

**IHf FOCUS: good governance; elections; freedom of expression, free media and information; freedom of association; rule of law and independence of the judiciary; conditions in prisons; right to life; freedom of religion and religious tolerance; rights of the child; equal rights of women and men; migrants; trafficking in human beings.**

The human rights situation in Tajikistan in 2005 was greatly influenced by the February parliamentary elections, in which President Rakhmonov's People's Democratic Party secured its hold on power. Although the elections were conducted in a peaceful atmosphere, and showed certain improvements in comparison to previous elections, they did not meet international standards. In particular, serious irregularities were reported on election day.

During the run-up to the parliamentary elections, conditions for freedom of expression and media deteriorated as the political opposition and independent media were subject to various forms of harassment. The situation did not improve after the elections, and new attacks on those expressing views critical of official policies were reported throughout the year. Two private printing houses were closed down, two independent TV-stations were taken off the air and a number of political opponents and outspoken journalists were criminally prosecuted on spurious grounds. The fact that presidential elections were scheduled for 2006 added further to the repressive situation. Based on the outcome of a controversial referendum held in 2003,<sup>1</sup> President Rakhmonov was able to stand for re-election in the 2006 elections.

In the context of the recent political upheavals in other countries of the region, which were formerly part of the Soviet Union, most recently in Kyrgyzstan in March 2005, authorities stepped up their efforts to monitor the activities of NGOs, in particular those receiving funding from abroad. Several NGOs were closed down, while others were denied registration for alleged violations of the law. Following a hasty and non-transparent process, the go-

vernment introduced a new draft law on NGOs in late 2005, which, if adopted, would further strengthen control over NGOs. Foreign embassies and international organizations present in Tajikistan were requested to inform the Tajik authorities about any contacts with domestic NGOs, media or political parties.

The functioning of the country's judicial system was flawed by the limited independence of courts, excessively strong powers exercised by public prosecutors, the weak role of lawyers, the pronounced inequality of arms between the parties in judicial proceedings and the frequent admission of evidence obtained under torture or ill-treatment. The indiscriminate campaign against members of the banned Hizb-ut-Tahrir movement continued. In this campaign, scores of people involved in merely peaceful religious or political activities have been imprisoned following processes conducted in violations of international fair trial standards.

The moratorium on the death penalty introduced in 2004 remained in place, and criminal code provisions establishing life imprisonment as an alternative to capital punishment entered into force. Protests organized in the Kurgan-Tyube prison in the Khatlon region in August served to attract attention to abusive treatment of prisoners.

Tajikistan was the poorest among the countries of the former Soviet Union, and according to the World Bank 70% of the population lived in absolute poverty.<sup>2</sup> It was estimated that more than 1 million Tajiks worked abroad, and that about half of the country's six million inhabitants were dependent on the remittances sent home by their family members working abroad.<sup>3</sup> Corrupt practices remained wide-

\* This report is primarily based on the annual report about the situation with respect to the observance of human rights in Tajikistan by the Tajik Bureau on Human Rights and the Rule of Law (TBHRR). The TBHRR monitors the observance of human rights in Tajikistan on an ongoing basis and the annual report summarizes monthly reviews produced during 2005.

spread throughout society, which adversely affected both democratic and economic development.

In particular as many men worked abroad, women continued to carry the main responsibility for home and family, and traditional attitudes concerning the role of women prevailed. Such attitudes also enhanced the vulnerability of women to domestic violence. New legislation to promote equality between the sexes was passed, but had yet to contribute to concrete changes at the end of the year. The situation of children was also precarious, and child labor and dropout of children from school were serious concerns.

A number of positive steps were taken to combat trafficking in human beings, including the implementation of a 2004 law providing for measures to prevent trafficking and to assist trafficking victims, the creation of an interdepartmental commission to coordinate anti-trafficking activities of various state authorities and the elaboration of a government plan of action on trafficking issues for the period 2005-2010. There was, however, room for considerable improvement in terms of effort to investigate trafficking cases and prosecute the perpetrators as well as to provide protection to trafficking victims.

## **Good Governance**

### ***Corruption***

The level of corruption remained high and affected a wide range of sectors of society, such as law enforcement and judicial authorities, public health care and education, tax and customs services and trade and transport. In the annual corruption perceptions index published by Transparency International, Tajikistan was given ranking 144 out of 158 countries. In comparison, Russia was rated 126<sup>th</sup>, Georgia and Kyrgyzstan 130<sup>th</sup> and Azerbaijan and Uzbekistan 137<sup>th</sup>.<sup>4</sup>

New legislation adopted in April established principles to combat corruption, out-

lined concrete measures to be taken to prevent corruption and defined the responsibilities of different authorities in this respect. In December, the government took another step forward in the struggle against corruption by approving a declaration form on income and property, which all government officials would be required to complete annually.

The number of criminal cases concerning corruption reportedly increased during the year. For example, in the Sogd region, the office of the public prosecutor opened 195 criminal cases concerning 236 public officials suspected of corruption.

## **Elections**

Elections to the lower chamber of the parliament took place on 27 February, with a second round of elections on 13 March. The 63 members of this chamber were elected for five years, partly on the basis of country-wide party lists and partly from single mandate constituencies. In addition to the pro-presidential People's Democratic Party (PDP), the Social Democratic Party (SDP), the Socialist Party (SP), the Communist Party (CP), the Democratic Party (DP) and the Party of Islamic Revival (PIR) participated in the elections. The PDP won 75% of the seats in parliament, while three opposition parties (the SDP, the DP and the SP) failed to pass the five-percent threshold required to gain representation under the proportionate party-list system.

The elections were monitored by national as well as international observers, the latter included the Organization for Security and Cooperation in Europe (OSCE), the European Union (EU) and the Commonwealth of Independent States (CIS). The monitoring team deployed by the OSCE Office of Democratic Institutions and Human Rights (ODIHR) concluded that although the elections represented some improvement in comparison to previous elections, they largely failed to meet interna-

tional standards for democratic elections. The election law remained problematic in many respects, and a number of positive amendments adopted in 2004 were not effectively implemented. There were also large-scale irregularities, particularly on election day.<sup>5</sup>

### *Election Law*<sup>6</sup>

Amendments to the 1999 election law, which were adopted in 2004, introduced a number of improvements, such as provisions to prohibit state structures from interfering in the work of election committees, to increase transparency of the work of electoral commissions, to enhance access to state media for opposition candidates, to allow for election monitoring by national political party observers and to require that results of the vote count be published in all polling stations. However, the amendments did not address numerous other weaknesses of the 1999 law. In particular, it failed to provide for an inclusive and pluralistic process for recruiting members to election commissions, did not regulate the participation in election monitoring by national non-party observers, retained vaguely formulated provisions on voter registration and voting, counting and tabulation procedures and did not establish any adequate procedure for reviewing complaints about the electoral process.

Moreover, additional requirements for the registration of candidates were introduced. The amended law, *inter alia*, required candidates to have higher education, in violation of the principle of non-discrimination. It also required all candidates to make a deposit of a sum equivalent to 200 minimum monthly salaries, which reportedly prevented many potential candidates from running in the elections.

### *Opposition Candidates*

Several prominent opposition members were prevented from participating in

the elections because of apparently politically motivated charges brought against them shortly before the elections. Among these were Mahmudruzi Iskandarov, head of the DP, and Sulton Kuvvatov, leader of the unregistered *Tarriqot* ("development") party (for more information see the section on Freedom of Expression, Free Media and Information, below).

In violation of the principle of presumption of innocence, the election law prohibits the registration of candidates who have been charged with serious crimes, even if they have not been convicted of these crimes. When considering the initial report submitted by Tajikistan under the International Convention for Civil and Political Rights (ICCPR), the UN Human Rights Committee expressed concern about this provision of the election law and called on the state party to amend its legislation and practice so as to ensure that persons merely charged with an offence are presumed innocent and retain their right to stand for elections.<sup>7</sup>

There were also reports of intimidation and various forms of pressure against opposition candidates during the election period, as well as of arbitrary refusal to register opposition candidates.

### *Violations during Election Campaign and on Election Day*<sup>8</sup>

During the period leading up to the elections, most election commissions did not hold any public meetings although the amended election law required them to do so. Also, in many cases, senior officials of regional and local governments were appointed as members of election commissions, which undermined the independence of the work of the commissions.

The election campaign was peaceful, but was also characterized by the absence of any real debate and limited media coverage.

On election day, significant irregularities were reported in a considerable part of

all polling stations, such as multiple voting, ballot box stuffing, unauthorized presence of police and local government officials and violations of the secrecy of the ballot because of a lack of voting booths. Several cases in which national election observers were intimidated or denied access to or expelled from polling stations were also reported. Moreover, serious problems with respect to the counting process and the completion of voting protocols were observed in many polling stations, and in some cases such irregularities appeared to reflect deliberate attempts to influence voting results.

### *Complaints*

During the pre-election period, the Central Commission on Elections and Referenda (CCER) received a total of 63 complaints about different aspects of the election process, including candidate registration. The committee, however, only made official decisions with respect to three of these complaints, while the rest were responded to in form of letters. The reason given was that the election law did not require the commission to make binding decisions and that such decisions were warranted only in cases where the actions of lower election commissions had to be overturned.<sup>9</sup>

Under the election law, decisions made by the CCER could be appealed to the Supreme Court. The Supreme Court, however, only admitted official decisions for review and, thus, most complainants could not make use of this possibility.<sup>10</sup>

◆ After the first round of elections, four opposition parties (PIR, SDP, DP and CP) submitted a joint appeal to the CCER, in which they referred to the many irregularities that had been observed during the election process and asked that the results of the elections be invalidated and new elections be held. In a written response, the CCER dismissed the request of the oppo-

sition parties. As the CCER did not make any official decision in the case, the Supreme Court did not admit any appeal on the case.

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

### *Persecution of Political Opposition Members*

A number of criminal cases against opposition members were believed to be politically motivated.

◆ At the end of 2004, Mahmudruzi Iskandarov, head of the DP, was arrested in Moscow at the request of the general prosecutor of Tajikistan. The Tajik authorities accused Iskandarov, who had vocally criticized President Rakhmonov and announced intentions to run in the 2006 presidential elections, of involvement in a 2004 attack on two government offices in Tojikobod. On 3 April 2005, he was released from custody in Russia in connection with his asylum application. Upon his release, he was apparently apprehended by Tajik authorities and brought to Tajikistan, where he was officially arrested on 22 April. Following a lengthy trial, Iskandarov was convicted on numerous charges, including terrorism, illegal possession of weapons and the creation of an illegal armed group, and sentenced to 23 years of imprisonment in a strict regime colony on 5 October. He was also fined 1.5 million soms. The trial against Iskandarov was reportedly characterized by numerous irregularities, in particular violations of his right to have access to a lawyer. He claimed that he was pressurized and given mind-altering drugs in detention. The decision was upheld on appeal by the Supreme Court.<sup>11</sup>

◆ In a related case, the former driver of Iskandarov and several other people were charged with offences related to the 2004 attack in Tojikobod, and on 4 October they were given prison sentences ranging from 11 to 22 years. The men alleged that they

had been subject to torture during interrogation, but these allegations were not taken into account by the court.<sup>12</sup>

◆ On 22 June, two members of the SDP, Nizomiddin Begmatov and Nasim Shukurov, were found guilty of hooliganism and sentenced to 1 year and 1.5 years in prison respectively. The two men were charged after vocally protesting a court decision made with respect to a complaint about irregularities during the February parliamentary elections.

◆ In a closed court hearing on 28 June, Rustam Faiziev, vice-president of the unregistered *Tariqiyot* party was sentenced to five years and ten months in prison for slandering the president and for encouraging ethnic, racial or religious hostility. The party chairman, Sulton Kuvvatov, also faced similar charges but his case was temporarily postponed due to his poor health. During a raid of the office of *Tariqiyot* in August 2004, law enforcement authorities confiscated documents that contained a petition to the International Court of Justice regarding the repeated refusal of the authorities to register the party<sup>13</sup> as well as a call for initiation of criminal proceedings against President Rakhmonov.

◆ In October, Saifiddin Faizov, head of a regional PIR branch, was sentenced to four years' imprisonment on charges of insulting the head of state, conducting illegal election propaganda and using violence to force individuals to vote during the February elections.

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

Arbitrary refusal by authorities to register media outlets is a long-standing problem in Tajikistan. An article published by the Institute for War and Peace Reporting in May claimed that a secret ban on registering media had been introduced after

the political upheavals in Kyrgyzstan in March and that about 30 applications for registration by print and electronic media therefore had been left pending.<sup>14</sup> During the first half of 2005, the Ministry of Culture registered only one newspaper, *Millat*.

The closure of a private printing house represented a serious crackdown on independent media.

◆ In January, tax authorities sealed the private printing house Kaikhon and confiscated printed editions of the independent newspaper *Nerui Sukhan* ("Power of the Word"), which was published at the printing house. The measure was taken with reference to alleged violations of tax legislation, which had not been sanctioned by court. The printing house was able to reopen in July, but was closed again shortly thereafter.<sup>15</sup> In 2004, the printing house Jienkhon, which at the time published *Nerui Sukhan* and other independent newspapers, including *Ruzi Nav* ("New Day"), was closed on similar grounds.<sup>16</sup> At the end of 2005, *Ruzi Nav* remained out of print.

Two independent TV channels were also shut down.

◆ Only a few days prior to the parliamentary elections on 27 February, the Guli Bodom TV station was taken off the air because it had allegedly provided biased coverage of the election campaign when airing a program featuring two prominent members of the opposition parties CP and SDP. In July, the TV station was able to resume broadcasting.<sup>17</sup>

◆ On 17 May, tax authorities sealed the offices and confiscated equipment of the Somonien TV station on grounds that its license had expired at the end of 2004. In operation since 1991, Somien was the first independent TV station to be established in Tajikistan. Its director said that its license had not been renewed although they had provided the state broadcasting committee with all required documents.<sup>18</sup>

### *Criminal Prosecution of Independent Journalists*

Several independent journalists were criminally prosecuted.

◆ On 28 July, a court in Sughd region sentenced Djumaboi Tolibov, journalist and head of the legal department of the Aininsk district administration, to two years in prison on numerous charges, including hooliganism. Tolibov was arrested in April and criminally charged in connection with three articles from 2004 in which he criticized the Aininsk district prosecutor, Sayfidin Azamov. In these articles, Tolibov claimed that Azamov had insulted and struck him when he visited the prosecutor's office to ask for information about crime rates and crime prevention measures taken in the district. He filed a complaint about this incident, but no action was taken in response. Tolibov appealed the July verdict to the Supreme Court, which in October reduced his sentence to one year of corrective labor and ordered his release after accepting the six months he had spent in detention as equivalent of a year of corrective labor. His release was, however, suspended as the prosecutor appealed the sentence. In late November, the Supreme Court upheld its previous ruling and, after further procrastination by the detaining authorities, Tolibov was eventually released from custody on 16 December.<sup>19</sup>

◆ On 25 August, a Dushanbe court found Moukhtor Bokizoda, chief-editor of *Nerui Sukhan*, guilty of theft and sentenced him to two years of corrective labor, during which time 20% of his earnings were to be deducted and transferred to the state. The case against Bokizoda was opened shortly after *Nerui Sukhan* resumed publication after several months (see the case on the Kaikhon publishing house above). He was accused of tapping electricity from street lights.<sup>20</sup>

### *Defamation*

Defamation remained punishable under the Tajik criminal code, and government officials enjoyed special protection in this respect. Thus, distribution of information considered slanderous against the president was punishable with five years of imprisonment, whereas slander against other public officials could result in heavy fines or one year of community work. These provisions contributed to self-censorship among journalists.

When considering the compliance of Tajikistan with the ICCPR in July, the UN Human Rights Committee expressed concern about the inclusion of vaguely worded provisions on defamation in the country's criminal code, noting that these provisions "may lend themselves to manipulation and limitation of freedom of speech."<sup>21</sup>

### *Access to Information and Censorship*

As in previous years, the authorities often refused to grant journalists access to information of public interest and importance. With the stated purpose of improving media access to official information, the president ordered the heads of government departments to organize quarterly press conferences for journalists as of March. After this, the situation improved slightly for those journalists invited to press conferences, while other journalists continued to experience the same problems as before.

In November, the parliament adopted amendments to legislation on information and press, which required publishers to provide authorities with a copy of any publication before it is distributed for sale. This measure was severely criticized by NGOs for being reminiscent of censorship.

### *Freedom of Association*

After the so-called color revolutions in other countries of the region, the authorities of Tajikistan have grown increasingly suspicious toward NGOs and have step-

ped up their efforts to monitor the activities of such organizations. In 2005 NGO activities were monitored throughout the country, with reference to the importance of ensuring that information on NGO activities is transparent and accessible to the public and that such activities are consistent with existing legislation.

According to article 26 of the Law on Public Associations, the authorities in charge of registering NGOs may undertake controls to confirm that registered NGOs act in accordance with relevant legal provisions. To this end, the registering authorities may request to obtain various kinds of information from NGOs and their members, e.g. information about decisions made, activities undertaken and the participants of activities.

As a result of controls, a considerable number of NGOs were given warnings or sanctions for legal violations. In some cases, requests were made to court to order the closure of NGOs after violations had been revealed. Among the most frequently cited infringements of the law were discrepancy between activities and the charter of the organization, failure to submit reports about the activities of the organization as requested by judicial authorities, failure to provide information to statistical bodies and infringements of tax laws.

A number of NGOs were also denied registration because of alleged violations of the law. During the first four months of the year, the department of the Ministry of Justice of the Sogd region refused registration to eight NGOs, including the human rights NGO "Jurists of the Ferghana Valley."

During the year, the two US-based organizations Freedom House and the National Democratic Institute (NDI), which had been engaged in activities to support freedom of speech and the development of democracy in the country, were also denied registration.

In a letter circulated in April, the Ministry of Foreign Affairs requested all for-

eign diplomatic missions and representative offices of international organizations accredited in the republic to inform the ministry in advance about the date and purpose of any forthcoming contacts to representatives of Tajik political parties, media and NGOs. The ministry sought to justify this requirement by arguing that some representatives of political parties, media and NGOs may seek to exploit the support of foreign governments and international organizations to spread false information about the state policies of Tajikistan.

In late 2005, the Tajik government presented a new draft law on NGOs, which provided for strengthened control over NGOs, in particular those with foreign funding. The draft law granted tax and law enforcement authorities far-reaching powers to monitor the activities of NGOs and imposed new burdensome reporting obligations on NGOs. It also required existing NGOs to re-register with the authorities within three months after the entry into force of the new law and prohibited the participation of NGOs in election campaigns. The status of foreign foundations was, further, left unclear under the draft law, pending the possible adoption of complementary legislation.<sup>22</sup>

Civil society activists criticized the draft law for establishing unreasonable restrictions on freedom of association, in violation of the Tajik constitution and international human rights law. They also expressed resentment that the draft law, which was supposed to replace legislation enacted as recently as 2004, was prepared in a rapid and non-transparent process that did not involve any consultation of civil society groups or allow for any broad-based public discussion.

### **The Judicial System**

The criminal procedure code from 1961 was still in place despite serious de-

ficits. In August the government stated that a new criminal procedure code would be adopted together with several other new laws before the end of the year, however, it did not live up to this assurance.

The judicial branch remained under strong influence by the executive, e.g. due to prevailing practices of appointment and promotion of judges and financial dependence of judicial bodies on executive bodies.

The power to sanction arrests continued to be exercised by public prosecutors rather than courts and, thus, prosecutors acted both as bodies of investigation and bodies of supervision. Public prosecutors also played a dominant role during court proceedings, which violated the principle of equality of arms in judicial proceedings. A new law adopted in July further strengthened the powers of public prosecutors by granting them the right to suspend the execution of not yet binding court decisions.

Only limited measures were taken to combat corruption among judges. According to official information, two judges were criminally punished for corruption in 2005; the judge of Shohmansur area of Dushanbe was sentenced to five years of imprisonment and the chairman of the court of Kanibadam town to seven years of imprisonment.

New legislation on licensing of legal services was adopted. The new law, however, failed to bring about any improvements in the process for licensing lawyers who are not members of the Tajik bar association, which had previously been criticized. A Ministry of Justice commission was entrusted with granting licenses to such lawyers on condition that these submit a number of required documents. Thus, those applying for licenses do not have to complete any exam and, in effect, anyone with a law degree and a certain amount of work experience will be able to obtain a license for rendering legal services. Legal experts and NGOs were concerned that the

inadequate licensing procedure limited the quality of legal services provided by lawyers who are not bar members.

In September, the UN special rapporteur on the independence of judges and lawyers, Leandro Despouy visited Tajikistan. In his mission report, he called *inter alia* for measures to bring the powers of prosecutors into line with international standards with a view to strengthening the independence of courts and to achieving the *de jure* and *de facto* equality of arms between the parties in judicial proceedings; to change relevant legislation so as to ensure that evidence obtained under torture or ill-treatment is never admitted by courts; to organize comprehensive legal and human rights training for all legal professions; to provide more technical and other forms of support to judges and to raise their salaries; to establish a single, self-governed body with compulsory membership to administer issues related to the bar; and to reform the procedure for licensing lawyers and to introduce a mandatory training period for future lawyers.<sup>23</sup>

### Conditions in Prisons

According to official information, there were about 10,000 prisoners in Tajikistan. However, NGOs believed that the real figure was much higher.

Due to lack of funding, no new penitentiary facilities could be constructed, and overcrowding was a serious problem in existing institutions. Prisoners were often held in barrack type cells, with up to 100 persons in each cell. Prisoners suffering from tuberculosis and other infectious diseases were typically accommodated together with other prisoners, which contributed to the further spread of diseases. More than 30 prisoners were reported to have died of tuberculosis during the year.

Since supervision of the prison system was transferred from the Ministry of Internal Affairs to the Ministry of Justice in



2002 various reforms have been implemented. The criminal code has been amended for the purpose of humanizing the criminal-corrective system and hundreds of prisoners have been amnestied and released, while others have had their imprisonment terms reduced. Alternative punishments to imprisonment were also introduced, but their application remained limited in 2005.

The following two high-profile events, brought attention to the plight of prisoners:

◆ On 3 August, a number of prisoners of the Kurgan-Tyube prison in the Khatlon region began a hunger strike to protest prison conditions and the treatment of prisoners. The prisoners were reportedly in a desperate situation because of constant violations of their rights, including severe beatings. In an operation conducted by a military division in October, which involved excessive use of force, the instigators of and the participants in the August protest action were transferred to the investigation insulator of the Dushanbe city. Criminal cases were subsequently opened against the instigators of the protest under article 331.1 of the criminal code (“hindering the activities of establishments for the execution of punishments and establishments of pre-trial detention”). The prisoners were reportedly denied access to their family members and lawyers for more than four months and were subject to torture. There were unconfirmed reports that four of the prisoners died as a result. The authorities failed to provide any consistent information about the developments in this case, referring to the closed nature of prison institutions.<sup>24</sup>

◆ A letter written by relatives of prisoners of the corrective colony No. 7 in Dushanbe, which was made public in September, claimed that the rights of the prisoners of this institution were violated in different ways. According to the letter, the prisoners’ nutrition was insufficient and substandard

and they only rarely received certain basic foodstuffs such as meat, their opportunities to meet their relatives had been reduced to a minimum and prison officials frequently used offensive and obscene language toward prisoners and subjected them to beatings. The department for penitentiary institutions within the Ministry of Justice rejected the allegations.

### **Right to Life**

#### ***Death Penalty***

An indefinite moratorium on the death penalty was introduced in April 2004 and the parliament subsequently adopted amendments to the criminal code that changed the maximum penalty for those crimes that previously carried the death penalty to life imprisonment. These amendments were signed by the president in March 2005.<sup>25</sup> All death sentences in force at the time were commuted into prison sentences.<sup>26</sup>

About 70 persons were reportedly serving life sentences, most of them in the colony of Kurgan-Tyube.

### **Freedom of Religion and Religious Tolerance**

For many years, Tajik authorities have carried out a campaign against the banned Hizb-ut-Tahrir movement, which advocates the establishment of an Islamic state in Central Asia. In this campaign, which has indiscriminately targeted activists engaged only in peaceful activities, scores of people have been arrested and imprisoned following processes conducted in violation of international due process standards and often involving the use of evidence obtained under torture.<sup>27</sup>

According to information from the state office of the public prosecutor of Tajikistan, criminal cases were opened against a total of 259 persons accused of involvement in Hizb-ut-Tahrir in 2000-2005, and 209 of them were convicted.

## Equal Rights of Women and Men

Since Tajikistan became independent in 1991, traditional attitudes toward women have grown stronger, the position of women has become more vulnerable and gender inequality has increased.

In the economically difficult conditions of the country, as a result of which a considerable part of men left the country to work abroad, women continued to carry the main responsibility for the care of children and other dependent family members. At the same time, job opportunities for women were very limited because of high unemployment rates as well as prejudiced perceptions as to sectors suitable for women. For example, trade continued to be considered an exclusively male dominion.

Although polygamy was criminalized, it remained widespread, with wedding ceremonies often conducted by unregistered clerics.

## Violence against Women

Psychological and physical violence against women remained a serious concern. Principal reasons for the vulnerability of women to violence included economic dependence of women on men, lack of knowledge about their rights and the prevalence of traditional social norms and gender roles.

In February, the Tajik parliament passed a law on "state guarantees for equal rights of men and women and equal opportunities in the exercise of such rights." This law, which reportedly was one of the first of its kind in the CIS region, covered areas such as elections, state service and socio-economic life and provided for the elaboration of a coherent state gender policy. The general prosecutor was granted powers to supervise compliance with the law.<sup>28</sup>

During the year, an association for the prevention of violence against women was formed by a number of NGOs, such as the

NGO "Gender and Development" and the "League of Women Lawyers." This network of NGOs, *inter alia*, elaborated a draft law on social and legal protection from domestic violence, which was yet to be considered in parliament at the end of 2005. The association was also awarded a grant by the UN Women's Fund (UNIFEM) to assist in the implementation of a state program to promote equality of women and men (the program's implementation period is 2001-2010).

## Participation of Women in Politics

Only 11 of the 71 deputies elected to the lower chamber of the parliament in the elections in February and March were women. They were all members of the ruling PDP. Women were also poorly represented in the leading structures of political parties, and no political party had any special program in place to promote the recruitment of women to higher positions. Discriminatory behavior and a low level of public consciousness about gender equality contributed to the limitation of opportunities for women in politics.

## Rights of the Child

### Child Labor

Tajik labor legislation established 15 years of age as the minimum age for employment, and prohibited the employment of children for work harmful to their health, safety and morals. However, in practice, these provisions were not always observed, and many children under 15 worked, often assigned burdensome tasks.

According to the 2005 UN Children's Fund (UNICEF) report on the state of the world's children, 19% of all boys below 18 years of age and 17% of all girls below 18 years of age were engaged in heavy work, such as carrying, loading and unloading in market places. Among those carrying out such work were children of 5-14 years of age.<sup>29</sup>

### *The Right to Education*

The difficult socio-economic conditions of the country impaired access to education, and a significant number of children were reportedly not part of the school system. The major reasons why many children did not attend school or classes regularly were their involvement in work or the inability of their parents to pay for textbooks and other school equipment.

### *Mentally Disabled Children*

There were no exact figures of the number of mentally disabled children in Tajikistan, but estimates ranged from 10,000 to over 20,000.

Mentally disabled children were usually excluded from education and did not benefit from adequate care and support services. Institutionalization of mentally disabled children was a widespread practice, while institution conditions were not favorable to the development of institutionalized children. Negative societal attitudes and lack of resources of many families also contributed to the difficult situation. Thus, there was an urgent need for measures to improve acceptance and raise awareness of the needs of mentally disabled children, to support families with such children and to integrate them into the school system and society as a whole.

### **Migrants, Refugees**

#### *Labor Migration*

Labor migration for economic reasons remained extensive. Because about 70% of the population lived below the poverty line, and the unemployment rate was very high, many Tajiks left the country to work abroad. Most of those who left were men, and the primary countries of destination were the Russian Federation and Kazakhstan.

Figures as to the number of migrants were, however, inconsistent. The Ministry of Labor and Social Protection stated that it had registered more than 350,000 labor

migrants, while the State Committee on Statistics reported that more than 450,000 people had emigrated. Non-official sources estimated that between 500,000 and 1,500,000 Tajiks may be working abroad.

Remittances by labor migrants contributed essentially to Tajik economy. Research showed that labor migrants annually transferred sums equivalent to USD 700-800 million to Tajikistan.

Labor migrants were often vulnerable to violations of their rights. Their vulnerability was enhanced by the often illegal nature of their residence in the country of destination, language barriers and the limited legal knowledge they typically possessed.

Trafficking of human beings for the purpose of labor exploitation was also common (see Trafficking in Human Beings, below).

#### **Refugees**

There were some 2,500 recognized refugees, most of whom were from Afghanistan, in the country. Under a special program implemented by the Tajik office of the UN High Commissioner for Refugees (UNHCR), numerous refugees were resettled in third countries, e.g. about 1,400 refugees in Canada.

The UNHCHR criticized the Tajik government for expelling five Afghani refugees in violation of the *non-refoulement* principle.

◆ In September, an Afghani woman and her three adult children, all of whom had arrived in Tajikistan in 1992 and were recognized as refugees in 1995, were arrested without any explanation and subsequently deported to Afghanistan, where their safety was seriously endangered. They were not granted any right to contact lawyers or to appeal the decision about their expulsion, and UNHCR representatives were denied access to them. At the beginning of 2005, a case to deprive the Afghani woman of her refugee status had been initiated and

was still pending at the time of expulsion. Her three children had reportedly been admitted for resettlement in Canada.

### Trafficking in Human Beings

Tajikistan remained a country of origin for trafficking in human beings. A study undertaken by a research institute showed that out of 1,500 persons trafficked in 2000-2005, 71% were trafficked for the purpose of labor exploitation, 14% for sexual exploitation, 11% for exploitation in military actions, and 3% for exploitation in drug sale.

In its 2005 report on trafficking in persons, the US State Department concluded that Tajikistan did not fully comply with the minimum standards for the elimination of trafficking, but "was making significant efforts toward this end."<sup>30</sup>

A new law adopted in 2004 defined trafficking crimes in a more comprehensive manner than previously, spelled out preventive measures to be taken and identified the authorities in charge of such measures. It also provided for schemes for the assistance and rehabilitation of trafficking victims. A special department for the struggle against trafficking in human beings was subsequently established within the Ministry of Internal Affairs, and in 2005 an

interdepartmental commission was set up to coordinate activities of various state bodies with respect to trafficking issues.

At the end of 2005, the interdepartmental commission put forward a national government plan of action concerning the combat against human trafficking for the period 2005-2010. This plan included *inter alia* organizational and legal measures to strengthen the struggle against trafficking, as well as measures to ensure the provision of psychological and social rehabilitation to trafficking victims.

According to the office of the public prosecutor of Tajikistan, criminal proceedings were initiated in 230 cases of trafficking in human beings during the year. Most trafficking crimes reportedly took place in the region of Sogd. At least 25 Tajik citizens who had become victims of trafficking were repatriated to their home country.

Lack of experience hampered efforts by law enforcement authorities to investigate trafficking cases, and trafficking victims were often reluctant to seek protection because of feelings of fear and shame. There were also no bilateral agreements between Tajikistan and the major countries of destination for Tajik trafficking victims, which further undermined successful efforts to punish traffickers.

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### Endnotes

- <sup>1</sup> For more information on this referendum see the chapter on Tajikistan in IHF, *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2004 (Events of 2003)*, at [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>2</sup> The World Bank, "Poverty is Falling in Eastern Europe and the Former Soviet Union, but Challenges Remain," 12 October 2005, at [www.worldbank.org](http://www.worldbank.org).
- <sup>3</sup> IRIN News, "Tajikistan at the crossroads," 5 January 2004, at [www.irinnews.org/S\\_report.asp?ReportID=38713&SelectRegion=Central\\_Asia](http://www.irinnews.org/S_report.asp?ReportID=38713&SelectRegion=Central_Asia).
- <sup>4</sup> The corruption perceptions index reflects perceptions of the degree of corruption as seen by business people and country analysts. The lower a country is ranked the more corrupt it is considered to be. The 2005 index is available at [www.transparency.org/policy\\_research/surveys\\_indices/cpi/2005](http://www.transparency.org/policy_research/surveys_indices/cpi/2005).

- <sup>5</sup> OSCE/ODIHR Election Observation Mission, *Final Report on Parliamentary Elections in Tajikistan on 27 February and 13 March 2005*, at [www.osce.org/documents/odihr/2005/05/14852\\_en.pdf](http://www.osce.org/documents/odihr/2005/05/14852_en.pdf).
- <sup>6</sup> Ibid.
- <sup>7</sup> *Concluding Observations by the UN Human Rights Committee on report submitted by Tajikistan under the International Covenant on Civil and Political Rights (ICCPR)*, July 2005, at [www.unhcr.ch](http://www.unhcr.ch).
- <sup>8</sup> This section is based on OSCE/ODIHR Election Observation Mission, *Final Report on Parliamentary Elections in Tajikistan on 27 February and 13 March 2005*.
- <sup>9</sup> Ibid.
- <sup>10</sup> Ibid.
- <sup>11</sup> Tajik Center on Human Rights, *Monitoring of Legal Processes* (2005); Tajikistan in the *Human Rights Watch World Report 2006*; and Institute for War and Peace Reporting, *Reporting Central Asia*, "High-profile conviction seen as major setback for Tajik opposition," 25 April 2005.
- <sup>12</sup> Ibid.
- <sup>13</sup> It should be noted, however, that the International Court of Justice cannot deal with cases brought by individuals.
- <sup>14</sup> Institute for War and Peace Reporting, *Reporting Central Asia*, Rustam Nazarov (pseudonym), "Tajikistan tightens grip on media," No. 380, 20 May 2005.
- <sup>15</sup> Information from the Tajik Bureau on Human Rights and the Rule of Law; and statement by National Association of Independent Mass Media of Tajikistan (NANSMIT), "The authorities seize copies of newspaper, seal printing company's office," 5 August 2005, distributed by the International Freedom of Expression Exchange (IFEX), at [www.ifex.org](http://www.ifex.org).
- <sup>16</sup> International Press Institute, chapter on Tajikistan in *2004 World Press Freedom Review*, at [www.freemedia.at](http://www.freemedia.at); Reporters without Borders, "Independent Press Subjected to Printing Obstructions, Threats and Assault," 24 August 2004, at [www.rsf.org](http://www.rsf.org).
- <sup>17</sup> Information from the Tajik Bureau on Human Rights and the Rule of Law; Reporters without Borders, "Sole independent TV station closed," 20 May 2005.
- <sup>18</sup> Ibid.
- <sup>19</sup> Information from the Tajik Bureau on Human Rights and the Rule of Law; IFEX, "Alert: Journalist arrested," 2 June 2005; Reporters without Borders, "Two-year prison sentence for journalist who criticized provincial prosecutor," 1 August 2005; Committee for the Protection of Journalists (CPJ), "Tajikistan: Journalist finally freed after bureaucratic obstruction," 16 December 2005, at [www.cpj.org](http://www.cpj.org); Reporters without Borders, "Djumaboi Tolibov freed after seven months in custody," 21 December 2005.
- <sup>20</sup> Information from the Tajik Bureau on Human Rights and the Rule of Law; and Reporters without Borders, "Editor sentenced to hand over 20% of his income to the state for two years," 31 August 2005.
- <sup>21</sup> *Concluding Observations by the UN Human Rights Committee on report submitted by Tajikistan under the International Covenant on Civil and Political Rights (ICCPR)*, July 2005.
- <sup>22</sup> See IHF, *Central Asia: Human Rights Groups Facing Increasingly Restrictive Legislation*, 13 February 2005, at [www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=4193](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4193). The section on Tajikistan in this report was prepared on the basis of information received from the Tajik Bureau on Human Rights and the Rule of Law.
- <sup>23</sup> Report of UN Special Rapporteur on the independence of judges and lawyers Leandro Despouy on his mission to Tajikistan, 30 December 2005, at <http://daccessdds.un.org/>

doc/UNDOC/GEN/G06/100/54/PDF/G0610054.pdf?OpenElement

- <sup>24</sup> *Oasis*, Central-Asian internet journal, No. 16, October 2005.
- <sup>25</sup> OSCE/ODIHR, *The Death Penalty in the OSCE Area – Background Paper*, September 2005, at [www.osce.org/publications/odihhr/2005/09/16245\\_451\\_en.pdf](http://www.osce.org/publications/odihhr/2005/09/16245_451_en.pdf).
- <sup>26</sup> ODIHR *Legislationline*, “Law putting a moratorium on death penalty passed in Tajikistan,” 2 June 2005.
- <sup>27</sup> For more information see the chapter on Tajikistan in IHF, *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2005 (Events of 2004)*, at [www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=4232](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4232).
- <sup>28</sup> See Stop Violence against Women, “Legislative Trends and New Developments: Tajikistan,” April 2005, at [www.stopvaw.org/Legislative\\_Trends\\_and\\_New\\_Developments24.html](http://www.stopvaw.org/Legislative_Trends_and_New_Developments24.html).
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