

TAJIKISTAN 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Tajikistan is an authoritarian state dominated politically by President Emomali Rahmon and his supporters since 1992. The constitution provides for a multiparty political system, but the government has historically obstructed political pluralism and continued to do so during the year. Constitutional amendments approved in a 2016 national referendum outlawed religious-affiliated political parties and abolished presidential term limits for the “leader of the nation,” a title that has only been held by the incumbent, allowing President Rahmon to further solidify his rule. Rustam Emomali, the 33-year-old mayor of the capital, Dushanbe, and eldest son of President Rahmon, became speaker of the Majlisi Milli, the upper house of parliament, on April 17, placing him next in line for succession. The March 1 parliamentary elections lacked pluralism and genuine choice, according to international observers, many of whom called the process deeply flawed. The October 11 presidential election reelected President Rahmon for a new seven-year term but lacked pluralism or genuine choice and did not meet international standards.

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

TAJIKISTAN

Nonlaw enforcement authorities only partially maintained effective control over the security forces. Members of the security forces committed numerous abuses.

Significant human rights issues included: kidnapping and forced repatriation of the country's citizens in foreign countries, only to reappear in custody in the country; forced disappearances; torture and abuse of detainees by security forces; harsh and life-threatening prison conditions; arbitrary detention; political prisoners; arbitrary or unlawful interference with privacy; significant problems with the independence of the judiciary; censorship, blocking of internet sites, and criminal libel; substantial interference with the rights of peaceful assembly and freedom of association, such as arrest of peaceful protesters and overly restrictive nongovernmental organization laws; severe restrictions of religious freedom; significant restrictions on freedom of movement; restrictions on political participation, including through the prevention of free or fair elections; significant acts of corruption and nepotism; violence against lesbian, gay, bisexual, transgender, and intersex persons; and forced labor.

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

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

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

The law prohibits extrajudicial killings by government security forces, and there were no reports of arbitrary or unlawful killings by the government or its agents during the year.

b. Disappearance

The government took no action during the year in response to the preliminary findings of the UN Working Group on Enforced or Involuntary Disappearances, which visited the country in 2019 for a general inspection. Following its visit, the

TAJIKISTAN

Working Group noted “little interest” on the part of the government in addressing violations, including enforced disappearances that occurred during the 1992-97 civil war, and noted reports of some political opponents whose whereabouts were still unknown after being forcibly returned to the country.

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

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

During the first six months the year, the Coalition against Torture, a group of local NGOs, documented 25 new cases of mistreatment with some victims alleging severe physical abuse. Of these complaints, 19 were against the Internal Affairs Ministry, one against the State Committee for National Security (GKNB), two against the Ministry of Justice’s Penitentiary Department, one against the State Financial Control and Anticorruption Agency, one against the Ministry of Defense, and one case was a victim of sexual harassment at work (in the private sector).

On July 14, the Prosecutor General’s Office reported that it had received eight complaints during the first six months the year of the possible use of torture and mistreatment. In the course of the prosecutor’s investigations, a criminal case was opened based on one allegation. In a July 16 press conference, Human Rights Ombudsman Umed Bobozoda stated that during the first six months of the year, his office received three complaints regarding the possible use of torture and mistreatment, but the facts of torture were not confirmed.

TAJIKISTAN

Khayriddin Abdullo, a religious scholar, alleged torture after he was arrested in December 2019 for allegedly encouraging extremist activity. In a January 28 interview with Radio Ozodi, Abdullo's wife, Parvina Ilolieva, alleged torture of her husband and said he had been forced to confess to spreading extremist propaganda. Abdullo reportedly told his wife that all statements on his behalf, including the one in which he admitted to swearing allegiance to an extremist group, were not true and were written under duress. The Prosecutor General's Office denied the allegations and confirmed that it opened a case against Abdullo for "public calls for extremist activities" and "organization of an extremist community" due to his alleged attempts to encourage migrants to engage in extremist activity. In August authorities dropped criminal charges and released Abdullo from custody after an investigation found no evidence of criminal activity.

Prison and Detention Center Conditions

The government operated 10 prisons, including one for women, and 12 pretrial detention facilities. Exact conditions in the prisons remained unknown, but detainees and inmates described harsh and life-threatening conditions, including extreme overcrowding and unsanitary conditions.

Physical Conditions: As of October, the total prison population was approximately 8,000. The government began a mass amnesty in October 2019 that reportedly released 3,000 prisoners. No official statistics were available regarding the actual number of prisoners released, although Radio Free Europe/Radio Liberty (RFE/RL) and other outlets reported the mass amnesty. The RFE/RL report noted that this was the country's 15th mass amnesty since 1992, but the list of those released did not include political prisoners. On October 30, President Rahmon announced an amnesty decree for another 378 prisoners, but the government did not publicly release the list of prisoners.

On July 13, the Ministry of Justice reported that in the first half of the year, 41 prisoners died from various diseases. The ministry reported that within the prison population, there were 213 HIV-positive inmates, 85 inmates with tuberculosis, and 244 drug-addicted inmates.

TAJIKISTAN

The government did not acknowledge the COVID-19 outbreak until the end of April and claimed the country had zero cases. The Ministry of Justice reported no instances of prisoners with COVID-19 but confirmed that 98 were ill with pneumonia, with 11 deaths. Relatives of prisoners expressed concern about the spread of COVID-19 within correctional facilities. Prison authorities banned prison visits starting March 30 to prevent the spread of COVID-19.

Shukhrat Rahmatullo, the son of Rahmatullo Rajab, an imprisoned member of the banned Islamic Renaissance Party of Tajikistan (IRPT), told media at the end of April that his father was in critical condition with a fever of over 102 degrees, and that doctors subsequently told him that “90 percent of sick prisoners have COVID-19.” Rahmatullo also claimed that prison authorities never tested any prisoners for COVID-19 despite likely community spread among prisoners. Additional media reports alleged that prisoners were denied access to medications and lacked personal protective equipment and that there were few thermometers. Authorities responded to these reports by asserting that prisons were well equipped with medicines, beds, X-ray machines, and mechanical ventilation devices.

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

Administration: The Office of the Ombudsman conducted prison visits throughout the year but resolved fewer than 2 percent of complaints filed related to torture or other abuse. NGOs reported mistrust of the ombudsman due to the office’s loyalty to the president and frequent dismissal of human rights concerns. A special monitoring group with ombudsmen and NGO representatives conducted announced visits of prison conditions. No known complaints were filed regarding specific prison conditions.

Independent Monitoring: The Ministry of Justice continued to restrict access to prisons or detention facilities for representatives of the international community.

TAJIKISTAN

Throughout the year the Coalition against Torture and the human rights ombudsman conducted visits of closed institutions, although officials denied Coalition against Torture monitors private interviews with detainees or access to internal correctional institution documents. The International Committee of the Red Cross continued to lack access to prisons due to the absence of an agreement with the government, a situation that has persisted since 2004.

d. Arbitrary Arrest or Detention

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

Arrest Procedures and Treatment of Detainees

The law provides that police may detain a suspect for up to 12 hours before authorities must decide whether to open a criminal case against the individual. If authorities do not file charges after 12 hours, the individual must be released, but police often did not inform detainees of the arrest charges even if ones were filed. If police file criminal charges, they may detain an individual for 72 hours before they must present their charges to a judge for an indictment hearing. Judges are empowered to order detention, house arrest, or bail pending trial.

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

TAJIKISTAN

Arbitrary Arrest: The government generally provided a rationale for arrests, but detainees and civil society groups frequently reported that authorities falsified charges or inflated minor incidents to make politically motivated arrests. According to Human Rights Watch, the country has arbitrarily detained and imprisoned more than 150 individuals on politically motivated charges since 2015.

On January 28, the prosecutor general reported that the government had detained 113 suspected members of “Ikhwon-ul-muslimin” (“Muslim Brotherhood”), a group banned and labelled as an extremist organization by the government in 2006. Prosecutor General Yusuf Rahmon announced that while detainees were members of the clergy, teachers, and employers of various universities, the group’s goal was to overthrow the government and establish an Islamic state. In February authorities released from custody about 30 detainees from Isfara and Istaravshan in the Sughd region after 10 to 20 days in detention.

On December 18, the Ismoili Somoni District Court in Dushanbe, following closed-door proceedings, found Asroriddin Rozikov guilty of participation in the activities of banned political parties or organizations and sentenced him to five years’ imprisonment. Human Rights Watch reported that on June 25, the GKNB detained Rozikov, son of Zubaidulloi Rozik, an imprisoned leader of the IRPT. The GKNB did not comment on the detention or conviction. Relatives alleged the motive for Rozikov’s arrest was to pressure his father to condemn publicly the leadership of the IRPT.

Jannatullo Komil, the head of the bureau of IRPT in Germany, one of the hundreds of members who live in exile in Europe, wrote in a July 8 Facebook post that local law enforcement bodies arrested five members of his family and detained them for a week without charges. According to Komil, his brother, sister, daughter-in-law, and two nieces were interrogated by the GKNB and Ministry of Internal Affairs. The interrogators demanded that the family hand over their sons who were living abroad in exile, largely in Europe.

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

TAJIKISTAN

extension from a judge to detain an individual in pretrial detention after two, six, and 12 months. According to the OHCHR concluding observations, authorities tortured defendants in pretrial detention in attempts to extract confessions.

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

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

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the executive branch exerted pressure on prosecutors, defense lawyers, and judges. Corruption and inefficiency were significant problems. According to numerous nongovernmental contacts, police and judicial officials regularly accepted bribes in exchange for lenient sentencing or release. During a research mission on the independence of the judiciary in May, the International Commission of Jurists noted, “judicial decisions are generally not available to members of the public unless they are participants in the proceedings.”

Trial Procedures

Defendants are presumed innocent until proven guilty, but this presumption was often absent in practice. More than 90 percent of defendants were eventually found guilty. The International Commission of Jurists noted acquittals were extremely rare.

Although the law requires that defendants be informed of the criminal charges against them within 10 days, in practice they were not always promptly informed or granted a trial without undue delay. Courts generally allowed defendants to be present at their trial and to consult with an attorney during the trial, but defendants are often denied access to an attorney during the pretrial and investigatory periods, particularly in politically sensitive cases. Authorities continued to file politically

TAJIKISTAN

motivated criminal charges against some defense lawyers to obstruct detained political opposition figures' access to legal counsel and to dissuade other lawyers from taking on similar cases.

The government provides attorneys at public expense when requested, but defendants and civil society members complained that the government sometimes appointed attorneys as a means to deny defendants' access to the legal counsel of their choice. Defendants and private attorneys said government-appointed attorneys often provided a poor and counterproductive defense. Moreover, the government abolished a grandfather clause allowing experienced lawyers to continue to practice after a 2016 law required all lawyers to retake the bar examination to renew their licenses. As a result, the number of lawyers accepting criminal defense cases in the country shrank from approximately 2,000 to little more than 500. International observers found many criminal cases in which defendants did not have legal representation. Criminal defendants enjoy the legal right to prepare their defense but this right was often infringed.

Defendants may present witnesses and evidence at trial with the consent of the judge. Defendants and attorneys have the right to confront and question witnesses and to present evidence and testimony. Courts provide interpreters for defendants who do not speak Tajik, the official language used for court hearings. No groups are barred from testifying and, in principle, all testimony receives equal consideration. Courts, however, generally give prosecutorial testimony far greater consideration than defense testimony. Local legislation allows criminal defendants not to be compelled to testify or confess guilt. Defendants also enjoy the right to appeal.

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

Although most trials were public, the law also provides for secret trials when there is a national security concern. Civil society members faced difficulties in gaining access to high-profile public cases, which the government often declared secret.

In July the Supreme Court began the trial of 116 alleged members of the Muslim Brotherhood, including some of those arrested in January. The press center of the

TAJIKISTAN

Supreme Court announced the trial would be held behind closed doors. The defendants' lawyers refused to speak with media due to the Supreme Court classifying the case as secret. Relatives of the accused also declined to comment on the case to journalists but said they were able to bring food to the detention center but not see their relatives. The family members also claimed that state-provided lawyers frequently do not communicate with relatives of suspects.

Political Prisoners and Detainees

While authorities claimed there were no political prisoners or politically motivated arrests, opposition parties and local and international observers reported the government selectively arrested and prosecuted political opponents. Although there was no reliable estimate of the number of political prisoners, in 2018 the government reported 239 prisoners who were members of banned political parties or movements.

On December 5, police in Dushanbe detained the deputy chairman of the Social Democratic Party of Tajikistan, Mahmurod Odinaev, on criminal charges of "hooliganism" and threats against law enforcement. The maximum punishment for these charges is five years in prison. The Office of the Prosecutor General released a statement indicating that the charges stemmed from an alleged altercation on October 29 during which Odinaev reportedly confronted military officials in Hissor for illegally drafting Odinaev's son, Hojiakbar. A court in Hissor on December 7 approved a request by the local prosecutor's office to order that Odinaev remain in detention for up to two months. Odinaev's relatives claimed publicly that authorities targeted him due to his political activism.

Politically Motivated Reprisal against Individuals Located Outside the Country

During the year there were credible reports of attempted misuse of international law enforcement tools, such as law enforcement systems (for example, INTERPOL red notices), for politically motivated reprisals against specific individuals located outside the country. The government used INTERPOL notices in an effort to locate and forcibly repatriate Tajik dissidents targeted by the government. The Central Bank of Tajikistan keeps a public list of over 2,400 names of suspected

TAJIKISTAN

terrorists as defined by authorities. The list also includes names of opposition journalists and activists. According to a RFE/RL report from October 2019, six journalists and opposition activists living in self-exile in Europe publicly demanded the bank remove their names from the list. Other dissidents were frequently harassed or detained on politically motivated charges of extremism. As of July, the government had placed 72 Muslim Brotherhood members on the international wanted list.

In June the Supreme Court sentenced 29-year-old opposition activist Hizbullo Shovalizoda to 20 years in prison on charges of extremism after he was extradited from Austria in March. The Supreme Court classified the trial as secret, preventing officials from discussing Shovalizoda's trial with embassies and other interested parties. Shovalizoda's relatives told RFE/RL that the family was not permitted to attend the trial. In July the Austrian Supreme Court invalidated the extradition order, ruling that Austria's decision to reject Shovalizoda's asylum request and extradite him to Tajikistan was illegal. The court further noted that the decision to reject the asylum request was based on outdated information.

In September a member of banned opposition "Group 24" told RFE/RL that one of its members, Shobuddin Badalov, had been arrested in Russia and forcibly repatriated to the country, where he was likely to face torture. Neither Russian nor Tajik officials issued official statements regarding the situation. In response to an inquiry, the government confirmed that Badalov was detained upon his arrival in Tajikistan and a case against him for "arranging activities of an extremist organization" was in pretrial investigation. He remained in custody.

Civil Judicial Procedures and Remedies

Civil cases are heard in general civil courts, economic courts, and military courts. Judges may order monetary compensation for victims in criminal cases. No separate juvenile justice system exists, although there were some courts that provided a separate room for children linked to the courtroom by video camera. Individuals or organizations may seek civil remedies for human rights violations through domestic courts or through administrative mechanisms.

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

TAJIKISTAN

or Correspondence

The constitution states the home is inviolable. With certain exceptions, it is illegal to enter a home by force or deprive a person of a home. The law states police may not enter and search a private home without the approval of a judge. Authorities may carry out searches without a prosecutor's authorization in exceptional cases, "where there is an actual risk that the object searched for and subject to seizure may cause a possible delay in discovering it, be lost, damaged, or used for criminal purposes, or a fugitive may escape." The law states courts must be notified of such searches within 24 hours. Police frequently ignored these laws and infringed on citizens' right to privacy, including conducting personal searches without a warrant.

According to the law, "when sufficient grounds exist to believe that information, documents, or objects that are relevant to the criminal case may be contained in letters, telegrams, radiograms, packages, parcels, or other mail and telegraph correspondence, they may be intercepted" with a warrant issued by a judge. The law states only a judge may authorize monitoring of telephone or other communication. Security offices often monitored communications, such as social media and telephone calls, without judicial authorization.

On August 3, GKNB officers detained Jaloliddin Makhmudov, a former member of the IRPT and former member of the Central Election Commission, according to press reports. The GKNB seized his books. In December a Dushanbe court sentenced Makhmudov to six years and eight months in prison for unspecified charges. Makhmudov remained in detention since his arrest and interrogation. Previously, a Dushanbe court in 2015 found Makhmudov guilty on charges of illegal weapons possession and sentenced him to five years in prison. After serving four years of his sentence, Makhmudov was offered amnesty and released in April 2019. Authorities have not commented on his latest arrest.

According to the law, government authorities can punish family members for offenses committed by their relatives, for example, if an underage child commits an offense. There were continuing reports that Tajikistan-based relatives of perceived government critics in exile were harassed or targeted by local authorities.

TAJIKISTAN

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

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

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

In 2016 parliament amended the criminal code, originally passed in 2007, which provides for criminal responsibility for public insult or slander, including on the internet, against the president. The amendment also criminalizes such speech against the “leader of the nation.” Such an offense in both instances can carry an imprisonment term of up to five years.

In January and February, independent and private television and radio stations received two directives signed by Tojiddin Karimzoda, the head of the State Inspectorate for Television and Radio Broadcasting of the State Radio and Television of Tajikistan. The first, dated January 31, required private television and radio stations to submit their broadcasting schedule to the State Inspectorate on a weekly basis. The second, dated February 4, contained recommendations to promote issues “related to state policy.” Both directives stated that, if the recommendations are ignored, “punishment” would occur. When questioned, Karimzoda denied the recommendations represented inappropriate interference in the editorial freedom of private television and radio.

On July 4, President Rahmon signed into law amendments to the code of administrative offenses that impose fines and criminal penalties on individuals who disseminate “inaccurate” COVID-19 information, spread infectious diseases, or fail to wear protective masks in public. Prior to the amendments, the Ministry of Health had complained publicly about independent, factual reporting on COVID-19 in the country, claiming that such reporting mischaracterized the situation and would lead to panic. The president signed the law, approved by parliament on June 10, despite multiple appeals from media watchdogs and civil society

TAJIKISTAN

organizations that argued the new law would undermine freedom of expression and critical media coverage of the COVID-19 pandemic. Following passage of the law, news sites began reporting less frequently on suspected deaths from COVID-19. An independent website that maintained an unofficial list of COVID-19 deaths based on reporting from surviving family members stopped posting regular updates, allegedly because families had become concerned about government reprisals for sharing information about deaths due to COVID-19. When COVID-19-like illnesses were officially reported as pneumonia by authorities, local news outlets typically refrained from questioning the diagnosis.

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

Several independent television and radio stations were available in a small portion of the country, but the government controlled most broadcasting transmission facilities. A decree issued by the government, *Guidelines for the Preparation of Television and Radio Programs*, stipulates that the government through a state broadcast committee has the right to “regulate and control the content of all television and radio networks regardless of their type of ownership.”

The Ministry of Foreign Affairs did not renew the accreditation for RFE/RL’s Russian-language *Current Time* correspondent Anushervon Aripov after it expired on August 1. According to Radio Ozodi’s local bureau director, Muhammadvafo Rahmatov, the ministry expressed dissatisfaction over two articles published on RFE/RL’s website, claiming biased reporting by its correspondents and Aripov. In one of the articles, Aripov criticized President Rahmon’s campaigning methods during the 2013 presidential election. As of September 1, a total of 13 Radio Ozodi and *Current Time* employees were without accreditation. Of this group, the Foreign Affairs Ministry informed seven journalists that their accreditation was forthcoming, and they could therefore continue their work in the country. The

TAJIKISTAN

other six, including Aripov, did not have permission to work as journalists for RFE/RL and another three journalists hired by RFE/RL had not been accredited as of October. In addition, three employees that Radio Ozodi planned to hire in summer 2019 never received accreditation and eventually pursued other employment opportunities.

The Ministry of Foreign Affairs declined to renew the accreditation of the last three acting heads of Radio Ozodi's Dushanbe branch and issued limited three-to-six month accreditations to all other employees whose accreditations were renewed after October 2019 (the standard length was 12 months). According to Radio Ozodi leadership, the ministry declined (in most cases) to offer specific explanations to Radio Ozodi for withholding or delaying accreditations to their staff. Public statements by the foreign minister and the country's mission to the Organization for Security and Cooperation in Europe (OSCE) indicated the reason for withholding accreditations was the outlet's publication of interviews and quotes from members of banned opposition groups, primarily the IRPT and Group 24.

Violence and Harassment: Journalists continued to face harassment and intimidation by government officials. Radio Ozodi reported that several of its contacts and family members of its staff were questioned by authorities about the activities of its journalists and in some cases had their telephones confiscated for examination. Journalists from the Prague-based independent news website *Akhbor* were also warned by local authorities not to report on certain topics. On November 13, *Akhbor* editor in chief Mirzo Salimpur announced the media outlet had to shut down due to legal problems brought on by the Tajik government.

Two unknown assailants physically assaulted *Asia-Plus* journalist Abdulloh Ghurbati on May 11 near Dushanbe's Korvon Market. According to an *Asia-Plus* article, Ghurbati received several threatening telephone calls from unknown individuals prior to the attack. The report also alleged that Ghurbati, known for covering sensitive topics, had come under online attack from a government "troll farm," allegedly created by the country's security services to silence government critics online. Other media outlets reported that immediately after the incident, Ghurbati sought medical treatment at three Dushanbe hospitals, but the hospitals turned him away, claiming they were under a COVID-19 quarantine. He finally

TAJIKISTAN

received treatment at a local burn center, and he reported the attack to police. Media also noted that Ghurbati had been covering issues related to the spread of COVID-19 in the country.

On May 29, unknown assailants assaulted Ghurbati again in the Khuroson District of the Khatlon Region as he was reporting on the victims of damage caused by heavy rains and a mudslide that took place earlier in the district. Ghurbati reported that one of his assailants claimed to be the head of the Jamoat (municipality). On May 30, the Ministry of Interior Affairs released a statement regarding the attack alleging that Ghurbati attempted forcibly to enter a tent where victims of the recent rains were residing in order to film family members, especially minors. The residents reportedly resisted Ghurbati by driving him away. The ministry also claimed he wanted to awaken in residents a sense of discontent with the state and government. Ghurbati disputed this version of events, reporting he was not allowed to approach the areas of residences before he was accosted. On June 2, a court in the Khuroson District fined three local residents who perpetrated the attack on Ghurbati for petty hooliganism in the amount of 580 somoni (\$58).

On July 3, the prosecutor general's office in Dushanbe summoned and questioned two relatives of exiled journalist Mirzo Salimpur, the founder and chief editor of *Akhbor*. Salimpur told the Committee for Protection of Journalists (CPJ) in a telephone interview that he believed his relatives were interrogated by the Prosecutor's Office in an attempt to pressure him to stop publishing criticism of the administration prior to the country's presidential elections. During the incident, a man who identified himself as an official with the Prosecutor General's Office interrogated two of Salimpur's sisters-in-law who lived in the town of Hissor for several hours to learn about Salimpur's other relatives. Salimpur said that his sisters-in-law felt intimidated and threatened by the interrogations.

On April 16, the Shohmansur District Court of Dushanbe sentenced independent journalist Daler Sharifov to one year in prison for allegedly inciting national and religious hatred. The GKNB detained Sharifov on January 28 and held him in custody for two months while his case was investigated. Sharifov pleaded not guilty but had no plans to appeal the verdict, as he would likely finish his sentence before the appeals process would finish. The guilty verdict came after a two-day

TAJIKISTAN

closed trial. Sharifov's lawyer and parents were permitted to attend the trial, but journalists and human rights activists were denied entry, allegedly as a COVID-19 preventative measure. According to Sharifov's lawyer, the state prosecutor demanded that the judge sentence the journalist to two years and four months in prison, but the court sentenced him to a shorter term, because it was his first offense and he had young children. In December the Prosecutor General's Office rejected the Penitentiary Department's recommendation to transfer Sharifov to a less restrictive colony settlement for "good behavior," ostensibly based on a determination that Sharifov was "a danger to society."

Censorship or Content Restrictions: Journalists regularly practiced self-censorship to avoid retribution from officials, according to media reports and journalists. Opposition politicians had limited or no access to state-run television. The government gave opposition parties minimal broadcast time to express their political views, while the president's party had numerous opportunities to broadcast its messages.

Newspaper publishers reported the government exercised restrictions on the distribution of materials, requiring all newspapers and magazines with circulations exceeding 99 recipients to register with the Ministry of Culture. The government continued to control all major printing presses and the supply of newsprint. Independent community radio stations continued to experience registration and licensing delays that prevented them from broadcasting. The government restricted issuance of licenses to new stations, in part through an application process described as excessively complex. The National Committee on Television and Radio, a government organization that directly manages television and radio stations in the country, must approve and then provide licenses to new stations. The government continued to deny the BBC a renewal of its license to broadcast on FM radio.

Libel/Slander Laws: In 2012 the government repealed the law criminalizing libel and defamation and downgraded the offenses to civil violations, although the law retains controversial provisions that make publicly insulting the president an offense punishable by a fine or up to five years in jail.

TAJIKISTAN

Internet Freedom

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

There were regular government restrictions on access to news websites, such as RFE/RL's *Radio Ozodi*, *Asia-Plus*, and *Akhbor*. Independent and opposition news agencies and websites located outside the country have been blocked by the government for several years. The State Communications Service, the official communications regulator, routinely denied involvement in blocking these sites, but the government admitted to periodically implementing a law that allows interruption of internet content and telecommunications "in the interest of national security." The government continued to implement a 2015 law enabling the GKNB to shut off internet and telecommunications during security operations.

In May, *kvtj.com*, a website created by a group of civil society activists to track those who died from COVID-19 and pneumonia, became inaccessible without a virtual private network. The website showed that the number of deaths due to COVID-19 was several times larger than that reported in official government statistics. Some of the website's authors received warnings from the government about laws penalizing "false" or "misleading" information around COVID-19.

The law gives law enforcement bodies the right to track citizens using the internet, an ability they continue to exercise regularly. According to the law, security agencies can monitor internet traffic and have access to information about which internet sites citizens visit and the type of information they seek. In 2018 parliament further amended the criminal code to criminalize the use of the "like" or "share" function on social media regarding "terrorism" and "extremism-related" topics, with a penalty of up to 15 years in prison. Parliament also amended the law criminalizing public calls for the commission of terrorist crimes or publicly justifying terrorist activities, to include statements or calls made via the internet.

TAJIKISTAN

Academic Freedom and Cultural Events

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

Government authorities increased the urgency of their effort to dissuade citizens from wearing “foreign clothing,” primarily focused on the hijab, which covers the hair, ears, and neck. According to media reports, the government’s Committee on Women and Family Affairs, in cooperation with the Ministry of Internal Affairs, conducted informational campaigns, or “raids,” in public areas against women wearing the hijab, threatening those who refused to remove their hijab with a large fine and six months’ imprisonment. Addressing these media reports, the ministry denied that such measures existed and claimed the government was conducting a public campaign to promote national culture and clothing.

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

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

TAJIKISTAN

The Ministry of Education reportedly issued a regulation in 2018 requiring students and academic staff to request government permission before any education-related travel abroad. During the year the ministry issued an amendment to the regulation that requires students who wish to travel abroad for educational purposes to provide detailed personal information about close relatives but does not specify consequences for noncompliance. Civil society organizations requested the ministry to exclude the data requirement, as it allegedly violates the provisions of the law on personal data, but the ministry has not yet responded.

There were several reports throughout the year that academics writing on sensitive subjects regarding politics, religion, and history feared publishing or even submitting their articles for review because of possible government retribution.

b. Freedoms of Peaceful Assembly and Association

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

Freedom of Peaceful Assembly

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

Many female activists were subjected to anonymous harassment and attempts to denigrate them in social networks, including by falsely portraying them as sex workers, in retaliation for their participation in protests. In January the Vahdat police department refused to open a criminal case regarding the distribution of a video, which first appeared in September 2019, containing sexual scenes of activist D.M. with a man whose face on the video was erased. D.M. was among those who in April 2019 collected signatures requesting the president cancel the order to increase fees for mobile internet. The letter from the Investigative Department of Vahdat stated that no criminal case was opened due to the absence of evidence of a crime on the part of the man in the video.

TAJIKISTAN

On March 17, the GKNB detained and interrogated the former Dushanbe-based director of RFE/RL's Tajik service Radio Ozodi, Nisso Rasulova. Observers believed the GKNB targeted Rasulova for attending a women's empowerment event on March 13. The GKNB reportedly attempted, and failed, to prevent the event from taking place. After finding a venue and holding the event, several participants reported they were contacted, threatened, and blackmailed by GKNB agents.

On July 16, a Khatlon District Court sentenced 10 Khuroson residents to up to 10 days in prison for blocking a major highway on May 17 in a protest demanding government action in response to a mudslide. After heavy rain on May 14-16 caused extensive damage to critical infrastructure across the Khuroson region, dozens of residents took to the streets in protest. Police responded by dispersing the protestors with force. On May 18, the governor of Khatlon met with disaster victims, promising that government aid would be forthcoming, but also warning that "a tough response would follow any provocation." As of October, in addition to the 10 convictions on July 16, six additional criminal cases against other protestors were still pending.

Freedom of Association

The constitution protects freedom of association, but the government restricted this right. In 2019 President Rahmon signed into law amendments to the Law on Public Associations (PAs) which require all PAs to post detailed financial reports on their websites and impose burdensome reporting requirements. As in the previous year, civil society organizations reported a noticeable increase in the number and intensity of registration and tax inspections by authorities.

On January 2, the president signed amendments to the code on administrative offenses. The penalty for managing the activities of unregistered, suspended, or prohibited public or religious associations increased fourfold, up to \$1,200. Participation in the activities of such associations is now punishable by a penalty of up to \$600, a sharp increase from the previous maximum penalty of \$42. Individuals and organizations charged with funding the activities of illegal organizations also face fines.

TAJIKISTAN

The government continued to enforce the ban on activities held under the banner of the IRPT. As a result of a 2016 constitutional referendum, religious-affiliated political parties are banned.

c. Freedom of Religion

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

d. Freedom of Movement

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

The government rarely cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, or other persons.

In-country Movement: The government prohibits foreigners, except diplomats and international aid workers, from traveling within a 15-mile zone along the borders with Afghanistan and China in the Khatlon Region and the Gorno-Badakhshan Autonomous Oblast (GBAO) unless they obtain permission from the Ministry of Foreign Affairs. Officials did not always enforce the restrictions along the western border with Afghanistan, although the government continued to require travelers (including international workers and diplomats) to obtain special permits to visit the GBAO. The government also continued to enforce a policy barring Afghan refugees from residing in urban areas.

Foreign Travel: Individuals in some cases do not have the right to leave the country due to arbitrary and inconsistent restrictions. Civil society organizations asserted that a new regulation requiring the Ministry of Education's approval for all students wishing to study abroad is a restriction of citizens' rights to freedom of

TAJIKISTAN

movement inside and outside the country and is a violation of the country's international obligations under the International Covenant on Civil and Political Rights. In response, the ministry stated that the decree is necessary to better regulate international education programs, safeguard students, and better maintain education statistics.

At times border security guards placed arbitrary restrictions on citizens wishing to travel abroad. On February 21, border control officers refused to allow a citizen named Abdu Vohidov to cross into the Kyrgyz Republic because he lacked a certificate from the military department office stating he was not a conscript. Such a certificate is not required for travel abroad. The press center of the Border Guards office refused to respond to a media inquiry on the incident.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Refoulement: National security concerns continued to dominate decisions related to protection and human rights, which often heightened the risk of deportation of asylum seekers and refugees. During the year there were six refugee families (28 persons) whose status the government revoked and who continued to be at risk of penalty and subsequent deportation a law that prohibits refugees and asylum seekers from living in major urban areas, including Dushanbe. In June the government amended the law to exclude deportation. Despite the update to the law, the risk of refoulement remains.

Access to Asylum: The law provides for the access to asylum, and individuals may seek refugee status. The government has established a system for providing protection to refugees. The refugee status determination process, as well as judicial procedures, does not comply with international standards. The criminal code criminalizes asylum seekers who entered the country illegally, in contrast to the country's Refugee Law, which states that illegal entry is not a crime. These conflicting legal codes mean asylum seekers run the risk of arrest and subsequent deportation without access to asylum procedures. According to law, in order to

TAJIKISTAN

seek asylum legally, asylum seekers must enter the country legally with valid travel documents and a visa obtained in advance.

The government provides asylum seekers with temporary certification while processing asylum applications through the National Refugee Status Determination Commission and, upon granting refugee status, refugee identification cards as a proof of legal stay. Government-recognized refugees enjoy socioeconomic rights on par with local nationals and can legally reside in the country. Formal notifications of administrative and legal decisions provided little insight into the rationale for adjudications.

The government continued to place significant restrictions on asylum seekers and registered refugees, and officials continued to enforce a 2000 law prohibiting them from residing in the capital and all major cities in the country. Security officials regularly monitored refugee populations. Police subjected them to raids if they were believed to be residing in prohibited areas.

National law grants refugee status for as long as three years. Since 2009 the Department of Citizenship and Works with Refugees, under the Passport Registration Services within the Ministry of Internal Affairs, has had responsibility for refugee issues. Refugees must check in annually with authorities to verify their address, but this is not a reregistration of their status. According to government statistics, there was a significant increase in the number of newly arrived asylum seekers in the first half of the year. The country had approximately 5,000 registered refugees, 99 percent of whom were Afghans.

Freedom of Movement: According to Government Resolution 325, refugees are not permitted to live in major urban areas, including Dushanbe, which restricts their ability to find work and go to school.

Access to Basic Services: Refugees and asylum seekers shared unhindered access to social, education, and health services with Tajik citizens. Although UNHCR's activities were mostly focused on advocacy and protection, it maintained a limited humanitarian component to render assistance to the most vulnerable families. Thus, UNHCR through its NGO partner Refugees, Children, and Vulnerable Citizens (RCVC) provided books, school uniforms, and some language classes to

TAJIKISTAN

children from vulnerable families and assistance with medical expenses. When refugees and asylum seekers faced legal issues, UNHCR's legal assistance partner assisted clients in obtaining judicial redress while providing training and awareness-raising sessions to local authorities to strengthen their understanding of refugee rights.

Durable Solutions: The law does not provide for expedited naturalization, leaving refugees on equal standing with nonrefugee foreigners when applying for citizenship. As a prerequisite, refugees should denounce their refugee status and apply for a temporary residence permit to be able to apply further for naturalization. To date no such precedent has been recorded.

g. Stateless Persons

The total population of stateless persons and persons with undetermined nationality identified and registered by UNHCR and its partners was 47,746 persons (14,430 men and 33,316 women). The government, UNHCR, and NGO partners continued to implement a project to identify and find solutions for stateless persons and persons with undetermined nationality--such as former USSR citizens--in three pilot provinces of the country (Khatlon, Sughd, and Districts of Republican Subordination). UNHCR, NGOs, and local authorities worked together to find solutions--including confirming nationalities and issuing citizenship and identification documents--for 42,695 persons, both adults and children, with the remaining 5,051 still needing assistance to resolve their situation.

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

TAJIKISTAN

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair elections based on universal suffrage, but the government restricted this right. The president and his supporters continued to dominate the government while taking steps to eliminate genuine pluralism in the interest of consolidating power. The president's political party, the People's Democratic Party of Tajikistan (PDPT), dominated both houses of parliament. PDPT members held most government positions. The president had broad authority, which he exercised throughout the year, to appoint and dismiss officials.

Elections and Political Participation

Recent Elections: The country held two major elections during the year, parliamentary elections in March and presidential elections in October.

The October 11 presidential elections resulted in victory for President Emomali Rahmon, his fifth consecutive term. The Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE) deployed a limited election assessment mission for the presidential election. OSCE/ODIHR stated the decision to deploy a limited mission was due to a lack of progress in bringing the country's electoral legal framework and its implementation closer in line with OSCE commitments and other international obligations and standards for democratic elections. In the lead up to the election, election authorities denied one presidential candidate from the Democratic Party, Saidjafar Usmanzoda, registration for failing to collect the required 250,000 signatures, deeming an unspecified number of signatures fraudulent. The only opposition party active within the country, the Social Democratic Party (SDP), boycotted the election. Rahmon won 91 percent of the vote with a total turnout of 85 percent of the country's registered voters. Both figures were disputed by independent political commentators.

The March 1 parliamentary elections resulted in the ruling PDPT winning 47 out of 63 seats in the lower house of parliament. Progovernment parties shared the remaining seats. The SDP declared the elections unfair.

TAJIKISTAN

As it did for the subsequent presidential election, ODIHR decided to send a limited election assessment mission for the March 1 parliamentary elections due to the country's lack of progress in adhering to international standards. ODIHR's final report released on May 27 concluded that parliamentary elections took place in a tightly controlled environment. Systemic infringements on fundamental political rights and freedoms left no space for a pluralistic political debate, and genuine opposition was removed from the political landscape. Consequently, voters were not presented with genuine political alternatives. Operational aspects of the elections appeared to be efficiently administered, yet this did not offset the long-standing transparency and accountability challenges within election administration, which undermined the integrity and credibility of the process.

On March 18, the Sino District Court of Dushanbe refused to satisfy the claim by Davlat Habibov, candidate for a seat in the Dushanbe city council, to invalidate the results in electoral district N44. The court ruled that the candidate's claims against the election commission were unfounded and that the deadline for filing a complaint had already passed. Habibov demanded the annulment of the election results in electoral district N44, as none of the six candidates managed to meet the required threshold of 50 percent plus 1 of the votes. The election commission, according to Habibov, promised that a second round of voting would be scheduled, but never took place.

Of the 41 amendments approved by referendum in 2016, three were significant changes to the constitution: one conferred the title of "leader of the nation" upon President Rahmon; removed presidential term limits on the "leader of the nation"; and gave him lifelong immunity from judicial and criminal prosecution. An additional amendment lowered the eligible age to run for president from 35 to 30, in an apparent effort to allow Rahmon's son, Rustam Emomali, to become president in case his father was unable to finish his term. One amendment banned all religious-affiliated political parties, a follow-on to the 2015 Supreme Court ruling which made the IRPT, the main opposition group at the time, illegal.

Political Parties and Political Participation: There were seven legal major political parties, including the PDPT. With the exception of the SDP, the opposition parties were considered to be "pocket parties" that cooperated with the

TAJIKISTAN

ruling PDPT to such a degree that they did not represent a significant threat to President Rahmon's control of government. The opposition political parties had moderate popular support and faced high levels of scrutiny from the government. All senior members of President Rahmon's government were PDPT members. Most members of the country's 97-seat parliament were members of the PDPT, progovernment parties, or PDPT affiliates.

In June, SDP leader Rakhmatillo Zoirov wrote on his Facebook page that members of his party had been persecuted for several months across the country. In his statement, Zoirov alleged that an SDP activist from Gharm was arrested on fabricated charges, and that authorities seized the cars of two party activists from Hissor. Zoirov noted that two-thirds of SDP members had been forced to leave the country due to constant harassment.

On December 5, police in Dushanbe detained the deputy chairman of the SDP, Mahmurod Odinaev, on criminal charges of "hooliganism" and threats against law enforcement. The maximum punishment for conviction of these charges is five years in prison. The Office of the Prosecutor General released a statement indicating that the charges stemmed from an alleged altercation on October 29 during which Odinaev reportedly confronted military officials in Hissor for illegally drafting Odinaev's son, Hojiakbar. A court in Hissor on December 7 approved a request by the local prosecutor's office to order that Odinaev remain in detention for up to two months. Odinaev's relatives claimed publicly that authorities targeted Odinaev due to his political activism.

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minorities in the political process. Women were underrepresented in decision-making processes at all levels of political institutions. Female representation in all branches of government was less than 30 percent. There were three female ministers but no ministers from minority groups. Cultural practices discouraged participation by women in politics, although the government and political parties made efforts to promote their involvement, such as the 1999 presidential decree that mandated every ministry or government institution to have at least one female deputy. Civil society criticized the decree as a barrier to women holding top government positions.

TAJIKISTAN

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. Officials frequently engaged in corrupt practices with impunity. There were numerous reports of corruption, nepotism, and regional hiring bias at all levels of government throughout the year. Media reported that over the previous two years, the vast majority of cases of bribe taking by officials had been reclassified as fraud, and officials were released by paying a symbolic fine, which in most cases was significantly lower than the amount of bribes allegedly received by the officials.

Corruption: Amendments adopted in 2017 give the State Anticorruption Agency the authority to inspect the financial activities of political parties, international organizations, and local public associations. Previously, the Agency had the authority only to check and audit governmental bodies. According to the new requirements, political parties must submit corruption risk assessment reports to the Anticorruption Agency annually. Political parties and in-country political experts raised concerns that empowering the Anticorruption Agency to investigate the activities and budget of political parties would tighten control over their activities.

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

The Ministry of Internal Affairs, the Anticorruption Agency, and the Prosecutor General's Office are responsible for investigating, arresting, and prosecuting suspected corrupt officials. The government acknowledged a problem with corruption and took some steps to combat it, including putting lower-level officials on trial for taking bribes.

TAJIKISTAN

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

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

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

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

In June a Dushanbe court issued a two-month suspension of operations of the Zerkalo Center for Social Studies, the country's leading independent pollster. The Ministry of Justice told reporters that the ministry initiated proceedings against the organization for its failure to correct "shortcomings" that violated its charter, in particular hiring new employees without necessary or correct documentation. The Zerkalo Center denied the charges and argued that it responded in a timely manner to a routine inspection by the ministry.

The United Nations or Other International Bodies: The government facilitated visits to prison facilities by high-ranking officials from the United Nations, the Organization for Security and Cooperation in Europe, and other international organizations but continued to deny access to the International Committee of the Red Cross.

Government Human Rights Bodies: The Office of the Human Rights Ombudsman made little effort to respond to complaints from the public. The

TAJIKISTAN

ombudsman's office met with NGOs to discuss specific human rights cases and general human rights problems in the country, but no government action resulted.

The government's Office for Constitutional Guarantees of Citizens' Rights continued to investigate and answer citizens' complaints but staffing inadequacies and inconsistent cooperation from other governmental institutions hampered the office's effectiveness.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

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

Domestic violence does not have its own statute in the criminal code. Violence against women, including spousal abuse, remained a widespread problem. Women underreported violence against them due to fear of reprisal or inadequate response by police and the judiciary, resulting in virtual impunity for the perpetrators. Authorities wishing to promote traditional gender roles widely dismissed domestic violence as a "family matter."

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

In 2016 the government adopted official guidelines for the Ministry of Internal Affairs on how to refer and register cases of domestic violence, while not having a particular criminal statute to draw from to do so. Domestic violence incidents were registered under general violence and hooliganism, with a special notation in paperwork indicating a distinction for domestic violence.

TAJIKISTAN

Authorities seldom investigated reported cases of domestic violence, and they prosecuted few alleged perpetrators. The Ministry of Internal Affairs is authorized to issue administrative restraining orders, but police often gave only warnings, short-term detentions, or fines for committing “administrative offenses” in cases of domestic violence.

A Human Rights Watch report on domestic violence noted violence against women was “pervasive” and emphasized a failure to investigate reports of domestic violence in rural areas.

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

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

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

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

On October 27, the Firdavsi District Court of Dushanbe fined fashion designer Parvin Jahongiri and the newspaper *Vecherka* \$400 (\$200 each) for insulting Tajikistan Fashion Week director Tohir Ibragimov. The “insult” occurred when *Vecherka* published an article about Jahongiri’s claim that she faced harassment from Ibragimov, including the threat of sexual violence, while collaborating on the development of a joint brand called T&Z. The court ruled that Jahongiri’s case lacked sufficient evidence and stated that Jahongiri and *Vecherka* “insulted the

TAJIKISTAN

honor and dignity” of Ibragimov. Jahongiri’s lawyer, Gulchehra Kholmatova, said they intended to appeal the decision.

A court chairman in the Northern Sughd region reportedly fired his court clerk after she refused to have sexual relations with him. Despite the clerk sending more than 30 letters to various authorities, including the President’s Office, with a request to investigate the case and restore her position, the courts rejected her request. The Supreme Court said the court clerk was dismissed for failing to disclose her brother’s criminal record during her initial background investigation. According to the clerk, however, her brother’s conviction had long been expunged.

Reproductive Rights: The government did not interfere with the rights of individuals and couples to decide freely and responsibly the number, spacing, and timing of their children; to manage their reproductive health; and to have the information and means to do so, free from coercion and violence. Intimate partner violence remained a significant problem impacting woman’s agency, including on sexual and reproductive health. Stereotypes related to gender roles and the taboo nature of conversations about sex prevented women and girls from obtaining information on reproductive health and access to services.

According to UN data, 54 percent of married or in-union women made decisions on their health care, 83 percent had autonomy in deciding to use contraception, and 60 percent said they could say “no” to sex. According to the World Health Organization (WHO), the maternal mortality rate was 17 per 100,000 live births with 95 percent of births attended by skilled health personnel. In data from 2010-19, the most recent available, WHO reported that 58 percent of women did not have their contraception needs fully met. The adolescent birth rate was 54 percent in the period 2010-18.

Survivors of sexual violence have a legal right to protection and social services, although they had difficulty in gaining access to these services. Police and judicial authorities often failed to investigate instances of sexual violence and rarely issued orders of protection to prevent violence. The pervasive nature of victim blaming also meant that sexual violence went underreported and, even if reported, was often not fully prosecuted.

TAJIKISTAN

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities during the year.

Discrimination: Although the law provides for men and women to receive equal pay for equal work, cultural barriers restricted women's professional opportunities. The law protects women's rights in marriage and family matters, but families often pressured female minors to marry against their will. Religious marriages were common substitutes for civil marriages due to the high marriage registration fees associated with civil marriages and the power afforded men under religious law.

A fatwa promulgated by the Council of Ulema in 2005 continued to prohibit Hanafi Sunni women, who constitute the vast majority of the female population, from praying in mosques. Religious ceremonies also made polygyny possible, despite the illegality of the practice. NGOs estimated that up to 10 percent of men practiced polygyny. Many of these polygynous marriages involved underage brides. Unofficial second and third marriages were increasingly common, with neither the wives nor the children of the subsequent marriages having legal standing or rights.

Children

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

Education: Free and universal public education is compulsory until age 16 or completion of the ninth grade. UNICEF reported school attendance generally was good through the primary grades, but girls faced disadvantages, as parents often gave priority in education to their sons, whom they regarded as future breadwinners.

Child Abuse: The Committee on Women and Family Affairs and regional child rights protection departments are responsible for addressing problems of violence against children.

TAJIKISTAN

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

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

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and child pornography. In January the government amended the criminal code to conform with international law. As a result, the law now prohibits the buying and selling of children and outlines a provision that requires an exploitation act to qualify as human trafficking. The minimum age of consensual sex is 16. According to an NGO working with victims of domestic violence, sexual exploitation, and sex trafficking, there were several cases in which family members or third parties forced children into prostitution in nightclubs and in private homes.

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

TAJIKISTAN

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

The law on social protection of persons with disabilities applies to individuals having physical or mental disabilities, including sensory and developmental disabilities. The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and provision of other state services, but public and private institutions generally did not commit resources to implement the law. The law requires government buildings, schools, hospitals, and transportation, including air travel, to be accessible to persons with disabilities, but the government has not provided any information about the enforcement of those provisions, although it appeared authorities were attempting to apply those standards with newly built government buildings.

Many children with disabilities were not able to attend school because doctors did not deem them "medically fit." Children deemed "medically unfit" were segregated into special state-run schools specifically for persons with physical and mental disabilities. Doctors decided which subjects students were capable of studying, and directors of state-run schools could change the requirements for students to pass to the next grade at their discretion.

The government charged the Commission on Fulfillment of International Human Rights, the Society of Disabled, and local and regional governmental structures with protecting the rights of persons with disabilities. Although the government maintained group living and medical facilities for persons with disabilities, funding was limited, and facilities were in poor condition.

TAJIKISTAN

Members of National/Racial/Ethnic Minority Groups

There were occasional reports that law enforcement officials harassed persons of Afghan and Uzbek nationality.

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

Same-sex sexual conduct is legal in the country with the same age of consent as for opposite-sex relationships. The law, however, does not provide legal protection against discrimination. Throughout the country there were reports LGBTI individuals faced physical and psychological abuse, harassment, extortion, and exploitation for revealing their LGBTI status to their families. In 2019 the then ombudsman for human rights, Zarif Alizoda, announced the country would not implement the recommendations of international organizations on LGBTI rights because they conflict with local moral values. Earlier, the chief psychiatrist Khurshed Qunghurotov stated in a media interview that bisexuality, lesbianism, and homosexuality are all “pathologies of character” and that the LGBTI community is “mentally ill.”

There is no law against discrimination based on sexual orientation or gender identity, and LGBTI persons were victims of police harassment and faced threats of public beatings by community members. LGBTI representatives claimed law enforcement officials extorted money from LGBTI persons by threatening to tell their employers or families of their activities.

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

Government authorities reportedly compiled a registry of hundreds of persons in the LGBTI community as part of a purported drive to promote moral behavior and

TAJIKISTAN

protect vulnerable groups in society. In 2017 the Interior Ministry and the General Prosecutor's Office drew up the list, which included 319 men and 48 women.

It was difficult for transgender persons to obtain new official documents from the government. The law allows for changing gender in identity papers if a medical organization provides an authorized document. Because a document of this form does not exist, it was difficult for transgender persons to change their legal identity to match their gender. This created internal problems involving any activity requiring government identification, including the acquisition of a passport for international travel.

The Brussels-based Antidiscrimination Center Memorial, in cooperation with LGBTI activists, filmed and released a documentary titled, *Deafening Silence*. The film's author lived in the country until 2015 but fled with his partner to Europe after facing abuse by law enforcement. After filming, some of the featured individuals reportedly were harassed and the film crew was forced to live outside the country.

HIV and AIDS Social Stigma

There was societal discrimination against individuals with HIV/AIDS, and stigma and discrimination were major barriers for persons with HIV to accessing prevention, treatment, and support.

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

Women remained a minority of those infected with HIV, although the incidence of infection among women was increasing.

As of the end of October, the Ministry of Health officially registered 9,329 HIV-positive individuals, including 1,070 children under the age of 18. During the first 10 months of the year, the ministry registered 890 new HIV-positive individuals, 739 of which contracted HIV through sexual contact.

TAJIKISTAN

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right to form and join independent unions but requires registration for all NGOs, including trade unions, but the government did not effectively enforce the law. The law also provides that union activities, such as collective bargaining, be free from interference except “in cases specified by law,” but the law does not define such cases. Collective bargaining contracts covered 90 percent of workers in the formal sector.

Workers have the right to strike, but the law requires that meetings and other mass actions have prior official authorization, limiting trade unions’ ability to organize meetings or demonstrations. The law provides for the right to organize and bargain collectively, but it does not specifically prohibit antiunion discrimination. Penalties were commensurate with those under other laws involving denials of civil rights.

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

Labor NGOs not designated as labor organizations played a minimal role in worker rights, as they were restricted from operating fully and freely. In 2019 police reportedly arrested 15 agricultural workers, charging them with organizing an illegal event after they protested outside the Dushanbe headquarters of Faroz, a company belonging to President Rahmon’s family. Dozens of workers had

TAJIKISTAN

gathered around the gates of the company to object to proposed lower wages for harvesting the medicinal plant ferula. All were subsequently released within 10 to 15 days of their arrest, with some paying nominal fines.

b. Prohibition of Forced or Compulsory Labor

Tajik children and adults may be subjected to forced labor in agriculture, mainly during the country's fall cotton harvest, but also in dried fruit production. The government may have subjected some citizens to participate in manual labor, such as cleaning roads and park maintenance. Some Afghan and Bangladeshi citizens were victims of forced labor in the country, including in the construction industry. The law prohibits and criminalizes most forms of forced labor except for cleaning the streets ("subotnik" labor), work in the military, and "socially important" work. The country, however, does not consider those types of labor to be "forced labor." The government did not effectively enforce this law and resources, inspections, and remediation were inadequate to address concerns over forced labor.

Employees of state institutions were sometimes required to perform agricultural work outside of and in addition to their regular employment. While penalties to discourage the practice of forced labor were stringent and commensurate with penalties for other serious crimes, such as rape, the government investigated, prosecuted, and convicted fewer individuals suspected of trafficking persons for forced labor than in prior years. In May, Tajik State Medical University students reported they were forced to work at hospitals treating coronavirus patients due to a shortage of medical personnel.

The government continued to implement its national referral mechanism that has formal written procedures for identification, referral, and assistance to victims of trafficking. Law enforcement reported screening for victims when making arrests for prostitution. NGOs reported that in many cases when victims were identified by authorities, they were detained but not put in jail.

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

TAJIKISTAN

c. Prohibition of Child Labor and Minimum Age for Employment

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

Enforcement of child labor laws is the responsibility of the Prosecutor General's Office, Ministry of Justice, Ministry of Social Welfare, Ministry of Internal Affairs, and appropriate local and regional governmental offices. Unions also are responsible for reporting any violations in the employment of minors. Citizens can bring unresolved cases involving child labor before the prosecutor general for investigation. There were few reports of violations because most children worked under the family assistance exception. There were reports that military recruitment authorities kidnapped children younger than 18 from public places and subjected them to compulsory military service to fulfill local recruitment quotas.

The government enforced child labor laws and worked with the International Organization for Migration (IOM) to prevent the use of forced child labor. IOM and local NGOs noted that penalties were commensurate with those for other analogous serious crimes. The overall instances of forced child labor in the cotton harvest decreased dramatically after 2013; the 2015 IOM annual assessment showed local or national government authorities responded to most cases, in which comprehensive data on child labor in the cotton harvest are available. Without comprehensive data (collected by the government, NGO(s), or a multilateral entity such as the IOM) it was not possible to assess the prevalence of child labor in the country's cotton sector.

TAJIKISTAN

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

d. Discrimination with Respect to Employment and Occupation

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

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

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

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

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

e. Acceptable Conditions of Work

The government set a minimum monthly wage of 400 somoni (\$38.80), which is below the poverty line. The legal workweek is 40 hours and the law mandates overtime payment, with the first two hours paid at a time-and-a-half rate and the

TAJIKISTAN

remainder at double the rate, but there is no legal limit to compulsory performance of overtime.

The State Inspectorate for Supervision of Labor, Migration, and Employment under the Ministry of Labor, Migration, and Employment is responsible for the overall supervision of enforcing labor law in the country. The Ministry of Finance enforces financial aspects of the labor law, and the Agency of Financial Control of the presidential administration oversees other aspects of the law. Resources, including the number of inspectors, inspections, and remediation to enforce the law were inadequate. The State Inspectorate conducts inspections once every two years and has the authority to make unannounced inspections and initiate sanctions. In 2018, however, President Rahmon suspended all labor-related inspections in the manufacturing sector to support “entrepreneurship,” so inspections have only occurred on the basis of complaints. The Inspectorate reported just under 50 such inspections during 2020.

Penalties for violations are commensurate with those for similar crimes, but the regulation was not enforced, and the government did not pay its employees for overtime work. Overtime payment was inconsistent in all sectors of the labor force. In May police fired on Chinese mine workers in the northern region of Sughd who were protesting over the payment of overdue salaries. Despite the use of live rounds, no individuals were reported injured, and the protestors dispersed.

The State Inspectorate for Supervision of Labor, Migration, and Employment is also responsible for enforcing occupational health and safety standards. The government did not fully comply with these standards, partly because of corruption and the low salaries paid to inspectors. The law provides workers the right to remove themselves from hazardous working conditions without fear of loss of employment, but workers seldom exercised this right. Medical personnel working with COVID-19 patients were fired for complaining about a lack of access to personal protective equipment, according to media reports. There were zero industrial accidents during the year that caused the death or serious injury to workers. Farmers and agricultural workers, accounting for more than 60 percent of employment in the country, continued to work under difficult circumstances. There was no system to monitor or regulate working conditions in the agricultural

TAJIKISTAN

and informal sectors. Wages in the agricultural sector were the lowest among all sectors, and many workers received payment in kind. The government's failure to ensure and protect land tenure rights continued to limit its ability to protect agricultural workers' rights.