

2013 Country Reports on Human Rights Practices - Tajikistan

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EXECUTIVE SUMMARY

Tajikistan is an authoritarian state that President Emomali Rahmon and his supporters, drawn mainly from one region of the country, dominated politically. The constitution provides for a multi-party political system, but the government obstructed political pluralism. The November 6 presidential election lacked pluralism, genuine choice, and did not meet international standards. Security forces reported to civilian authorities.

The most significant human rights problems included torture and abuse of detainees and other persons by security forces; repression of political activism and restrictions on freedoms of expression and the free flow of information, including the repeated blockage of several independent news and social networking websites; and poor religious freedom conditions as well as violence and discrimination against women.

Other human rights problems included arbitrary arrest; denial of the right to a fair trial; harsh and life-threatening prison conditions; prohibition of international monitor access to prisons; limitations on children's religious education; corruption; and trafficking in persons, including sex and labor trafficking.

Officials in the security services and elsewhere in the government acted with impunity. There were very few prosecutions of government officials for human rights abuses. The courts convicted one prison official for abuse of power, and three others were under investigation for human rights abuses.

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

a. Arbitrary or Unlawful Deprivation of Life

In July and August 2012, nongovernmental organizations (NGOs) and the media reported that the government or its agents were responsible for injuring and killing civilians during security operations in Khorugh, Gorno-Badakhshon Autonomous Oblast (GBAO), after the killing of Major General Abdullo Nazarov, the head of the regional branch of the State Committee for National Security (GKNB). In July, Prosecutor General Sherkhon Salimzoda stated that 21 criminal group members, 18 law enforcement officers, and two civilians had been killed. During a separate press conference also in July, Minister of Internal Affairs Ramazon Rahimov said the government was investigating the deaths of civilians. The government released no additional information regarding the status of the investigation. Civil society organizations and relatives of victims stated to the media that they had not received any information from the government regarding its investigation into the deaths. In July the government submitted a report to the UN which stated that 18 law enforcement officers had been killed and 45 injured. A coalition of human rights NGOs conducted an investigation of the 2012 security operations in Khorugh and released a report that expressed concern about the lack of access to information, including about casualties, due to blocked mobile and fixed-line communications and the internet; the government's excessive use of force; and the lack of an investigation, including criminal proceedings. The report stated that 22 civilians were killed.

The government did not report any progress in the investigation of the July 2012 death of Sabzali Mamadrizoyev, the head of the Islamic Renaissance Party of Tajikistan (IRPT) in the GBAO. Mamadrizoyev was killed during the government security operation in Khorugh. IRPT officials said the government did not investigate the case. Freedom House reported that during the Khorugh operation, law enforcement officers detained Mamadrizoyev, and according to the IRPT, his body was found days later with marks of torture and execution.

In February Mahmadsharif Nasriddinov, a resident of Dushanbe, died in Dushanbe Prison #1, reportedly as a result of torture while in police custody. In 2011 Nasriddinov was sentenced to three years' imprisonment for robbery. On the eve of his death, relatives of Nasriddinov told the media that prison personnel tortured Nasriddinov after guards found an inmate with a cell phone. Police claimed that Nasriddinov had mental problems, although his relatives denied the allegation.

b. Disappearance

There were reports of politically motivated disappearances. In March Salimboy Shamsiddinov, head of the Society of Uzbeks of Khatlon Province, was kidnapped. His friends and political allies believed his disappearance was politically motivated. Social Democratic Party leader Rahmatillo Zoirov claimed that the day before the disappearance, Shamsiddinov complained about harassment by government officials.

In response to a request from the UN Working Group on Enforced or Involuntary Disappearances in 2010, the UN special rapporteur on torture, or other cruel, inhuman, or degrading treatment or punishment, Juan Mendez, visited the country in May 2012. Mendez described torture and mistreatment as a regularly occurring phenomenon in the country. Mendez submitted recommendations to the government that laws be brought into compliance with the UN Convention against Torture, including proper investigation of all torture cases, registration of torture cases from the moment of arrest, and immediate detainee access to a lawyer. The government created a

working group to address the recommendations, but the working group did not implement any changes by year's end.

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

The constitution prohibits the use of torture. Although in 2012 the government amended the criminal code to create a separate article defining torture in line with international law, there continued to be claims of beatings, torture, or other forms of coercion to extract confessions during interrogations. Officials did not grant sufficient access to information to allow human rights organizations to investigate the claims.

In October the courts sentenced Sunnatullo Rizoyev and Sadriddin Toshev to seven and nine years of imprisonment, respectively, for "distribution of false information and attempting to disorganize the work of a penitentiary institution." Toshev and Rizoyev were two of the six prisoners who witnessed the alleged murder of Hamza Ikromzoda, which received heavy media coverage, and were subsequently transferred from Dushanbe to the Khujand prison in November 2012. The prisoners released videos showing severe bruises on their bodies, which they claimed resulted from prison guards having beaten them with rubber batons. The government, including the President's Office, did not respond to repeated complaints by the prisoners' family members regarding various instances of torture. The government also did not provide any indication that it would conduct an investigation into the torture allegations. Toshev and Rizoyev's lawyer stated that they would appeal the court's verdict.

Prison and Detention Center Conditions

Physical 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 prison conditions, including extreme overcrowding and unsanitary conditions. Disease and hunger were serious problems. UN agencies reported that infection rates of tuberculosis and HIV in prisons were significant and the quality of medical treatment was poor. It was not known if potable water was available. The Ministry of Internal Affairs' juvenile boys facility was clean but lacked access to counseling and social services. Authorities held men and women separately in either segregated parts of the same facility or different facilities; however, authorities often housed juvenile boys with men.

Administration: The criminal procedure code (CPC) provides for fines, suspended sentences, house arrest, and community service as alternatives to imprisonment for nonviolent offenders. There were no known cases of prisoners submitting formal complaints regarding conditions. A governmental Office of the Ombudsman exists and its ombudsman ostensibly visited prisons, but there were no ombudsmen specifically mandated to monitor prison conditions. It was not known if prisoners had access to religious observance. There were 48 juvenile male prisoners. The government amnestied all female juvenile prisoners in 2011, and during the year there were no female juvenile prisoners.

Independent Monitoring: The Ministry of Justice continued to deny representatives of the international community and civil society access to prisons or detention facilities. The International Committee of the Red Cross (ICRC) continued to lack access due to the absence of a prison access agreement with the government. Negotiations with the ICRC resumed in 2011, but there was no agreement at year's end.

d. Arbitrary Arrest or Detention

The CPC does not explicitly prohibit arbitrary arrests, and arbitrary arrests were common. The CPC states that police must inform the prosecutor's office of an arrest within 12 hours and file charges within 10 days. 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.

In July security officers in the city of Hissor detained Mahmurod Odinayev, chair of the civil society group Public Committee against Torture. Security officers brought Odinayev to the GKNB office in Dushanbe and questioned him for approximately two to three hours about his activities as chair of the Public Committee against Torture before releasing him. Days prior to the detention, Odinayev had released a video showing injuries to his son, Khujand Prison #23 inmate Sunnatullo Rizoyev, which prison guards allegedly caused by beating him with rubber batons in both the Dushanbe and Khujand prisons. Rizoyev had given testimony against prison officials in a court case regarding the alleged torture and murder of inmate Ikromzoda at the Dushanbe prison in September 2012. After his detention in Dushanbe, Odinayev released additional photographs documenting his son's injuries.

On July 26, police officers in Khujand once again detained Odinayev when he and his son, Amirali Rizoyev, visited Khujand to observe Sunnatullo Rizoyev's court hearings. According to statements to the media by Rizoyev, several police officers approached them outside the Khujand Detention Facility, forcefully pushed Odinayev into a car, and took him to the Prosecutor General's Office.

Regional Ministry of Internal Affairs authorities released no details regarding the detentions, nor was there any investigation into the torture claim at year's end.

Role of the Police and Security Apparatus

The Ministry of Internal Affairs, Drug Control Agency (DCA), Agency on State Financial Control and the Fight Against Corruption, GKNB, State Tax Committee, and Customs Service share civilian law enforcement responsibilities. The ministry is primarily responsible for public order and controls the police force. The DCA, anticorruption agency, and State Tax Committee have mandates to investigate specific crimes, and they report to the president. The GKNB has responsibility for intelligence and controls the Border Service; it also investigates cases linked to alleged extremist political or religious activity, trafficking in persons, and politically sensitive cases. The Customs Service reports directly to the president. The Prosecutor General's Office oversees the criminal investigations that these agencies conduct.

The agencies' responsibilities overlap significantly, and law enforcement organizations defer to the GKNB. Law enforcement agencies were not effective in investigating organized criminal gangs because the gangs maintained high-level connections with government officials and security agencies. A tacit understanding within law enforcement communities that certain individuals were untouchable kept investigations from starting.

Official impunity continued to be a serious problem. While authorities took limited steps to hold perpetrators accountable, torture and mistreatment of prisoners continued, and the culture of impunity and corruption weakened investigations and prosecutions. In some cases during pre-detention hearings or trials, judges dismissed defendants' allegations of abuse and torture during

detention. Victims of police abuse may submit a formal complaint in writing to the officer's superior or the Office of the Ombudsman. Most victims reportedly chose to remain silent rather than risk official retaliation. The Office of the Ombudsman made few efforts to respond to complaints about human rights violations and rarely intervened, claiming that the office does not have the power to make statements or recommendations regarding criminal cases.

Arrest Procedures and Treatment of Detainees

According to the CPC, police may detain an individual up to 12 hours before authorities must file criminal charges. 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. If police file criminal charges, they may detain an individual 72 hours before they must present their charges to a judge for an indictment hearing. The judge is empowered to order detention, house arrest, or bail, pending trial.

According to the CPC, family members are allowed access to prisoners after indictment, but officials often denied access to attorneys and family members. The CPC 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. Authorities held detainees charged with crimes related to national security or extremism for extended periods without formally charging them.

Arbitrary Arrest: The government generally provided a rationale for arrests, but sometimes detainees and civil society groups reported that authorities falsified charges or inflated minor incidents to make politically motivated arrests. In May authorities arrested well-known businessman and former minister of industry Zaid Saidov and charged him for crimes under eight different articles of the criminal code, including bribery, polygamy, fraud, abuse of power, and rape. On December 25, a court sentenced Saidov to 26 years in prison and ordered his property confiscated after he was found guilty of fraud, corruption, statutory rape, and polygamy. His supporters stated the charges were politically motivated. In April Saidov announced his intention to establish the New Tajikistan political party. Supporters of the political party believed the government targeted him for his political activities ahead of the November presidential elections.

On October 30, Isfara IRPT member Umedjon Todzhiev was detained by Isfara police for administrative violations and charged on November 2 with "organizing a criminal group" as a suspected member of the Islamic Movement of Uzbekistan. Authorities did not grant Todzhiev's family access to him. On November 13, authorities allowed Todzhiev's lawyer to meet with Todzhiev, who said that he jumped out of a window to escape after being subjected to electric shocks and beatings for two days in the Isfara Ministry of Internal Affairs office. The ministry directed police to open an investigation into the incident, which resulted in dismissal of one police officer and warnings to two others. There was no official explanation of the events released at year's end.

Amnesty International reported that the system allowed for routine arbitrary detention for indefinite periods at the discretion of detaining authorities. Some police and judicial officials regularly accepted bribes in exchange for lenient sentencing or release. Law enforcement officials must request an extension from a judge to detain an individual in pretrial detention after two, six, and 12 months.

Pretrial Detention: Defense advocates 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 it could extend as long as 15 months.

e. Denial of Fair Public Trial

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

Trial Procedures

Defendants legally are afforded a presumption of innocence, but they did not enjoy it in practice. The courts found nearly all defendants guilty. During 2012 there were 42 acquittals in 8,467 cases, of which 19 were fully acquitted and the remaining 23 received partial acquittals and were found guilty of lesser charges. There were two life sentences imposed during the year, down from 17 in 2011. Trials are presided over by a judge, who issues verdicts.

There is no trial by jury. Defendants generally could consult with an attorney in a timely manner during trials but often were denied the right to an attorney during the pretrial and investigatory periods. By law the government should provide an attorney at public expense if requested, but the government rarely provided free legal aid. A number of local and international NGOs provided free legal counsel to defendants.

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

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

Although trials are 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." During the year the government conducted several politically motivated court cases behind closed doors. Neither the case of Sherik Karamkhudoyev, head of the IRPT in Khorugh, nor court hearings for Zaid Saidov, leader of the unregistered New Tajikistan political party, were open trials. In February a Dushanbe court announced that the libel case filed by Rustam Hukumov, the son of the head of Tajik Railways Amonullo Hukumov, against weekly newspaper *ImruzNews* had been closed. The government did not permit public observers to monitor the case.

Political Prisoners and Detainees

While authorities claimed there were no political prisoners or politically motivated arrests, opposition parties and local observers reported the government selectively arrested and prosecuted political opponents. There was no reliable estimate of the number of political prisoners.

In May the Anticorruption Agency detained prominent Tajik businessman and former minister of industry Zaid Saidov at the Dushanbe airport upon return from a trip abroad. While Saidov was abroad, authorities opened criminal cases against him. Saidov reported to Radio Free Europe/Radio Liberty from Paris before his return to the country that the allegations were baseless and were part of growing pressure against him by authorities since April, when he announced his intention to establish the New Tajikistan political party in conjunction with several Tajik businessmen and academics. In September, Saidov's closed trial hearing began. Authorities did not permit civil society organizations to monitor the hearings. On December 25, a court sentenced Saidov to 26 years in prison and ordered his property confiscated after the court found him guilty of fraud, corruption, statutory rape, and polygamy.

In May the Supreme Court sentenced Sherik Karamkhudoyev, regional head of the IRPT in Khorugh, to 14 years' incarceration. Karamkhudoev disappeared in late July 2012 during a security operation by government forces in the Gorno-Badakhshon Autonomous Oblast. Two weeks later, authorities revealed that Karamkhudoyev was being held in the GKNB detention facility in Dushanbe. The government claimed that Karamkhudoyev took up arms and led a band of criminals against government forces during the security operation. Karamkhudoev denied taking part in the fighting, and the IRPT called his arrest politically motivated. Authorities permitted his mother to visit him six weeks after he was detained. She stated that she observed signs of torture on her son's body and sent a letter of complaint to the Prosecutor General's Office and Ombudsman's Office. She had not received a response by year's end.

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 juvenile justice system exists, although there are some courts that provide a separate room for children linked to the courtroom by video camera.

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

The constitution states that the home is inviolable. With certain exceptions it is illegal to enter the home by force or deprive a person of a home. The CPC states that police may not enter and search a private home without the approval of a judge. Authorities may carry out searches with only 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 that courts must be notified of such searches within 24 hours. Police frequently ignored these laws and infringed on citizens' right to privacy, including personal searches without a warrant.

According to the CPC, "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 that only a judge may authorize monitoring of telephone or other communication. Security offices often monitored communications without judicial authorization.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Freedom of Speech: The authorities continued to curb freedom of speech through detentions, prosecutions, and the threat of heavy fines. By law a person can be imprisoned for as long as five years for insulting the president.

Press Freedoms: Independent media were active, despite significant and repeated pressure by the government on media outlets. Although some print media published political commentary and investigatory material critical of the government, journalists observed that authorities considered certain topics off limits, including derogatory information about the president or his family or questions about financial improprieties by those close to the president.

Several independent television and radio stations were available in a small portion of the country, but the government controlled most broadcasting transmission facilities. The government allowed some international media to operate freely and also permitted rebroadcasts of Russian television and radio programs.

Violence and Harassment: Journalists continued to face harassment and intimidation by government officials. Although the government decriminalized libel in 2012, state officials regularly filed defamation complaints against news outlets in retaliation for publishing stories critical of the government. In February a court in Dushanbe handed down a defamation ruling in a closed court proceeding against independent newspaper *ImruzNews*. Tojiron, a company affiliated with the president's family, filed a lawsuit for defamation and damage after the newspaper published an article asserting that representatives of Tojiron demanded 95,485 somoni (\$20,000) to return the body of an accident victim to his family to cover the fuel cost that the company lost in the accident. It also stated the accident victim's body was handed over to his relatives only after they paid the entire amount. By year's end the trial had not yet concluded.

On October 28, courts sentenced journalist Makhmadyusif Ismoilov to 11 years' imprisonment for blackmailing and extorting 400 somoni (\$83.70) from a woman in the Asht district. He denied any wrongdoing and posited that the case against him was retaliation by local authorities whom he criticized in the media this year. Authorities detained Ismoilov for 11 months in 2010 on charges of defamation, insult, and incitement to hatred over an article he wrote accusing Asht government and law enforcement officials of corruption, abuse of power, and mismanagement of funds. Ismoilov was released in October 2011 after paying a 35,000 somoni (\$7,330) fine; he was barred from journalistic work for five years. Ismoilov's lawyer planned to appeal the October 28 court decision.

In May access to regional independent TV channel K+ was blocked three days after it broadcast a program with the participation of opposition journalist Dodojon Atovulloyev critical of President Emomali Rahmon. K+ Channel claimed authorities jammed its broadcast signal because of that program, but the State Communications Agency asserted that it was impossible to block access to a satellite channel. Access to K+ was restored on June 5.

Censorship or Content Restrictions: Journalists regularly practiced self-censorship to avoid retribution from officials. Opposition politicians had limited access to state-run television. The government gave opposition parties minimal broadcast time to express their political views, while the president's party had numerous opportunities to broadcast its messages. In January the Committee to Protect Journalists reported about censorship in the country after documenting a disturbing trend of threats and violent attacks against members of the press. Local media providers believed the government tasked a group of state agents specifically with monitoring the internet and flagging any content they believed to be critical of the president or government officials.

Libel Laws/National Security: In July 2012 the government repealed the law criminalizing libel and defamation, and the offenses were downgraded to civil violations; however, the law retains controversial legal provisions that make publicly insulting the president an offense punishable by a fine or up to five years in jail. Nevertheless, libel judgments were common, particularly against newspapers that were critical of the government.

Publishing Restrictions: The government exercised some 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.

Community radio stations continued to experience registration and licensing problems that prevented them from broadcasting. Independent radio and television stations experienced bureaucratic delays to registration. The government restricted issuance of licenses to new stations, in part through an excessively complex application process. For example, new stations must be licensed by the Commission of the National Committee on Television and Radio, which directly manages the national television and radio stations. The government continued to deny the BBC a renewal of its license to broadcast on FM radio.

Internet Freedom

Individuals and groups could engage in the expression of views via the internet, including by e-mail. Internet penetration was approximately 10 percent and growing.

There were new and continuing government restrictions on access to internet websites. On January 17, a number of internet service providers (ISPs) blocked access to the independent and/or opposition websites of TJKNews and TopTJ, the Tajik service of Radio Free Europe/Radio Liberty (Radio Ozodi), and Facebook. Media reports asserted that the State Communications Agency had sent a message to the ISPs on January 16 ordering them to block access to the sites. ISP representatives told the media that authorities did not provide a reason for the ban. Facebook was blocked twice in 2012. State Communications Agency representatives stated that Facebook was blocked for "technical reasons."

Authorities blocked access to YouTube twice, first in early April and again at the end of May. The April ban may have been in reprisal for a posted video of the wedding of President Rahmon's son Rustam. Media reports said the State Communications Agency ordered the ban. The State Communications Agency gave no explanation for the ban. Many believed the May ban was in response to the YouTube video and accompanying commentary posted on the critical Central Asia-focused satellite news channel K+. In K+ programming, Dodojon Atovulloev, a long-time critic of

President Rahmon, stated that the video showed the president flaunting wealth in a country where the majority of his citizens remain impoverished, and where laws prohibit such large weddings. According to the media, security officials treated the video as classified material and looked for the individuals behind the leak. One videographer told the news agency that all camera operators who attended the wedding had been summoned to the GKNB for questioning.

Authorities blocked access to the IRPT website from March to May, which was the period leading up to and after the 40th anniversary of the IRPT, the observance of which the IRPT had announced it would broadcast online. The Communications Regulatory Agency, part of the State Communications Agency, stated that the IRPT's website was inaccessible due to technical problems. The IRPT contacted the State Communications Agency for an explanation but did not receive a response.

Academic Freedom and Cultural Events

The Ministry of Education maintained a dress code that bans the hijab in schools. Authorities allowed women wearing a traditional local head covering, a scarf that covered hair but not the neck, to study in schools and universities. Many parents kept their daughters from school rather than allow them to attend without the hijab. The ministry also maintained its ban on beards for all teachers.

The Ministry of Education continued to lead a campaign promoting public discussion of the controversial Law on Parental Responsibility, which bans all persons under 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 worship as part of educational activities at religious institutions.

The government required 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 Tajik citizens abroad for religious education, preaching and teaching religious doctrines, and establishing ties with religious groups abroad without CRA consent.

The Ministry of Education banned students from attending events sponsored by or conducted for foreign organizations.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

In August a Dushanbe district court sentenced Zaid Saidov's four sons and his son-in-law to five days' imprisonment after they held a rally in Dushanbe calling for Saidov's freedom. Authorities

fined Mavjouda Sahibnazarova, a participant in the rally, 280 somoni (\$58.60). Earlier, authorities detained Mahmoudjon Qosimov, a member of the initiative group to create the New Tajikistan Party and organizer of the rally, for five days on charges of disorderly conduct. Authorities opened administrative cases against all of the arrested participants based upon article 460 of the code of administrative offences (disorderly conduct).

Freedom of Association

The constitution protects freedom of association, but the government restricted this right.

On January 9, a regional court in northern Sughd region announced its decision to "liquidate" the educational and analytical center "Grazhdanskoye Obshchestvo" (Civil Society), an NGO. The Regional Justice Department filed a complaint with the local court asking for the liquidation of the NGO citing administrative violations. Human rights organizations declared the government's targeting of "Grazhdanskoye Obshchestvo" to be politically motivated. The organization was founded in 2011 with the support of political opposition parties and dealt with civil education and election laws. Mohinisso Khorissova, leader of "Grazhdanskoye Obshchestvo," told the Asia-Plus news agency that the Justice Department's lawsuit alleged two administrative violations: change of legal address and decisions made by the organization leaders without consent of its members. Khorissova denied the allegations and questioned their validity, as she asserted that authorities never inspected the NGO.

c. Freedom of Religion

See the Department of State's [International Religious Freedom Report](#).

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

In-country Movement: The law provides for freedom of movement, but the government imposed some restrictions. The government prohibits foreigners, except diplomats and international aid workers, from traveling within a 15-mile zone along the borders with China and Afghanistan in the Khatlon region and 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.

Exile: No laws provide for exile, and there were no reports of forced exile. Some government opponents remained in self-imposed exile in Russia.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Nevertheless, the process for making asylum status determinations remained uncertain and nontransparent. The government processed asylum applications through the National Refugee Status Determination Commission and granted applicants documents to regularize their stay and to prevent deportation. When denying refugee status, officials usually cited lack of evidence of repression in the refugee's home country or

"malpractice" on the part of refugees applying to renew their status, such as violation of the prohibition of living in Dushanbe. Unofficially, some refugees claimed authorities could deny cases if sufficiently high bribes were not paid.

The government generally succeeded in registering those with a claim to refugee or asylum seeker status, but it also placed significant restrictions on claimants. Officials continued to enforce a law prohibiting asylum seekers and refugees from residing in urban areas. Security officials regularly monitored refugee populations. Refugees and asylum seekers believed to be residing in prohibited areas were subjected to police raids throughout the year.

During the year the government deported 27 asylum seekers and refugees to Afghanistan. The deportees included rejected asylum seekers and refugees whose status had been revoked based on violation of the law prohibiting such persons from residing in urban areas. All the cases of revoked status had been appealed to the courts with the support of the Office of the High Commissioner for Refugees (UNHCR). The deportations, however, took place despite the appeal processes not being completed.

The government counted 2,286 registered refugees and an additional 1,897 asylum seekers seeking refugee status; 95 percent were Afghans. Official government statistics showed Afghan, Iranian, Iraqi, Pakistani, and Kyrgyz refugees as well as asylum seekers. Overall, the government continued to cooperate with the UNHCR, which retained its observer status in the Refugee Status Determination Commission.

Although the law stipulates that refugee status should be granted for as long as three years, the transfer of refugee processing to the Ministry of the Interior in 2009 resulted in much shorter periods of status being granted.

Access to Basic Services: Authorities generally required refugees and asylum seekers to secure employment, food, shelter, education, and access to basic services themselves, although the UNHCR provided significant assistance. Refugees and asylum seekers are legally entitled to education and health services alongside local citizens. The Ministry of Education allowed Afghan parents to send their children to local schools without paying fees. UNHCR partners provided books, school uniforms, and some language classes to these children and assisted with their medical expenses. By law registered refugees should have equal access to law enforcement and the judicial system.

Employment: An increasing percentage of refugees entering the country did not possess professional backgrounds or job skills, and many faced discrimination by the local population. The requirement to live outside urban areas created additional problems for finding adequate work. While the UNHCR assisted some female refugees by providing vocational job training in skills such as sewing, cooking, and hairdressing, most female refugees remained in the home, in accordance with traditional cultures. Most male refugees worked for small enterprises.

Durable Solutions: The law allows refugees to apply for citizenship after two and one-half years, but the government granted citizenship to very few applicants in the past. During the year the UNHCR did not support any refugee applications for citizenship. In 2008 the government and the UNHCR signed an agreement regarding local integration of refugees into the general population as a more durable solution to the refugee situation. The government promised to consider individual

refugee cases for citizenship, but many of these cases remained pending. The UNHCR reported only one case of a refugee gaining a permanent residence permit (refugees are considered temporary residents under domestic law).

Stateless Persons

According to the UNHCR, there were 440 stateless persons registered with the government, although 1,364 persons identified themselves as stateless during the 2010 census.

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

The law provides citizens with the right to change their government peacefully through elections, but the government restricted this right. The president and his supporters continued to dominate the government. The president's political party, the PDPT, dominated both houses of parliament. PDPT members held most government positions. The president had broad authority to appoint and dismiss officials, and he exercised that authority throughout the year.

Elections and Political Participation

Recent Elections: There was a presidential election on November 6. The Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights Election Observation Mission reported that while the election was peaceful, restrictive candidate-registration requirements resulted in a lack of pluralism, meaningful and genuine choice, and debate. The political opposition accused authorities of creating obstacles that prevented the opposition's single candidate, Oynihol Bobonazarova, from successfully registering. OSCE observers noted the campaign lacked the political debate necessary for a competitive campaign environment. The authorities did not provide safeguards against the misuse of state resources. Family, proxy, and multiple voting as well as ballot stuffing were also prevalent. The Election Observation Mission criticized the legal framework for vague provisions regarding voter registration, campaigning, and election day procedures.

Political Parties: Eight political parties, including the PDPT, were legally registered. Observers considered only three of these parties to be independent of the government. Opposition political parties had moderate popular support and faced scrutiny by the government. All senior members of President Rahmon's government were PDPT members, and most members of the country's 97-seat parliament were members of the PDPT, belonged to progovernment parties, or were PDPT-affiliated independents.

The government interfered in the attempts of political parties to organize and conduct their activities. In April the Foreign Ministry stopped issuing visas at Dushanbe airport, less than a week before the IRPT was due to convene its party conference. The IRPT had invited approximately 200 foreigners to attend the party conference. According to IRPT leader Muhiddin Kabiri, the change in airport visa procedures was designed to hamper the gathering.

There were a few attacks against the political opposition. For example, in April a group of unknown persons in Dushanbe beat Makhmadali Khait, the deputy head of the IRPT. Khait required

hospitalization in intensive care. A Freedom House report linked the attack on Khait to increasing government pressure on and intimidation of the IRPT in the period preceding the November presidential election. The government did not indicate that it had opened any investigation into the case.

Participation of Women and Minorities: There were two female ministers but no ministers from minority groups. A deputy prime minister; the minister of labor, migration, and employment; and several deputy ministers were women. In the 63-member lower chamber of parliament, there were 10 female members and one minority group member. In the 33-member upper chamber of parliament, there were five women and one member of a minority group. Cultural practices discouraged female participation 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 a female deputy. Civil society criticized this decree as a barrier to women holding top government positions.

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. Corruption, nepotism, and regional hiring bias were pervasive at all levels of government.

Corruption: Corruption in the Education Ministry was systemic. Prospective students were required to pay thousands of dollars in bribes to enter the country's most prestigious universities, and even provincial colleges required several hundred dollars. Students often paid additional bribes to receive good grades on exams.

Many traffic police retained fines they collected for violations. Traffic police posted at regular intervals along roads arbitrarily stopped drivers to ask for bribes. The problem was systemic in part due to the low official wages paid to traffic police. According to reports many traffic police must pay for their jobs, an expense they try to recoup by extracting bribes from motorists.

The Ministry of Internal Affairs, the Agency on State Financial Control and the Fight against Corruption, and the Prosecutor General's Office are responsible for investigating, arresting, and prosecuting 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. The government did not charge high-level officials with corruption. Both 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 agency collaborated with the Prosecutor General's Office throughout the entire process.

The prosecutor general investigated some cases of corruption by government employees, but the bulk of the cases involved mid- or lower-level officials, and none involved large-scale abuses. There were instances of the Prosecutor General's Office suddenly dropping cases submitted by the Ministry of Internal Affairs or the Agency on State Financial Control and the Fight against Corruption. According to the anticorruption agency, the government identified 1,017 cases of

corruption by government officials and dismissed 60 officials for misconduct in the first six months of the year.

Whistleblower Protection: Anticorruption law states that whistleblowers are protected by the government, and the information whistleblowers provide is to be considered a "state secret" releasable only at the request of law enforcement bodies. There was no information available on the implementation of whistleblower protection laws.

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

Public Access to Information: Public budgets, particularly those involving major state-owned enterprises, lacked transparency. Although parliament has oversight over the state budget, it passed annual budgets almost without comment despite large, unexplained, and undefined expenses. Each year the government releases a report on budget performance for the previous year that contains numerous details about education, health, and other social sector spending. However, a considerable amount of government spending, including that for major buildings, parks, and other special projects such as summer residences for the president, occurred off budget.

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

As in previous years, domestic and international human rights groups usually were able to monitor and report on the general human rights situation in the country. Domestic NGOs and journalists were careful, however, to avoid public criticism of the president or other high-ranking officials. Human rights and civil society NGOs faced increasing pressure from the government. Authorities shut the NGO "Grazhdanskoye Obshchestvo" and investigated a number of other NGOs for alleged registration problems and administrative irregularities.

UN and Other International Bodies: The government generally cooperated with international NGOs. It facilitated visits by high-ranking officials from the UN, the OSCE, and other international organizations but continued to deny the ICRC access to prison facilities.

Government Human Rights Bodies: The Office of the Human Rights Ombudsman made very little effort to respond to complaints from the public during the year, and its limited staff and budget further constrained its capacity to do so. The Ombudsman's Office met with NGOs to discuss specific human rights cases and general human rights problems in the country, but no government action resulted.

The government's Office for Constitutional Guarantees of Citizens' Rights continued to investigate and answer citizens' complaints, but staffing inadequacies and uneven cooperation from other governmental institutions hampered the office's effectiveness. The government passed a new Procedural Code on Administrative Offenses, which for the first time provides procedural protections to those persons accused of minor offenses.

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

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

Women

Rape and Domestic Violence: The law prohibits rape, which is punishable by up to 20 years' imprisonment. There was no separate statute for spousal rape. The government was unable to provide statistics on the number of cases or convictions. 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 being stigmatized.

Violence against women, including spousal abuse, remained a widespread problem. According to a survey conducted by the National Statistic Committee during the year, 19 percent of women between the ages of 15 and 49 reported that they experienced physical violence since the age of 15. The highest incidence of domestic violence was reported in Sughd, where 22 percent of women reported suffering domestic violence. The lowest reported level of domestic violence was reported in the Districts of Republican Subordination around Dushanbe, where 13 percent of women reported suffering domestic violence. Women underreported violence against them due to fear of reprisals or inadequate response by the police and judiciary, resulting in virtual impunity for the perpetrators. Authorities wishing to promote traditional gender roles widely dismissed domestic violence as a "family matter." Women and girls were even more vulnerable to domestic violence because of early and unregistered marriages.

One police station was fully equipped to work with domestic violence victims. Five stations nationwide were staffed with police officers trained, with OSCE support, to respond to family violence cases and address the needs of victims in a gender-sensitive manner. There was one comprehensive shelter for victims of domestic violence in the country, supported by the OSCE and operated by an NGO in Khujand. In rural areas the government and NGOs operated additional crisis centers and hotlines where women could seek guidance on domestic violence problems and legal assistance, but many centers lacked funding and resources. Local governments donated the premises of three of the shelters. The Committee for Women's Affairs (within the government) had limited resources to assist domestic violence victims, but local committee representatives referred women to the crisis shelters for assistance.

In 2012 the government adopted a law on domestic violence, but it falls short of internationally accepted standards. The Ministry of Internal Affairs lacked the capacity and training to implement the law, although it was working with the international community to increase capacity. The government took some steps to conduct public information campaigns and collect information on domestic violence, but many cases of domestic abuse went unreported.

Authorities seldom investigated reported cases, and they prosecuted few alleged perpetrators. The Ministry of Internal Affairs is authorized to issue administrative restraining orders, but by law police cannot act without a written complaint from the victim, even if there were other witnesses. Consequently, police often gave only warnings, short-term detentions, or fines for committing "administrative offenses" in cases of domestic violence.

Physical and psychological abuse of wives by mothers-in-law was widespread. In some rural areas, officials observed a continued trend of female suicide.

Sexual Harassment: No specific statute banned sexual harassment in the workplace. Victims often did not report incidents because of fear of social stigma. Authorities often perceived sexual harassment as female fabrications. Women reporting sexual harassment faced retaliation from their employers as well as disgrace from their families and communities.

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 and to have the information and means to do so free from discrimination, coercion, and violence. Traditional stereotypes prevented women and girls from obtaining information on reproductive health. According to the Ministry of Health, 28 percent of women between ages 15 and 49 used modern forms of contraception, and skilled personnel attended 76 percent of births. The ministry also reported in November that 80.6 percent of women received postpartum care and that the maternal mortality rate was approximately 35 per 100,000 births for the first nine months of the year.

Discrimination: Women were underrepresented in decision-making processes at all levels of political institutions. The Ministry of Internal Affairs supported programs to increase the representation of women officers in law enforcement. Female representation in all branches of power was less than 30 percent. The country had two female ministers and no female ambassadors. The 2004 Council of Ulema fatwa (religious edict) prohibiting women from praying in mosques remained in effect. The law provides that women receive equal pay as men for equal work, but cultural barriers continued to restrict the professional opportunities available to women. Employers forced women to work overtime without additional pay. According to the World Bank's report, *Women, Business, and the Law 2014*, women and men have equal ownership rights to property, although women owned significantly less property than men. The extensive number of male migrant workers to Russia and other parts of Central Asia, many of whom failed to send remittances or return home, exacerbated economic pressures on women, who had to provide for themselves and their children, and resulted in a significant gender imbalance in the population.

As a result of poor employment prospects and family pressure, women often dropped out of school to marry. 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. In cases of religious marriages that were not registered with the government, to divorce their wives, husbands simply repeated a phrase in front of two witnesses. Husbands also used these officially unregistered religious marriages to prevent wives from accessing family assets and other rights in the event of divorce. The practice of men divorcing their wives by sending text messages declined after the 2011 Council of Ulema fatwa declared the practice to be unacceptable.

Religious ceremonies also made polygamy possible, despite the illegality of the practice. NGOs estimated that up to 10 percent of men practiced polygamy. Many of these polygamous marriages involved underage brides. Unofficial second and third marriages were increasingly common, with these wives having no legal standing or rights and offspring possessing no rights or legal standing as well.

Inheritance laws do not discriminate against women, although in practical terms some inheritances passed disproportionately to sons. In addition, many men hid their assets with their parents or other family members; if divorce occurred, they could claim no wealth and become exempt from paying child support or other restitution to the former wife.

Children

Birth Registration: Children derive citizenship by birth within the country's territory and from their parents. The government is required to register all births. Many parents waited to register a birth until a child was ready to enter school, since birth registration is required to receive public services such as education.

Education: Free and universal public education is compulsory until the age of 16 or completion of the ninth grade. The UN Children's Fund (UNICEF) indicated that school attendance generally was good through the primary grades, but girls faced disadvantages, especially in rural school systems where families elected to keep them home after primary grades to take care of siblings or work in agriculture. A 2011 UNICEF survey revealed that approximately 20 percent of girls dropped out of compulsory education, often due to families investing money in their sons' education rather than their daughters', so that the boys, with a better education, could provide for their families and take care of their parents in old age. Many families chose to send girls to religious schools to prepare them for marriage and to prevent violating religious norms.

Child Abuse: The Committee on Women and Family Affairs and regional child rights protection departments are responsible for addressing problems of violence against children. Girls who were subjected to violence could receive support from several centers throughout the country. The Women of Science of Tajikistan Association, supported by UNICEF and the Dushanbe mayor's office, organized a hotline for free legal and psychological consultations for girls who were victims of violence. Funding for and the capacity of such programs was limited, however. A five-year program for a Girls Support Center ended in its second year due to lack of funding.

Forced and Early Marriage: The legal minimum age for marriage of men and women is 18 years. Under exceptional circumstances, which a judge must determine, for example 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. Many parents told their daughters to quit school after only ninth grade, at which point parents considered their daughters to have obtained sufficient professional skills, such as sewing or cooking, to have a source of income in their future life.

The law expressly prohibits forced marriages of girls under the age of 18 or entering into a marriage contract with a girl under 18. Early and forced marriage carries a prison sentence of up to six months, while forced marriage can be punished by up to five years' imprisonment. In most cases the law punishes underage marriage only by a fine. Because couples cannot register a marriage where one of the would-be spouses is under 18 years of age, many simply have a local religious leader perform the wedding ceremony. Without a civil registration certificate, the bride has few legal rights.

NGOs claimed that during the year regional ministries of education and schoolteachers were very actively involved in persuading parents not to take their daughters out of school. The NGOs claimed

the situation in some rural areas improved over recent years. During recent years the state partially addressed this problem by requiring mullahs to demand a certificate of civil marriage registration to conduct the religious ceremony; however, this regulation was not effectively enforced, and mullahs conducted religious marriages at unmonitored private ceremonies.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

There were no reports of anti-Semitic acts. The 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*](#).

Persons with Disabilities

The law on social protection of persons with disabilities applies to individuals having either physical or mental 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 laws. The law requires government buildings, schools, hospitals, and transportation, including air travel, to be accessible to persons with disabilities, but the government did not enforce these provisions.

To attend school children must be deemed "medically fit" by doctors. Many children with disabilities were not able to attend school because doctors considered them not "medically fit." Children found to be medically unfit had the chance to attend special state-run schools specifically for persons with physical and mental disabilities. Observers noted that the capacity of these institutions probably did not meet demand. Up to 10 percent of families kept children with disabilities at home and provided home education or tutors.

The government charges the Commission on Fulfillment of International Human Rights, the Society of Invalids, 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.

National/Racial/Ethnic Minorities

Discrimination generally was not a significant problem. There were occasional reports that some law enforcement officials harassed ethnic Afghans and Uzbeks.

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

Gay and lesbian sexual conduct is legal in the country, and the age of consent is the same as for heterosexual relationships; however, the law does not provide any legal protection against discrimination. Homophobic attitudes and little societal tolerance toward lesbian, gay, bisexual, and transgender (LGBT) persons made it rare for individuals to disclose their sexual orientation. Throughout the country there were reports that LGBT individuals faced physical and psychological abuse, including from the police.

There is no law against discrimination based on sexual orientation or gender identity, and LGBT persons were victims of police harassment and faced threats of public beatings. Public activism on their behalf was limited. LGBT representatives claimed law enforcement officials extorted money from LGBT persons by threatening to tell their employers or families of their activities. Hate crimes against members of the LGBT community reportedly went unaddressed.

It was difficult for transgender persons to obtain new official documents from the government. The law allows for changing of gender in identity papers if a medical organization provides an authorized document. Because a document of this form does not exist, however, it was impossible for transgender persons to change their legal identity to match their gender. This created internal problems involving anything requiring government identification and could prevent persons from traveling abroad, since they could not obtain a new passport.

Other Societal Violence or Discrimination

There was societal discrimination against individuals with HIV/AIDS. 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 were increasingly vulnerable to HIV infection because of social taboos on discussion of sex education topics and popular sentiment against the use of condoms. Women remained a minority of those infected with HIV, although their incidence of infection was increasing. According to the government's National Center on HIV, under the Ministry of Health, it detected 708 new cases (429 men and 279 women) of HIV infection during the year. There was a total of 5,382 officially registered cases of HIV in the country, 3,915 of which involved men and 1,467 women.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right to form and join independent unions but requires registration for all NGOs, including trade unions. The law also provides that union activities be free from interference except "in cases specified by law," but the law does not define such cases. Workers have the right to strike, but the Law on Meetings requires that meetings and other mass actions have prior official authorization, limiting trade unions' ability to organize meetings or demonstrations. The law provides for the right to organize and bargain collectively, but it does not specifically prohibit antiunion discrimination.

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 umbrella Federation of Trade Unions of Tajikistan did not effectively represent worker interests. There were reports that the government compelled some citizens to join state-endorsed trade unions and impeded formation of independent unions. According to official figures, 1.3 million persons belonged to unions, approximately 63 percent of the active work force. There were no reports of antiunion discrimination during the year.

Citizens were reluctant to strike due to fear of government retaliation. Collective bargaining contracts covered 90 percent of workers. Foreign, specifically Chinese, workers in some cases received preferable treatment to Tajik workers in labor disputes.

The government fully controls trade unions and other labor unions. There were no reports of threats or violence by government entities towards trade unions; however, for fear of government retaliation, unions made only limited demands regarding workers' rights. Most workers grievances were resolved with union mediation between the employee and the employer.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including that of children, except in cases defined in the law. The law prohibits both forced sexual exploitation and forced labor; it prescribes penalties of five to 15 years' imprisonment. These penalties were sufficiently stringent and commensurate with other serious crimes, such as rape. The government reported six convictions of traffickers in 2011, compared with two convictions under the same law in 2010. The government continued to make progress in reducing the use of forced labor in the annual cotton harvest. In 2011 the government certified NGO representatives to monitor the cotton harvest for a second year in a row. It appointed a Ministry of Labor official to accompany the International Organization for Migration (IOM) representatives during the fall cotton harvest to meet local officials in cotton-growing districts to reinforce the prohibition on forced and child labor.

Also see the Department of State's [*Trafficking in Persons Report*](#).

c. Prohibition of Child Labor and Minimum Age for Employment

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. Children as young as seven years old may participate in household labor and agricultural work, which are separately classified as family assistance. Many children younger than age 10 worked in bazaars or sold goods on the street. The highest incidences of child labor were in the domestic and agricultural sectors.

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 between unions and employers before the prosecutor general for investigation. There were few reports of violations because most children worked under the family assistance exception.

The government enforced labor laws and worked with the IOM to prevent the use of forced child labor in the autumn cotton harvest. Nevertheless, there were isolated reports that some children were exploited in agriculture. The overall instances of forced child labor in the cotton harvest decreased dramatically, and the 2012 IOM annual assessment showed local or national government authorities prosecuted most cases. The government levied 31 fines against employers using child labor and collected a total of 28,400 somoni (\$5,950) from violators.

The Inter-Ministerial Commission to Combat Trafficking in Persons disseminated a directive to local officials reiterating existing prohibitions. The government accredited NGOs working through the IOM to monitor the cotton harvest. These NGOs, with the cooperation of the government, conducted monitoring visits to cotton fields and schools. Government officials accompanying IOM representatives met with local officials to reiterate the law's prohibition against forced child labor. Site visits by diplomats confirmed the monitors' observations that government efforts resulted in a significant reduction in the use of forced child labor.

d. Acceptable Conditions of Work

The estimated average monthly wage was 718 somoni (\$150), but in many sectors the average wages were far lower. In the agricultural sector, for example, authorities estimated the average monthly wage at 251 somoni (\$52.50). The government acknowledged the problem of low wages and provided subsidies for workers and their families who earned the minimum wage of 250 somoni (\$50.40) per month. Some establishments compensated their employees with food commodities or enterprise-produced products, which employees either sold or bartered in local markets. The government defined the minimum standard of living as a basket of goods equal to 128 somoni (\$26.80) per month (as of October 2011). Thus, a family of four required a minimum of 513 somoni (\$107.50) a month to stay above the poverty line. The government did not have a formal poverty line.

There is no legal prohibition on excessive compulsory overtime. The law mandates overtime payment with the first two hours paid at a time-and-a-half rate and the remainder at double the rate. 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. The Ministry of Finance enforces financial aspects of the labor law, and the Agency of Financial Control of the presidential administration oversees other aspects of the law.

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

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

According to World Bank reports, in 2007 the shadow economy accounted for 41 percent of the country's gross domestic product. According to official data, in 2009 it was estimated that one million workers, or 47 percent of the country's workforce, was employed in the informal sector.

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