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**Extract from the IHF report**  
*Human Rights in the OSCE Region: Europe, Central Asia and North America,*  
*Report 2005 (Events of 2004)*

## Tajikistan<sup>1</sup>

**IHF FOCUS: elections and referenda; freedom of expression, free media and information; rule of law and independence of the judiciary; torture, ill-treatment and right to a fair trial; right to life; freedom of religion and religious tolerance; equal rights of women and men; rights of the child; migrants, asylum seekers and refugees; trafficking in human beings.**

In 2004, President Emomali Rakhmonov continued his authoritarian rule in Tajikistan and the political opposition remained under tight government control. A number of leading members of the opposition faced allegedly politically motivated charges, which gave rise to particular concern in view of the upcoming parliamentary elections in February 2005.

Independent media faced various obstacles, which increased as the February 2005 elections drew closer. Among other measures, one of the few private printing houses that had agreed to print independent newspapers was closed down because of alleged tax violations. Self-censorship was common because of the threat of defamation charges and several cases of intimidation and violence targeting journalists who were critical of the authorities were reported.

The government continued to restrict independent religious activities. Numerous members and supporters of the banned Hizb-ut-Tahrir party were arrested and sentenced to long prison terms in trials that fell short of international due process standards. In these and other cases, torture and ill-treatment were frequently reported. The process of accountability for the use of abusive practices by law enforcement authorities remained ineffective.

In a positive development, a moratorium on the death penalty was introduced. However, overshadowing this development, more than 40 people were believed to have been executed during the first few months of the year.

The vast majority of the population lived under the poverty line. Labor migration was considerable, particularly to Russia. Most of those who emigrated were men and many of the women left behind were steeped in even worse poverty as they struggled to support their families on their own. Domestic violence and trafficking in human beings, including in children, were serious problems. Authorities took some formal steps to combat these problems, but concrete measures were inadequate. Child labor was common and contributed to declining levels of school attendance.

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<sup>1</sup> Unless otherwise noted, this chapter is based on information from independent Tajik sources to the IHF.

## **Elections and Referenda**

### *Amendments to Election Law<sup>2</sup>*

In June 2004, the Tajik parliament adopted amendments to the 1999 election law. These amendments introduced a number of positive improvements, including provisions that prohibit state structures from interfering in the elections, grant the public the right to attend electoral commission meetings, improve access to state media for opposition candidates and require that results of the vote count be published in all polling stations.

However, several of the new provisions were not effectively implemented during the months leading up to the parliamentary elections in February 2005. The requirement that the state should not interfere in the elections was undermined by the fact that government officials were frequently appointed as election officials and many election commissions did not hold any public meetings.

Moreover, numerous weaknesses in the 1999 law were not remedied by the new amendments. The amendments do not ensure an inclusive and pluralistic process for recruiting members to election commissions, do not regulate the role of local independent observers and retain vaguely formulated provisions on voter registration and voting, counting and tabulation procedures.

## **Freedom of Expression, Free Media and Information**

### *Political Opposition*

President Rakhmonov's party, *Hizbi Demokrati-Khalkii Tojikston* (the People's Democratic Party of Tajikistan), controlled most political life and marginalized other political parties.

In 2004, a chain of political dismissals and reshuffles were carried out within the government to replace members of opposition political parties who held senior positions with members of President Rakhmonov's party. As a result, the share of opposition members in top level positions was reduced to 5%, although the 1997 power-sharing agreement guaranteed the opposition 30% of such posts. It appeared that the aim of these measures was to consolidate the position of President Rakhmonov and his supporters ahead of the 2005 parliamentary elections and the 2006 presidential elections.<sup>3</sup>

Political opponents faced various forms of harassment, including questionable criminal charges. As a result of such charges, several opposition leaders were not able to participate in the 2005 parliamentary elections, campaigns for which began in late 2004. According to Tajik election law, persons who have been charged with serious crimes are prohibited from running in elections, even if they have not been convicted.<sup>4</sup>

- On 13 January, the Tajik Supreme Court sentenced Shamsuddin Shamsuddinov, the deputy chair of the Islamic Renaissance Party (IRP), to 16 years in prison for polygamy, organizing an armed criminal group and illegally crossing the border. Shamusuddinov, who was arrested in May 2003, denied all charges against him and said that he was beaten and subjected to electric shocks while in pre-trial detention.<sup>5</sup>

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<sup>2</sup> This section is based on OSCE Office for Democratic Institutions and Human Rights (ODIHR), *Republic of Tajikistan: Parliamentary Elections – First Round 27 February 2005, Statement of Preliminary Findings and Conclusions*, [http://www.osce.org/documents/odihr/2005/02/4333\\_en.pdf](http://www.osce.org/documents/odihr/2005/02/4333_en.pdf)

<sup>3</sup> Human Rights Watch (HRW), "Human Rights Overview: Tajikistan," *World Report 2005*, <http://hrw.org/english/docs/2005/01/13/tajiki9897.htm>.

<sup>4</sup> OSCE/ODIHR, *Republic of Tajikistan: Parliamentary Elections – First Round 27 February 2005, Statement of Preliminary Findings and Conclusions*, [http://www.osce.org/documents/odihr/2005/02/4333\\_en.pdf](http://www.osce.org/documents/odihr/2005/02/4333_en.pdf).

<sup>5</sup> HRW, "Human Rights Overview: Tajikistan," *World Report 2005*, <http://hrw.org/english/docs/2005/01/13/tajiki9897.htm>; Bruce Pannier, "Tajikistan: Islamic Renaissance Party Criticizes Jailings," *Radio Free Europe/Radio Liberty (RFE/RL)*, 15 January 2004.

- In February, Yakub Salimov, former interior minister, was extradited from Russia to Tajikistan. He had been arrested in Moscow in May 2003 at the request of the general prosecutor of Tajikistan, who accused him of treason, banditry and attempting to overthrow the government. During the 1992-1997 civil war, Salimov was a leader of the Public Front, which fought against the United Tajik opposition and helped bring President Rakhmonov to power. He also held several government posts, including interior minister in 1993-1995. After he was accused of plotting a coup in 1998, he fled the country and had since been wanted by Tajik authorities. At the end of 2004, his trial in Tajikistan was pending.<sup>6</sup>
- In August, a criminal investigation was opened against Sulton Kuvvatov, the leader of the opposition party Tariqqiyot (“Development”), after police raided the party’s offices. Kuvvatov was reportedly accused of insulting the honor and dignity of the president. It was believed that these accusations were related to the fact that he had announced intentions to appeal to the International Court of Justice regarding the repeated refusal of the Tajik authorities to register Tariqqiyot.<sup>7</sup>
- In December, Mahmudruzi Iskandarov, head of the Democratic Party of Tajikistan, was arrested in Moscow at the request of the Tajik general prosecutor, who had brought charges against him for terrorist acts and illegal possession of weapons. As of the end of 2004, Iskandarov was facing extradition to Tajikistan. In the 1990s, Iskandarov was one of the most influential representatives of the United Tajik opposition, and after the 1995-1997 civil war, he was appointed member of the government. However, in 2003 he was dismissed, allegedly because he had criticized the 2003 constitutional referendum that allowed President Rakhmonov to stay in power until 2020.<sup>8</sup>

#### *Restrictions on the Operation of Independent Media*

Most printing houses were state-owned and categorically refused to print newspapers that were critical of the government or the president. The few privately-owned printing houses that existed also typically did not agree to publish such newspapers because they feared possible reprisals.

In the run-up to the February 2005 parliamentary elections, authorities increasingly cracked down on media outlets that failed to show loyalty to the government. These steps were particularly worrisome in the light of the fact that opposition parties depended heavily on the support of independent media outlets in their election campaigns.

The following case gave rise to serious concern:

- In August, tax authorities closed down the private printing house Jienkhon in Dushanbe because it had allegedly violated tax legislation. It was the only printing house that had agreed to publish a number of independent newspapers, including *Ruzi Nav* (“New Day”), *Nerui Sukhan* (“Power of the Word”) and *Najot* (“Salvation”). After the closure of Jienkhon, a private printing house in Kyrgyzstan agreed to publish *Ruzi Nav*. However, in November, Tajik tax authorities confiscated the first edition of the newspaper printed at this printing house.<sup>9</sup>

<sup>6</sup> “Tajik President’s Power Play Runs Into Roadblock in Russia,” 7 November 2003, *Eurasia Insight*, <http://www.eurasianet.org>; *Rossijskie Vesti*#10; March 2004.

<sup>7</sup> RFE/RL Special on Tajik Elections at <http://www.rferl.org/specials/tajikelections/>; “Leaders of Tajikistan turned against political party,” *Ferghana*, 7 September 2004, [http://fergana.akipress.org/ru\\_f\\_analit.php?id=715](http://fergana.akipress.org/ru_f_analit.php?id=715)

<sup>8</sup>RFE/RL Special on Tajik Elections at <http://www.rferl.org/specials/tajikelections/>; *Kommersant*, 11 December 2004, NO. 233

<sup>9</sup> International Press Institute, chapter on Tajikistan in *2004 World Press Freedom Review*, <http://www.freemedia.at>; Reporters without Borders, “Independent Press Subjected to Printing Obstructions, Threats and Assault,” 24 August 2004, <http://www.rsf.org>

Some private TV and radio stations have experienced difficulties obtaining licenses to operate. A notorious example was the case of *Asia-Plus*, whose application for a license to broadcast radio programs was pending for four years before it was finally approved in 2002 thanks to intervention by President Rakhmonov. In the summer of 2004, *Asia-Plus* applied for a license to broadcast TV programs. A decision on this application was still pending at the end of 2004.

Problematic amendments to the law on radio and TV broadcasting were adopted in 2003. As a result of these amendments, a new public body was set up and it was granted wide powers to monitor the operation of electronic media, which gave rise to concern about undue interference in the work of such media. Also, new requirements for the equipment used to broadcast TV and radio programs were introduced, which created additional expenses for the media.

### *Access to Information*

During the year, the National Association of Independent Media in Tajikistan (NANSMIT) reported a total of 123 cases in which journalists were denied access to information of public interest and importance or were obstructed from disseminating such information.

By law, public institutions were obliged to grant journalists access to all public materials in their possession, but officials often refused to do so. However, no journalists attempted to set a precedent on such cases in court because they did not trust that the cases would be dealt with in a fair manner.

### *Defamation*

Under Tajik legislation, dissemination of information that damages the honor and dignity of the president is punishable with up to five years in prison, while slander of other public officials may result in heavy fines or one year of community work. Because of these restrictive defamation provisions, many journalists practiced self-censorship.

### *Attacks on Independent Journalists*

Independent journalists were also subjected to intimidation and violent attacks.

- On 29 July, Radjab Mirzo, editor-in-chief of *Ruzi Nav*, was physically assaulted near his home in Dushanbe. As a result of the attack, he sustained head injuries and had to be treated in hospital. *Ruzi Nav* had previously been intimidated because of articles criticizing the authorities and Mirzo and his colleagues believed that the attack was directly linked to his professional activities. The militia undertook an investigation into the attack but no perpetrator was identified.
- On 3 August, Mavluda Sultonzoda, journalist with *Ruzi Naz* and regular contributor to *Nerui Sukhan*, received an intimidating phone call. An unknown person scolded her because of a recently published article in which she criticized President Rakhmonov and his government and threatened to use “physical force” against her and her daughter. Sultonzoda said that she had received numerous threats of a similar character since December 2003.<sup>10</sup>

## **Rule of Law and Independence of the Judiciary**

Courts often operated in an unprofessional manner and were strongly influenced by the executive branch. It was common practice for cases to be remitted for reinvestigation and retrial on vague grounds.

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<sup>10</sup> Adil Soz and National Association of Independent Media in Tajikistan, “Threats against Journalists Increasing in Tajikistan,” 13 August 2004, available at <http://www.ifex.org/en/content/view/full/60707/>

Corruption among judges was a serious problem. During the year, criminal proceedings were reportedly initiated against ten judges on charges of bribery. However, these measures were clearly not an adequate response given the scope of the problem.

The Criminal Procedure Code in force has a number of shortcomings, e.g. it grants the prosecutor's office the right to issue arrest warrants without court approval. A new code was under preparation.

### *Criminal Code*

The 1998 Tajik Criminal Code was amended in 2004. A total of 250 provisions were changed so as to provide for more lenient sentences, particularly for women and juvenile defendants. For example, confinement was abolished as a form of punishment for juveniles who have committed minor crimes. Also, community service was introduced as an alternative to imprisonment in the case of less serious crimes and punishment through the confiscation of property was replaced with compulsory work.<sup>11</sup>

However, local human rights NGOs expressed doubt as to whether the new provisions would be implemented in practice.

### **Torture, Ill-Treatment and Right to a Fair Trial**

Torture remained a serious problem, and detainees were *inter alia* subjected to beatings and electric shock. Only a few victims filed complaints about abuse by law enforcement officers because of fear of repercussions. Law enforcement officers were also reported to have planted evidence and used other measures to fabricate criminal cases, including against people who had been summoned as witnesses. It appeared that officers resorted to such unlawful methods because they were under pressure to deliver results.

- In February, a number of alleged supporters of the banned Hizb-ut-Tahrir movement were detained in Khudzhand in the Soghd province. During a subsequent press conference, relatives of those detained stated that their loved ones had been brutally treated. For example, one man was said to have been subjected to such severe torture that he had bruises all over his body, serious burns on his hands and was only able to hear in one ear. Relatives also claimed that the processes against their loved ones were characterized by irregularities. For example, one mother said that investigators had dictated statements for witnesses to write down and sign in her presence, while another mother described a scenario, which seemed to suggest that law enforcement officers had planted banned leaflets in the family's home.<sup>12</sup>
- In June, police summoned Viktor Dudenkov, his wife Elena Dudenkova and Vladimir Vasilchikov for interrogation in the town of Nurek south of Dushanbe. They were asked about the case of Vasilchikov's mother, who had been missing since 2002. All three were reportedly ill-treated by police. Dudenkov and Vasilchikov were beaten on different parts of their bodies; the former so badly that he lost consciousness several times. They were subsequently diagnosed with concussion and head injuries and had to be hospitalized for two weeks. Dudenkova was insulted, forced to stand for several hours and refused anything to eat or drink. The two men appealed to the authorities to bring the officers responsible for the ill-treatment to justice. However, an investigation into the case was closed in August because "no signs of crime" had been identified.<sup>13</sup>

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<sup>11</sup> See also the section on Right to Life.

<sup>12</sup> *Deutsche Welle*, 30 May 2004.

<sup>13</sup> Amnesty International (AI), *Appeal: Vladimir Vasilchikov, Viktor Dudenkov, Elena Dudenkova*, 4 November 2004; AI, "No Signs of Crime," *The Wire*, March 2005.

## Right to Life

In April, President Rakhmonov announced that a moratorium on the death penalty would be introduced in the country. New legislation was subsequently elaborated to amend the Criminal Code so as to change the maximum penalty for those crimes that previously carried the death penalty (murder under aggravating circumstances, rape under aggravating circumstances, terrorism, genocide and biocide) to life imprisonment. This legislation was adopted by the upper house of the parliament in July and by the lower house in November. However, as of the end of 2004, the new legislation had yet to enter into force. In practice, the moratorium took effect immediately after President Rakhmonov had announced it.<sup>14</sup>

The introduction of a moratorium on the death penalty represented an important positive development. In past years, the use of the death penalty had been a serious concern, not the least because trials resulting in the imposition of the death penalty were often unfair.

However, most regrettably, unofficial sources reported that more than 40 people were executed within the last few weeks prior to President Rakhmonov's speech in April.

- Rachabmurod Chumayev, Umed Idiyev, Akbar Radzhabov and Mukharam Fatkhulloyev were believed to have been executed in secret in late April. The four men, who were sentenced to death in 2003 on charges of terrorism, banditry, illegal possession of firearms, hostage taking and murder, had reportedly been tortured and ill-treated in detention while awaiting trial. Also, the UN Human Rights Committee had urged the Tajik authorities to stay the executions of Chumayev and Idiyev while it investigated alleged due process violations in their cases. The relatives of the four men were not informed about the executions but only found out about them when they tried to deliver parcels to the men and were informed by prison guards that the men had been taken for execution.<sup>15</sup>

## Freedom of Religion and Religious Intolerance

### *Harassment of Hizb-ut-Tahrir*

As in previous years, authorities monitored and interfered with the activities of religious organizations in violation of the right to freedom of religion. In particular, religious groups considered to be politicized or extremist, including the banned Hizb-ut-Tahrir, faced government scrutiny and harassment.

A considerable number of people were arrested because of alleged involvement in Hizb-ut-Tahrir during the year and many of them were subsequently convicted in processes that did not meet fair trial standards. According to the General Prosecutor's Office, 118 alleged Hizb-ut-Tahrir members and supporters were imprisoned as of February 2004. It was estimated that Hizb-ut-Tahrir has about 3,000 members and supporters in Tajikistan.<sup>16</sup>

- In February, dozens of suspected Hizb-ut-Tahrir members and supporters were arrested and criminally charged in Khudjand in the Soghd province. Many of them were reportedly tortured into confessing crimes (see the section on Torture, Ill-Treatment and Fair Trial).<sup>17</sup>
- In June, Djamshed Djuraev and Bairam Nasyrov were convicted to five and nine years in prison respectively for inciting national, racial and religious hatred. The two 25-year-old men had allegedly recruited students for Hizb-ut-Tahrir and disseminated banned *wahhabism* literature in Khudjand.

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<sup>14</sup> AI, *The Death Penalty Worldwide: Developments in 2004*.

<sup>15</sup> AI, *Concerns in Europe and Central Asia: January - June 2004 (AI Index: EUR 01/005/2004)*, September 2004.

<sup>16</sup> RIA Novosti, 19 February 2004.

<sup>17</sup> RIA Novosti, 20 April 2005.

- In September, nine suspected members of Hizb-ut-Tarir were sentenced to imprisonment of 13 to 15 years for crimes such as organizing a criminal group and inciting national, racial, religious and ethnic strife.<sup>18</sup>

There were also reports indicating that relatives of people who were detained because of alleged involvement in Hizb-ut-Tahrir were subjected to harassment.

- In March, Saodat Qodirova sent a letter to President Rakhmonov asking him to reduce the prison sentences of her husband and two brothers, all of whom were imprisoned for religious extremism in 2001. She also asked that the men be transferred from northern Tajikistan to a prison in Dushanbe so that it would be easier for her to visit them. A few weeks later, Qodirova was arrested without a warrant, raising concerns that she had been targeted because of her appeal to the authorities. Her ten-year-old son was also reportedly arrested and held over night before he was released.<sup>19</sup> At the end of the year, the fate of Qodirova remained unclear.

### **Equal Rights of Women and Men**

Since the fall of the Soviet Union, traditional norms regarding the role of women have become more dominant in Tajik society and patterns of subordination of women to men have been reinforced.<sup>20</sup>

Many women have been left to care for their children and other family members on their own because their husbands have emigrated to Russia and other neighboring countries to look for work. At the same time, employment opportunities for women are limited, not only because of widespread unemployment, but also because of hostile attitudes facing those who seek to earn their living in male-dominated sectors such as trading.<sup>21</sup> In addition, a decline in state support structures such as child care institutions and child allowances has contributed to the socio-economic vulnerability of women.<sup>22</sup>

After marrying, women are traditionally considered members of the families of their husbands and are expected to serve these families. Newly married girls and young women who do not yet have children enjoy a particularly low status within their extended families and they are often treated harshly by their in-laws.<sup>23</sup>

Domestic violence is a serious problem, and while no exact figures are available, researchers estimate that more than two thirds of all Tajik women are victims of psychological and/or physical abuse. A lack of knowledge on the part of women about their rights and cultural taboos compound the problem and few victims seek legal redress.<sup>24</sup> A considerable number of women choose suicide to escape an abusive situation,

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<sup>18</sup> HRW, "Human rights Overview: Tajikistan," *World Report 2005*,

[http://hrw.org/english/docs\(2005/01/13/tajiki9897.htm](http://hrw.org/english/docs(2005/01/13/tajiki9897.htm)

<sup>19</sup> Zafar Abdullaev, "Tajikistan: Guilty by Association," *Reporting Central Asia* (Institute for War and Peace Reporting, IWPR), No. 286, 20 May 2004, <http://www.iwpr.net>

<sup>20</sup> Tarek Mahmud Hussain, "Gender Role and Equality in Tajikistan: Situation Analysis and Key Challenges," presented at international conference organized by the International Society for Third-Sector Research in Toronto, Canada, July 2004, <http://atlas-conferences.com/c/a/m/1/67.htm>; Tahmina Khakimova, "Self-immolation in Tajikistan," *Peace and Conflict Monitor* (University of Peace), December 2004, [http://www.monitor.upeace.org/archive.cfm?id\\_article=228](http://www.monitor.upeace.org/archive.cfm?id_article=228)

<sup>21</sup> Turko Dikaev, "Women Left to Struggle Alone," *Reporting Central Asia* (IWPR), No 300, 16 July 2004. See also the section on Migrants.

<sup>22</sup> Tarek Mahmud Hussain, "Gender Role and Equality in Tajikistan: Situation Analysis and Key Challenges," presented at international conference organized by the International Society for Third-Sector Research in Toronto, Canada, July 2004, <http://atlas-conferences.com/c/a/m/1/67.htm>.

<sup>23</sup> Ibid.

<sup>24</sup> "Tajikistan: Civil War Has Left One in Three Women Victims of Domestic Violence," *Irin News*, September 2004, at <http://www.irinnews.org/webspecials/GBV/repTjk.asp>

including through self-immolation.<sup>25</sup> According to unofficial information, 344 women committed suicide in Tajikistan in 2002-2003, while 433 were murdered by their partners.<sup>26</sup>

The implementation of a National Plan of Action to Improve the Situation of Women during the period 1998-2005 was weak because insufficient resources were allocated for the purpose.<sup>27</sup> In a positive development, a law on gender equality was elaborated during the year. The law guarantees women equal rights to men in different areas of society such as employment, politics and the socio-economic sphere. It also establishes a number of enforcement mechanisms. At the end of the year, the law was yet to be signed into law by the president.<sup>28</sup>

## **Rights of the Child<sup>29</sup>**

In accordance with international standards, Tajik legislation establishes a minimum age of employment of 15 years and prohibits the employment of children under 18 in conditions that may endanger their health, safety or morals. However, in reality, these provisions were not effectively implemented.

Because of poverty, many children were forced to work to contribute to their families' sustenance. According to unofficial sources, about 50% of all children between the ages of 10 and 14 did physical work, and in the countryside the rate was even higher. While children in cities *inter alia* sold fruits, sweets and homemade goods in markets or offered hauling services in public places, children in rural areas frequently helped their parents with agricultural chores.

It also remained a widespread practice to involve children in the labor-intensive cotton harvest. A survey undertaken by the International Organization for Migration (IOM) indicated that in some regions up to 70% of all children in the sixth to eleventh grade participated in the cotton harvest. These children received little pay for their hard work and missed two or more months of school.<sup>30</sup>

An increasing number of children did not attend school because they worked or their parents could not afford textbooks, uniforms and other expenses related to education. A resurgence in traditional attitudes toward gender roles also contributed to a decline in the number of girls enrolled full-time in school. According to a survey undertaken by the Organization of Learning Achievement in 2002, 57% of all Tajik parents interviewed "absolutely agreed" when asked whether they think it is more important to educate boys than girls. It was estimated that one in five children in the country as a whole did not attend school.

The involvement of children in prostitution and other forms of sexual exploitation was reportedly a growing problem.

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<sup>25</sup> For more information about self-immolation see Tahmina Khakimova, "Self-immolation in Tajikistan," *Peace and Conflict Monitor* (University of Peace), December 2004, [http://www.monitor.upeace.org/archive.cfm?id\\_article=228](http://www.monitor.upeace.org/archive.cfm?id_article=228).

<sup>26</sup> "Tajikistan: Civil War Has Left One in Three Women Victims of Domestic Violence," *Irin News*, September 2004, <http://www.irinnews.org/webspecials/GBV/repTjk.asp>.

<sup>27</sup> Tarek Mahmud Hussain, "Gender Role and Equality in Tajikistan: Situation Analysis and Key Challenges," presented at international conference organized by the International Society for Third-Sector Research in Toronto, Canada, July 2004, <http://atlas-conferences.com/c/a/m/1/67.htm>.

<sup>28</sup> Stop Violence Against Women (Stopvaw), "New Draft Law on Gender Equality," 13 April 2004.

<sup>29</sup> This section is based on International Organization for Migration (IOM), *Labour Laws and Employment Practices, Affecting Children, in Central Asia*, November 2004.

<sup>30</sup> IOM and Education reform Centre "Pulse", *Children in the Cotton Fields* (Dushanbe: January 2004).

## **Migrants, Asylum Seekers and Refugees**

### *Labor Migration because of Poverty*

The socio-economic situation in the country remained critical. Over 80% of the population lived below the poverty line and 17% was considered destitute. As in previous years, food insecurity was a major humanitarian issue, and it was further exacerbated by floods and other natural disasters.<sup>31</sup> The World Bank has estimated that the unemployment rate is 30%, which is higher than in any other country of the former Soviet Union.<sup>32</sup>

Constitutional guarantees to free health care and free higher education were abolished in 2003,<sup>33</sup> and in 2004, the education and health care systems continued to deteriorate. Support by international organizations remained strong, although the emphasis was gradually shifted from relief to long-term development assistance.<sup>34</sup>

Because of poverty and unemployment, an estimated 600,000 to one million Tajiks have left the country in recent years to seek a better future abroad. Most have migrated to Russia (about 85%), a country to which migration remained considerable in 2004. The average migrant was a 20-40 year old man, who was poorly educated or illiterate and had no knowledge of Russian. Only 15% of all migrants were able to legalize their income. As a result, many migrants were highly vulnerable to exploitation. Nevertheless, the annual income that migrants brought back with them to Tajikistan totalled about EUR 200 million.<sup>35</sup> In addition to poorly educated people, migrants also included academics, physicians, teachers and other skilled professionals, thereby causing a worrisome “brain drain.”

### *Registration of Asylum Seekers and Refugees*

In February, with the help of the UNHCR, an official register of refugees and asylum seekers was put in place.<sup>36</sup> Some 3,000 refugees resided in Tajikistan in 2004. Most of them were Chinese and Iraqis who were not registered with the authorities, which complicated their stay in the country and their efforts to obtain aid from international organizations.

## **Trafficking in Human Beings**

Tajikistan remained a country of origin for women and children trafficked to countries in the Persian Gulf, Southeast Asia and Europe for sexual exploitation. During the year, several cases were also disclosed in which men were trafficked abroad for exploitation in labor.<sup>37</sup>

After failing to address the problem for a long time, the Tajik government has taken a number of measures aimed at combating trafficking in persons in the last few years. In 2003, the Criminal Code was amended so as to criminalize trafficking and, in 2004, additional legislation was adopted to strengthen the prohibition against trafficking. The new legislation, which was signed into law by the president in July 2004, defines trafficking crimes in a more comprehensive manner and regulates the implementation of preventive measures as well as the provision of support and protection to victims of trafficking.<sup>38</sup> Tajikistan has also ratified the

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<sup>31</sup> IRIN News, “TAJIKISTAN: The year in review,” 20 January 2005,

[http://www.irinnews.org/report.asp?ReportID=45144&SelectRegion=Central\\_Asia&SelectCountry=TAJIKISTAN](http://www.irinnews.org/report.asp?ReportID=45144&SelectRegion=Central_Asia&SelectCountry=TAJIKISTAN).

<sup>32</sup> Information from Eurostat, <http://forum.europa.eu.int/irc/dsis/tacis1/info/data/taciscountries/tajikistan/tajikistan.html>.

<sup>33</sup> See the chapter on Tajikistan in IHF, *Human Rights in the OSCE Region: Report 2004 (Events of 2003)*,

[http://www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=3860](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=3860).

<sup>34</sup> IRIN News, “TAJIKISTAN: The year in review,” 20 January 2005.

<sup>35</sup> *Deutsche Welle*, 29 April 2004.

<sup>36</sup> *Itar-tass*, 27 February 2004.

<sup>37</sup> *News.ru*, 9 June 2004, <http://www.newsru.com/crime/09jun2004/rabotorg.html>.

<sup>38</sup> Stopvaw, “Legislative Trends in Tajikistan,” 30 November 2004; Stopvaw, “The New Law on ‘Counteraction to Trafficking in People’ is Meant to Give Protection to People who Help in the Investigation of Trafficking Crimes,” 4

UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, both of which entered into force in 2003.<sup>39</sup>

According to official information, some 30 cases of trafficking were investigated in 2002-2004.<sup>40</sup>

- In April, the Supreme Court found a group of people guilty of trafficking young women to the United Arab Emirates. The leader of the group received a 3.5-year sentence, while the three other members were given one to two-year sentences.<sup>41</sup>

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February 2004; Antoine Blua, "Tajikistan: Trafficking a Growing Concern," *Radio Free Europe/Radio Liberty*, 25 April 2004.

<sup>39</sup> See Signatories to the UN Convention against Transnational Crime and its Protocols, [http://www.unodc.org/unodc/en/crime\\_cicp\\_signatures.html](http://www.unodc.org/unodc/en/crime_cicp_signatures.html)

<sup>40</sup> Stopvaw, "The New Law on 'Counteraction to Trafficking in People' is Meant to Give Protection to People who Help in the Investigation of Trafficking Crimes," 4 February 2004.

<sup>41</sup> *Itar-Tass*, 26 April 2004.