidence of extremist and antigovernment material. The DRA continued to test imams on their religious knowledge and to ensure that they followed official positions on religious issues.

The new Law on Religion placed new restrictions on private Islamic education. In January 2008 the government put the previously independent Islamic University, the country's only religious institution of higher learning, under the administration of the Ministry of Education. Teachers underwent a vetting process, and the university was downgraded to an "Islamic institute" (a level below that of university but equivalent to a college.) The government permitted private religious schools, but they were required to register with the Ministry of Culture. There were approximately 20 madrassahs at the secondary school level, including a new, secular-based madrassah; the government did not close madrassahs during the year.

Government printing houses generally did not publish religious literature, but they did so in special cases such as printing the Koran in Arabic script. The government tightly controlled importation of religious literature. In April 2008 the government refused to allow entry of a shipment of books for a Baptist organization, arguing that the size of the shipment was disproportionate to the organization's membership. The Ministry of Culture continued to ban religious literature from organizations it considered inappropriate during the year, and Jehovah's Witnesses' literature was included on the list.

The government did not restrict missionaries from registered religious groups. The new religion law permitted proselytizing, but in practice officials interfered with proselytizing. The government banned the Jamaat-E-Tabligh group due to its proselytizing activities and arrested its members.

The government requires citizens to apply for a permit to make the hajj and limits the number of citizens who may be issued these permits, placing additional age-based restrictions on those seeking to make the pilgrimage. There were some reports that government officials extracted bribes from individuals seeking permits to attend the hajj, or pressured them to purchase ruling political party newspapers or other goods.

Societal Abuses and Discrimination

There were no reports of discrimination or harassment by members of one subgroup of a religion against members of other groups or religious minorities. According to Radio Free Europe/Radio Liberty, there were an estimated 15,000 Jews living in the country prior to the breakup of the Soviet Union, but many of them left, and the community now numbers only a few hundred persons. Although there were no confirmed public anti-Semitic acts, some imams and mullahs preached anti-Semitic messages in mosques. On May 4, a new synagogue was opened in Dushanbe to replace the one demolished by the government in 2008 to make way for a new presidential palace (see section 1.e.).

For a more detailed discussion, see the [2009 International Religious Freedom Report](#).

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

The law provides for freedom of movement, but in practice the government imposed some restrictions.

Foreigners are prohibited from traveling within a 15-mile zone along the country's borders with China and Afghanistan 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 required travelers (including international workers and diplomats) to obtain special visas to go to Gorno-Badakhshan. Diplomats and international aid workers could travel to the Afghanistan border without prior authorization.

There are no laws that provide for exile, and there were no reports of forced exile. Some government opponents remained in self-imposed exile in Russia.

Persons wishing to emigrate to countries of the former Soviet Union must notify the MOJ prior to their departure. Persons who wish to emigrate to other countries must obtain an immigrant visa to receive a passport. Most persons who left the country were permitted to return, but several political dissidents continued to reside abroad for fear of arrest. The government declared Dodojon Atovulloev, editor in chief of *Charoghi Ruz* who resided in Russia, a criminal. Safar Abdullo, former deputy chairman of the Democratic Party, stated that he feared arrest if he returned to the country.

The government provided protection and modest assistance to resettle any citizens who returned voluntarily, and it cooperated with international organizations that helped to fund assistance and resettlement programs.

Protection of Refugees

The law provides for the granting of asylum or refugee status to persons in accordance with the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, and the government has established a system for providing protection to refugees.

The government generally provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The Office of the UN High Commissioner for Refugees (UNHCR) reported that there were no cases of deportations of individuals registered as refugees during the year. The government respected protection letters issued by the UNHCR and allowed those holding the letters to remain in the country while the UNHCR considered their claims.

In April the authority for processing refugees was moved to the MOI from the Ministry of Labor and Social Protection (MOL), resulting in longer processing times for refugees and additional administrative delays. The transfer of the Migration Service to the MOI brought with it rampant corruption and the routine solicitation of bribes for processing refugee claims and all other migration matters.

According to the UNHCR, 1,361 persons were registered as refugees or asylum seekers in all of 2008, but the Ministry of Interior registered more than 2,200 in the first nine months of the year. The number of new arrivals claiming refugee status was approximately double the 2008 number. The government continued to cooperate with the UNHCR, which retained its observer status in the Refugee Status Determination Commission.

The government generally succeeded in registering those with a claim to refugee or asylum status, but the government also placed significant restrictions on claimants. Officials continued to enforce a law prohibiting asylum seekers and refugees from residing in urban areas. Work permits for refugees were subject to administrative delays. Refugees and asylum seekers were generally left to their own devices to secure food, shelter, education, and access to basic services, although the UNHCR provided significant assistance. Government actions reflected a particular concern about the country's population of Afghan refugees. Security officials regularly monitored refugee

populations. Foreigners, including refugees and persons with asylum status, were subject to police raids throughout the year, particularly following incidents in the summer in which security forces clashed with an armed opposition group in Tavildara.

The process for making asylum status determinations was fraught with problems, including lack of transparency. The government processed asylum applications through the National Refugee Status Determination Commission and granted applicants documents to regularize their stay and to prevent deportation. Officials made decisions to deny refugee status to some individuals without providing any justification for the decisions. Although the law stipulates that refugee status should be granted for as long as three years (after which it can be extended), the transfer of refugee processing to the MOI resulted in much shorter periods. Many Afghan refugees were granted status for periods as short as six months, after which they had to reapply for status to stay in the country. Although the law allowed refugees to apply for citizenship after 18 months, few were granted citizenship. In 2008 the government initiated a joint program with the UNHCR to promote integration and eventual citizenship for 1,000 long-staying Afghan refugees, but its implementation proceeded slowly.

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

The law provides citizens with the right to change their government peacefully. In practice the government restricted this right.

The president and his supporters, primarily from his home region of Dangara, continued to dominate the government. The president's political party, the People's Democratic Party of Tajikistan (PDPT), dominated both houses of parliament, holding 52 of 63 seats in the Assembly of Representatives and an overwhelming majority in the National Assembly. Members of the PDPT held most government positions. The president had broad authority to appoint and dismiss officials, and he exercised that authority throughout the year. For example, in January, according to Radio Free Europe/Radio Liberty, President Rahmon fired the heads of the state electricity and natural gas companies, accusing them of failing to do their jobs.

Elections and Political Participation

After the 2006 presidential elections, the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights (ODIHR) determined that presidential electoral legislation did not provide a framework for democratic elections and that the 2005 parliamentary elections were not free and fair. OSCE/ODIHR also noted that officials exercised excessive control during the campaign and that the elections did not adhere to democratic principles. Opposition parties, ODIHR, and NGOs generally agreed on the areas that needed reform: increasing accountability for election violations, revising the election law and enacting new legislation, improving electoral administration, establishing an environment all considered fair for campaigning, and assisting political parties to become more professional. By year's end the government had not implemented these recommendations or approved a new election law to replace the 2005 law. Accordingly, the February 2010 parliamentary elections were to be conducted under the 2005 law.

The government reported eight legally registered political parties, including the PDPT, but the MOJ refused to register a ninth party, the Unity Party. Observers considered only three parties to represent actual opposition. Opposition political parties had moderate popular support and faced close scrutiny by the government. In February Rustam Fayziev, deputy chairman of the unregistered "Progress Party," died in prison after four years of confinement.

The law prohibits political parties from receiving support from religious institutions, but religiously affiliated parties, such as the Islamic Revival Party (IRPT), were registered.

The Democratic Party of Tajikistan remained factionalized. Supporters of the party's

imprisoned chairman, Mahmadrusi Iskandarov, alleged that the government assisted in dividing the party in the period preceding the 2006 presidential election. All senior members of President Rahmon's government were PDPT members; most members of the country's 97-seat parliament were members of the PDPT or were otherwise considered to be supportive of the government. The only other parties represented in parliament were the IRPT and the Communist Party.

There were 16 women in parliament, and there were five representatives from minorities. Some ministries had female deputy ministers. Ethnic Uzbeks were represented in the government, although not in direct policymaking roles.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, but the government did not implement the law effectively. Officials frequently engaged in corrupt practices with impunity, and corruption and nepotism were pervasive at all levels of government.

The MOI, anticorruption agency, and Prosecutor General's Office are responsible for investigating, arresting, and prosecuting corrupt officials. The government acknowledged a problem with corruption and took steps to combat it, including putting lower-level officials on trial for taking bribes. According to the newspaper *Asia-Plus*, an officer from the Jilikul prosecutor's office in Khatlon province was detained on suspicion of soliciting and receiving a bribe. The anticorruption agency reported that the prosecutor received a bribe of 26,400 somoni (approximately \$6,000) from a local resident for dropping criminal cases against his relative. In October the deputy chairman of Khatlon's Jomi District was charged with corruption for allegedly taking a bribe from a person seeking to perform the hajj.

The prosecutor general investigated some cases of corruption by government employees, but the bulk of the cases involved mid- or lower-level officials, and none involved large-scale abuses. According to the anticorruption agency, the government prosecuted 115 officials for misconduct through September, but it was unclear how many of these cases were for torture or degrading punishment. Prosecutors have generally charged law enforcement officials under criminal provisions related to abuse of official powers, extracting testimony under duress, or corruption.

In December officials began a campaign to pressure public institutions, private businesses, government employees, students, and private individuals to publicly commit to purchase stocks in the government's Roghun hydroelectric power station. Although the government claimed that no individual was compelled to contribute to Roghun, many government employees reported that money was deducted from their salaries and applied to the Roghun project without their permission. Officials instructed school and hospital directors to order their employees to commit to purchase shares in Roghun in amounts ranging from 500 to 5,000 somoni (\$113-\$1,136). Some citizens stated that they feared reprisals, including termination from employment, if they refused to contribute to the Roghun project. State media began a propaganda campaign extolling individuals who committed to buy shares. Independent media outlets practiced self-censorship in covering the Roghun fundraising drive and did not publish criticism of the campaign. The government did not explain the details of the Roghun stock program, how it would manage shares, or how citizens would be able to recoup their investments.

Throughout the year the government continued to face scrutiny from the international community over apparently deliberate misappropriations involving the International Monetary Fund (IMF). IMF auditors found in 2008 that the country had misreported its finances and required the country to make early repayment of IMF loans. Despite evidence that the actions were deliberate, the government did not prosecute anyone. Authorities admitted the falsifications and removed Murodali Alimardon, the National Bank chief, but then awarded him the position of deputy prime minister.

Public budgets, particularly those involving major state-owned enterprises, lacked transparency. Although parliament had oversight over the budget, in practice it passed

annual budgets almost without comment despite large, unexplained, and undefined expenses. For the first time, ministries and state agencies reported to parliament on implementation of the budget, but neither parliament nor the government released information on the report. It was widely believed, and privately acknowledged by government officials, that the government used proceeds from state-owned enterprises for off-budget prestige construction projects, including the Palace of the Nation in central Dushanbe.

TALCO, the state-owned aluminum smelter that consumed a significant portion of the country's energy resources and produced the country's major export, agreed to a financial audit in 2008. TALCO's off-shore management company, which reportedly was owned by senior politicians and received the bulk of the proceeds, did not undergo an audit.

The law requires government officials to provide information to journalists upon request. In practice the government did not permit free access to information, and some officials disregarded the law concerning journalists because there was no enforcement. Media organizations claimed the Law on Access to Information that parliament passed in June 2008 did not in practice give journalists greater access to official information. For example, after the legislation took effect, several ministries and agencies would not provide information unless questions were submitted in writing. Release of the information required the consent of top ministry and agency officials. Government agencies took as long as one month to provide the requested information, limiting journalists' ability to obtain information in a timely manner.

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

As in previous years, domestic and international human rights groups usually were able to monitor and report on the general human rights situation in the country, including treatment of prisoners by security officials. Human rights NGOs and journalists were careful, however, to avoid public criticism of the president or other high-ranking officials.

The government continued to deny ICRC access to prison facilities. The government's Office for Constitutional Guarantees of Citizens' Rights continued to investigate and answer citizens' complaints, but staffing inadequacies and uneven cooperation from other government institutions hampered the office's effectiveness. The parliamentary committee on legislation and human rights also monitored human rights violations, but it lacked full independence from government influence. The committee's primary responsibility was to examine proposed legislation for compliance with human rights obligations, but according to observers it did not fulfill its primary responsibility to raise human rights concerns in new legislation.

In May the government opened the Office of the Human Rights Ombudsman (OHRO). In drafting legislation to create the OHRO, the government consulted with international organizations and NGOs, but the final legislation did not include provisions ensuring the OHRO's independence from government influence. The OHRO made efforts to respond to civil complaints during the year, but its limited staff and budget constrained its capacity to do so.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for the rights and freedoms of every person regardless of race, gender, disability, language, or social status, but in practice there was discrimination against women and persons with disabilities. Trafficking in persons remained a problem.

Women

The law prohibits rape, which is punishable by as long as 20 years' imprisonment. There

is no provision addressing spousal rape. Most observers believed the majority of cases were unreported. There were no official statistics on the number of rapists charged, prosecuted, or convicted. However, in November Amnesty International (AI) released the report *Violence is Not Just a Family Affair: Women Face Abuse in Tajikistan*, which stated that 42.5 percent of women reported cases of spousal rape, with perpetrators frequently justifying the act by invoking "cultural values."

Violence against women, including spousal abuse, remained a widespread problem. According to the AI report, "surveys have shown that between a third and a half of Tajik women have suffered violence from a family member. One survey showed 58 percent of wives reporting physical and/or sexual violence from their husbands, and young – often uneducated – women married in 'unregistered' ceremonies are particularly at risk. In many Tajik households women are demeaned and attacked by husbands and in-laws alike." AI also noted in the report that "unregistered wives can also be divorced by husbands who simply repeat a phrase in front of two witnesses. This often leaves divorced women with nowhere to live and no source of income. In some cases wives have been divorced over the telephone by husbands working abroad who have already started new families abroad. Despite the fact that research reveals very high levels of domestic violence in the country the Tajik authorities do not compile comprehensive data on the issue and there is only one shelter for at-risk women in the entire country."

There is no comprehensive law against domestic violence. The government has not taken adequate steps to conduct public information campaigns or to collect information on domestic violence or the needs of victims. Most cases of domestic abuse went unreported. Reported cases were seldom investigated, and few alleged perpetrators were prosecuted.

NGOs managed 44 "crisis centers" where women could seek guidance on domestic violence problems, but many centers lacked funding and resources. Local governments donated the premises for three of the shelters. The Committee for Women's Affairs (within the Office of the President) had limited resources to assist domestic violence victims, but local committee representatives referred women to the crisis shelters for assistance.

In some rural areas officials observed an ongoing trend of female suicide; domestic abuse by in-laws or labor migration may have been contributing causes. According to the November AI report, studies have shown that domestic violence is the most frequent reason cited by women who have attempted suicide. AI also noted that law enforcement agencies often did little to assist victims of domestic violence. By law police cannot act without a written complaint from the victim, even if there were other witnesses, and police often gave only warnings, short-term detentions, or fines for committing "administrative offenses" in cases of domestic violence.

Prostitution is illegal, although in practice prostitutes who were arrested were assessed a nominal fine and released. Procurers were prosecuted.

The law prohibits sexual harassment with penalties of as long as two years' imprisonment, but victims often did not report incidents because of fear of social stigma.

The government did not interfere with the rights of individuals and couples to plan the number, spacing, and timing of their children. According to the Population Reference Bureau (PRB), 14 percent of women between the ages of 15 and 49 used modern forms of contraception and 83 percent of births were attended by skilled personnel. The PRB also reported that 77 percent of women received postpartum care and that the maternal mortality rate was approximately 625 per 100,000 births.

Amonullo Ghoibov, secretary of the National Coordination Committee to Prevent and Fight HIV/AIDS, Tuberculosis, and Malaria noted that women in the country were becoming increasingly vulnerable to infection and that the "... culture and traditions do not allow for an open discussion about sex education issues, HIV transmission routes and protection from infection." According to the activist group *Women Living Under Muslim*

Laws, the head of the country's National AIDS Center stated that "traditional gender stereotypes and the subordinate status of women mean few of them get any information on sexual health and reproductive issues, let alone HIV prevention."

The law protects women's rights in marriage and family matters, but some female minors were pressured to marry against their will. NGOs reported that there was a high rate of polygamy, although the practice is illegal. Inheritance laws do not discriminate against women, although in practice some inheritances passed disproportionately to sons. The law provides that women receive equal pay as men for equal work, but cultural barriers continued to restrict the professional opportunities available to women.

In 2004 the country's highest Islamic body, the Council of Ulama, issued a fatwa (religious edict) that prohibited women from praying in mosques. The government supported the fatwa but expressed concern over the separation of church and state. The IRPT continued to operate one "Friday prayer" mosque that permitted women.

In its November report, AI stated that, according to its shadow report conducted by women's NGOs in 2006, women were underrepresented in decision-making processes at all levels of political institutions, that the higher the position the lower the female representation, and that female representation in all branches of power was less than 30 percent. AI noted that the country had no female ministers or ambassadors.

AI also noted gender segregation in employment, "with the vast majority of the working female population (86 percent) working in the low-paid sectors, such as agriculture (75 percent), public health services and education: Wages in these branches are approximately 4-7 times lower than in other spheres (as in industry, construction, transportation and communication). Furthermore, a significant number of women of employable age are engaged in housekeeping or in the informal sector of the economy."

Children

Citizenship is derived both by birth within the country's territory (*jus soli*) and from one's parents (*jus sanguinis*). The government is required to register all births. Many parents do not register births until a child is ready to enter school, since birth registration is required to receive public services.

Free and universal public education is compulsory until age 16 or completion of the ninth grade. The United Nations Children's Fund (UNICEF) indicated that school attendance was generally good through the primary grades but that girls faced disadvantages, especially in rural school systems where families elected to keep them home after primary grades to take care of siblings or work in agriculture. Underage marriage was widespread in some rural areas, and many parents directed their daughters to quit school after the ninth grade.

There was no government body assigned to address issues of violence against children. Human rights advocates were concerned that many acts of violence were unreported.

Trafficking in Persons

The law prohibits trafficking in persons; however, trafficking of women and children for sexual exploitation and the trafficking of men for forced labor was a serious problem. Boys and girls were trafficked internally for various purposes, including forced labor and begging. Article 130.1 of the criminal code prohibits both sexual exploitation and forced labor and prescribes penalties of five to 15 years' imprisonment, penalties that are lower than those prescribed for other grave crimes, such as rape. Officials generally used other criminal provisions to address trafficking-related crimes, because evidence gathered abroad was generally required for cases prosecuted under article 130.1.

The country is a source for women trafficked to the United Arab Emirates, Russia, Turkey, Iran, and India for the purpose of commercial sexual exploitation. Economic

migrants who traveled to Russia (and to a lesser extent Kazakhstan) for work in the construction and agricultural sectors were often exploited by unscrupulous employers and local officials. While working abroad, they were often subjected to poor living conditions, threatened with deportation, and denied the salaries they had been promised.

A report by the government's Interagency Commission on Human Trafficking reported 22 criminal cases involving trafficking-related offenses through the first half of the year. In the first nine months of the year, one individual was prosecuted under article 130.1, three individuals under article 132 (deceptive recruitment), and nine individuals under article 9 (trade in underage persons).

Although the government created a special antitrafficking unit in the Ministry of Interior, it remained underfunded and had little capacity to investigate trafficking cases. The government reported that no convicted traffickers received suspended sentences or were granted amnesty in 2008; sentences for those serving time in prison ranged from six months' to eight years' imprisonment. The government worked with Russian authorities to investigate trafficking cases during the year.

The government reported limited improvements in law enforcement, although these efforts were overshadowed by the government's failure to address serious and systemic problems, including the provision of adequate funding to antitrafficking bodies, such as the Trafficking in Persons Unit at the MOI; identification of and assistance to trafficking victims; prosecution of a significant number of traffickers; improvement in coordination between law enforcement and security institutions with overlapping responsibilities; investigation of allegations of security official abuse of three victims in 2008; and the government's excessive reliance on the international community to conduct trafficking awareness campaigns and to ensure victims' access to assistance and protection.

The government's Interagency Commission on Human Trafficking coordinated government efforts to combat human trafficking. The government coordinated with the OSCE and International Office of Migration (IOM) to develop an antitrafficking course at its police academy. The government established new migration offices for its laborers working in Russian cities. The country's consul in Dubai coordinated with the IOM to repatriate victims of trafficking.

The government demonstrated limited efforts to assist trafficking victims during the reporting period. The Ministry of Health operated eight medical support units for female victims of domestic violence and trafficking in persons. Virtually all other victim assistance and protection, including shelter, medical assistance, rehabilitative counseling, legal assistance, and vocational training, were provided by internationally funded shelters and NGOs; the government did not provide financial or in-kind assistance to any NGO or organization that provided victim assistance.

After interviewing trafficking victims upon their return to the country, government security officials referred victims to the available shelter in Dushanbe. Victims were encouraged to participate in trafficking investigations and prosecutions, but many authorities remained untrained and unskilled in interviewing and caring for victims of trafficking. Shelter officials stated they would prefer to meet with victims before security officials interviewed them. During the year internationally funded NGOs provided 44 victims with shelter and assistance, compared with 38 victims in 2008. The government made no efforts to develop and implement systematic victim identification procedures or a domestic mechanism to refer victims to care providers.

The government engaged in few trafficking prevention efforts during the year. The government operated several centers for training and advising migrant workers, but these centers were generally ill-equipped and lacked funding. In October 2008 the government produced and broadcast television programs informing potential labor migrants of their rights and practical considerations for the migration process. In 2008 officials instituted monitoring and licensing requirements for travel firms to detect or investigate firms suspected of labor trafficking complicity, and they were implemented

throughout the year.

See also the State Department's annual [Trafficking in Persons Report](#).

Persons with Disabilities

The MOL, the government's Commission on Fulfillment of International Human Rights, the Society of Invalids, and local and regional governmental structures were charged with protecting the rights of persons with 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 have the resources to provide legal safeguards. There is no law mandating access to buildings for persons with disabilities, and the government did not require employers to provide such access. Although the government maintained group living and medical facilities for persons with disabilities, funding was limited, and facilities were in poor condition.

National/Racial/Ethnic Minorities

Generally discrimination was not a significant problem. There were reports that some law enforcement officials harassed ethnic Afghans and Uzbeks, but such reports were not common.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Gay and lesbian relationships have been legal in the country since 1998, and the age of consent is the same as for heterosexual relationships. Throughout the country, there was significant societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons, and there was little to no public activism on their behalf. There were no known acts of violence against members of LGBT communities, and there were no documented cases of government discrimination against LGBT persons.

Other Societal Discrimination

There was considerable societal discrimination against individuals with HIV/AIDS. The law on HIV/AIDS requires health-care providers to give HIV/AIDS patients essential medicines and treatments free of charge, but in practice many patients were denied care and socially shunned.

The government offered HIV testing free of charge at 140 facilities, and partner notification was mandatory and anonymous. The World Health Organization noted that HIV testing was systematically offered to prisoners, military recruits, street children, refugees, and persons seeking visas, residence, or citizenship.

Section 7 Worker Rights

a. The Right of Association

The law allows workers to form and join unions, and they did so in practice. The government used informal means to exercise considerable influence over organized labor, including influencing the selection of labor union leaders. The umbrella Federation of Trade Unions of Tajikistan did not effectively represent worker interests. There were reports that the government compelled some citizens to join state-endorsed trade unions and impeded formation of independent unions. According to official figures, 1.3 million persons belonged to unions, approximately 63 percent of the active work force. The law requires all NGOs, including trade unions, to be registered. The law does not specifically prohibit antiunion discrimination, but there were no reports that it

occurred during the year.

Citizens were reluctant to strike due to fear of government retaliation. In March 400 workers at the Sangtuda I power station went on strike after they did not receive their salaries. After the workers were paid, they returned to work, but three of the strike organizers were fired from their jobs.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct activities without interference, except "in cases specified by law," but the law does not define those cases. The Law on Meetings 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, and workers exercised this right in practice. Ninety percent of workers were covered by collective bargaining contracts. The Law on Meetings did not restrict the right to strike, but it required that meetings and other mass actions receive prior approval from the authorities.

There are four Special Economic Zones – Khujand, Panj, Ishkoshim, and Dangara – which are granted special trade privileges and exceptions from taxation.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including of children, except in cases defined in the law, but there were reports that such practices occurred.

Local officials compelled state workers – particularly in Khatlon and Sughd regions – to pick cotton during the annual cotton harvest. Many workers were forced to sign statements certifying that their work was voluntary. Forced labor in the cotton sector remained a problem because the government continued to set a fixed price for a small cadre of investors to purchase cotton from farmers. The fixed price was well below market value, making it difficult for farmers to pay workers to pick cotton. The undervaluing of labor, and the consequent lack of voluntary laborers, led local officials to compel persons to participate in the cotton campaign. Work conditions were generally poor. The government announced that farmers were free to plant crops of their choosing during the year's growing season. This announcement followed a 2008 presidential pronouncement aimed at reforming the country's agricultural sector, which led to an estimated 20 percent drop in land allotted to farmers for cotton cultivation during the year. In some cases, local officials continued to force farmers to grow and pick cotton.

d. Prohibition of Child Labor and Minimum Age for Employment

Child labor remained a widespread problem, and the government did not effectively enforce child labor laws or develop a comprehensive policy to prevent or eliminate the worst forms of child labor. In 2005 UNICEF estimated that approximately 200,000 children between the ages of five and 14 were in the labor force. The highest incidences of child labor were in the domestic or agricultural sectors.

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

In April President Rahmon, in his address to parliament, called for an end to forced child labor during the annual cotton harvest. Child labor continued to be employed at the local level in cotton harvesting, but to a lesser degree than in previous years. The practice of school administrators directing school children to harvest cotton became less common, although individual cases were reported. After the 2008 fall harvest, local

prosecutors in Khatlon charged two local officials with pressuring schools to direct students to participate in the cotton harvest. Despite reports of forced labor, the MOL did not deploy inspection teams to investigate, and Ministry of Education officials generally did not discipline teachers or local administrators who facilitated or directed such practices. Authorities continued to deny official involvement in forced labor.

Enforcement of child labor laws is the responsibility of the Prosecutor's Office, the MOJ, the Ministry of Social Welfare, the MOI, and appropriate local and regional governmental offices. Unions also are responsible for reporting any violations in the employment of minors. Unresolved cases between unions and employers can be brought before the prosecutor general for investigation. Few violations were reported, because most children worked under the family assistance exception.

e. Acceptable Conditions of Work

The estimated average monthly wage was 322 somoni (approximately \$73), but in many sectors the average wages were far lower. In the agricultural sector, for example, the average wage was estimated at 108 somoni (\$24.50). There was no agreed-upon measure of cost of living standards, but the World Bank estimated that 53.5 percent of the population lived below the poverty line, and 17 percent lived in extreme poverty. Although statistical measures varied, the poverty line was estimated to be 139 somoni (\$40) per month, based on a 2007 joint survey by the government, the World Bank, and UNICEF. The extreme poverty line was estimated to be 89 somoni (\$25) per month. The government acknowledged the problem of low wages and provided subsidies for workers and their families who earned the minimum wage of 60 somoni (\$17) per month. Some establishments compensated their employees with food commodities or with enterprise-produced products, which employees either sold or bartered in local markets.

The law provides for a standard work week of 40 hours for adults older than 18. The law mandates overtime payment, with the first two hours paid at one and half times the normal rate and the remainder at double the rate. Overtime payment was inconsistent in all sectors of the labor force. The Ministry of Finance enforces financial aspects of the labor law, and the Agency of Financial Control of the presidential administration oversees other aspects of the law.

There are laws that establish relatively strict occupational health and safety standards. In practice the government did not fully comply with these standards, partly because of the degree of corruption and the low salaries paid to inspectors. The State Technical Supervision Committee under the Council of Ministers was responsible for enforcing health and safety standards. The law permits workers to remove themselves from hazardous conditions without risking loss of employment. This law was not enforced effectively, and in practice few workers removed themselves.

Farmers and agricultural workers, accounting for approximately 50 percent of the workforce, continued to work under difficult circumstances. There was no system to monitor or regulate working conditions in the agricultural sector. Wages were low, and many workers were paid in kind. Despite some changes, the government's failure to introduce and implement comprehensive property and land usage reforms continued to limit its ability to protect agricultural workers' rights.